
Journal of Public and Nonprofit Affairs

Vol. 8, No. 3

Immigrant-Serving Organizations and Local Law Enforcement: Do Nonprofits Predict Cooperation with ICE?

Daniel E. Chand – Kent State University

M. Apolonia Calderon – University of Maryland

Daniel P. Hawes – Kent State University

Relatively little research has examined the role of immigrant-serving organizations (ISOs) as policy advocates, and virtually no studies have sought to empirically determine whether ISOs shape local policy implementation decisions. Here we study the relationship between ISOs and the policy decisions of sheriff offices, which oversee county jails. Sheriff offices are vital to implementing federal immigration enforcement programs. We determine whether the presence of ISOs predicts sheriff office cooperation with Immigration and Customs Enforcement (ICE). Using a sample of 630 sheriff offices that responded to a national U.S. Bureau of Justice survey, we find the concentration of ISOs registered to provide pro bono legal aid in immigration court does predict sheriff office cooperation. The presence of these legal-aid nonprofits predicts whether sheriff offices will adopt anti-detainer (or ‘sanctuary’) policies. Additionally, these legal-aid nonprofits also correspond to fewer immigration background checks submitted to ICE from county jails.

Keywords: Immigrant-Serving Organizations, Nonprofit Advocacy, Immigration Policy, Cooperative Federalism, Sanctuary Cities, Representative Bureaucracy

Introduction

As the last decade witnessed the implementation of numerous punitive policies against immigrants, immigrant-serving organizations (ISOs) rallied around the country to help low-income immigrants, most notably by providing legal services. Yet, there is a dearth of research examining the ability of these groups to influence policy decisions, especially regarding local policy implementation. Here, we seek to determine whether the presence of ISOs predicts cooperation between county sheriff offices and Immigration and Customs Enforcement (ICE). Sheriff offices are vital to the implementation of Secure Communities (S-Comm), ICE’s largest immigration removal program (see Chand, 2020; Farris & Holman, 2017; Thompson, 2020).¹

According to records by the Transactional Records Access Clearinghouse (TRAC), ICE witnessed a dramatic increase in refusals to honor detainers in the mid-to-latter half of the last decade. Detainers are requests to hold immigrants in state and local custody after they have been screened through S-Comm (TRAC, 2019).² Sheriff office cooperation with detainers is vital because they run county jails, where the vast majority of arrested individuals are

Chand, D., Calderon, M. A., & Hawes, D. P. (2022). Immigrant-serving organizations and local law enforcement: Do nonprofits predict cooperation with ICE? *Journal of Public and Nonprofit Affairs*, 8(3), 423–444.
<https://doi.org/10.20899/jpna.8.3.423-444>

initially held and where federal background checks are initiated. As more state and local law enforcement agencies limited cooperation with ICE, President Trump issued Executive Order No. 13768, which, among other things, mandated public reporting of ‘sanctuary’ jurisdictions, communities with agencies that refuse to honor some ICE detainees.³

Here, we determine if ISO presence predicts the level of cooperation of county sheriff offices with ICE, especially cooperation with S-Comm. We use a representative sample of 630 sheriff offices to the Law Enforcement Management and Administrative Statistics (LEMAS) survey, issued by U.S. Bureau of Justice Statistics, to find a strong relationship between the concertation of certain ISOs and sheriff office cooperation with ICE. The number of local ISOs registered with the Executive Office of Immigration Review (EOIR) to provide pro bono legal aid to immigrants predicts a decline in sheriff office cooperation. Sheriff offices in jurisdictions with EOIR nonprofits are significantly more likely to adopt anti-ICE detainer policies, which restrict the circumstances under which a jail will hold an immigrant for ICE. Additionally, the presence of EOIR organizations also produces significantly fewer submissions from county jails to ICE for immigration background checks.

The demographic makeup of the county also predicts the adoption of anti-detainer policies. The percent of Hispanic or Latino population in the county is positively related to the adoption of such policies. However, sheriff offices in counties with increasing Hispanic populations (measured as percent growth from 2010–2014) are significantly less likely to adopt anti-detainer policies. Sheriff offices in conservative communities (counties that vote Republican) are also significantly less likely to adopt anti-detainer policies, as are communities with higher unemployment. Demographic makeup of the sheriff office, itself, predicts some aspects of enforcement and cooperation with ICE. The percent of Hispanic and Black sheriff deputies in the sheriff office is inversely related to the number of ICE immigration background checks while the office’s budget is positively associated with more background checks.

In the following sections, we discuss how ISOs often serve as policy advocates and explain why county sheriff offices are important to local enforcement of immigration policy. We discuss the data used here and how we created our sample of ISOs. We present our findings, reached through bivariate logistic and negative binominal regression analyses. Finally, we discuss the implications of our research for both immigration and nonprofit scholars, as well as immigrant-rights advocates.

ISOs as Advocates

The body of literature on immigrant-serving organizations (ISOs) is somewhat small, fairly recent—and rather revealing for advocates of marginalized communities. ISOs have long been key players in helping to meet the needs of immigrants, and particularly low-income ones, on a range of issues from transportation to childcare. ISOs help immigrants subject to illegal discrimination in housing and employment (Jiménez, 2011). They provide job training (Montes & Choitz, 2016). They occasionally work to fill basic health care needs (Raymond-Flesch et al., 2014). They even create supplementary education opportunities for immigrant children (Zhou, 2008).

The most vital service ISOs provide is low-cost, and occasionally pro bono, legal aid for immigrants (de Leon & Roach, 2013). There are many forms of legal-aid assistance ISOs provide (e.g., help filling out visa applications), but helping to secure access for representation in immigration hearings is their most important duty. Immigration removal hearings are administrative (and not criminal) proceedings; thus, individuals are not provided an attorney if they cannot afford one. Many immigrants, including unaccompanied minors, are forced to navigate their removal hearings without legal assistance (Eagly & Shafer, 2015). In fiscal year 2016 alone, there were 237,000 immigration court cases (U.S. EOIR, 2017), more than three

times the total number of criminal cases in all federal Article III district courts in the entire country for the same year (U.S. Courts, 2017). In a recent study of removal hearings in immigration court from 2007–2012, Eagly and Shafter (2015, p. 8) found that only 2% of immigrants were able to obtain pro bono representation from either ISOs, law firms, or legal-aid clinics at law schools.

The size of the U.S. immigrant population, particularly from Latin-American countries, has grown dramatically in recent decades (Radford, 2019). Not surprisingly, this same period has witnessed efforts to pass punitive immigration policies (Ybarra et al., 2016). Many of these policies have sought to shift immigration-enforcement duties to state and local law enforcement agencies, although most immigration laws are civil matters (Arriaga, 2016). The resulting twenty-first century U.S. immigration system has aptly been described by Varsanyi and her colleagues (2012) as a “multilayered jurisdictional patchwork” of immigration federalism (p. 138). The highly complicated—and many would argue intentionally confusing—U.S. immigration system has made the need for immigration legal aid more pressing than ever (de Leon & Roach, 2013). Indeed, in a recent study, the authors of this piece found strong evidence that ISOs providing pro bono legal aid are effective at reducing local ICE removals through the agency’s S-Comm program (Calderon et al., 2021).

It is difficult to generalize about ISOs and policy advocacy because, frankly, there are few studies of ISOs at a broad, national level. Most research on ISOs as interest groups has consisted of rich case studies providing detailed explanations of how individual groups politically mobilize immigrants and allies to rally support for pro-immigrant causes (Brown, 2013; de Leon et al., 2009). Based on these, we know that ISOs are important advocates for the integration of immigrants into local services (Bloemraad, 2006; Bloemraad & de Graauw, 2012; Calderon, 2020; Cordero-Guzmán, 2005; de Graauw, 2008; de Graauw, 2015; de Graauw & Bloemraad, 2017; de Leon et al., 2009; Jones-Correa, 2011).

Despite the lack of national studies, there are some inferences we can make about ISOs and policy advocacy. Based on the wider range of nonprofit research, we know that organizations providing highly professionalized services or representing marginalized identity-based clients are more likely than other nonprofits to engage in advocacy work (MacIndoe & Whalen, 2013; Minkoff, 2002). Additionally, we know that advocacy efforts by nonprofit service providers are strategic and driven by insider tactics (Mosley, 2012). ISOs, by definition, are identity-based groups providing services to immigrants generally, which is a shared identity, or specific ethnic immigrant groups as defined through their organizational mission statements or IRS tax code filing (Gleeson & Bloemraad, 2012; Roth & Allard, 2016). An immigrant’s legal options or access to government services can be impacted by various factors, and professionalized ISOs often help immigrants determine available options. ISOs may also act as intermediaries between public and private institutions and interests for advocacy purposes (Mosley, 2014). Additionally, ISOs that provide legal aid would certainly qualify as professionalized service providers.

Scholars have recently begun developing a picture of broad trends on advocacy by ISOs. Based on in-depth interviews with 50 ISOs in South Carolina, Roth and his colleagues (2018) found that 50% of organizations claimed to engage in some form of policy advocacy, although advocacy efforts were often “indirect, non-confrontational, and episodic” (p. 682). In a small, yet highly informative, survey consisting of 66 ISOs in Northern California, the group Grantmakers Concerned with Immigrants and Refugees (2008, p. 8) found legal-aid ISOs engaged in some policy advocacy in addition to other services.

In what was the first national survey of ISOs, the authors of this study found some validation of Roth and his colleagues’ (2018) locally drawn conclusions that most groups engage in some forms of advocacy at various levels of policy decision-making. The majority of the 221 groups replying to our study reported advocating at least occasionally to specific policymakers.

Policymakers to whom groups advocated varied greatly, from 69.2% saying they petitioned their state legislature to only 49.5% who reported advocating to the governor's office (Calderon et al., 2021).

It is good news that most ISOs advocate; however, survey results also reveal many areas of immigration policy where advocacy is badly needed. Specifically, our national survey revealed a shortage of advocacy to state and local law enforcement agencies regarding immigration policy roles. A mere 35.1% of ISOs reported advocating about ICE detainees to state or local law enforcement agencies.⁴ This could suggest that these nonprofits engage in strategic advocacy based on their organizational goals and priorities (Mosely, 2012). Rather than attempting to influence state-level immigration policy, nonprofits could switch their insider tactics to engage local law enforcement in their advocacy efforts. However, the majority of ISOs have never contacted a law enforcement agency about its policies regarding ICE detainees. This is noteworthy, as ICE's primary method of enforcing immigration removals is by obtaining immigrants from state and local jails, known as a 'custodial arrest' (TRAC, 2018). ICE issues detainees to local jails when the agency wants to arrest an immigrant in custody. The indication that some nonprofits engaged in advocacy with local law enforcement suggests a priority of the nonprofit to advocate on detainee policy issues.

In the following section, we discuss the modern role of non-federal law enforcement agencies involved with enforcing federal immigration policy. We focus on the role of county sheriff offices, which run local jails, and are arguably the most important non-federal actor in immigration policy implementation (Farris & Holman, 2017).

Sheriff Offices and Anti-Detainer Policies

While immigration policy has traditionally been a federal responsibility, national policymakers have shifted much enforcement responsibility to state and local actors in recent decades. Additionally, the line between civil immigration law and traditional criminal justice policy has been blurred by passing certain enforcement activities to state and local law enforcement agencies (Arriaga, 2016). No enforcement program best exemplifies the intersection of immigration policy and the criminal justice system better than ICE's largest enforcement program, Secure Communities (here on referred to as 'S-Comm').

S-Comm started in 2008 and was in nationwide operation by 2013. It works as a national deportation-screening program. When an individual is booked into a local jail, the person's biometric information (e.g., fingerprints, physical description, etc.) is typically sent to federal authorities who submit the information through an integrated database run by the Federal Bureau of Investigation (FBI) and the U.S. Department of Homeland Security (DHS), which is the home department of ICE. The FBI is checking for criminal violations, such as outstanding warrants. ICE, however, is checking for immigration violations. If the individual is 'flagged' (deemed removable), then ICE can issue a detainer, requesting the jail to hold the individual for up to 48 hours so that ICE agents can obtain the individual and begin removal proceedings (U.S. DHS, 2011).⁵ This process of detaining immigrants from law enforcement agencies is known as a 'custodial arrest,' as ICE is obtaining the individual from the custody of a separate agency, as opposed to ICE agents directly apprehending immigrants from their home, workplace, or other locations (TRAC, 2018).⁶ It is worth noting that immigrants ensnared through S-Comm are not necessarily convicted of a crime, as the charges that led to the individual being booked can later be dropped or the person could be found not guilty of the violation. Furthermore, research shows most immigrants with 'criminal records' flagged through S-Comm's background checks and ultimately removed by ICE have been convicted of merely petty offenses, such as minor drug possession or driving without a license (TRAC, 2014; Tsankov & Martin, 2010, p. 411).

Sheriff offices are vital to implementing S-Comm (Chand, 2020; Farris & Holman, 2017; Thompson, 2020). Individuals arrested by state or local law enforcement are typically booked in a county jail run by the county sheriff's office. Thus, county sheriff offices play an important, and occasionally undesired, role in the program's implementation. This is precisely why ICE reports the number of immigrants it arrests and removes through S-Comm at the county level (see the last S-Comm Report, U.S. ICE, 2014). Given their autonomous authority as creatures of the state, sheriff offices "have some degree of control over how they want to engage" with federal immigration policy (Farris & Holman, 2017, p. 144). The most important cooperative decision on the part of the sheriff office is whether to honor an ICE detainer. While ICE is loath to admit it, DHS and the federal government cannot force, constitutionally speaking, a local jail to hold an immigrant flagged through S-Comm.⁷ Consequently, an ICE detainer is essentially a request. Additionally, a county jail is not required to submit fingerprints or biometric information to federal authorities for background checks. Some sheriff offices only submit background checks if the individual has been arrested for a serious crime that would result in jail time if convicted (Kang, 2012, p. 104–105; Omar, 2016, p. 176–177).

Immigration policy scholars, immigrant rights advocates, and even some law enforcement agencies, have argued that S-Comm unnecessarily entangles law enforcement agencies in the immigration policy implementation process, causing fear of police in immigrant communities (Ray, 2011; Theodore, 2013; Tramonte, 2011). As S-Comm spread across the country early last decade, opposition to ICE detainers gradually grew. Some municipal governments were quick to pass policies limiting law enforcement cooperation with ICE detainers (e.g., Olivo, 2011). Early opposition to ICE detainers was limited to only a few largely urban progressive areas. However, after S-Comm was fully operational across the United States in 2013, opposition to ICE detainers boomed. Between March 2013 and December 2014, 97 local law enforcement agencies and municipal governments (mostly counties) passed policies officially limiting their jail's cooperation with ICE detainers (U.S. ICE, 2017, p. 23–35). These jurisdictions, given the somewhat confusing title of 'sanctuary' communities, have since become a source of controversy for anti-immigration policymakers (Collingwood & Gonzales O'Brien, 2019, p. 7–8; Le, 2014).

Noticing intense opposition to S-Comm among his base, then-President Obama suspended the program after the 2014 elections.⁸ Immediately upon taking office in January 2017, however, former President Donald Trump reactivated S-Comm via Executive Order No. 13768. In addition to reactivating S-Comm, Trump's EO also called on ICE to report on all communities with official policies against compliance with any ICE detainers. ICE issued the first of these reports in February 2017. These reports provided information for those interested in studying local law enforcement cooperation with implementing federal immigration policy.⁹ Importantly for us, they provided a comprehensive list of all communities that have adopted official policies against compliance with aspects of ICE detainers (see U.S. ICE, 2017, p. 23–35).

Anti-Detainer Policies, ICE Submissions, & Dependent Variables

These 'anti-detainer policies' form the primary dependent variable for this study. We are interested in whether the concentration of ISOs predicts the adoption of local anti-detainer policies. At this point, we should clarify some confusion surrounding these policies. First, no community or law enforcement agency—at least to our knowledge—has ever refused *all* cooperation with ICE. The idea of a total 'sanctuary community,' where local government will not at all work with federal immigration authorities is a misnomer (Tramonte, 2011). In reality, when an individual divisively refers to a 'sanctuary' community, they are usually referring to a jurisdiction (typically not a city) that has limited cooperation with ICE detainers. ICE's (2017, p. 23–35) report explains under what circumstances local agencies will not honor a detainer. Common limits on compliance with ICE detainers, expressed in these policies, include not

holding immigrants beyond their release date if the charges are dropped or the person is bonded; not holding immigrants charged with petty misdemeanors (e.g., driving without a license); or not holding immigrants without additional issuance of a criminal warrant. Second, if the person is wanted for a serious crime (e.g., murder, rape, or major drug trafficking) the individual is certain to first be charged with the criminal infraction. Under such circumstances, the individual, if convicted, will then serve their criminal sentence here in the United States and only afterward be handed over to ICE for removal.¹⁰

Between September 2011, when the first anti-detainer policy was passed in response to S-Comm, and Dec. 31, 2014, when Obama's suspension of S-Comm went into effect, 196 jurisdictions adopted a formal policy on limiting law enforcement cooperation with ICE.¹¹ We use the adoption of these local policies as a dichotomous dependent variable titled **anti-detainer policy**. This variable indicates whether the county has a policy limiting the county jail's cooperation with ICE detainers. Nationally, 91% of the 196 anti-detainer policies were adopted by the sheriff office itself (see U.S. ICE, 2017), with the rest being adopted by municipal governments like the county board of commissioners.¹² This is not surprising given the important role sheriff offices play in implementing S-Comm.

We are also interested in the number of immigration background checks the sheriff office submits to ICE as a measure of cooperation. Therefore, we use ICE's final monthly report on S-Comm, shortly after Obama suspended the program (U.S. ICE, 2014).¹³ The S-Comm report provides vital information about ICE's enforcement activities at the county level. Of interest to us, is the total number of **submissions** the county jail made to ICE for immigration background checks. This submission variable is the aggregated total number of background checks the sheriff office made to ICE the entire time S-Comm was in operation locally, before the program's suspension in December 2014. We posit that counties with higher concentrations of ISOs will produce fewer immigration background checks ('submissions'), *ceteris paribus*.

Study Sample

This study consists of county sheriff offices that responded to the U.S. Bureau of Justice Statistics's (BJS) national survey of law enforcement agencies, known as Law Enforcement Management and Administrative Statistics (LEMAS) survey. As a national representative sample of both state and local agencies involved with law enforcement activities, the LEMAS is a popular public database for researching law enforcement activities, used for studies published in top-ranking public administration and criminal justice journals (e.g., Aiello, 2017; Hickman & Poore, 2016).

ICE issued its final report on S-Comm on Dec. 31, 2014 (see U.S. ICE, 2014).¹⁴ Fortunately, the Bureau of Justice Statistics conducted a LEMAS (U.S. BJS, 2013) in 2013.¹⁵ The fortuitous timing of the survey allows a natural experiment to predict the adoption of anti-detainer policies, as it was administered exactly one year before Obama suspended S-Comm and ICE's last report. Additionally, 2013 was also the year S-Comm went into national operation, before the previously discussed wave of anti-detainer policies adopted by local governments and law enforcement agencies, most of which were adopted in 2014.

The LEMAS consists of responses from various types of law enforcement agencies, including state prisons and city police departments. Because we are interested in the actions of the county jail, we focus on the county sheriff office respondents, which provides us with a sample population of 630 counties. The response rate of county sheriff offices to the LEMAS was 80.1% (see U.S. BJS, 2013, p. 5).¹⁶

Types of ISOs

Given their important role as immigrant-rights advocates, especially in an age of heightened enforcement of punitive policies, we anticipate the local presence of ISOs should predict the level of local law enforcement cooperation with ICE. In other words, the higher the concentration of ISOs should increase the likelihood of the county having an anti-detainer policy. Here, it is important to note that what constitutes an ‘immigrant-serving organization’ is not entirely consistent across the academic literature. Some scholars opt for similar terms to describe these groups, such as ‘immigrant-serving nonprofits’ (e.g., Brown, 2013) or ‘immigration-legal service providers’ or ISPs (e.g., Shannon, 2009). Clear differences across definitions often come down to how researchers operationalize groups. For example, it is common for scholars to define ISOs based on whether the group voluntarily identifies itself as an ‘Ethnic and Immigrant Center’ (code P84) on the Internal Revenue Service’s (IRS) National Tax-Exempt Entity categorization system, found on Form 990s (see Hung, 2007; Joassart-Marcelli, 2013). Roth and Allard (2016, p. 732) note this almost certainly leads to an undercount of the true number of ISOs, as not all groups that provide immigration services identify as “ethnic and immigration centers.” Faith-based groups that provide substantial legal and social services to immigrants are left out of such a definition. Many groups serving immigrants choose to identify based on the primary service the organization provides (e.g., Housing Support, L80; Educational Services, B90). Additionally, some groups focus on support for an intersectional population of immigrants (e.g., LGBT, P88; Sexual Abuse Prevention, I73).

For this study, we take a broader interpretation of what constitutes an ISO, collecting information on a wide population of nonprofits providing services to immigrants from multiple different sources across the entire nation. First, we replicated the approach of de Leon and Roach (2013) by collecting information about groups listed in the Catholic Legal Immigration Network (CLNIC) and the Immigration Advocates Network (INA). We then added to that sample by collecting information on ISOs registered to provide low-cost legal aid with either one of two federal offices involved with immigration hearings. The first office, the Executive Office for Immigration Review (EOIR), oversees immigration court and maintains a working ‘List of Pro Bono Legal Service Providers.’ The second office is the Board of Immigration Appeals (BIA), which is the highest civil appellate body for immigration hearing appeals, and similarly maintains a list of ‘BIA Recognized Organizations.’¹⁷ EOIR’s list provides information about nonprofits that have attorneys who have committed to provide at least 50 hours of pro bono legal services in immigration court per year. This is important, as most ICE removal orders are appealed to immigration court, where the case will be heard by an immigration judge. EOIR provides this list to all individuals with removal proceedings in immigration court (U.S. DOJ, 2017, p. 5). It is best to have an attorney in immigration court, as evidence suggests it greatly improves one’s chances of winning a case (Eagly & Shafer, 2015); however, a second low-cost option is to receive assistance from a BIA-accredited organization. These groups are nonprofits that employ BIA-representatives, who are certified non-attorneys allowed to represent individuals in immigration court hearings (BIA, 2015).

To test the effects of ISO resources, we collected information about each organization’s revenue and expenses from the group’s Form 990, the annual form nonprofits file with the Internal Revenue Service. We obtained these forms by searching the National Center for Charitable Statistics (NCCS) and Guide Star.¹⁸

Our national search yielded a collection of 1,079 ISOs nationally, a relatively small number for a country that is home to roughly 40 million immigrants (Radford, 2019). Of these groups, the vast majority, 85% (917 ISOs), were registered with the BIA; 12% (130) were registered with the EOIR; and a mere 3.2% (only 34 groups in the entire United States) were registered with both.

ISO Variables

Because we are studying county-level cooperation, we aggregated all information from our national search of ISOs down to the county level for the 630 LEMAS counties. Additionally, because our dependent variables end on December 31, 2014, we aggregated information about ISOs that existed prior to January 1, 2015.¹⁹ In total, there were 295 ISOs, spread across 120 counties, for the 630 LEMAS counties in our sample.

We created four county-level ISO independent variables to test the relationship between ISOs and local law enforcement cooperation with ICE. The first variable is a count of the number of ISOs (**# ISOs**) within the county. However, because nonprofits providing professionalized services, such as legal aid, are more likely to engage in policy advocacy (MacIndoe & Whalen, 2013), we also created two sub-category ISO variables. The first is a count of EOIR-registered groups (**# EOIR orgs**), indicating the number of ISOs that provide pro bono legal aid by immigration attorneys in immigration court. The second variable (**# BIA orgs**) indicates the number of ISOs registered with the BIA to provide a non-attorney legal aid advocate. If prior research holds true for ISOs, we anticipate the professionalized ISOs, especially those registered with the EOIR, would advocate more than those without the capacity to provide free or low-cost legal aid.

Finally, we also aggregated the revenue and expense information from the group's 990 forms at the county level and took the mean value between the two values.²⁰ We divided this county-level number by 50,000 (to produce a more meaningful coefficient) to an **ISO budget per \$50,000** variable.

Sheriff Office Factors

Factors related to the sheriff office, itself, will affect the agency's level of compliance with ICE policies. One such important factor is the agency's demographic makeup. Representative bureaucracy teaches us that public employees from underrepresented groups often take active representational steps for marginalized populations when implementing public policy (e.g., Meier, 1993; Seldon, 1998). One's identity can shape an administrator's life experiences in a way that, in turn, can shape how said administrator may exercise discretion when implementing policy. Specifically, administrators from underrepresented groups may exercise decision making authority in ways that produce more equitable policy outputs (Sowa & Selden, 2003). Indeed, prior research has shown that fewer ICE removals in counties with sheriff offices that have higher percentages of Hispanic and Latino or Black deputies (Chand, 2020). Because the LEMAS collects demographic data on the number of Hispanic and Black officers within the sheriff office, we create **% Hispanic officers** and **% Black officers** variables indicating the demographic diversity within the sheriff office. Presumably greater ethnic diversity among the law enforcement officers within the agency should produce less cooperation with ICE.

Agency resources, particularly their budget, often determine whether the agency is cooperative with intergovernmental policies (Barrilleaux et al., 1992), and some county jails have complained about the cost of holding individuals beyond their release date for ICE (Greene, 2012). Here, we include the sheriff office's budget, as a **sheriff budget per \$5,000** variable (collected from U.S. BJS, 2013). Similarly, some have argued that counties with Intergovernmental Service Agreements (IGSAs) with ICE produce more immigrant removals (Jaeger, 2016). IGSAs reimburse the jail or detention center for holding immigrants. We include a dichotomous **IGSA** variable indicating whether the county jail run by the sheriff office has an IGSA with ICE.²¹ Lastly, many sheriff offices provide financial incentives for officers to become bilingual or multilingual. Thus, we include a **bilingual incentive** variable

(U.S. BJS, 2013, p. 90), based on the assumption that agencies serving immigrant communities will have more need for bilingual officers.²²

County Demographic Factors

Socioeconomic conditions of the community will also impact local policy decisions. Racial threat hypothesis predicts that communities with large concentrations of minorities, perceived to be a cultural or economic threat to Whites, are more likely to adopt punitive policies that impact minority populations (Key, 1949). Others have argued that it is not the actual size of a marginalized community, itself, but the growth rate of said population that explains the adoption of punitive policies (Hopkins, 2010). Still, others argue against the racial threat hypothesis, finding that a large—yet still numerical minority—population of Hispanics (on the order of 20%–40%) results in a more *favorable* exercise of discretion by law enforcement in favor of immigrants (Pedroza, 2019). We include three variables measuring the racial composition of the county: 1) % **Hispanic**; 2) % **Black**; and 3) % **Hispanic change**, measuring the percentage change in the county Hispanic population from 2010–2014. All three variables are collected from the U.S. Census Bureau’s American Community Survey (2013).²³ We also include the county-level unemployment rate (ACS, 2013), testing the relationship between local economic hardship and cooperation with ICE.

Research has long debunked the mythical link between immigration and crime (see U.S. National Commission and Law Observance and Enforcement, 1931, the “Wickersham Commission”). Numerous studies have confirmed the finding that immigrants do not cause crime (Feldmeyer, 2009; Moehling & Piehl, 2009; Sampson et al., 2005). Still, those who advocate for punitive immigration policies push the immigration-crime argument. Here we test for a potential link between crime and the adoption of anti-detainer policies. Our **crime per 1,000** residents variable is the number of violent and property crimes, dividing by the population, and multiplying by 1,000.²⁴

Economic and political factors also play a role in immigration policy adoption. All things being equal, anti-immigrant sentiment tends to increase when people perceive the economy as bad (Chandler & Tsai, 2001; Newton, 2005). We include the county-level **unemployment** rate, collected from the ACS (2013). Some research indicates that politically conservative communities—those voting for Republican presidential candidates—produce more ICE removals, controlling for other factors (Chand & Schreckhise, 2015; Schreckhise & Chand, 2021). Other research has established that law enforcement agencies in conservative areas are more likely to participate in punitive immigration policies (Wong, 2012). We include an average of the county-level presidential vote in 2008 and 2012, labeled **Republican vote**.²⁵ Most immigration enforcement activities are focused on U.S.–Mexico border regions (Creek & Yoder, 2012, p. 676; King, 2009). This is true for ICE activities as well, as prior studies have found that ICE disproportionately removes more immigrants from states bordering Mexico (Chand & Schreckhise, 2015). We include a dichotomous variable indicating if the county is in a **border state**. Finally, we control for the overall population of the county (**county pop per 5,000**), also collected from the ACS (2013). The following section presents comparisons of our sample (LEMAS counties) to the broader U.S. population and the results of our analysis.

Sample-Population Comparison & Results

Table 1 displays the frequency of anti-detainer policies. Nationwide, nearly 6.5% of U.S. counties adopted an anti-detainer policy by the end of 2014. This is similar to our LEMAS sample of counties, of which slightly less than 8% (55 total) had adopted anti-detainer policies during this period.

Table 1. Counties With an Anti-Detainer Policy

Type of Policy	% LEMAS Counties with (n)	% U.S. Counties with (n)
Anti-Detainer Policy	7.97% (n=55)	6.45% (n=196)
Total County N	630	3,039

*All U.S. County comparisons exclude California (due to the Trust Act), Hawaii, and Alaska.

Table 2. Demographic Comparison for LEMAS Sample and All U.S. Counties

County-Level Demographics	LEMAS Counties			U.S. Counties		
	Obs	Mean	Std. Dev.	Obs	Mean	Std. Dev.
% Unemployed	629	8.85	1.90	3,038	8.48	1.97
% Rep Vote	629	56.66	13.07	3,039	58.69	13.92
Crime per 1,000	629	11.43	13.53	2,503	12.27	10.85
County Pop	629	129,510	273,999	3,039	65,181	172,980
% Hispanic	629	8.16	12.44	3,039	6.83	11.90
% Hispanic Change	630	88.73	70.75	2,757	122.01	123.01
% Black	629	10.04	12.84	3,039	8.57	13.98

Table 3. County-Level ISO Statistics for LEMAS and All U.S. Counties

Type of ISO	% LEMAS Counties with (n)		% U.S. Counties with (n)	
	At least 1	Multiple	At least 1	Multiple
ISOs	17.40% (120)	9.30% (64)	9.97% (303)	4.84% (147)
EOIR Orgs	3.62% (25)	1.01% (7)	2.17% (66)	0.79% (24)
BIA Orgs	13.19% (91)	6.12% (47)	7.63% (232)	3.42% (104)

To check if our LEMAS sample is comparable to the broader U.S. population, we compared the county demographic variables, discussed in the previous section, to the county demographics for the continental United States. Table 2 presents this demographic comparison. Demographic variables for our LEMAS sample are extremely close to the broader United States. The only noticeable difference is the county populations, where our LEMAS sample consists of significantly larger county populations than the average U.S. county. On all other variables, however, the means and standard deviations are quite similar.

We provide yet another comparison between our LEMAS sample and the continental U.S. in Table 3, this time presenting a comparison of ISOs, our primary factor of interest. Again, we see similarities between the sample and broader population. LEMAS counties are considerably more likely to have at least one ISO (approximately 17% vs. 9%) and have at least one BIA organization (13% vs. 6%), although few counties have EOIR organizations in either the sample or population (4% vs. 2%). Given the larger average population of LEMAS counties, we would expect slightly more ISOs in those counties. That said, most counties in both the LEMAS sample and the broader United States do not have any ISOs or BIA organizations, and very few have EOIR organizations for either. The similarities in these descriptive statistic comparisons suggest the LEMAS is a strong representation for the continental U.S.

In Table 4, we present the results of two bivariate logistic regression models. Model 1 predicts the adoption of county-level anti-detainer policies using the total number of ISOs in the county, while Model 2 distinguishes between the two types of legal aid organizations: groups registered with the EOIR vs. those registered with the BIA.²⁶ In substitution of the traditional coefficient, we present the odds ratio, which can be interpreted as the probability of the policy's adoption. Values of above 1 denote positive relationships between the independent and dependent variable, and values below denote negative relationships.

Table 4. Logit Models Predicting Anti-Detainer Policies

County Variables	Odds Ratio (SE)	
	Model 1 All ISOs	Model 2 Legal Aid Orgs
<u>ISO Factors</u>		
# ISOs	0.91 (0.12)	-
# EOIR Orgs	-	2.38* (0.92)
# BIA Orgs	-	0.66 (0.16)
ISO Budgets (per \$50,000)	1.00 (0.00)	1.00* (0.00)
<u>Sheriff Office Factors</u>		
Bilingual Incentive	4.16** (1.94)	5.00*** (2.41)
Sheriff Budget (per \$5,000)	1.00 (0.01)	1.00 (0.01)
% Hispanic Officers	0.96 (0.02)	0.95 (0.03)
% Black Officers	0.95 (0.06)	0.94 (0.06)
IGSA	0.73 (0.44)	0.64 (0.41)
<u>County Demographics</u>		
Unemployment	0.81* (0.08)	0.80* (0.08)
Crime (per 1,000)	0.99 (0.02)	0.99 (0.02)
Border State	0.14* (0.13)	0.13* (0.13)
Republican Vote	0.95** (0.02)	0.95** (0.02)
% Hispanic	1.08** (0.03)	1.08*** (0.03)
% Hispanic Change	0.99* (0.00)	0.99* (0.00)
% Black	0.95 (0.04)	0.95 (0.04)
County pop (per 5,000)	1.00 (0.00)	1.00 (0.00)
Constant	9.11 (12.40)	10.62 (14.58)
Pseudo R ²	0.288	0.303
LR chi ²	95.80***	100.98***
N	591	591

Notes: p<0.05*; p<0.01**; p<0.001***. Cells contain odds ratios with standard errors (in parentheses). Odds ratio values above 1 indicate positive relationships.

Beginning with our primary variable of interest, the ISO factors, we see the total number of ISOs in the county (Model 1) is not predictive of county-level adoption of anti-detainer policies; however, when we examine the effect of legal aid groups individually (Model 2), we see the presence of EOIR groups is predictive of the adoption of anti-detainer policies. The likelihood of an anti-detainer policy in the county increases by more than 2 times with each addition of an EOIR organization, holding all other variables constant. Additionally, the collective budgets of ISOs in the county are positively related to anti-detainer policy adoption in the Legal Aid Org model (Model 2) and is close to significant in Model 1.²⁷ The presence of BIA organizations, however, are not predictive of the existence of anti-detainer policies at the county level. In fact, the relationship between BIA organizations and anti-detainer policies is negative, although not significant.

With respect to factors of a sheriff's office, the only significant variable is the bilingual incentive variable, as offices with support for bilingual training are 4 times (in Model 1) and 5 times (Model 2) more likely to have adopted an anti-detainer policy, controlling for the other variables. Surprisingly, the percent of Hispanic and Black officers in the sheriff office does not predict the adoption of anti-detainer policies, and neither does the sheriff office budget nor does having an IGSA.

The county demographic factors yield largely expected results. Counties that vote heavily Republican, have higher unemployment, and are in border states are significantly less likely to have an anti-detainer policy. Counties with larger Hispanic populations are more likely to

Table 5. Negative Binomial Model Predicting Submissions

County Variables	Incident Rate Ratio (SD)	
	Model 3 All ISOs	Model 4 Legal Aid Orgs
<u>ISO Factors</u>		
# ISOs	1.14* (0.06)	-
# EOIR Orgs	-	0.74*** (0.10)
# BIA Orgs	-	1.22* (0.10)
ISO Budgets (per \$50,000)	1.09 (0.00)	0.99 (0.00)
<u>Sheriff Office Factors</u>		
Bilingual Incentive	0.97 (0.14)	0.95 (0.14)
Sheriff Budget (per \$5,000)	1.01** (0.00)	1.01** (0.00)
% Hispanic Officers	0.97*** (0.01)	0.97*** (0.01)
% Black Officers	0.98* (0.01)	0.98* (0.01)
IGSA	1.16 (0.17)	1.21 (0.19)
<u>County Demographics</u>		
Unemployment	1.09*** (0.03)	1.09*** (0.03)
Crime (per 1,000)	1.01* (0.00)	1.01* (0.00)
County pop (per 5,000)	1.02*** (0.00)	1.02*** (0.00)
Border State	1.70** (0.34)	1.68** (0.33)
Republican Vote	0.99* (0.00)	0.99* (0.00)
% Hispanic	1.04*** (0.01)	1.03*** (0.01)
% Hispanic Change	1.00*** (0.00)	1.00*** (0.00)
% Black	1.04*** (0.01)	1.03*** (0.01)
Exposure Ln(Days Active)	1	1
Constant	1.27 (0.51)	1.19 (0.50)
Pseudo R ²	0.046	0.046
LR chi ²	545.61***	548.85***
N	589	589

Notes: p<0.05*; p<0.01**; p<0.001***. Cells contain the incident rate ratios with standard errors (in parentheses) predicting total sheriff office submissions to ICE for immigration background checks. Ratios above 1 indicate positive relationships.

have a policy; however, counties experiencing larger recent growths in the Hispanic population (% Hispanic change) are significantly less likely to have a policy, lending support to the old racial threat hypothesis (e.g., Key, 1949).

In Table 5, we present the same two theoretical models (All ISOs and Legal Aid Orgs), but this time we use negative binomials to predict the number of immigration background checks submissions to ICE, through S-Comm, as the dependent variable. We control for how long each county participated in S-Comm by creating an exposure time natural log offset variable, labeled 'days active.'²⁸ With respect to the ISO factors, the results are like the logit models, although the different effects based on the ISO models are starker. In Model 3 (All ISOs Model), we find that an increase in the number of ISOs in the county predicts significantly more immigration background checks by the county sheriff office. Each additional ISO in the county corresponds to a 14% increase in the likelihood of an additional immigration background check, holding all other variables constant. Model 2 (Legal Aid Orgs), however, again reveals that the effect is different depending on the type of ISO. The number of groups registered with the BIA does correspond to more background check submissions, with the likelihood of a submission increasing by 22% with each additional BIA organization in the county. Yet, each additional EOIR organization corresponds to a 26% *decrease* in the likelihood of a submission to ICE.

The negative binomial models also yield results more in line with what we would expect based on prior theory for the sheriff office variables. Increases in the percentages of Hispanic and Black officers correspond to fewer background check submissions in both models, supporting prior findings on representative bureaucracy and immigration enforcement (Chand, 2020). Increases in the sheriff office budget correspond to more background check submissions, which supports prior research on the relationship between agency resources and cooperation with ICE (Jaeger, 2016).

Discussion

Immigrant rights activists continue fighting for the protection and rights of immigrants, despite the United States witnessing extreme nativism sentiment in recent years. ISOs are one of the last lines of institutional protection for immigrants, especially undocumented individuals. Within this study, we explore the intersection between ISO advocacy and law enforcement cooperation with ICE. Here, we sought to determine if, and to what extent, the presence of ISOs predicts law enforcement cooperation with ICE. We have convincing evidence that the presence of immigration nonprofits predicts law enforcement cooperation with ICE; yet the relationship is not attributable to all ISOs. Notably, ISOs with the capacity to provide pro bono legal aid in removal hearings (the EOIR-registered groups) display the strongest relationship with whether sheriff offices adopt anti-detainer policies and submit background checks. Sheriff office cooperation with ICE is significantly weaker in counties with EOIR organizations. The presence of each additional EOIR organization in the county corresponds to an increase in the likelihood of an anti-detainer policy by more than 2-times, *ceteris paribus*.

Each additional EOIR organization also corresponds to a 24% decrease in the likelihood of an additional immigration background check to ICE. This supports the theory that professionalized nonprofits are more likely to engage in policy advocacy than other types of nonprofits (MacIndoe & Whalen, 2013). Along with professionalization, legal changes at the individual level could lead to advocacy for broader changes in detainer policy and shifts in advocacy tactics by addressing local law enforcement rather than advocacy at the state-level. Prior research also demonstrates that EOIR organizations are also associated with significant declines in the number of immigration removals by ICE via S-Comm (Chand et al., 2021). Finally, the finding, with respect to EOIR groups, lends strong support to the narrative feedback provided in our national survey of ISOs, in which ISO managers pointed out the importance of local law enforcement understanding that “trust with its residents is infinitely more important to have for general community safety” than detaining immigrants.²⁹

Additionally, our research says a great deal about the factors related to the sheriff offices, themselves, and how much the agency chooses to cooperate with ICE. Sheriff offices with bilingual incentive policies, encouraging their officers to learn an additional language, were four to five times more likely to adopt an anti-detainer policy. This would seem to support prior research on language and cultural competencies, suggesting that agencies with multilingual staff more actively represent the values of the community they serve (Karliner et al., 2007; Sperling, 2009). None of the other sheriff factors were significant in the detainer models; however, several were significant at predicting county-level ICE submissions (Table 5). Most notably, sheriff offices with higher percentages of Hispanic and Black officers produced significantly fewer submissions. The sheriff office’s budget, on the other hand, corresponded to significantly more submissions. These findings lend some support to prior public administration studies on representative bureaucracy and resource dependency in immigration policy (Chand, 2020; Jaeger, 2016).

The county demographic variables behave largely as anticipated. Conservative counties and those with higher unemployment were significantly less likely to adopt anti-detainer policies.

Unemployment rate also predicted the number of submissions. Communities with larger Hispanic populations (% Hispanic) were more likely to have an anti-detainer policy while communities with growing Hispanic populations (% Hispanic change) were significantly less likely to have one. All the racial demographic variables predicted significantly more submissions to ICE. We acknowledge our sample included LEMAS counties with slightly larger populations than the broader U.S. population. With larger populations, one might expect that there is higher likelihood of having ISOs and the passing of anti-detainer policies compared to smaller U.S. counties. In smaller counties, we might also expect that an increase in Hispanic or immigrant populations could cause an alarm and a call for increased immigration enforcement, especially during an era of increased attention on immigration crises at the border. Further research on law enforcement and immigration policies in rural counties could shed more light on the issue.

This is a cross-sectional study. We contend it presents compelling evidence of a strong *associative* relationship between ISOs and sheriff office cooperation with ICE—and maybe, but not necessarily, a causal one. Given the data available and the nature of our research question, a time-series analysis is not possible. One could reasonably assume there is an absent (confounding variable) that causes both ISOs to locate in a region and anti-detainer policies by sheriff offices. While we include a number of control variables, including local political ideology (Republican vote), which strongly correlates with attitudes toward immigration, we concede there is always the potential of an omitted variable bias. That said, even scholars in the natural sciences acknowledge that associative relationships are important, particularly as evidence for future research on a topic (Altman & Krzywinski, 2015). Additionally, the fact that temporal precedence is met, i.e., all of the ISOs in our data precede the establishment of the anti-detainer policies, indicates the study fulfills one of the elements of causation (Whalley, 2006).

While there is still much to learn about the role ISOs play in immigration policy and implementation, this paper adds to our understanding regarding the relationship between the presence of ISOs and law enforcement agencies' immigration-related decisions. Specifically, we find that their presence predicts an increase in the likelihood of adopting anti-detainer policies and a decline in background checks on detained immigrants. However, most important are the implications these findings hold for more professionalized ISOs (i.e., EOIR-registered ISOs). This suggests at least two possible causal explanations. The first is that ISOs engage in advocacy work which influences how law enforcement policy decisions are made. Alternatively, ISO work on behalf of immigrants may serve as a deterrent for agencies considering anti-immigration policies since ISOs—particularly highly professionalized ones—may increase the costs and lower the effectiveness of such policies through their work (e.g., pro bono legal aid may result in more appeals and legal action on behalf of immigrants). In either event, the evidence suggests that law enforcement policy decisions maybe influenced by the presence of ISOs. Once again, our research illustrates how ISOs can serve as one of the most proximate and final advocates for immigrants within their communities. Future work should continue to explore these causal pathways (and others) to better understand the important role ISOs play in policymaking and implementation.

Notes

1. The legal term, used by ICE, for removing an immigrant from the county is removal, not deportation. While the latter is used by the press, and even many immigration scholars, the unclear meaning of a 'deportation' has created some confusion as to how many people are removed by ICE (see Bennett, 2014).
2. ICE does not report on the exact number of detainees law enforcement agencies deny, but it states there was a significant increase in declined detainees from 2014 to 2019 (TRAC, 2019).

3. Enhancing Public Safety of the Interior United States, Jan. 25, <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>.
4. Survey results: (<https://drive.google.com/file/d/1OVeAooUXIWLEKphYF-GUug2SVia2wBmc/view>). Text of the question: “Has your organization ever requested that state or local law enforcement agencies (e.g., county sheriff’s offices) not honor ICE detainees?”
5. Also see ICE’s discussion of S-Comm for more on ICE’s priorities for removing immigrants: http://www.ice.gov/secure_communities/.
6. The latter method is a noncustodial or ‘community arrest.’
7. ICE testimony to the Congressional Hispanic Caucus, Oct. 28, 2010, <http://www.illinoispeoplesaction.org/uploads/1/2/6/2/12620849/ice-holds-are-voluntary.pdf>. A federal District Court has also ruled that county jails cannot be forced to comply with detainees (see *Buquer v. City of Indianapolis*, 797 F. Supp. 2nd 905 (S.D. Ind. 2011)). Further, the U.S. Supreme Court has frequently ruled that state and local governments cannot be compelled to help administer federal law enforcement programs (see *Printz v. U.S.* (1997)).
8. Obama replaced S-Comm with a program called PEP (see <https://www.ice.gov/pep>).
9. ICE stopped issuing these reports after a U.S. 9th Circuit Court of Appeals struck down part of Trump’s EO (see *City of San Francisco v. Trump* No. 17–17480, 2018). We use the first report from February 2017, identifying counties with anti-detainer policies. All of these are officially adopted policies, either administrative or municipal, each of which can individually be verified separate from ICE’s report. Additionally, all the policies use here (pre-January 1, 2015) existed before Trump’s EO.
10. See *Your Immigration Case While in Prison* by Stanford Law School for more information: <https://www-cdn.law.stanford.edu/wp-content/uploads/2019/12/19-11-14-IHP-Handbook-English-FINAL.pdf>.
11. Two counties, Lebanon, Pennsylvania and Clarion, Pennsylvania, had policies that pre-date S-Comm that ICE identifies as anti-detainer because they limit cooperation with federal immigration agents.
12. Within our sample of 630 counties, nearly 93% (51 out of 55) of anti-detainer policies were adopted by the county sheriff office. See ICE (2017) for descriptions of policies.
13. ICE issued monthly reports on S-Comm but stopped after Obama suspended the program at the end of 2014. Although Trump reactivated S-Comm in 2017, the agency has not, at this point, begun reissuing the reports.
14. For consistency’s sake, we only entered the anti-detain data through December 31, 2014.
15. Although the BJS released the report a couple years later.
16. There were 717 county sheriff offices that responded to the LEMAS. However, we excluded 27 counties in California because the state’s Trust Act (2014) limits cooperation with detainees for the entire state, thus eliminating the need for local policies (see *American Civil Liberties Union, Northern California* 2014). Additionally, some sheriff offices did not provide the ethnicity and budgetary information necessary for this study (see the section on Sheriff Office Variables).
17. Information on EOIR groups can be found here: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> (Board of Immigration Appeals, 2015). BIA’s list is also updated periodically (see list: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>).
18. We searched for each organization’s 990 first in NCCS, following up in Guide Star if the initial search was unsuccessful. For the majority of organizations, the most recently available 990 was for 2013 or 2014. NCCS: <https://nccs.urban.org/>.
19. We determined whether the organization existed prior to 2015 by looking up their prior 990s.
20. The average of the revenue and expense values was necessary for multicollinearity purposes, as both values naturally highly correlated. We did not add them together because

this would create an inflated perception of group resources, as the amount a group spends (expenses) is obviously a result of what it raises (revenue).

21. List of ICE contracted detention facilities:
<http://trac.syr.edu/immigration/detention/exit.shtml>.
22. Exact texts of questions from the LEMAS are provided in the Appendix.
23. See ACS here: <https://www.census.gov/programs-surveys/acs/>.
24. This is the same way the FBI calculates the local crime rate. See the following link for the crime data collected: <https://ucr.fbi.gov/crime-in-the-us/2012/crime-in-the-u.s.-2012>.
25. County data for both elections is available at Dave Leip's Atlas of U.S. Presidential Elections: <https://uselectionatlas.org/>.
26. Nationally, 85% of ISOs are registered with the BIA. Thus, we do not include a model with all three nonprofit variables (ISOs, BIA Orgs, and EOIR Orgs) for multicollinearity reasons.
27. $P=0.091$ for ISO Budgets in Model 1.
28. Number of days the county participated in S-Comm is obtained from U.S. ICE (2014). Hilbe (2014) advises using the exposure time offset procedure when controlling for how long a subject is exposed to a program.
29. Survey response ID 1,332.

Disclosure Statement

The author declares that there are no conflicts of interest that relate to the research, authorship, or publication of this article.

References

- Aiello, M. F. (2017). Policing through social networking: Testing the linkage between digital and physical police practices. *Police Journal*, 91(1), 89–101.
<http://journals.sagepub.com/doi/abs/10.1177/0032258X17690932>
- Altman, N., & Krzywinski, M. (2015). Association, correlation and causation. *Nature Methods*, 12(10), 899–900. <https://doi.org/10.1038/nmeth.3587>
- American Civil Liberties Union, Northern California. (2014). *TRUST Act (AB 4)*.
<https://www.aclunc.org/our-work/legislation/trust-act-ab-4>
- American Community Survey (ACS) (2013). *American community survey*. U.S. Census Bureau. <https://www.census.gov/programs-surveys/acs/>
- Arriaga, F. (2016). Understanding crimmigration: Implications for racial and ethnic minorities within the United States. *Sociology Compass*, 10(9), 805–812.
<https://doi.org/10.1111/soc4.12401>
- Barrilleaux, C., Feiock, R., & Crew, Jr., R. E. (1992). Measuring and comparing American states' administrative characteristics. *State and Local Government Review*, 24(1), 12–18. <http://www.jstor.org/stable/4355026>
- Bennett, B. (2014, April 14). High deportation figures are misleading. *The Los Angeles Times*. <http://www.latimes.com/nation/la-na-obama-deportations-20140402-story.html>
- Board of Immigration Appeals. (2015, Sept 18). *Frequently asked questions about the recognition and accreditation program*. <https://www.justice.gov/eoir/recognition-and-accreditation-faqs/download>
- Bloemraad, I. (2006). *Becoming a citizen: Incorporating immigrants and refugees in the United States and Canada*. University of California Press.
- Bloemraad, I., & de Graauw, E. (2012). Immigrant integration and policy in the United States: A loosely stitched patchwork. In J. Frideres, & J. Biles (Eds.) *International perspectives: Integration and inclusion* (pp. 205–232). McGill-Queen's University Press.

- Brown, H. (2013). Immigrant-serving nonprofits and philanthropic foundations. *Nonprofit Policy Forum*, 5(1), 85–110. <https://doi.org/10.1515/npf-2013-0002>
- Bureau of Justice Statistics. (2013). *Law enforcement management and administrative statistics (LEMAS), 2013*. <https://bjs.ojp.gov/data-collection/law-enforcement-management-and-administrative-statistics-lemas#publications-o>
- Calderon, M. A. (2020). Foundations as “Amigos o Rebeldes”: The influence of philanthropic funding on local immigration policy outputs. *Nonprofit Policy Forum*, 11(2), 1–31. <https://doi.org/10.1515/npf-2019-0053>
- Calderon, M. A., Chand, D. E., & Hawes, D. (2019). *The final lines of defense: The influence of nonprofit organization legal services on immigration removal rates* [Paper presentation]. ARNOVA Conference, November 21–23, 2019, San Diego, CA.
- Calderon, M. A., Chand, D. E., & Hawes, D. P. (2021). Final lines of defense: Explaining policy advocacy by immigrant-serving organizations. *Nonprofit Policy Forum*, 12(2), 285–310. <https://doi.org/10.1515/npf-2020-0023>
- Chand, D. E. (2020). Is it population or personnel? The effects of diversity on immigration policy implementation by law enforcement agencies. *Public Performance and Management Review*, 43(2), 304–333. <https://doi.org/10.1080/15309576.2019.1596821>
- Chand, D. E., & Schreckhise, W. D. (2015). Secure communities and community values: Local context and discretionary immigration law enforcement. *Journal of Ethnic and Migration Studies*, 41(10), 1621–1643. <https://doi.org/10.1080/1369183X.2014.986441>
- Chand, D. E., Calderon, M. A., Hawes, D. P., & O’Keeffe, L. (2021). Serving immigrant communities: Effectiveness of nonprofit legal aid organizations in an age of heightened enforcement. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 32(3), 621–633. <https://doi.org/10.1007/s11266-020-00205-w>
- Chandler, C. R., & Tsai, Y.-M. (2001). Social factors influencing immigration attitudes: An analysis of data from the general social survey. *The Social Science Journal*, 38(2), 177–188. [https://doi.org/10.1016/S0362-3319\(01\)00106-9](https://doi.org/10.1016/S0362-3319(01)00106-9)
- Collingwood, L., & Gonzalez O’Brien, B. (2019). *Sanctuary cities: The politics of refuge*. Oxford University Press.
- Cordero-Guzmán, H. R. (2005). Community-based organisations and migration in New York City. *Journal of Ethnic and Migration Studies*, 31(5), 889–909. <https://doi.org/10.1080/13691830500177743>
- Creek, H. M., & Yoder, S. (2012). With a little help from our feds: Understanding state immigration enforcement policy adoption in American federalism. *Policy Studies Journal*, 40(4), 674–697. <https://doi.org/10.1111/j.1541-0072.2012.00469.x>
- de Graauw, E. (2008). Nonprofit organizations: Agents of immigrant political incorporation in urban America. In S. K. Ramakrishnan, & I. Bloemraad (Eds.), *Civic hopes and political realities: Immigrants, community organizations, and political engagement* (pp. 323–350). The Russell Sage Foundation.
- de Graauw, E. (2015). Polyglot bureaucracies: Nonprofit advocacy to create inclusive city governments. *Journal of Immigrant and Refugee Studies*, 13(2), 156–178. <https://doi.org/10.1080/15562948.2015.1030809>
- de Graauw, E., & Bloemraad, I. (2017). Working together: Building successful policy and program partnerships for immigrant integration. *Journal on Migration and Human Security*, 5(1), 105–123. <https://doi.org/10.1177/233150241700500106>
- De Graauw, E., Gleeson, S., & Bloemraad, I. (2013). Funding immigrant organizations: Suburban free riding and local civic presence. *American Journal of Sociology*, 119(1), 75–130. <https://doi.org/10.1086/671168>
- de Leon, E., & Roach, R. (2013). *Immigrant legal-aid organizations in the United States*. Urban Institute, Center on Nonprofits and Philanthropy. <https://www.urban.org/sights/default/files/publication/24066/4122928-Immigrant-Legal-Aid-Organizations-in-the-United-States.pdf>

- de Leon, E., DeVita, C., Boris, E. T., & Maronick, M. (2009). Community-based organizations and immigrant integration in the Washington, DC, metropolitan area. *SSRN*.
<https://ssrn.com/abstract=2119867>
- Eagly, I. V., & Shafer, S. (2015). A national study of access to counsel in immigration court. *University of Pennsylvania Law Review*, 164(1), 1–87.
https://scholarship.law.upenn.edu/penn_law_review/vol164/iss1/2
- Farris, E. M., & Holman, M. R. (2017). All politics is local? County sheriffs and localized policies of immigration enforcement. *Political Research Quarterly*, 70(1), 142–154.
<https://doi.org/10.1177/1065912916680035>
- Feldmeyer, B. (2009). Immigration and violence: The offsetting effects of immigrant concentration on Latino violence. *Social Science Research*, 38(3), 717–731.
<https://doi.org/10.1016/j.ssresearch.2009.03.003>
- Grantmakers Concerned with Immigrants and Refugees. (2008). *The need to expand immigration legal services in Northern California*.
<https://www.issuelab.org/resources/10377/10377.pdf>
- Greene, J. A. (2012, August 22). *The cost of responding to immigration detainees in California*. Justice Strategies.
<https://www.justicestrategies.org/sites/default/files/publications/Justice%20Strategies%20LA%20CA%20Detainer%20Cost%20Report.pdf>
- Hickman, M. J., & Poore, J. E. (2016). National data on citizen complaints about police use of force: Data quality concerns and the potential (mis)use of statistical evidence to address police agency conduct. *Criminal Justice Policy Review*, 27(5), 455–479.
[doi:10.1177/0887403415594843](https://doi.org/10.1177/0887403415594843)
- Hilbe, J. (2014). *Modeling count data*. Cambridge University Press.
- Hopkins, D. J. (2010). Politicized places: Explaining where and when immigrants provoke local opposition. *American Political Science Review*, 104(1), 40–60.
<https://doi.org/10.1017/S0003055409990360>
- Hung, C.-K. R. (2007). Immigrant nonprofit organizations in the U.S. metropolitan areas. *Nonprofit and Voluntary Sector Quarterly*, 36(4), 707–729.
<https://doi.org/10.1177/0899764006298962>
- Jaeger, J. (2016). Securing communities or profits? The effect of federal-local partnerships on immigration enforcement. *State Politics and Policy Quarterly*, 16(3), 362–386.
<https://doi.org/10.1177/1532440015626401>
- Jiménez, T. R. (2011). *Immigrants in the United States: How well are they integrating into society?* Migration Policy Institute.
<https://www.migrationpolicy.org/research/immigrants-united-states-how-well-are-they-integrating-society>
- Joassart-Marcelli, P. (2013). Ethnic concentration and nonprofit organizations: The political and urban geography of immigration services in Boston. *International Migration Review*, 47(3), 730–772. <https://doi.org/10.1111/imre.12041>
- Jones-Correa, M. (2011). *All immigration is local: Receiving communities and their role in successful immigrant integration*. Center for American Progress.
<https://www.americanprogress.org/article/all-immigration-is-local/>
- Kang, S. (2012). A rose by any other name: The chilling effect of ICE's secure communities program. *Hastings Race and Poverty Law Journal*, 9, 83–108.
<https://heinonline.org/HOL/P?h=hein.journals/hasrap09&i=91>
- Karliner, L. S., Jacobs, E. A., Chen, A. H., & Mutha, S. (2007). Do professional interpreters improve clinical care for patients with limited English proficiency? A systematic review of the literature. *Health Services Research*, 42(2), 727–754.
<https://doi.org/10.1111/j.1475-6773.2006.00629.x>
- Key Jr., V. O. (1949). *Southern politics in state and nation*. University of Tennessee Press.
- King, S. (2009). *Public safety and civil rights implications of state and local enforcement of federal immigration laws*. 111th Congress. U.S. Government Printing Office.
<https://www.gpo.gov/fdsys/pkg/CHRG-111hhrg48439/html/CHRG-111hhrg48439.htm>

- Le, V. (2014). Long Island joins 200 jurisdictions nationwide in rejecting automatic ICE holds—Immigration reform. *America's Voice*, September 18, 2014. <https://americasvoice.org/blog/long-island-joins-200-jurisdictions-nationwide-rejecting-automatic-ice-holds/>
- MacIndoe, H., & Whalen, R. (2013). Specialists, generalists, and policy advocacy by charitable nonprofit organizations. *Journal of Sociology and Social Welfare*, 40(2), 119–149. <https://scholarworks.wmich.edu/jssw/vol40/iss2/8/>
- Meier, K. J. (1993). Representative bureaucracy: A theoretical and empirical exposition. *Research in Public Administration*, 2(1), 1–35.
- Minkoff, D. C. (2002). The emergence of hybrid organizational forms: Combining identity-based service provision and political action. *Nonprofit and Voluntary Sector Quarterly*, 31(3), 377–401. <https://doi.org/10.1177/0899764002313004>
- Moehling, C., & Piehl, A. M. (2009). Immigration, crime, and incarceration in early twentieth-century America. *Demography*, 46(4), 739–763. <https://doi.org/10.1353%2Fdem.0.0076>
- Mosley, J. E. (2012). Keeping the lights on: How government funding concerns drive the advocacy agendas of nonprofit homeless service providers. *Journal of Public Administration Research and Theory*, 22(4), 841–866. <https://doi.org/10.1093/jopart/mus003>
- Mosley, J. E. (2014). Collaboration, public-private intermediary organizations, and the transformation of advocacy in the field of homeless services. *The American Review of Public Administration*, 44(3), 291–308.
- Montes, M., & Choitz, V. (2016). *Working together to strengthen America's immigrant workforce: Partnerships between community colleges and immigrant-serving organizations*. The Aspen Institute. <https://vtechworks.lib.vt.edu/bitstream/handle/10919/86953/WorkingTogetherImmigrant.pdf?sequence=1&isAllowed=y>
- Newton, L. (2005). It is not a question of being anti-immigration: Categories of deservedness in immigration. In A. L. Schneider, & H. M. Ingram (Eds.), *Deserving and entitled* (pp. 139–167). State University of New York Press.
- Olivo, A. (2011, September 8). Cook County bucks immigration officials. *Chicago Tribune*. http://articles.chicagotribune.com/2011-09-08/news/ct-met-county-immigration-policy-2-20110908_1_illegal-immigrants-detainers-sanctuary-ordinances
- Omar, S. (2016). Breaking the ice: Reforming state and local government compliance with ice detainer requests. *Seton Hall Legislative Journal*, 40(1), 159–188. <https://heinonline.org/HOL/P?h=hein.journals/sethlegj40&i=171>
- Pedroza, J. M. (2019). Deportation discretion: Tiered influence, minority threat, and “secure communities” deportations. *Policy Studies Journal*, 47(3), 624–646. <https://doi.org/10.1111/psj.12300>
- Radford, J. (2019, June 17). Key findings about U.S. immigrants. *Pew Research Center*. [https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/#:~:text=The%20U.S.%20foreign-born%20population,share%20\(4.7%25\)%20in%201970](https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/#:~:text=The%20U.S.%20foreign-born%20population,share%20(4.7%25)%20in%201970)
- Ray, R. R. (2011). Insecure communities: Examining local government participation in U.S. immigration and customs enforcement. *Seattle Journal for Social Justice*, 10(1), 327–386. <https://digitalcommons.law.seattleu.edu/sjsj/vol10/iss1/23/>
- Raymond-Flesch, M., Siemons, R., Pourat, N., Jacobs, K., & Brindis, C. D. (2014). “There is no help out there and if there is, it's really hard to find”: A qualitative study of the health concerns and health care access of Latino “DREAMers.” *Journal of Adolescent Health*, 55(3), 323–328. <https://doi.org/10.1016/j.jadohealth.2014.05.012>
- Roth, B. J., & Allard, S. W. (2016). (Re)Defining access to Latino immigrant-serving organizations: Evidence from Los Angeles, Chicago, and Washington, DC. *Journal of Social Work and Research*, 7(4), 729–753. <https://doi.org/10.1086/689358>

- Roth, B., Park, S. Y., & Grace, B. (2018). Advocating for structural change? Exploring the advocacy activities of immigrant-serving organizations in an unwelcoming policy context. *Advances in Social Work, 18*(3), 682–703. <https://doi.org/10.18060/21642>
- Sampson, R. J., Morenoff, J. D., & Raudenbush, S. (2005). Social anatomy of racial and ethnic disparities in violence. *American Journal of Public Health, 95*(2), 224–232. <https://doi.org/10.2105%2FAJPH.2004.037705>
- Schreckhise, W. D., & Chand, D. E. (2021). Intergovernmental implementation of immigration policy: Noncooperative federalism and secure communities. *Policy Studies Journal, 49*(4), 1160–1188. <https://doi.org/10.1111/psj.12426>
- Seldon, S. C. (1998). *The promise of representative bureaucracy: Diversity and responsiveness in a government agency*. M.E. Sharpe
- Shannon, C. (2009). Regulating immigration legal service providers: Inadequate legal service providers: Inadequate representation and notario fraud. *Fordham Law Review, 78*(2), 577–622. <https://ir.lawnet.fordham.edu/flr/vol78/iss2/6>
- Sperling, J. (2009). Improving immigrants' access to public services in the United States: Language access policy and policy implementation. *Current Issues in Language Planning, 10*(4), 405–421. <https://doi.org/10.1080/14664200903555013>
- Sowa, J. E., & Seldon, S. C. (2003). Administrative discretion and active representation: An expansion of the theory of representative bureaucracy. *Public Administrative Review, 63*(6), 700–710. <https://doi.org/10.1111/1540-6210.00333>
- Theodore, N. (2013). *Insecure communities: Latino perceptions of police involvement in immigration enforcement*. Department of Urban Planning and Policy, University of Illinois at Chicago. https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF
- Thompson, D. M. (2020). How partisan is local law enforcement? Evidence from sheriff cooperation with immigration authorities. *American Political Science Review, 114*(1), 222–236. <https://doi.org/10.1017/S0003055419000613>
- Tramonte, L. (2011, April 26). *Debunking the myth of "sanctuary cities."* American Immigration Council. <https://www.americanimmigrationcouncil.org/research/debunking-myth-sanctuary-cities>
- Transactional Records Access Clearinghouse. (2014, April 8). *Secure communities and ICE deportation: A failed program?* <http://trac.syr.edu/immigration/reports/349/>
- Transactional Records Access Clearinghouse. (2018, September 28). *Tracking over 2 million ICE arrests: A first look*. <https://trac.syr.edu/immigration/reports/529/>
- Transactional Records Access Clearinghouse. (2019). *ICE detainer usage declines in 2019, trends vary by state*. <https://trac.syr.edu/immigration/reports/575/>
- Tsankov, M. E., & Martin, C. J. (2010). Measured enforcement: A policy shift in the ICE 287(g) program. *University of LA Verne Law Review, 31*(2), 403–450. <https://heinonline.org/HOL/P?h=hein.journals/jjuvl31&i=403>
- U.S. Department of Homeland Security. (2011, November 16). *Secure communities: Statistical monitoring*. <https://www.ice.gov/doclib/secure-communities/pdf/statisticalmonitoring.pdf>
- U.S. Department of Justice: Executive Office of Immigration Review. (2017, March). *FY 2016 statistics yearbook*. <https://www.justice.gov/eoir/page/file/fysb16/download>
- U.S. District Courts. (2017, March 31). *Federal judicial caseload statistics 2017*. <http://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2017>
- U.S. Executive Office of Immigration Review. (2017, March). *FY 2016 statistics yearbook*. <https://www.justice.gov/eoir/page/file/fysb16/download>
- U.S. Immigration and Customs Enforcement. (2014). *ICE's use of IDENT/IAFIS interoperability: Monthly statistics through December 31, 2014*. http://www.franciscoipedraza.com/wp-content/uploads/scomm_county_2014Dec.pdf

- U.S. Immigration and Customs Enforcement. (2017). *Enforcement and removal operations: Weekly declined detainer outcome report for recorded declined detainees, February 4–February 10*. https://www.ice.gov/doclib/ddor/ddor2017_02-04to02-10.pdf
- U.S. National Commission on Law Observance and Enforcement (1931). *Wickersham Commission, and George Woodward Wickersham*. National Commission on Law Observance and Enforcement [Report]. U.S. Government Printing Office. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/us-national-commission-law-observance-and-enforcement-report-no-11>
- Varsanyi, M. W., Lewis, P. G., Provine, D. M., & Decker, S. (2012). A multilayered jurisdictional patchwork: Immigration federalism in the United States. *Law and Policy*, 34(2), 138–158. <https://doi.org/10.1111/j.1467-9930.2011.00356.x>
- Whalley, L. J. (2006). Nutrients and aging. In P. M. Conn (Ed.), *Handbook of models of human aging* (pp. 897–911). Academic Press.
- Wong, T. K. (2012). 287 (g) and the politics of interior immigration control in the United States: Explaining local cooperation with federal immigration authorities. *Journal of Ethnic and Migration Studies*, 38(5), 737–756. <https://doi.org/10.1080/1369183X.2012.667983>
- Ybarra, V. D., Sanchez, L. M., & Sanchez, G. R. (2016). Anti-immigrant anxieties in state policy: The great recession and punitive immigration policy in the American states, 2005–2012. *State Politics & Policy Quarterly*, 16(3), 313–339. <https://doi.org/10.1177/1532440015605815>
- Zhou, M. (2008). The ethnic system of supplementary education: Nonprofit and for-profit institutions in Los Angeles' Chinese immigrant community. In M. Shinn, & H. Yoshikawa (Eds.), *Toward positive youth development: Transforming schools and community programs* (pp. 229–251). Oxford University Press.

Author Biographies

Daniel E. Chand is Associate Professor of Political Science and Public Administration at Kent State University. His research interests are in immigration enforcement and political activities of nonprofits. His recent research has been published in outlets such as the *Journal of Public Administration Research and Theory* and *Policy Studies Journal*.

M. Apolonia Calderon is Assistant Professor of Public Policy at the University of Maryland, School of Public Policy. Her research interests are in public service delivery of nonprofit organizations and immigration enforcement. Her recent research has been published in *Public Administration Review* and *VOLUNTAS*.

Daniel P. Hawes is Professor of Political Science and Public Administration at Kent State University. His research interests deal with questions related to public policy and public administration, broadly, and substantively focus on education and immigration policy. He has recently published in *Public Administration Review*, *Journal of Public Administration Research and Theory*, *American Review of Public Administration*, *Administration & Society*.

Appendix

Appendix 1. Questions Used from Law Enforcement Management and Administrative Statistics (LEMAS) 2013

As of January 1, 2013, how many FULL-TIME SWORN personnel were there in each of the following racial/ethnic categories?

- b. Black or African American, not of Hispanic Origin
 - c. Hispanic or Latino
-

What was your agency's TOTAL OPERATING BUDGET for the 12-month period that included January 1, 2013? Do not include construction costs, major equipment expenditures, or other capital expenditures.

As of January 1, 2013, which of the following include INCENTIVES for FULL-TIME SWORN personnel? Check either 'yes' or 'no' for each item. Incentives include either increased salary or additional paid leave.

- c. Bi-lingual or Multi-lingual ability
-