

May 15, 2026

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Testimony for Shadow Hearing on ICE’s Use of State and Local Law Enforcement



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Chair Ramírez, members of the committee, and community members present—thank you for convening this shadow hearing to shine light on an issue that has caused profound harm to our communities: the dangerous, arbitrary and indiscriminate collaboration between Immigration and Customs Enforcement and state and local law enforcement agencies, particularly through the 287(g) program and its informal equivalents.

The American Civil Liberties Union (ACLU) of Puerto Rico is a nonpartisan, non-sectarian, non-profit organization whose purpose is to advance the civil and human rights of all residents of Puerto Rico. Our main interest is to advance public policies that promote the protection of fundamental rights, respect diversity, support community participation in government decision-making, and provide access to justice to historically disadvantaged sectors.

My name is Lolimar Escudero-Rodriguez, Policy Counsel of the ACLU of Puerto Rico, where we have witnessed firsthand how ICE’s misuse of local police has devastated families, violated civil rights, and eroded the trust essential for public safety.

The core problem: local police acting as immigration agents

Although Puerto Rico does not have formal 287(g) agreements, the reality on the ground mirrors much of the same abuses seen in jurisdictions that do. Local police, especially municipal police, have repeatedly taken it upon themselves to act as de facto immigration agents. This practice is unlawful, discriminatory, and profoundly dangerous.



When local officers enforce federal immigration policy, the consequences are predictable and severe:

- **Racial profiling** becomes routine, targeting in our case particularly, Dominican and Haitian immigrants.
- **Families are torn apart**, often over minor infractions or no infraction at all.
- **People become afraid to drive, work, report crimes, send their children to school, access healthcare, or participate in daily life.**
- **Trust in local government collapses**, making communities less safe for everyone.
- **Local resources are diverted** from urgent public needs—public safety, education, housing—to carry out federal immigration enforcement that our municipalities are neither trained nor authorized to perform.

These practices violate the civil rights of our residents and undermine the rule of law.

Cases that illustrate the danger: the detention of Joan Alberto Zorrilla and Aracelys Terrero Mota

One of the clearest examples of this abuse is the case of **Joan Alberto Zorrilla**, a Dominican man whose life was upended because a municipal police officer decided to act as an immigration agent.

On January 8, 2026, Mr. Zorrilla was stopped by the Carolina Municipal Police for alleged violations of a municipal ordinance. During this stop, the officer accessed his Puerto Rico driver's license and—without any legal basis—called Border Patrol, placing Mr. Zorrilla directly into the hands of federal immigration authorities.

The misconduct did not end there. The same officer then changed the date of Mr. Zorrilla's municipal appointment. When Mr. Zorrilla dutifully arrived at the police station for what he believed was a routine municipal matter, Border Patrol agents were waiting for him. He was arrested on the spot and transferred to the CBP station at Ramey Base in Aguadilla, where he remained in immigration custody. The Chief of Police nor the Mayor have taken accountability for this incident.



This was not public safety. This was not due process. This was a set-up, orchestrated by a local police officer acting far outside the bounds of their authority.

Mr. Zorrilla's case is not an anomaly. It is a symptom of a broader, systemic problem.

ACLU of Puerto Rico filed a petition for mandamus in the Court of First Instance in San Juan against the Secretary of the Department of Transportation and Public Works (DTOP), Edwin González Montalvo, and the Commonwealth of Puerto Rico, seeking the immediate release of all documents related to the transfer of confidential information concerning nearly 6,000 migrants who obtained driver's licenses under Act No. 97 of 2013, including a subpoena allegedly issued by a federal agency. The lawsuit is based on the public disclosure that, between February and March 2025, DTOP turned over personal data on nearly 6,000 drivers with unregularized immigration status to federal immigration agencies. The federal government later confirmed that these data are being actively used to identify immigrants, locate them, arrest them without a warrant, and deport them. The mandamus was granted. The government has filed a motion for reconsideration.

Another example was **Aracelys Terrero Mota**, a Dominican citizen residing in Puerto Rico with an approved work permit and covered as a survivor of gender violence under the federal VAWA (Violence Against Women Act). On May 25, 2025, she was intervened by a municipal agent and detained by U.S. Customs and Border Protection (CBP) federal agents in Cabo Rojo, despite presenting an up-to-date visa and migratory permits.

The Municipal Police officer who made the referral had neither a judicial warrant nor legal authority to refer her to immigration agents.

After being detained, Ms. Terrero disappeared from the electronic system, was illegally transferred to the U.S. without respecting due process, and was held in detention centers in Florida, Texas, and New Mexico.

On June 9, 2025, the ACLU of Puerto Rico sent a letter to Governor Jenniffer González Colón demanding that the state government transparently detail the information it shared with federal authorities regarding immigrants. It also requested the



publication of protocols to guarantee due process and special protection for victims of gender violence, and the suspension of policies and administrative orders that allow for migratory detentions without a judicial warrant, among other issues. The Municipal Police lack the authority to enforce immigration laws without a 287(g) agreement or a judicial warrant.

The broader impact on Puerto Rico's communities

Across Puerto Rico, we hear the same stories:

- People afraid to call the police when they are victims of crime.
- Parents terrified to drive their children to school.
- Workers avoiding public spaces, even when they have done nothing wrong.
- Entire neighborhoods living in fear of the very officers sworn to protect them.

This is not theoretical harm. It is lived reality.

And it is happening without any formal 287(g) agreement, which means these actions are occurring without oversight, without accountability, and without legal authority.

Why this matters for civil rights and public safety

When local police enforce immigration law, they violate constitutional protections and undermine community safety. Courts across the country have recognized that local officers cannot detain individuals solely for immigration purposes. Yet in Puerto Rico, this practice continues in the shadows.

The absurdity is staggering: At a time when our municipalities struggle with limited budgets, rising crime, and urgent social needs, local police are diverting time and resources to carry out federal immigration enforcement—an area that Congress has never authorized them to administer.

This is not only harmful. It is counterproductive, inefficient, and unlawful.

Facilitating collaborative agreements between the local police and federal agencies raises serious concerns about the protection



of civil rights. Experience in other jurisdictions in the United States shows that cooperation between local and federal forces has resulted in practices that violate constitutional guarantees, especially in marginalized communities.

1. Documented risks of civil rights violations:

1. Racial profiling and discrimination:

1. Collaboration with federal agencies has resulted in racial profiling and discrimination, particularly toward Black, Latino, and immigrant communities. Cases like *Floyd v. City of New York* (2013)¹ show how joint operations can lead to racially based police interventions, in violation of the Fourth and Fourteenth Amendments of the U.S. Constitution.

2. Mass surveillance and privacy:

1. The sharing of biometric data and the use of advanced surveillance technologies, such as facial recognition, without clear safeguards, may violate the right to privacy and protection of personal data recognized by the Supreme Court in *Carpenter v. United States* (2018).²

3. Erosion of local protections:

1. Federal influence can weaken local use-of-force norms and facilitate arrests or searches without due process, in contravention of the jurisprudence established in *Monroe v. Pape*, 365 U.S. 167 (1961) and *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).³

2. Municipal accountability and oversight mechanisms

o Federal jurisprudence establishes that municipalities can be civilly liable for civil rights violations committed in the context of collaborative agreements (*Monell v. DSS* 436 U.S. 658 (1978)).

¹ *Floyd V City Of New York*, 959 F. Supp. 2d 540 (2013).

² *Carpenter v. United States*, 484 US 19 (2018).

³ Friedman, B., Harmon, R., & Heydari, F., *The Federal Government's Role in Local Policing*, Virginia Law Review, 2023.



1. Federal Intervention and Guidance:
 1. The use of guidelines for intensified surveillance can lead to a punitive approach that does not respond to the real needs of the community.
2. Jurisdictional and accountability conflicts:
 1. The overlapping of competencies between federal and local authorities can lead to conflicts that diminish citizen confidence in public security.

The experience of other states and solid jurisprudence, as evidenced by the cases of *Monroe v. Pape* and *Monell v. Department of Social Services of the City of New York*, *supra*, show that it is imperative that our legislators present proposals that are normative instruments that guarantee dignity and respect for all fundamental rights. The ACLU of Puerto Rico reaffirms its commitment to protecting the civil and human rights of all, including our immigrant community.

What we need

We urge Congress and federal agencies to:

1. **End the 287(g) program** and all informal equivalents that encourage local police to act as immigration agents.
2. **Promote the investigation of** the misuse of local police authorities in Puerto Rico for immigration enforcement.
3. **Ensure that federal agencies respect civil rights**, due process, and the constitutional limits of local policing.
4. **Support community-based public safety**, not fear-based enforcement.
5. **Provide oversight** to prevent local officers from collaborating with ICE or Border Patrol outside lawful channels.

Puerto Rico deserves policing that protects its residents—not policing that targets them.



Closing

Chair Ramirez, thank you for giving voice to communities that have suffered the arbitrary and vicious execution of a cruel immigration policy. The ACLU of Puerto Rico stands ready to continue documenting abuses, defending civil rights, and fighting for a Puerto Rico where no one fears that a simple traffic stop could lead to deportation. For this reason, we denounce that in this historical context that we live in the face of the immigration policy promoted by President Trump, we must avoid turning the local police and local law enforcement authorities into an arm of Homeland Security and ICE, which puts in check the public safety and civil rights of all people.

We ask this committee to help ensure that what happened to Joan Alberto and Aracelys never happens again.

Thank you,

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Enclosures