




STATE OF CONNECTICUT
DIVISION OF CRIMINAL JUSTICE
POLICIES AND PROCEDURES
OFFICE OF THE CHIEF STATE'S ATTORNEY

TITLE: DIVISION OF CRIMINAL JUSTICE'S POLICY ON INTERACTIONS WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (CONNECTICUT TRUST ACT C.G.S. § 54-192h)		POLICY NUMBER: 514	PAGE 1 OF 3
AUTHORIZED:  Patrick J. Griffin, Chief State's Attorney		August 14, 2025 DATE	

I. Statement of Purpose

The Division of Criminal Justice ("Division" or "DCJ") is committed to honoring the requirements of the Connecticut Trust Act, as provided for by General Statutes § 54-192h ("Trust Act"). Toward that end, it is the obligation of all DCJ employees to be familiar with, and have a working understanding of, the Trust Act and how it impacts interactions between members of this agency, local and state law enforcement, and federal agents in the investigation and prosecution of criminal cases.¹ To ensure compliance with the Act's provisions, the Division adopts the policy and procedures set forth below.

II. A Brief Review of the Trust Act and the State Criminal Process

Broadly speaking, the Trust Act governs interactions between state and local law enforcement and federal immigration officials seeking assistance with civil detainer requests. The Act prohibits, among other things, Connecticut law enforcement officials—including, effective October 1, 2025, Division prosecutors, employees, and its agents—from expending or using time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except as provided for in the statute.²

The Trust Act does not, however, alter the primary function and purpose of this agency. The Division is responsible for the investigation and prosecution of all state criminal and motor vehicle matters in the State of Connecticut. As a general rule, prosecutors shall not consider or inquire into the immigration status of a defendant, victim, or witness in any case to which they are assigned. Cf. Conn. Prosecution Standard 1-1.3. In addition, a defendant's immigration status ordinarily is not a factor to be considered in charging, plea negotiations, or sentencing. Although not specifically enumerated in the Connecticut Prosecution Standards, immigration status may implicitly implicate a defendant's national

¹ For additional guidance on the Trust Act, please refer to the DCJ memorandum entitled "[Summary of the Connecticut Trust Act \(C.G.S. § 54-192h\)](#)["], dated August 5, 2025. For additional guidance on handling Immigration and Customs Enforcement visits or inquiries generally, see Governor Ned Lamont's "[Guidance for Connecticut State Agencies on Interactions with Immigration and Customs Enforcement Visits](#)["], dated January 28, 2025.

² See C.G.S. § 54-192h(b)(1) & (e).

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origin, which is a factor a prosecutor must generally not consider in assessing a case. See Conn. Prosecution Standards 1-1.3 & 4-1.5.d.

Nonetheless, a defendant's immigration status may be a consideration in plea negotiations, charging decisions, or disposition to the extent it creates an "undue hardship caused to the defendant." See Conn. Prosecution Standards 6-3.1.g. & 4-2.2.m. Prosecutors should recall, however, that "undue hardship to the defendant" is but one of many factors to consider.

This is not to suggest that immigration status should be used as a mechanism for relieving a person who commits a crime of the consequences of his or her own misconduct. Possibility of deportation does not supersede the other factors enumerated in the Standards and may have little or no weight in the prosecutorial decision-making process relative to the seriousness of the crime, the defendant's criminal history, and other factors.

It remains a basic tenet of fair and equitable prosecution that each case and each defendant must be evaluated on the unique facts and circumstances presented. In the limited scenarios where immigration status may be a consideration, i.e., during a bond proceeding to the extent the status relates to ties to the community and risk of flight or when considering the appropriateness of signing a U-Visa application, prosecutors should frame arguments in this regard in careful terms, and should express the issue using neutral terminology, rather than pejorative or other value-laden verbiage.

III. Policy and Procedures Governing Interactions with U.S. Immigration and Customs Enforcement Agents

To ensure compliance with Trust Act, it is the policy of the Division that all questions and concerns regarding the issue of federal civil immigration law enforcement, including civil detainers, be directed to your State's Attorney or supervisor before any action is taken. This includes:

- any inquiry from any agent of the U.S. Immigration and Customs Enforcement (ICE) to any DCJ employee; and
- any inquiry originating from any DCJ employee to any ICE agent.

DCJ employees should document interactions with ICE agents, including the date, time, names of agents, and the nature of the request, and provide a copy of such documentation to his or her State's Attorney or supervisor.

IV. Procedures Governing Interactions with Local and State Police

When providing guidance to our state and local law enforcement partners, Division staff members should keep in mind that Connecticut's law enforcement officers protect the public by investigating state criminal offenses and enforcing state criminal laws. They are

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not responsible for enforcing civil immigration violations except in narrowly defined circumstances. Such responsibilities instead fall to the federal government and those operating under its authority.

Division employees should direct inquiries from local and state police on matters relating to the Trust Act and ICE activities to the appropriate municipality's corporation counsel and/or the Connecticut Office of the Attorney General.

Any questions about the Trust Act or this policy should be directed to your State's Attorney or supervisor.

[History]: This policy was approved by the DCJ Advisory Board on August 13, 2025 and became effective August 14, 2025. It replaces the Division's "Immigration Enforcement and Civil Detainers" policy dated September 30, 2019.



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Memorandum

TO: All Division of Criminal Justice Employees

FROM: Patrick J. Griffin, Chief State's Attorney
Katie Bare, Executive Assistant State's Attorney

DATE: August 5, 2025

SUBJECT: Summary of the Connecticut Trust Act (C.G.S. § 54-192h)

Connecticut's Trust Act (hereinafter, the "Trust Act" or "Act"), codified at General Statutes § 54-192h,¹ governs interactions between state and local law enforcement and federal Immigration and Customs Enforcement (ICE) officials seeking assistance with civil detainer requests. The Trust Act maintains Connecticut's right, protected by the Tenth Amendment's "anti-commandeering doctrine," to decide how and when it will assist the federal government in carrying out federal functions, including immigration enforcement.²

Although the Act did not initially include Division of Criminal Justice ("Division" or "DCJ") prosecutors, employees, and agents within its provisions, the legislature recently amended the Act to expand the definition of "law enforcement officer" to include all Division personnel. Effective October 1, 2025, the provisions of the Trust Act apply to all Division prosecutors, employees, and agents.

¹ The Trust Act was enacted into law in 2013.

² See generally *New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. National Collegiate Athletic Association*, 584 U.S. 453 (2018); but see also *State v. Department of Justice*, 951 F.3d 84 (2d Cir. 2020) (concluding that federal statute that prohibited government entity or official from restricting receipt, maintenance, or exchange of information regarding citizenship or immigration status did not violate Tenth Amendment's anti-commandeering doctrine as applied to certification condition for grants).

This memorandum provides a brief definition of civil immigration detainers generally followed by a summary of the Trust Act, including who the Act governs, what it prohibits, and a brief explanation of the Act's other limitations and requirements.

I. Civil Immigration Detainers Generally

A civil immigration detainer is the instrument by which federal authorities formally “advise another law enforcement agency that [they] seek[] custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien.”³ Supported by an administrative warrant issued on a showing of probable cause, the detainer generally requests the agency then having custody of an individual: (1) to provide federal authorities with advance notice of the individual's intended release date or (2) to detain the individual for a brief time to allow federal authorities to assume custody.⁴

Plainly stated, civil detainer requests are just that – requests. The federal government does not have a right to insist on compliance with a civil detainer request.

II. Who the Trust Act Governs

Effective October 1, 2025, the Trust Act defines “[l]aw enforcement officer” to include:

- State's Attorneys, assistant state's attorneys, supervising state's attorneys, special deputy assistant state's attorneys, and “each officer, employee or other person otherwise paid by or acting as an agent of the Division of Criminal Justice[;]”
- Department of Correction officials;
- Municipal and state police;
- Judicial marshals;
- Probation officers; and
- Board of Pardons and Paroles employees.⁵

³ 8 C.F.R. § 287.7(a).

⁴ *State v. Department of Justice*, 951 F.3d 84, 97 n.10 (2d Cir. 2020); *see also Hernandez v. United States*, 939 F.3d 191, 199-200 (2d Cir. 2019) (citing *Morales v. Chadbourne*, 793 F.3d 208, 214-17 (1st Cir. 2015)).

⁵ C.G.S. § 54-192h(a)(9).

The Act also covers under certain sections bail commissioners, intake, assessment or referral specialists, and school police and security officers.⁶

“Law enforcement agency” under the Act means any agency for which a law enforcement officer is an employee of or otherwise paid by or acting as an agent of.⁷

III. Trust Act Prohibitions

Under the Act, law enforcement officers, including Division prosecutors, employees, and agents, are prohibited from doing the following:

1. Arresting or detaining an individual pursuant to an immigration detainer unless:
 - a. the detainer is accompanied by a warrant issued or signed by a judicial officer;
 - b. the individual has been convicted of:
 - any class A or B felony;
 - Risk of injury to a child (C.G.S. § 53-21);
 - Manslaughter in the second degree with a firearm (C.G.S. § 53-56a);
 - Strangulation or suffocation in the first degree (C.G.S. § 53a-64aa);
 - Sexual assault in the second degree (C.G.S. § 53a-71);
 - Sexual assault in the third degree (C.G.S. § 53a-72a);
 - Sexual assault in the third degree with a firearm (C.G.S. § 53a-72b);
 - Enticing a minor (C.G.S. § 53a-90a);
 - Burglary in the second degree with a firearm (C.G.S. § 53a-102a);
 - Possessing child sexual abuse material in the second degree (C.G.S. § 53a-196e);
 - Possessing child sexual abuse material in the third degree (C.G.S. § 53a-196f);

⁶ C.G.S. §§ 54-192h(a)(10) & (11).

⁷ C.G.S. § 54-192h(a)(8).

- Commercial sexual exploitation of a minor (C.G.S. § 53a-196i);
 - Violation of conditions of release in the first degree (C.G.S. § 53a-222); or
 - Criminal violation of a protective order (C.G.S. § 53a-223); or
 - c. the individual is identified as a possible match in the federal Terrorist Screening Database or similar database.⁸
- 2. Expending or using time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority⁹ regarding the custody status or release of an individual targeted by a civil immigration detainer, except as provided in § 54-192h(e).¹⁰
- 3. Arresting or detaining an individual based on an administrative warrant¹¹ which is not signed by judicial officers.¹²
- 4. Giving a federal immigration authority access to interview an individual in custody unless the individual:
 - has been convicted of a class A or B felony or any of the crimes listed in Section III.1.b., above;

⁸ C.G.S. § 54-192h(b)(1)(A).

⁹ “Federal immigration authority” means any officer, employee or other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the U.S. Department of Homeland Security or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act, 8 U.S.C. § 1101, et. seq. C.G.S. § 54-192h(a)(4).

¹⁰ C.G.S. § 54-192h(b)(1)(B). For additional information on subsection (e) of § 54-192h, see Section VI, infra.

¹¹ “Administrative warrant” means a warrant, notice to appear, removal order or warrant of deportation issued by an agent of a federal agency charged with the enforcement of immigration laws or the security of the borders, including ICE and the U.S. Customs and Border Protection, but does not include a warrant issued or signed by a judicial officer. C.G.S. § 54-192h(a)(1).

¹² C.G.S. § 54-192h(b)(1)(C).

- is identified as a possible match in the federal Terrorist Screening Database or similar database; or
- is the subject of a federal court order, pursuant to 8 U.S.C. § 1255(d)(4)(B), arising from a failure to comply with an immigration officer's subpoena or refusal to testify before an immigration officer.¹³

5. Performing the function of a federal immigration authority.¹⁴

The Act does not change processes for entering information into the Automated Fingerprint Identification system (AFIS) of an arrested individual or the accessing of information from the National Crime Information Center (NCIC) concerning an arrested individual.¹⁵

IV. Requirement that Head of Law Enforcement Agency Receive Request for Notification of the Release Date and Time of Certain Individuals

Prior to responding to an ICE request for notification of the release date and time from custody of a law enforcement agency of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the Trust Act requires that law enforcement officers forward the request to the head of the law enforcement agency for review.¹⁶ For purposes of the Trust Act, the head of the law enforcement agency is the State's Attorney for each Judicial District, Chief State's Attorney, Deputy Chief State's Attorney of Operations, or the designee of any of the aforementioned personnel.

¹³ C.G.S. § 54-192h(b)(1)(D).

¹⁴ C.G.S. § 54-192h(b)(1)(E).

¹⁵ C.G.S. § 54-192h(b)(2).

¹⁶ C.G.S. § 54-192h(c).

V. Limits on Law Enforcement Officer's Disclosure of Confidential Information to Federal Immigration Authorities

Under the Trust Act, any confidential information of an individual who comes into contact with a law enforcement officer may be disclosed to a federal immigration authority only if the disclosure is:

- authorized in writing by the individual to whom the information pertains, or by the parent or guardian of such individual if the individual is a minor or not legally competent to consent to such disclosure;
- necessary in furtherance of a criminal investigation of terrorism; or
- otherwise required by law.¹⁷

VI. Requirement That Law Enforcement Agency Notify Subject of Detainer of Agency's Intent to Comply With Detainer and Fact and Reason for Compliance

Upon receiving a civil immigration detainer, law enforcement agencies are required to provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer.

If a law enforcement agency provides ICE with notification that an individual is being, or will be, released on a certain date, the law enforcement agency is required promptly to provide the individual and the individual's attorney or make a good faith effort to contact one other individual who the individual may designate, a copy of such notification as well as the reason, in writing, that such law enforcement agency is complying with the detainer.¹⁸

¹⁷ C.G.S. § 54-192h(d)(1)-(3).

¹⁸ C.G.S. § 54-192h(e)(1).

VII. Law Enforcement Agency Records Relating to ICE Access

All records relating to ICE access¹⁹ maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, as defined in General Statutes § 1-200. Records relating to ICE access include, but are not limited to:

- data maintained by the law enforcement agency regarding the number and demographic data of individuals to whom the agency has provided ICE access;
- the date ICE access was provided to an individual;
- the type of ICE access provided to an individual;
- the amount of resources expended on providing ICE access; and

¹⁹ "ICE access" means any of the following actions taken by a law enforcement officer with respect to an individual who is stopped by a law enforcement officer with or without the individual's consent, arrested, detained or otherwise under the control of a law enforcement official or agency:

(A) Responding to a civil immigration detainer or request for notification pursuant to subparagraph (B) of this subdivision concerning such individual;

(B) Providing notification to a federal immigration authority that such individual is being or will be released at a certain date and time through data sharing or otherwise;

(C) Providing a federal immigration authority nonpublicly available information concerning such individual regarding release date or time, home address or work address, whether obtained through a computer database or otherwise;

(D) Allowing a federal immigration authority to interview such individual under the control of the law enforcement agency;

(E) Allowing a federal immigration authority to use a facility or resources in the control of a law enforcement agency to conduct interviews, administrative proceedings or other immigration enforcement activities concerning such individual; or

(F) Providing a federal immigration authority information regarding dates and times of probation or parole supervision or any other information related to such individual's compliance with the terms of probation or parole;

"ICE access" does not include submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual. C.G.S. § 54-192h(a)(6)(A)-(F).

- any communication between the law enforcement agency and any federal immigration authority.

No provision of the Trust Act shall be construed to require disclosure of any record exempt from disclosure under General Statutes §§ 1-210 or 1-215.²⁰

VIII. Tracking of Law Enforcement Agency Data Related to ICE Access by the Office of Policy and Management (OPM)

Under the Trust Act, the legislative body of any municipality with a law enforcement agency is required to report certain information every six months to OPM, if their law enforcement agency provided ICE access to an individual, including:

- the number and demographic data of individuals to whom the law enforcement agency has provided ICE access;
- the date ICE access was provided to an individual; and
- whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

Pursuant to the Act, such data may be provided in the form of statistics or, if statistics are not maintained, as individual records, provided personally identifiable information is redacted.²¹

IX. Trust Act Training

Finally, the Trust Act charges OPM with ensuring that the Act is disseminated to, and that appropriate training is provided for, all affected law enforcement agencies and personnel identified in the Act, including how they will adhere to the provisions and interact with crime victims, suspects and individuals cooperating with law enforcement officers.²²

²⁰ C.G.S. § 54-192h(e)(2).

²¹ C.G.S. § 54-192h(e)(3).

²² C.G.S. § 54-192h(f).