
LAW AND JUSTICE

Rogue Sheriffs Revolt Against New York Law Ending ICE Partnerships

State lawmakers have forbidden local police from participating in mass deportation. Some sheriffs think they are above the law.



BY JAMES BARATTA

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Broome County Sheriff Fred Akshar, at right, seen in 2024, is among the plaintiffs suing the governor of New York over a state law forbidding sheriff's departments from cooperating with ICE. Tom Williams/CQ Roll Call via AP Images.



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Since the ICE occupation of the Twin Cities, the Trump administration's deportation machine has turned toward local law enforcement, through partnerships under the 287(g) program. Blue states are not happy about these agreements, for obvious reasons. In New York, Rensselaer County was the only county with a 287(g) agreement at the start of President Trump's second term. Since then, a dozen other law enforcement agencies across the state have formed their own partnerships with federal immigration authorities, deputizing local police to perform civil immigration enforcement functions.

The 287(g) program has continued to expand nationwide, but if the state's elected leadership has anything to say about it, the program is coming to an end in New York.

More from James Baratta

Gov. Kathy Hochul signed the Local Cops, Local Crimes Act (LCLCA) into law in May. The law, which went into effect on August 25, effectively nullifies all 287(g) agreements in the state. But Rensselaer County Sheriff Kyle Bourgault subsequently sued the governor in federal court, refusing to comply with the LCLCA and seeking injunctive relief to block the law. Hochul and New York Attorney General Letitia James promptly responded with a countersuit in state court.

"New York banned this practice because we saw exactly where it leads: racial profiling, families torn apart over a traffic stop, and entire communities afraid to call 911," Murad Awawdeh, president and CEO of the New York Immigration Coalition (NYIC), told the *Prospect*. "This new lawsuit is an attempt to drag New York backwards, and we won't let that happen."

In addition to Rensselaer, 14 other New York county sheriff's departments have joined the federal lawsuit. The plaintiffs argue New York lacks standing to dissolve federally authorized 287(g) agreements in the state, going as far as to say that Albany is infringing on the sheriffs' authority. One such plaintiff, Broome County Sheriff Fred Akshar, said last month that the

lawsuit “really is about the associated independence and the constitutional authority that is granted to the office of the sheriff.”



New York Gov. Kathy Hochul speaks at a roundtable in response to federal ICE threats issued by border czar Tom Homan to send ICE agents to New York City, at New Immigrant Community Empowerment in New York, June 11, 2026. Lev Radin/Sipa USA via AP Images.

Local control and autonomy is indeed the issue at the heart of this case, but it isn’t the first time county sheriffs **have challenged** New York’s authority to define their powers under state law, with several publicly admitting to not enforcing parts of the Concealed Carry Improvement Act in 2022. At its core, the litigation surrounding the LCLCA is yet another example of so-called **constitutional sheriffs** challenging duly enacted state laws that they believe undermine the authority of their office. This movement regards sheriffs as the supreme legal authority at the county level, answering only to their electorate.

Speaking to reporters **in July**, Akshar said: “I don’t answer to Kathy Hochul. I don’t answer to Tish James. I answer to the great people of Broome County who afforded me an opportunity to administer this office.”

He added that any sheriff, “whether they signed a 287(g) agreement or they didn’t, I think that that’s where their frustration would certainly be rooted.”

Terry Diggory, co-coordinator of the Saratoga Immigration Coalition, suspects that may be why Saratoga County Sheriff Jeffrey Brown joined the federal lawsuit challenging the LCLCA.

“Sheriffs are very zealous of their independence, and so the issue for the sheriffs that are joining in the suit is not simply whether they want to be involved in immigration enforcement,” Diggory said in an interview. “It’s also that they don’t want the state or anybody else to tell them what they can do or put restraints on their actions.”

Saratoga County does not participate in the 287(g) program. Neither does Albany County, which is not a plaintiff in the case. Yet in both counties, residents have shared accounts of informal collusion between local police and federal immigration authorities, namely at vehicle inspection checkpoints.

“This has happened in our area,” Diggory said. “Local enforcement, as a safe public safety measure, will set up roadblocks where they’ll stop people and check to make sure that they’re wearing seatbelts, or they’ll check to see whether their registration is up to date, and we know that in the past, ICE has sometimes been present at these checks.”

The LCLCA expressly prohibits the deputization of local police for civil immigration enforcement under the 287(g) program. Contrary to what the rogue sheriffs argue, this practice makes communities less safe. Victims of crime are much less likely to seek law enforcement help if local police are viewed as a periscope for ICE goons. The sheriffs’ legal justifications for seeking the injunction are equally unconvincing.

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In the U.S. District Court for the Northern District of New York, Judge Mae D’Agostino issued an order to show cause on August 27, expediting her review of the injunction request. The Office of the New York Attorney General filed a brief challenging that request on September 9, arguing in part that D’Agostino already answered questions over the plaintiff’s contracts clause, supremacy clause, and preemption arguments when she rejected the Justice Department’s request to block the LCLCA in a separate lawsuit on August 3.

“The federal government did sue and lost on trying to upend the state of New York’s ability to self-govern, and they were not able to roll back the 287(g) agreement ban,” Awawdeh said. “Now we have disgruntled local elected officials who are trying to grandstand in this moment, as opposed to doing what is supposed to be their job, which is to protect and serve the communities that they have been entrusted to do so.”

Also in its brief, the New York Attorney General’s Office asserted that sheriffs’ constitutional authority lies exclusively with the state, and effectively debunked the plaintiff’s “reverse-commandeering theory.” The attorney general, characterizing that theory as “unprecedented,” “unsupported,” and “unpersuasive,” argued that it neglects long-established anti-commandeering doctrine, and the fact that all 287(g) agreements must be consistent with state law. The plaintiffs have until the close of business on September 16 to reply.

“We’re happy with the success of having fought for and secured the ending of the vast majority of the local collusion that we’re seeing with civil immigration enforcement across the state of New York,” Awawdeh told the *Prospect*. “We still have work to do, but we’re pretty happy and content with where we ended up.”

NYIC is one of many advocacy groups calling on state lawmakers to pass additional legislation, such as the New York for All Act, to protect immigrant New Yorkers from the Trump administration’s mass deportation machine.

“It’s about cruelty,” Awawdeh said. “That’s their point.”