



THE IMPORTANCE OF KEEPING LAW ENFORCEMENT LOCAL:

Why States are the Primary Law Enforcement Entities in America and How this Keeps us Safe

Although the Constitution expressly reserves the right to police citizens to the states—not the federal government—since January 2025, the current administration has taken unprecedented steps to federalize state and local law enforcement and to usurp local control over public safety decisions.

To date, the administration has expanded efforts to deploy state and local police for immigration enforcement at the expense of local needs. It has targeted certain states, counties, and cities—and their elected officials—for taking a different approach to crime or immigration. On June 7, 2025, the President acted against the request of a sitting Governor to [deploy](#) members of the National Guard in Los Angeles to police their own neighbors during a protest. And on August 10, 2025, the administration went even further when President Trump [announced](#) a federal takeover of Washington, DC, initiating a fight for federal control over the Metropolitan Police Department, sending Federal Bureau of Investigation agents to police the city, and deploying the National Guard even while official data indicates that violent crime has reached a thirty-year low in the District. Although the local takeovers are painted as an effort to curb crime or enforce immigration law, it seems apparent that such efforts are power grabs meant to punish jurisdictions with opposing ideologies—only cities with progressive policies in states with Democratic governors have been threatened with federal deployments although many cities in other states have [higher](#) rates of violent crime.

The administration's efforts to flood federal law enforcement into communities, deploy the military in America's cities, and to federalize local law enforcement around the country is not only unconstitutional, antithetical to the goals of America's founders, and un-American—it will also make us less safe. State attorneys general know that Americans are most safe when local police can stay focused on local issues. They know that productive collaboration between state and federal law enforcement is only eroded by federal attempts to commandeer state resources. Finally, attorneys general know that a promise of safety at the expense of our democratic system of government is a short-lived illusion that will make us all less safe in the long run. For this reason, attorneys general across the country are working to stop the federal government's unconstitutional takeover of local law enforcement.

1. The Constitution Grants the States—Not the Federal Government—the Primary Police Power in America.

The Constitution of the United States reserves most powers to ensure the health and safety of citizens in everyday life to the states. Specifically, the Tenth Amendment reserves to the states any powers not expressly granted in the Constitution to the federal government. While the Constitution expressly grants Congress the authority to enact criminal laws regarding “counterfeiting,” “piracies and felonies on the high seas,” offenses “against the laws of nations” and the power to enact laws that are “necessary and proper” for the federal government to carry out its Constitutional duties and effectively regulate “commerce...among the states”—**all other police powers are left to the states.**¹

Supreme Court precedent for decades has routinely affirmed that authority to enact and enforce laws impacting the health and safety of citizens lies at the state—not federal—level. For example:

- *Jacobson v. Massachusetts* (1905) upheld a state's authority to enforce vaccination laws under its police power, establishing that states have broad power to regulate for the public good, even if it affects individual liberties.
- *Nebbia v. New York* (1934) affirmed the state's broad authority to regulate economic activities for the public good.
- *United States v. Lopez* (1995) reaffirmed that the primary police power resides with the states, not with Congress.
- *Printz v. United States* (1997) upheld the principle that the federal government cannot “commandeer” state officials to enforce federal laws and affirmed the states' role in regulating matters like gun control, even if federal regulations exist.

It is for this reason that each state has the authority to pass and enforce criminal laws within its borders and has a system involving city, county, or district law enforcement officers and officials (often called district attorneys or prosecutors) who arrest, file charges, and prosecute crimes in local courts. Indeed, the majority of people involved in the criminal justice system in America are prosecuted at the state level. For example, in 2023 there were 1.66 million men and women in state prisons or local jails compared to 203,000 in federal prisons and jails.²

This system was by design. America’s Founders were wary of potential abuses of police power by the federal government based on their experiences dealing with King George III. They drafted Article II of the Constitution accordingly.³ Two specific Constitutional provisions expressly prohibit bills of attainder (laws that impose punishment on a specific person without a

¹ Under the Territorial Clause, Congress has the primary police power in all U.S. territories and in the District of Columbia. See United States Constitution, Article IV, Section 3.

² Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, Prison Policy Initiative (Mar. 11, 2025), available at <https://www.prisonpolicy.org/reports/pie2025.html>.

³ See Rosemarie Zagari, Brennan Center for Justice, *Founding History Doesn’t Support Trump’s Immunity Claim* (Feb. 21, 2024).

trial) and ex post facto laws (laws that retroactively criminalize certain conduct that already occurred). Further, the Bill of Rights establishes Constitutional protections against unlawful search and seizure by government agents, the right to a jury trial, due process in criminal proceedings, and specifically reserves all powers not granted to the federal government to the states. Congress also passed laws to limit the executive early in America's history, such as the Posse Comitatus Act that [prevents](#) the president from using the military as a domestic police force.

Most importantly, however, the United States Constitution creates a system of representative government that empowers citizens to elect and hold leaders accountable for their governance on all issues—including public safety. Under our American system of federalism, the people in each state, through elected officials, have the power to decide what laws and policies are important in their individual state.

The current efforts by the federal government to control public safety at the local level is an affront to the democratic principles of our nation and breaches a clear delegation of power that the Constitution reserved to the states. The President may have tremendous power under the Constitution, but he does not have the power to control public safety decisions made at the local level by duly elected state and local leaders.

2. The Administration's Efforts to Take Over State and Local Law Enforcement are Unlawful and Unprecedented.

The administration has taken, and continues to take, unprecedented steps to interfere with local governance on public safety issues. **To date, the administration has:**

- **Deployed the National Guard and Federal Law Enforcement in the District of Columbia in Violation of Federal Law and Despite Recent Crime Trends.**

On August 10, 2025, the President held a press conference using incendiary language and inaccurate data to paint Washington, D.C. as a city scourged by crime and to [announce](#) a federal takeover of the city. In the days following the announcement, his administration [deployed](#) over 800 members of the D.C. National Guard and sent 500 additional federal law enforcement agents to police the city. The administration also invoked a never-before-used provision of the D.C. Home Rule Act, passed by Congress in 1973, to attempt to [usurp](#) control over the Metropolitan Police Department, the city's local police force typically under control of the D.C. Mayor and D.C. Police Chief. Specifically, the United States Attorney General Pam Bondi issued a directive assigning the head of the Drug Enforcement Administration, Terry Cole, as the new Chief of D.C. Police, and only [rescinded](#) this memo after the District of Columbia Attorney General [sued](#) to challenge this violation of the federal government's limited authority over the District. Despite the administration's rhetoric, official crime [data](#) shows that violent crime in the District of Columbia hit a 30-year [low](#) in 2025 following pandemic-era spikes. Further, in what appears to be nothing more than a political show of support, Republican governors facing worse crime in their own states are sending National Guard troops to D.C. to assist in the federal takeover, further [eroding](#) the local resources available in South Carolina, West Virginia, and Ohio. On

September 4, 2025, the Attorney General for the District of Columbia [filed](#) a lawsuit to challenge the deployment, [alleging](#) violations of the Constitution and federal law—including a violation of the Posse Comitatus Act, based on a federal judge’s recent [ruling](#) that the administration violated the law during a similar deployment of the National Guard in California.

- **Deployed the California National Guard to Police Their Neighbors, Setting Dangerous Precedent.**

In a departure from Constitutional principles and established norms, on June 7, 2025, President Trump ordered the [federalization](#) of the California National Guard to quash protests in Los Angeles related to immigration enforcement. Although the California Governor did not invoke the National Guard and believed that the state was properly policing the protest to preserve public safety, the President took control of the California National Guard and deployed more than 4,000 troops. As of August 14, 2025, there were [still](#) 300 National Guard members deployed to Los Angeles. The Office of California Attorney General [challenged](#) the action in court, [arguing](#) at trial that the deployment violated the Posse Comitatus Act, as many [reports](#) revealed that the military personnel stretched the bounds of the law during the deployment. On September 2, 2025, a federal judge [ruled](#) in favor of the state, holding that the administration’s deployment of the National Guard violated the law.

- **Issued an Executive Order that Threatens to Create a Police State in America.**

Unfortunately, it is likely that deploying military personnel in two American cities is just the beginning. The President has since announced plans to send [troops](#) and federal officers to Chicago and Baltimore.

Indeed, on April 28, 2025, President Trump issued [Executive Order](#) 14288 titled “Strengthening and Unleashing American Law Enforcement to Pursue Criminals and Protect Innocent Citizens,” that sets the groundwork for a federal takeover of law enforcement in cities and states across the entire country. If actually implemented, the Order could remake America into a federal police state not seen before in our nation’s history, as it requires the deployment of the United States military and national security personnel into the states to “assist law enforcement” and, despite the Posse Comitatus Act, requires federal agencies to determine how to most effectively use the [military](#) to prevent crime domestically. Further, it interferes with local police accountability efforts by promising legal assistance and indemnification for officers being held accountable for actions taken while on the job. Finally, it directs federal prosecutors to go after any state or local official whom they believe to be obstructing the enforcement of criminal law.

This Executive Order is similar to other executive orders related to immigration that have resulted in criminal investigations, prosecutions, and lawsuits against elected officials or jurisdictions for alleged noncompliance with federal immigration enforcement efforts.

- **Increased the Use of 287(g) Agreements to Use Local Police for Immigration Enforcement, Taking Resources Away from Community Priorities and Diminishing Public Safety.**

On January 20, 2025, the White House issued a presidential action to prioritize the increased use of state and local law enforcement resources to carry out federal immigration work through agreements often called 287(g) agreements.⁴ The use of 287(g) agreements has since ballooned, going from fewer than 150 in January, 2025, to nearly [900](#) as of August 14, 2025. This means that hundreds of local law enforcement agencies are now deputized to act as federal immigration officials to enforce federal immigration law, a function often in competition with other local safety priorities.

This rapid growth in the number of local law enforcement deputized as ICE officials and the agency's masked policing practices have created a [dangerous](#) environment for law enforcement, citizens, and undocumented individuals alike. Due to the rapid expansion of the 287(g) program, local law enforcement is often not [properly](#) trained to execute the duties of ICE officials, resulting in dangerous situations and numerous reports of Constitutional violations and [discrimination](#).

Further, the focus on deportation at all costs means that even law-abiding individuals do not feel safe contacting the police. In order for law enforcement to prevent and solve crimes, individuals need to feel safe calling the police for help or speaking to police during an investigation. Recent efforts by ICE officials to demonize and deport law-abiding undocumented individuals [erodes](#) trust in law enforcement, reduces crime clearance rates, and punishes victims of crime who have had the courage to work with law enforcement to ensure justice for bad actors in the past.

For example, in [Delaware](#), an undocumented domestic violence survivor testified against her violent abuser during a 2019 case that resulted in his deportation. She was able to secure a U visa, which protects otherwise law-abiding undocumented victims from deportation in exchange for their support in cases against violent criminals. Although her courage and readiness to testify helped secure the abuser's conviction and deportation, and she had a valid visa, ICE agents entered her home earlier this year, took her into custody, pointed guns at her children, and arrested her. She was flown to a detention center in Louisiana in the middle of the night before the Delaware attorney general's office could intervene in her case. Thankfully, however, Delaware's attorney general was able to stop the deportation (which would have reunified her with her attacker) and eventually help her return to her family.

In New Jersey, a conviction for attempted murder could not be secured because the victim of the crime, an undocumented immigrant, stopped responding to calls from the prosecution and law enforcement once the current administration increased ICE raids in the

⁴ Specifically, the order directed the Secretary of Homeland Security—"to the maximum extent permitted by law,"—to take appropriate actions under 287(g) of the INA (8 U.S.C. 1357(g)) or otherwise, to authorize state and local law enforcement officials to help carry out ICE work in their communities.

state.⁵ Everyone is less safe when people who have committed violent acts cannot be held accountable.

- **Weaponized Governmental Systems Against Jurisdictions That Elect Not to Assist with the Administration’s Deportation Agenda.**

The current administration has used the power of the federal government to weaponize governmental and court systems against jurisdictions that the administration views as hostile to its deportation agenda. Although states, counties, and cities acting within their own sovereign jurisdiction have no legal duty to use state resources to assist the federal government with executing federal law, the current administration revoked congressionally-delegated public safety funding and is suing jurisdictions with “sanctuary” policies to force them to bend to its deportation agenda. These lawsuits are expensive to defend and require states, counties, and cities to expend scarce resources responding to meritless litigation. Further, for its part, the federal government is using taxpayer dollars to pursue its deportation agenda—redirecting staff, attorneys, and government resources away from prosecuting criminals toward meritless lawsuits seeking to force compliance with the President’s political will.

For example, on February 6, 2025, the U.S. Department of Justice (DOJ) sued the state of Illinois, Cook County, and the City of Chicago, arguing that legislation limiting the ability of local law enforcement to cooperate with federal immigration authorities violated federal law. A court has since [dismissed](#) the lawsuit, stating that the Tenth Amendment preserves the state’s rights to adopt such legislation, and that ruling in favor of the administration would “allow the federal government to commandeer the States under the guise of intergovernmental immunity—the exact type of direct regulation of states barred by the Tenth Amendment.”

On July 24, 2025, the U.S. DOJ [sued](#) New York City in federal court accusing it of interfering with and impeding federal law enforcement efforts to enforce federal immigration laws. To date, the DOJ has [filed](#) similar lawsuits against Los Angeles, the state of New York, Colorado, the city of Rochester, New York, and several cities in New Jersey.

Despite the adverse court ruling and its legally tenuous theory undergirding the DOJ’s approach, on August 5, 2025, the DOJ doubled down and published a list of thirty-five sanctuary jurisdictions, including thirteen states, four counties, and eighteen cities and [stated](#) that “the Department of Justice will continue bringing litigation against sanctuary jurisdictions and work closely with the Department of Homeland Security to eradicate these harmful policies around the country.”

Moreover, in April 2025, the DOJ imposed new conditions on longstanding congressionally authorized public safety grants, requiring that states and municipalities assist the federal government with immigration enforcement in order to be eligible for funding. On August 18, 2025, a coalition of twenty-one state attorneys general filed [suit](#) to enjoin this condition,

⁵ See Testimony of New Jersey Attorney General Matthew Platkin, Bicameral [Forum](#) on Democrats’ Legal Fight Against Trump’s Lawlessness, Hour 2:04:05 (June 23, 2025).

arguing that Congress did not place such restrictions in the Victims of Crime Act and that it is unlawful to restrict victims of crime in their states from accessing the funds just because state officials have elected not to be conscripted into using state funds to assist federal immigration enforcement efforts.

- **Weaponized the Criminal Justice System Against State and Local Officials Accused of Obstructing the Administration's Agenda.**

The administration has gone even further, weaponizing the *criminal* legal system against local leaders—threatening to deprive the leaders of their individual liberty because they oppose the President's deportation agenda in their official capacities. Specifically, the administration has launched criminal investigations into and prosecuted state officials who it claims are obstructing federal immigration enforcement, even though they are simply taking action within their lawful powers to ensure that local law enforcement continues to focus on local issues.

On April 10, 2025, Interim U.S. Attorney for New Jersey, Alina Habba, [announced](#) a criminal investigation into New Jersey Governor Phil Murphy and New Jersey Attorney General Matthew Platkin after AG Platkin issued a memorandum instructing state police not to assist federal authorities with civil immigration enforcement or to enter into 287(g) agreements.

On May 9, 2025, ICE agents arrested Newark, New Jersey Mayor Ras Baraka outside an immigration detention facility on May 9, 2025. He was [charged](#) in federal court by Interim U.S. Attorney Alina Habba for trespassing on federal property. However, those charges were dismissed shortly thereafter, leading a federal judge to admonish federal prosecutors.

Additionally, on June 17, 2025, ICE agents [arrested](#) New York City mayoral candidate Brad Lander after he attempted to escort a man out of immigration court. And the Department of Justice filed criminal charges against a state court judge for obstructing immigration enforcement following state-court proceedings. On April 24, 2025, federal prosecutors filed a criminal [complaint](#) charging a Wisconsin judge with [obstruction](#) and concealment of a person facing arrest after he appeared in her courtroom for a hearing.

3. The Public Benefits When Law Enforcement Stays Local.

The current efforts to take over control of public safety issues is unprecedented and to conscript local law enforcement for immigration enforcement. Under our American system of federalism, the people in each state have the power to decide what laws and policies are important in their individual state—what works in one state may not work in another. Real public safety—the type that allows individuals to feel secure in their home and community without unnecessary intrusions into their liberty—requires local solutions to local issues, not masked federal agents running checkpoints on every block. Different communities have different policing needs. Rural areas require different resources than urban ones. While no system is perfect, keeping law enforcement local keeps communities safer in the long run.

Why does this benefit public safety?

- State residents know their public safety needs best. Residents can elect leaders who are responsive, lobby for laws to address local problems, and conduct oversight of officials.
- Law enforcement can address changing public safety needs in real time and focus on priority issues through localized practices that best meet the needs of each community.
- Local prosecutors can use their discretion to best prioritize resources.
- Community partnerships based on relationships between businesses, schools, residents, and police enhance safety.
- Public trust in the justice system is preserved when the public has oversight of local leaders and can hold them accountable.

To the contrary, centralized federal control of local public safety is a dangerous and unconstitutional departure that threatens to erode the rule of law and our democratic system of representative government.

4. Attorneys General Are Working to Ensure that Local Law Enforcement Stays Local.

As the chief lawyers in their respective states, attorneys general play an important role in ensuring public safety and upholding public trust in governmental systems.

The law enforcement authority of state attorneys general varies across the states and territories. In some states, like Delaware and Rhode Island, the Attorney General is the chief prosecutor in the state, while in other states the attorney general has jurisdiction in civil law. More commonly, state attorneys general have a blend of criminal and civil authority that ranges from representing the state in criminal case appeals, to investigatory and prosecutorial power on public safety issues that impact the entire state, or authority over state police departments.

State attorneys general are already taking steps to ensure that local law enforcement stays local:

- District of Columbia Attorney General Brian Schwab [sued](#) to block the Trump administration for its efforts to take over the Metropolitan Police Department. An agreement reached resulted in U.S. Attorney General Pam Bondi rescinding the section of the memorandum seeking to appoint DEA Administrator Terry Cole as the MPD Police Chief.
- California Attorney General Rob Bonta and attorneys in his office [represented](#) the state of California in its lawsuit to enjoin the ongoing deployment of National Guard troops in Los Angeles.
- Illinois Attorney General Kwame Raoul successfully [defended](#) the state's Welcoming City Ordinance against a lawsuit filed by the administration, with a federal judge dismissing the case in July 2025 and holding that the ordinance did not violate federal law.
- Attorneys general [supported](#) state legislation to limit the use of state and local law enforcement resources for federal immigration enforcement, such as supporting

legislation that bars state law enforcement agencies from entering into 287(g) agreements.

- Attorneys general with jurisdiction to oversee state police have [supported](#) policies that limit state law enforcement agencies from participating in ICE enforcement activities or entering into 287(g) agreements.
- Attorneys general [sued](#) to release public safety funds for crime victims when the U.S. Department of Justice imposed unlawful grant requirements on the funding (requiring states to use their own resources to assist with federal immigration enforcement in order to access previously appropriated funds for victims of crime).
- Attorneys general continue to build partnerships with communities impacted by federal enforcement activities, uphold the rule of law rule of law in their state courts, and defend citizens and law-abiding undocumented families in court where appropriate.

Many state attorneys general are standing up to the administration's efforts to take control of local public safety decisions. These state attorneys general understand that law enforcement should focus on issues that improve safety—not on playing politics. These state attorneys general also understand that the public benefits when states retain control over public safety issues—and they are fighting to keep it that way. Public safety is of utmost importance, and every American deserves to live in a place where they feel safe. However, efforts that promise safety at the expense of the rule of law and our democratic systems only endanger us all in the long run.

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