

1 **A RESOLUTION URGING THE FULTON COUNTY SHERIFF OR THE SHERIFF'S**
2 **DESIGNEE TO IMPLEMENT A POLICY TO DECLINE DETAINER REQUESTS FROM**
3 **THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION**
4 **AND CUSTOMS ENFORCEMENT; TO PROCEED WITH CAUTION WHEN**
5 **PRESENTED WITH SUCH DETAINER REQUESTS; AND FOR OTHER PURPOSES**
6

7 **WHEREAS**, there are troubling inconsistencies in the United States Department
8 of Homeland Security Immigration and Customs Enforcement ("ICE") policies across the
9 country; and

10 **WHEREAS**, ICE issues immigration detention requests, known as detainers, to
11 local criminal justice agencies, including the Fulton County Sheriff's Office; and

12 **WHEREAS**, from time to time, ICE detainers are issued to the Fulton County
13 Sheriff's Office requesting that the County hold inmates until ICE can assume custody
14 of the inmates, up to forty-eight (48) hours after the inmates' local charges have
15 resolved; and

16 **WHEREAS**, the Fulton County Sheriff has previously honored such ICE
17 detainers regardless of the charges or reasons for the detainer requests; and

18 **WHEREAS**, the costs of holding inmates on ICE detainers is not reimbursed by
19 the federal government and is expensed to the taxpayers of Fulton County; and

20 **WHEREAS**, the enforcement of immigration laws is a responsibility of the federal
21 government; and

22 **WHEREAS**, according to the Immigration Law Resource Center, many
23 municipalities and counties around the country, including New York City, Miami-Dade
24 County, the City of Chicago, and Washington, D.C., have implemented policies which
25 limit the compliance of local law enforcement with ICE holds to some degree; and

1 **WHEREAS**, according to the American Civil Liberties Union ("ACLU"), a policy of
2 blanket compliance with ICE detainers could undermine the trust between local law
3 enforcement and the immigrant community.


4 **NOW THEREFORE, BE IT RESOLVED**, that the Sheriff of Fulton County is
5 hereby urged to decline ICE detainer requests unless there is a written agreement with
6 the federal government by which all costs incurred by Fulton County in complying with
7 ICE detainers shall be reimbursed.

8 **BE IT FURTHER RESOLVED**, that the Sheriff is also urged to decline ICE
9 access to individuals or to allow such agents to use Fulton County facilities for
10 investigative interviews or other purposes, and County personnel shall not expend their
11 time responding to ICE inquiries or communicating with ICE regarding individuals'
12 incarceration status or release dates while on duty, unless ICE agents have a criminal
13 warrant, or unless County officials have a legitimate law enforcement purpose that is not
14 related to the enforcement of immigration law.

15 **BE IT FURTHER RESOLVED**, that this Resolution shall take effect upon its
16 adoption, and all resolutions and parts of resolutions in conflict with this Resolution are
17 hereby repealed to the extent of such conflict.

18 **SO PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
19 Georgia this 3rd day of September, 2014.

20
21 **SPONSORED BY:**

22
23 
24 _____
25 Joan P. Garner, Commissioner
26 District 6
27
28



William "Bill" Edwards, Commissioner
District 7

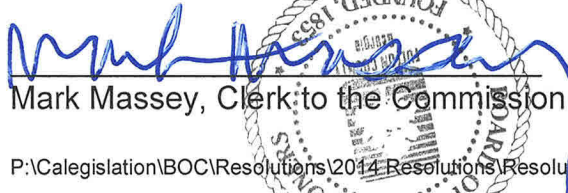


John H. Eaves, Chairman
District 1 At Large

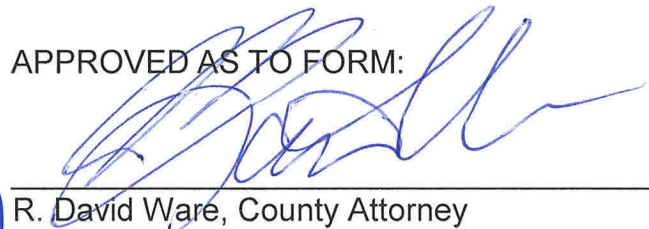


Emma I. Darnell, Vice Chair
District 5

ATTEST:


Mark Massey, Clerk to the Commission

APPROVED AS TO FORM:


R. David Ware, County Attorney

P:\Calegislation\BOC\Resolutions\2014 Resolutions\Resolution For Responding To ICE Detainers.Doc



ITEM # 14-0683 RM 9/3/14
REGULAR MEETING