



***Gulf County Sheriff's Office***

***Sheriff Mike Harrison***

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## **Memo**

**To:** Law Enforcement Personnel

**From:** Sheriff Mike Harrison

**Date:** August 5, 2014

**Re:** Immigration Detainers: Probable Cause Required

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In light of recent federal court cases\*, law enforcement personnel shall not honor ICE detainers unless they are accompanied by a warrant issued by a federal judge or magistrate. An administrative warrant issued by an ICE official may not be used to detain a subject.

The courts determined, in two separate cases, that detainee's civil rights were violated when they were held on ICE immigration detainers (Form I-247) without a determination of probable cause. Based on a ruling, the detainers were merely "requests" to detain, therefore violating constitutional rights because "probable cause" for an arrest was not established.

\* Galarza v. Szalczyk, no. 12-3991, 2014 WL 815127 (3d Cir. Mar 4, 2014)  
Miranda-Olivares v. Clackamas County, Case No. 3:12-cv-12317-ST, 2014 WL 1414305 (D. Ore. April 11, 2014)