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

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

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

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

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

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

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

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

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

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

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

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

SO PASSED AND ADOPTED by the Board of Commissioners of Fulton County,

Georgia this _____ day of September, 2014.

SPONSORED BY:

Joan P. Garner, Commissioner District 6

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William "Bill" Edwards, Commissioner District 7

ATTEST:

APPROVED AS TO FORM:

Mark Massey, Clerk to the Commission R. David Ware, County Attorney

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