

**A RESOLUTION BY THE CITY OF CLARKSTON
TO ADOPT A NON-DETAINDER POLICY.**

WHEREAS, the U.S. Immigration and Customs Enforcement (“ICE”) issues “detainer requests” (sometimes also referred to as “administrative warrants”) to local law enforcement agencies pursuant to 8 C.F.R. 287.7; and

WHEREAS, ICE detainer requests ask local law enforcement to hold a person believed by ICE to be in the U.S. illegally; and

WHEREAS, ICE detainer requests are not judicial warrants and the City cannot legally be forced to honor such requests; and

WHEREAS, enforcing ICE detainers has subjected other local jurisdictions to liability for violating the detained person’s Fourth Amendment rights; and

WHEREAS, O.C.G.A. § 36-80-23 requires City officials to communicate and cooperate with ICE “with regard to reporting immigration status information.”

NOW, THEREFORE, BE IT RESOLVED by the City of Clarkston as follows:

- 1) City officials and employees shall communicate and cooperate with ICE with regard to reporting immigration status information.
- 2) The City of Clarkston shall not detain or extend the detention of any individual at the request of ICE unless ICE first presents City of Clarkston with a judicially issued warrant authorizing such detention.
- 3) City law enforcement officials shall not arrest, detain, extend the detention of, transfer custody of, or transport anyone solely on the basis of an ICE “detainer request” or an “administrative immigration warrant,” including an administrative immigration warrant in the National Crime Information Center (NCIC) database.
- 4) At no time may the City of Clarkston detain an individual for additional time beyond when the criminal matter allows release solely to facilitate transfer to ICE.
- 5) Prior to any investigative interview by ICE of an individual in City of Clarkston's custody, ICE must notify the subject inmate's attorney, provide a reasonable opportunity for counsel to be present during the interview, and certify to City of Clarkston that this notice and opportunity has occurred.
- 6) Any person who alleges a violation of this non-detainer policy may file a written complaint for investigation with the City of Clarkston and with the internal complaints division of the Clarkston Police Department.

SO RESOLVED, this _____ day of _____, 2017.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

TED TERRY, Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney