



' 4VQQ E 4 % \*OE " V H OPUJOH UIBU oBHFODZ TUBUF  
 described immigration detainees as non - C JOEJOH S [Braker v. City of Indianapolis](#), 797  
 o" EFUBJOFS JT OPU B DSJNJOBM XBSSE

[initiated an investigation p](#)

JOUP B QFSTPONt TUBUVT 5IF GBDU UIBU \*\$& JTTVFT B EFUBJOFS EPFT  
 actually a non-citizen subject to deportation, or even that ICE has probable cause to think so.

An ICE detainer is also [not a criminal detainer](#). A criminal detainer can be issued only if there are charges pending in another jurisdiction against a person currently serving a criminal sentence, and they are subject to multiple procedural safeguards, including a requirement of court approval. An ICE detainer lacks any comparable protections, and is often issued when there are *no* immigration proceedings pending. Except for the name, ICE detainers have virtually nothing in common with criminal detainers. *See also* [Major Cities Chiefs Immigration Committee Recommendations](#) BU +VOF o <\$> JWJM EFUBJOFS EP OPU GBMM X authority of local police agencies and in fact lay[] a trap for unwary officers who believe them to be valid criminal XBSSBOUT PS EFUBJOFS T p

5IF 4VQSFNF \$PVSU IBT [Not All Individuals Subject to verify their immigration status would raise constitutional concerns.](#) p #VU UIBU JT QSFDJTFMZ XIBU \*\$& BTLT MPDBM BHFO  
 detainers. Continuing to detain a person after they are eligible for release, based purely on an ICE detainer issued without probable cause that the person is actually deportable, is a clear violation of the Fourth Amendment.



)PMEJOH QFPQMF BU \*\$&nT SFRVFTU JT FYQFOTJWF GPS UIF TU  
 it oEPFT OPU SFJNCVSTF MPDBMJUJFT GPS EFUBJOJOH BOZ JOE  
 PG UIF JOE:PWSE EFOB SUNFOU XJMM QBZ UIF DPTUT PaG DIPMEJOH  
 these costs can be substantial. They can amount to millions of dollars of state or local money  
 CFJOH TQFOU GPS \*\$&nT CFOFGJU 'PS FYBNQMF B TUVEZ  
 spend over [\\$26 million per year](#) on ICE detainees.

In addition to the costs of detention, your agency faces the costs of legal liability if you choose to comply with ICE detainees. Detainer lawsuits are regular occurrences, and although the request comes from ICE, the choice to comply means a state, county, or city is liable for potential damages. In 2011, for example, Jefferson County in Colorado [agreed to pay \\$40,000](#) BGUFS IPMEJOH B NBO JO KBJM GPS EBZT PO BO \*\$ own time limit). In 2008, New York City [agreed to pay \\$145,000](#) to settle a lawsuit by a man who was wrongly held on ICE detainees for a total of 140 days. And in 2010, Spokane County, Washington [agreed to pay a \\$35,000 settlement](#) to a man who was wrongly held without bail for 20 days because of an ICE detainer.

## ICE frequently makes mistakes.



ICE issues erroneous detainers with disturbing regularity. In Washington State, for example, [Rennison Castillo, a U.S. citizen and army veteran](#) was held for seven months in immigration detention after ICE placed a detainer on him sdespite his multiple attempts to prove his citizenship. After his release, ICE admitted their mistake, saying they had misspelled his name in their records and had assigned him multiple file numbers.

ICE has made many similar errors around the country in recent years. For example, in California, a [U.S. citizen named Antonio Montejano](#) was imprisoned because of an ICE detainer for four days after he should IBWF CFFO SFMFBTFE "MUIPVHI .S .POUFBKOP XBT CPSO JO -PT "OHFM database because ICE had wrongly deported him in 1996 and failed to correct its records. And in Rhode Island, [Ada Morales](#), who became a naturalized U.S. citizen in 1995, has been wrongly held in jail twice on ICE detainees because ICE never updated its records.

When your department chooses to comply with ICE detainees, people in the community may come to see you as an arm of ICE. This perception can have devastating consequences for community relations, [FSPEJOH QFPQMF](#) in your offices and [Talking them reluctant to come forward and](#)