



ICE Has Been Wrongly Detaining U.S. Citizens In Florida Jails, Says ACLU

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A troubling new report by the American Civil Liberties Union suggests many U.S. citizens — potentially numbering in the hundreds — are being wrongly detained for deportation every year after Immigration and Customs Enforcement misidentifies them as undocumented immigrants.

The report, published Wednesday, focused specifically on alleged wrongful detention of Americans in the Miami area. “ICE appears to be asking Miami-Dade County to jail a number of U.S. citizens every month, even though citizens can’t be deported or held by ICE,” the ACLU said.

As the nonprofit explained, ICE can issue requests, known as “detainers,” to local jails asking them to hold inmates they suspect of being in the country illegally until the federal agency can assume custody of them.

Jails then decide whether to honor these requests, which require detaining inmates for up to 48 business hours beyond the time they would otherwise be released. But, as the Orlando Sentinel notes, no jurisdiction in Florida refuses to comply with these requests.

Between February 2017 and February 2019, ICE issued detainers for 420 people listed in Miami-Dade County jail records as U.S. citizens, according to the ACLU report. ICE rescinded its request in at least 83 of these cases — a strong indication that it had wrongly identified dozens of U.S. citizens as being undocumented, the civil liberties group said.

As the Sentinel pointed out, ICE could choose to cancel a detainer for other reasons, such as an inability to “practically pick up an inmate” or “because ICE determines they have no interest in holding an inmate.” The ACLU insisted, however, that it’s “highly unlikely” that ICE — particularly under the Trump administration — would choose not to pursue valid cases.

Additionally, since “ICE often fails to cancel detainers for U.S. citizens, including in Miami and other Florida counties ... the total number of U.S. citizens the agency targeted likely exceeds this figure [of 83],” the ACLU argued.

ICE has not responded to HuffPost’s request for comment.

The ACLU noted that other investigations have revealed that ICE wrongfully detains U.S. citizens elsewhere in the country.

According to an August Cato Institute report, ICE issued 814 detainers for people listed as U.S. citizens between 2005 and 2017 in Travis County, Texas. The agency eventually canceled about one-quarter of those requests.

“Based on statements from ICE officials, the best explanation for not executing these detainees is that ICE targeted *at least 228* U.S. citizens in the county before canceling or declining to execute those detainees,” the institute said.

Using the Travis County data, the Cato Institute extrapolated that ICE may have wrongly called for the detention of almost 20,000 U.S. citizens nationwide between 2005 and 2017.

The ACLU came to a similar conclusion in its recent investigation. “If Miami’s experience is representative, ICE may now be targeting hundreds of U.S. citizens each year in states like Florida,” the report said.

The ACLU noted that ICE’s mistakes “can have profound consequences, both for the people who are wrongly held and for the state and local agencies that hold them. As recent cases illustrate, U.S. citizens have been kept in jail away from their jobs and families, and they have faced the terror of being told they would soon be deported from their only home.”

Two U.S. citizens in Florida recently sued local authorities for detaining them for deportation at ICE’s request.

In December, Peter Sean Brown, who was born in Philadelphia, filed a lawsuit against Richard Ramsay, the sheriff of Monroe County, for violating his Fourth Amendment right to be “secure ... against unreasonable searches and seizures” after he the sheriff’s office detained him and threatened him with deportation.

“I am a U.S. citizen. How is this even possible?” Brown demanded of Ramsay in a written complaint, according to The Washington Post. Brown said he did not receive a response.

U.S. citizen Garland Creedle sued Miami-Dade County in 2017 after he was detained for two days at a Miami correctional facility at ICE’s behest.

“It goes to show just how sloppy [the detainer system] is,” Rebecca Sharpless, Creedle’s lawyer and the head of the University of Miami Law School’s immigration clinic, told the The New York Times that year. “What immigration does is check a box on a boilerplate form saying they have probable cause to hold someone in custody, and that is supposed to be constitutionally sufficient to detain them.”

“That’s what we’re saying is wrong,” Sharpless said.

The Florida legislature is currently considering Senate Bill 168, a bill that would force county jails to honor ICE detainees.

The ACLU has urged Floridians to reject the legislation.

“It essentially calls on law enforcement to provide literally unlimited compliance with detainees,” Amien Kacou, an attorney for the ACLU of Florida, told the Sentinel. “It amplifies the problems inherent in the detainer system and provides no safeguards to limit ICE’s mistakes.”