



**The Immigration Enforcement Review Board**  
270 Washington Street, SW  
Room 1-156  
Atlanta, GA 30334

**Complaint Form**

(Submissions must be typed or printed legibly)

Date of Complaint: November 6, 2017

Name of Public Agency or Employee  
Against Whom Complaint is Made: Decatur Georgia

Address of Public Agency Against Whom Complaint is Made or Which Employs The Individual  
Against Whom Complaint is Made:

Mayor Patti Garrett, City of Decatur

509 N McDonough Street

City: Decatur, GA

Zip: 30031

Telephone: ( 404 ) 370-4100

Eligibility Status Provision that the public agency or employee allegedly violated (Check All That Apply):

☐ O.C.G.A. § 13-10-91 Requirements for government agencies concerning the federal work authorization program (E-Verify) in hiring new employees or in entering contracts for the physical performance of services

☒ O.C.G.A. § 36-80-23 Prohibition against local governments adopting, enacting, implementing, or enforcing an immigration sanctuary policy

☐ O.C.G.A. § 50-36-1 Requirements for government agencies in the administration of public benefits

Name of the City (if applicable) and County where violation allegedly occurred:

City: Decatur County: DeKalb

Date or dates that public agency or employee  
allegedly violated the Eligibility Status Provision(s): Sept. 29, 2017 to present

Specific and detailed description of how the public agency or employee violated the Eligibility Status Provision(s):

Outline of City of Decatur Sanctuary City violations attached.

(Attach additional documentation as may be necessary)

I swear or affirm that I am a lawful resident of the State of Georgia, that I am a legally registered voter, and that the facts in this complaint are true.

Signature of Complainant:

Name of Complainant (printed):

Complainant's Address:

240 State Capitol Telephone: (404) 656-5030  
Atlanta, GA 30334

Sworn to and subscribed before me, this the 6<sup>th</sup> day of November, 2017.

Cheryl E. Germany

Notary Public

My Commission Expires:

Jan. 20, 2020

Complaints must be mailed to: The Immigration Enforcement Review Board,  
270 Washington Street, SW, Room 1-156, Atlanta, GA 30334.

**Immigration Enforcement Review Board Complaint  
City of Decatur Violation of Sanctuary City Policy**

**Specific and detailed description of how the public agency or employee violated the Eligibility Status Provision – OCGA § 36-80-23:**

Decatur Police Department General Order, “Chapter 7 – FORCE, DETENTION AND ARREST, Section 03-d, Immigration Status” violates OCGA § 36-80-23 “Prohibition on immigration sanctuary policies by local governmental entities; certificate of compliance.” [Attachment 1]

**Violation 1: Decatur Police Department General Order constitutes a “Sanctuary Policy”**

OCGA § 36-80-23(a)(6) states: ““Sanctuary policy” means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such local official or employee is acting within the scope of his or her official duties.”

On September 29, 2017, the City of Decatur approved a General Order policy subjecting police officers to disciplinary action for noncompliance. [Attachment 2]

In a letter dated October 9, 2017 and addressed to State Auditor Greg Griffin, City of Decatur Attorney Bryan Downs claims that this policy has effectively been the practice of the city’s police department “for at least the past eleven years.” [Attachment 3]

Instead of acting in support of Georgia law, which directs all officers to communicate evidence of illegal status to federal authorities, the policy in question is intended to discourage officers from interfacing with federal officials. This policy, at best, is silent to authorizing the City of Decatur’s police officers from communicating and sharing immigration status information with federal officials and law enforcement agencies.

In the course of their official duties, any police officer could be informed of the presence of a criminal illegal alien during routine crime prevention, investigation, or traffic enforcement duties. If in fact, Decatur’s policy will not discipline local officers who communicate and fully cooperate with federal authorities, this General Order must be amended to fully express that practice. This General Order focuses on instances in which Decatur’s officers are ordered not to cooperate with federal officials or U.S. Immigration and Customs Enforcement (ICE) and fails to proactively address the rights of local officers to follow state law. Therefore, a police officer who has information about a suspected criminal illegal alien can only assume that any effort to communicate that information will be subject to disciplinary action.

**Decatur General Order violates state law by restricting local police officers from cooperating with federal officials or law enforcement officers to report immigration status information:**

**General Order Violations:**

- Officers will be disciplined if they hold or extend the detention of an individual on a legally authorized ICE detainer.
- Mandate that a judicially issued warrant is required to detain a criminal illegal alien in direct violation of current federal law and does not respect the legal use of the administrative detainer, which provides for legal detention of up to 48 hours.
- The City of Decatur claims their officers do not detain individuals and that this responsibility solely belongs to DeKalb County. This is legally and factually false. Any police officer who encounters an individual during the course of an investigation or traffic stop is legally detaining that person. With probable cause, all law enforcement officers have the authority to detain and arrest any person with or without a warrant – and no exceptions should be made for criminal illegal aliens.
- The City of Decatur General Order explicitly calls on their officers not to “arrest, hold, extend the detention of, transfer custody of, or transport anyone solely on the basis of an immigration detainer or an administrative immigration warrant, including an administrative immigration warrant in the National Crime Information Center (NCIC) database.” Because the individuals in question are already in the State of Georgia illegally, information provided through the National Crime Information Center (NCIC) database is a vitally important tool used by our law enforcement officers to determine if the illegal aliens they encounter are potentially dangerous criminals that must be immediately detained.
- The Decatur General Order subjects their police officers to disciplinary action for any violation of this order.

**Violation 2: Decatur is in violation of OCGA § 50-36-4 as it relates to falsely reporting compliance with OCGA § 36-80-23 Sanctuary City Prohibition.**

In the letter dated October 9, 2017 [Attachment 3], Decatur City Attorney Bryan Downs admits the practice memorialized on September 29, 2017 has been “the police Department’s practice for at least the past eleven years.”

Should the Immigration Enforcement Review Board find the City of Decatur’s General Order policy to be in violation of state law, the practice of such policy shall also be in violation of state law. Therefore, a violation of OCGA § 36-80-23 means that Decatur falsely reported their compliance with our state’s Sanctuary Policy law since it was enacted in 2013.