

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION**

Peter Sean

Multiple district and appellate courts have held that local law enforcement agencies that effectuate detainers are subject to liability for the constitutional violations that result.

8. Mr. Brown brings this lawsuit to vindicate his Fourth Amendment rights and his right to be free from false imprisonment under Florida law. Nobody should have to endure what he endured. He was kept in jail away from his family, friends, and work solely to facilitate his illegal deportation from the United States. The Sheriff ignored his pleas for weeks, mocked him, and led him to believe that he would soon find himself in a Jamaican prison. He suffered severe anxiety, fear, and trauma in the process. He was unable to find work for two weeks as a result. And he has continued to suffer serious emotional consequences since this ordeal ended. These negative outcomes are all the direct result of the Sheriff's blatant effectuating its policy and practice of thoughtlessly despite evidence undermining their basis.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343.

10.

28 U.S.C. § 1367 because the state law claim is part of the same case or controversy.

11. The Court has remedial authority under 42 U.S.C. § 190 g6F1 12 T.00000912 0 612 792 reW6 nE

14. Rick Ramsay is the Sheriff of Monroe County. He is the chief law enforcement officer and Monroe County Detention Center, and which is a municipal agency under Florida law. *Hufford v. Rodgers*, 912 F.2d 1338, 1341 (11th Cir. 1990); see *Samarco v. Neumann*, 44 F. Supp. 2d 1276, 1287 (S.D. Fla. 1999). Sheriff Ramsay is sued in his official capacity.

BACKGROUND

The Sheriff

15. Peter Sean Brown was born in Philadelphia, Pennsylvania in 1968. He grew up in New Jersey, where he lived for much of his 20s, working in restaurants and hotels. He moved to Florida about a decade ago.

16. Mr. Brown has lived in the United States his entire life. He spent one day in Jamaica during a cruise years ago, but has otherwise never been to Jamaica and does not have any connection to the country.

17. Mr. Brown currently lives in the Florida Keys, where he has worked in the restaurant industry for many years.

18. On April 5th, 2018, Mr. Brown turned himself in to the Sheriff for a probation violation after he tested positive for marijuana. He expected he would be in jail at the Monroe County Detention Center only until the probation violation was resolved, and that he would then be released back to his work and community.

19. The Sheriff took custody of Mr. Brown and, as part of its routine book-in procedures, it sent fingerprints to the FBI, which automatically forwarded the fingerprints to ICE (as it does with all fingerprints from jails).

20.

about her serious claim. The officers said they would hold Mr. Brown as long as the detainer remained in effect.

26. The Sheriff Mr. Brown confirmed, in multiple places, that he was a U.S. citizen. The file lists his

31. Once it became clear that the Sheriff was planning to hold him on the ICE detainer despite his repeated explanations that he was a U.S. citizen, Mr. Brown decided to file a formal, written complaint with the Sheriff.

32. He filed his first written complaint on April 8, 2018. His complaint explained that terms:

33. On April 11, the Sheriff responded that they would not help him. The

42. The Sheriff did not release Mr. Brown after his hearing, as the judge had ordered. Instead, it rearrested Mr. Brown and transported him back to the jail, where he remained detained on the ICE hold.

43. Mr. Brown renewed his pleas for the Sheriff to release him because he was a U.S. citizen. officers

because in the photograph he was wearing the clothes he had been wearing on April 5, 2018, when he turned himself in to the Sheriff .

55. Mr. Brown was terrified that he could be put on a plane at any moment and deported to Jamaica.

56. Mr. Brown told the ICE agents that he was a U.S. citizen.
Office, ICE offi

57. O
birth certificate to an ICE officer at Krome.

58. After confirming that Mr. Brown was a U.S. citizen, ICE hastily arranged for his release from Krome. Before he left, they confiscated

62.

68. Regardless of what kind of probable cause is required for a detainer request, *see, e.g., Creedle v. Miami-Dade Cty.*, No. 17-cv-22477, Dkt. 105 (S.D. Fla. Nov. 9, 2018), there is no question that officers cannot arrest a person when they lack probable cause to believe the person is removable or committed a crime. At the very least, if they learn that a person is not removable, local officers may not hold the person on an ICE detainer. *See Morales*, 793 F.3d at 215-16.

The Unreliability of ICE Detainers

69. immigration detainers on hundreds, if not thousands, of U.S. citizens, even though U.S. citizens are clearly not subject to removal or immigration detention. As a result, officials like the Sheriff who consistently effectuate ICE detainer requests are constantly at risk of carrying out unconstitutional seizures.

70. study. For example, a recent study by the Cato Institute found that in just one Texas county, ICE issued 228 detainers against U.S. citizens from 2005 to 2017. If the proportion of detainers issued against U.S. citizens was the same across other counties, it would mean that ICE detainers have targeted approximately 3,500 U.S. citizens in Texas and at least 20,000 nationally.

71. Other studies have similarly found that ICE detainers frequently lead local law enforcement agencies to arrest people without probable cause, even of removability. A Syracuse citizens over just a four-year period. Over the same period, ICE placed detainers on 20,281 legal permanent residents with no recorded criminal convictions, who therefore were likely not subject to removal.

American

84. The Sheriff cemented this policy and practice in February 2018, when he signed

99. Mr. Brown was unlawfully detained and deprived of liberty when the Sheriff re-arrested and refused to release him following the resolution of his local charges.

100. Mr. Brown was held against his will after state law required his release.

101. The Sheriff had no authority to re-arrest Mr. Brown without verifying his repeated explanation that he was a U.S. citizen.

102. _____ ,
give _____ statements to multiple jail officers and the Sheriff
to investigate his claims over multiple weeks.

103.

Dated: December 3, 2018

Spencer E. Amdur*
Cody H. Wofsy*
American Civil Liberties Union
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 343-1198
samdur@aclu.org

Omar C. Jadwat*
Lee Gelernt*
American Civil Liberties Union
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2500
ojadwat@aclu.org

Avi Garbow*
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: (202) 955-8500
agarbow@gibsondunn.com