

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA,  
OCALA DIVISION

NEVILLE C. BROOKS,

Plaintiff,

v.

WILLIAM “ BILLY ” WOODS, in his official  
capacity as Sheriff of Marion County;  
Corporal JASON LESTER, in his individual  
capacity;and JOHN DOE Nos. 1-20, in their  
individual capacities,

Defendants.

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

COMPLAINT



permanent residents.

6. Pursuant to the Detention Policy and the Referral Policy, the Sheriff's Office detains and refers persons in its custody who are not removable and are of no interest to ICE, including naturalized or other foreign born U.S. citizens and lawful permanent residents.

7. Pursuant to those policies, the Sheriff's Office contacted ICE regarding Mr. Brooks while holding him in custody in August 2020.

8. The Sheriff's Office has entered into a limited agreement with ICE (Warrant Service Officer agreement"

12. The Sheriff's Office's actions also put Mr. Brooks in grave fear of being removed from the United States, even though he was not, and is not, subject to any removal proceedings.

13. It is well established that local law enforcement like the Sheriff's Office may not hold people for civil immigration enforcement without any request or authorization from ICE, unilaterally—much less when ICE specifically disclaims any such request, as it did in Mr. Brooks's case. The WSO agreement does (and could not) change this basic rule. Thus, the



24. Mr. Brooks is a 59-yearold lawful permanent resident, who was born in Jamaica and has lived in the United States since September 2017.

25. Since November 2017, Mr. Brooks has been employed as a Certified Nursing Assistant (“CNA”) in Florida. Until January 2022, he lived and worked in the City of Ocala in Marion County, Florida. Mr. Brooks is currently pursuing an associate’s degree in nursing from Herzing University in Orlando, Florida in order to become a registered nurse.

Sheriff's custody, no officer ever asked Mr. Brooks about his immigration status or his nationality; nor did anyone ask for Mr. Brooks's immigration documents.

32. At the time of his arrest and booking into the jail, Mr. Brooks was in possession of a Class A Commercial Diver License issued by the State of Florida.

33. Under Florida law, only U.S. citizens and noncitizens who have legal authorization to be in the United States may receive a driver license. Fla. Stat. § 322.08(c), 322.051(1)(a)(3).

34. When ICE is interested in an individual held at a state or local jail, ICE will send a detainer (also called an "ICE hold" or "immigration detainer"), requesting that it hold that person for up to an additional 48 hours after there is no longer a legal justification for the person's detention under state law.

35. ICE may also issue an "administrative warrant" (also called "ICE warrant"), non-judicial document directing the arrest of an individual for an alleged civil immigration violation. ICE generally will transmit an administrative warrant along with an ICE detainer.

36. ICE did not issue any detainer or administrative warrant for Mr. Brooks.

37. At approximately 2:43 A.M. on August 12, 2020, the Sheriff's Office attempted to notify ICE via fax of Mr. Brooks's arrest and ask whether ICE intended to lodge a detainer, but the fax did not successfully transmit.

38. Later that morning of August 12, 2020, the judge presiding over Mr. Brooks' initial appearance granted bail of \$100. The judge set this bail amount, which was lower than is typical, because of concern that Mr. Brooks could be exposed to COVID-19 at the jail if he were not promptly released.

The Sheriff's Unlawful Re-Arrest and Detention of Mr. Brooks

39. Mr. Brooks's family posted bond at approximately 11:41 A.M. on August 12, 2020, the same day that bond was ordered by the court.

40. Mr. Brooks was entitled to be released from the Sheriff's custody after posting bond.

41. At approximately 5:36 P.M. that day, over five hours after bond was posted, the Sheriff's Office sent a fax to the agent on duty at ICE's Operations Control Center, asking whether ICE intended to issue a detainer for Mr. Brooks.

42. ICE did not respond to the Sheriff's fax, and in no way indicated Mr. Brooks should be detained.

43. Sometime between 5:00 P.M. and 8:00 P.M. that same day, the Sheriff's Office instructed Mr. Brooks to gather his belongings and report to the front desk to complete his bond paperwork for booking out

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44. However, at the front desk, Defendant John Doe 1 stated to Mr. [REDACTED] MJ 0.001 Tc -0.001 T



responded to Corporal ~~Be~~ster's email, copying four other employees of the Sheriff's Office.  
Deportation Officer

was being held for ICE, which Mr. Brooks understood to mean that he faced possible removal to Jamaica.

56. Deportation to Jamaica would have jeopardized Mr. Brooks's career as a CNA, destroyed his aspirations for becoming a registered nurse, separated him from his family in the United States, and subjected him to severe social stigma in Jamaica.

57. Mr. Brooks views nursing not as simply a job but a profession and a personal calling. The work is profoundly meaningful to Mr. Brooks, who sees how much his patients depend on him daily. Mr. Brooks is pursuing a nursing degree in order to become a registered nurse, to provide even greater care to his patients.

58. In Jamaica, Mr. Brooks would not be able to serve as a CNA or a registered nurse; would not have the same opportunity to develop his profession; would suffer stigma and discrimination because the work of a nurse is viewed as "women's work," leading male nurses to be looked down upon and limited to undesirable and stigmatizing positions.

59. Further, in Mr. Brooks's experience, individuals who are deported to Jamaica from the United States are stereotyped as criminals. Such a perception would have also subjected Mr. Brooks to social stigma and impeded him from pursuing his prior employment.

60. Mr. Brooks was also devastated at the thought of being separated from his family in the United States. He has a close family of many U.S. citizens and lawful permanent residents, including two adult daughters in Chicago and Orlando, with whom he is in regular contact. Deportation to Jamaica would have felt like he was leaving a piece of himself behind in the United States.

61. This experience, which still weighs on Mr. Brooks to this day, led him to suffer from recurring depression, sadness, and loneliness in the months after his arrest. He has had to

rely extensively on his family members and his faith to ~~try to~~ regain a sense of normalcy.

62. Due to the Sheriff's policies of referring and detaining individuals for ICE based solely on their place of birth, Mr. Brooks fears that he will again be wrongfully held for ICE



area, which was severely overcrowded and much more densely populated compared to the holding area in which Mr. Brooks was detained overnight prior to his initial court appearance.

74. The Sheriff's decision to detain Mr. Brooks after he was entitled to be released forced Mr. Brooks to spend the night in the high-risk, overcrowded general population area.

75. The general population area held approximately 50 people in double-bunked beds that were placed side-by-side, within arm's reach. The setup of the beds made it impossible for Mr. Brooks to maintain a safe distance from others while sleeping as all beds near him were fully occupied.

76. The CDC has found a significant risk of transmission from being within six feet of one infected individual for 15 minutes. Here, Mr. Brooks was unnecessarily detained with dozens of individuals in close quarters for at least 12 hours.

77. Compounding Mr. Brooks' unlawful detention, the Sheriff's Office failed to take basic precautions that could have mitigated Mr. Brooks's exposure to COVID-19.

78. On or about August 12, 2020, the Sheriff issued a directive, effective immediately, directing deputies, staff, and visitors from wearing face masks.

COVID-19 prior to jailing them and did not separate or quarantine detainees based on COVID 19 status despite CDC guidance recommending such procedures in correctional and detention settings<sup>3</sup>

82. Mr.

Brooks had never tested positive for COVID-19 prior to his arrest

90. Mr. Brooks incurred significant medical costs as a result of his COVID-19 illness

91. After he was released from the hospital, Mr. Brooks isolated himself for approximately two weeks and was unable to work during that period, which resulted in a loss of earnings for Mr. Brooks

92. Even after his other COVID-19 symptoms subsided, Mr. Brooks experienced a cough that persisted for months, which required sustained treatment and medication.

93. Though he eventually recovered, Mr. Brooks experienced serious distress knowing that his age, high blood pressure, and BMI put him at an especially high risk of serious complications or even death.

#### The National Origin Referral Policy

94. The Sheriff's Office has a written policy and practice of referring individuals in its custody to ICE based solely on their national origin ("Referral Policy").

95. Under the Referral Policy, the Sheriff has created a procedure that applies exclusively to any "inmate [who] is NOT born in the US or a US territory." The policy attaches an inaccurate label to that group of people: "Foreign National[s]."

96. That label is inaccurate because millions of foreign-born people are in fact nationals rather than foreign-born nationals. U.S. nationals include (but are not limited to) over 28 million foreign-born U.S. citizens who either naturalized or were U.S. citizens from birth (for example, the foreign-born children of U.S. citizen parents). In addition, certain persons born in the United States, including naturalized citizens, are also U.S. nationals.

98. Moreover, vast numbers of people who are in fact foreign-born foreign nationals are allowed to be present in the United States under federal law, and thus foreign birth, even when coupled with foreign citizenship, presents no cause for investigation or suspicion on immigration grounds.

99. The Referral Policy instructs employees to fax information about such foreign-born individuals to ICE and to email such information to ICE if the fax is unsuccessful.

100. The Referral Policy applies to all individuals of foreign birth, including U.S. citizens, lawful permanent residents, and other individuals who are allowed to be present in the United States under federal law, even if ICE has not issued any detainer or expressed any prior interest in them. The Referral Policy expressly discriminates based on national origin because it treats similarly situated individuals differently based on their place of birth.

101. Pursuant to the Referral Policy, the Sheriff's Office routinely sends information to ICE regarding individuals who are not removable or otherwise of any interest to immigration authorities.

102. The Sheriff's Office was aware prior to Mr. Brooks' detention that the Referral Policy sweeps in many U.S. citizens and lawful permanent residents because ICE had repeatedly informed the Sheriff's Office that referred individuals were U.S. citizens or permanent residents and therefore not of interest to ICE.

103. The Sheriff's Office's own records indicate that, even before Mr. Brooks' unlawful detention, at least 80 U.S. citizens and lawful permanent residents have been referred to ICE.

104. On several occasions, the Sheriff's Office has referred to ICE citizens born in Puerto Rico and other U.S. territories, as well as other Black and Brown people born in the



United States who the Sheriff's Office perceived to be foreign national

### The Unilateral Detention Policy

105. The Sheriff's Office has an unwritten policy, pattern, custom, and practice of unilaterally detaining individuals of foreign birth ("Detention Policy"), including U.S. citizens and lawful permanent residents like Mr. Brooks.

106.



detainer, administrative warrant, or other request for detention, and later informed the Sheriff that the individual was a U.S. citizen, but she was not released until hours after she should have otherwise been released.

116. In these and other instances, the Sheriff referred and detained individuals solely because they were not born in the United States.

117. The Detention Policy therefore subjected individuals, including U.S. citizens and lawful permanent residents like Mr. Brooks to detention without any request from ICE and without any probable cause.

#### Civil Immigration Arrests by Local Law Enforcement

118. Holding a person after they would otherwise be released from criminal custody, as Mr. Brooks was held for purposes of immigration enforcement, constitutes a new seizure, and specifically a new arrest. (“ ”), 906 F.3d 944, 954–55 (11th Cir. 2018)

119. Such a rearrest must be supported by probable cause justifying the new seizure.

120. It is well established that officers cannot arrest a person for civil immigration enforcement when they lack probable cause to believe the person is removable. (“ ”), 800 F. App’x 860, 865 (11th Cir. 2020)

121. The mere fact of foreign birth does not provide probable cause that an individual is removable.

122. It is also well established that local law enforcement officials may not conduct a civil immigration arrest unilaterally, , without a request from federal authorities , 567 U.S. 387, 410 (2012).

123. Although ICE may delegate certain immigration enforcement functions to state officers pursuant to a written agreement under 8 U.S.C. § 1357(g), the state officers can only carry out the specified functions under the direction and supervision of federal authorities

addition to federal supervision, to come within the scope of an agreement pursuant to § 1357(g), state officers must complete the requisite training and have knowledge of the immigration laws

124. Mr. Brooks was not detained pursuant to any agreement with ICE under § 1357(g).

125. The Sheriff did not and has not entered into a valid cooperation agreement with ICE that would enable the Sheriff to seize individuals who are not subject to an ICE detainer administrative warrant.

126. Moreover, ICE did not issue any detainer or administrative warrant for Mr. Brooks.

127. The Sheriff is a participant in ICE WSO program, a narrow arrangement that purports to authorize certain of the Sheriff's employees to execute ICE warrants at the Marion County Jail. However, the WSO does not purport to confer any authority on the Sheriff's Office to act in the absence of an ICE warrant.

## COUNTS

### Count 1 - Section 1983 Claim for Violation of the Fourth Amendment: Unconstitutional Seizure

(Asserted by Plaintiff against Defendant Sheriff Woods in his Official Capacity)

128. All the foregoing allegations are reincorporated herein.

129. The Fourth Amendment to the United States Constitution prohibits "unreasonable searches and seizures."

130. At a minimum, local officers effecting a civil immigration arrest must (i) have probable cause that the person is removable (ii) be acting at the request of federal authorities. \_\_\_\_\_, 906 F.3d at 954; \_\_\_\_\_, 725 F.3d 451, 465, 467 (4th Cir. 2013).

131. The Sheriff's decision to detain Mr. Brooks after he posted bond on August 12, 2020 failed to satisfy either requirement and therefore violated the Fourth Amendment in two independent ways.

132. First, the Sheriff had no probable cause to detain Mr. Brooks after bond conditions for his alleged state offense were satisfied. The mere fact that Mr. Brooks was born in Jamaica did not constitute probable cause that he was removable.

133. Second, the Sheriff unilaterally detained Mr. Brooks without any request or instruction from ICE and failed to release him even after ICE indicated that it had no record of a detainer.

134. In seizing Mr. Brooks, the Sheriff was acting under color of state law.

135. The Sheriff's Office's Referral Policy and Detention Policy (w/3 (as ))TJ [(act)4 (ipT0 1 Tf



150. As a result of the Sheriff's unconstitutional ~~police~~ ~~acts~~, Mr. Brooks suffered numerous injuries, including loss of liberty, severe emotional distress, exposure to COVID and economic harms.

Count 4 – False Imprisonment under Florida Law

(Asserted by Plaintiff against Defendant Sheriff Woods in his Official Capacity and against Defendant Lester and Doe Defendants in their Individual Capacities)

151. All the foregoing allegations are reincorporated herein.

152. Florida law prohibits the unreasonable restraint of a person against ~~him~~ ~~the~~

153. Mr. Brooks was unlawfully detained and deprived of liberty when Defendants refused to release him following the fulfillment of Mr. Brooks's ~~and~~ conditions on his local charge.

154. Mr. Brooks's arrest was unreasonable and unwarranted under the circumstances. Defendants had no probable cause to continue detaining Brooks after state law required his release.

155. By re-arresting and further detaining Mr. Brooks against his ~~will~~, Defendants committed false imprisonment under Florida law.

156. The false imprisonment caused Mr. Brooks to suffer numerous injuries, including loss of liberty, severe emotional distress, exposure to COVID, and economic harms.

157. Pursuant to Fla. Stat. § 768.28(6), Mr. Brooks ~~has~~ provided the requisite administrative notice of his false imprisonment claim.

PRAYER FOR RELIEF

Wherefore, Mr. Brooks respectfully requests that this Court enter judgment in his favor on all counts and in addition:

A. Declare that his seizure by Sheriff Woods and Marion County employees violates

Mr. Brooks's rights under the Fourth Amendment of the Constitution;

B. Declare that the Sheriff's Office's Referral Policy and Detention Policy violate the Fourteenth Amendment of the Constitution as discrimination on the basis of national origin;

C. Declare that Mr. Brooks's detention and deprivation of liberty by the Sheriff and Marion County employees constitutes false imprisonment under Florida law;

D. Enjoin the Sheriff's Office from enforcing its policies and practices of referring and detaining all foreign born individuals for immigration enforcement;

E. Award Mr. Brooks appropriate compensatory damages;

F. Award Mr. Brooks appropriate punitive damages;

G. Award Mr. Brooks appropriate nominal damages;

H. Award Mr. Brooks reasonable attorney's fees and costs under 42 U.S.C. § 1988;

and

I. Grant any other relief the Court deems just and proper.



Dated: January 20, 2022

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