

**RE: Formal Grievance Regarding Local
Facilitation of Federal Immigration
Enforcement, Civil–Rights Violations, and
Resulting Public–Safety Harm**

Chief [Name]

[Police Department Name]

[Department Address]

I submit this letter as a formal grievance and notice regarding reported and observed practices indicating that personnel within your department—and associated emergency responders operating under local authority—are facilitating or enabling federal immigration enforcement in a manner that infringes constitutional rights, violates federal and state civil–rights law, and undermines public safety.

This letter is intended to place the department on clear notice of governing

legal authority and the foreseeable harms resulting from the conduct described below.

I. Discriminatory Questioning and Equal Protection Concerns

It has been reported that individuals with Latin or Hispanic surnames appearing in traffic court or during traffic stops are being questioned, flagged, or otherwise scrutinized in ways not applied to similarly situated individuals without such surnames.

A person's name, perceived ethnicity, accent, or language use does not constitute reasonable suspicion or lawful grounds for investigation. Selective scrutiny of this nature raises serious equal-protection concerns and risks unlawful discriminatory enforcement.

II. Federal Constitutional Limitations on Local Law Enforcement

A. Equal Protection (Fourteenth Amendment)

Selective enforcement based on race, ethnicity, or national origin violates the Equal Protection Clause.

Yick Wo v. Hopkins, 118 U.S. 356, 373–74 (1886) (facially neutral laws applied discriminatorily violate equal protection).

Whren v. United States, 517 U.S. 806, 813 (1996) (enforcement decisions based on race or ethnicity are unconstitutional).

B. Fourth Amendment – Unreasonable Seizure

Local officers may not detain, prolong encounters, or expand questioning beyond the original purpose of a stop absent independent lawful justification.

Rodriguez v. United States, 575 U.S. 348, 354–57 (2015).

United States v. Brignoni-Ponce, 422 U.S. 873, 885–87 (1975) (Hispanic appearance

alone insufficient for suspicion).

C. Federal Preemption of Civil Immigration Enforcement

Civil immigration enforcement is primarily federal in nature, and state or local intrusion into that domain is limited.

Arizona v. United States, 567 U.S. 387, 408–10 (2012).

Local law enforcement lacks authority to engage in civil immigration enforcement absent a valid judicial warrant or explicit statutory authorization.

III. Federal Civil–Rights Liability for Local Cooperation with ICE

Courts have held local jurisdictions liable for unconstitutional detention or cooperation with immigration enforcement absent lawful authority.

Morales v. Chadbourne, 793 F.3d 208, 217–18 (1st Cir. 2015).

Local participation in immigration

enforcement without judicial authorization exposes municipalities and officers to liability under 42 U.S.C. § 1983.

IV. Department of Justice Civil Rights Guidance

The U.S. Department of Justice has repeatedly warned against entangling local law enforcement or emergency services with immigration enforcement due to discriminatory impact and public-safety consequences.

DOJ Guidance on Racial Profiling (2014) prohibits law-enforcement actions based on race or ethnicity except where part of a specific suspect description.

DOJ guidance under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, prohibits discrimination in federally funded programs, including policing and emergency services.

DOJ has emphasized that immigration

enforcement entanglement erodes trust, suppresses crime reporting, and exposes jurisdictions to civil-rights enforcement actions.

V. Georgia Constitutional Authority

In addition to the foregoing federal authority, Georgia law independently governs and prohibits the conduct described above.

A. Equal Protection

Ga. Const. art. I, § I, ¶ II:

“Protection to person and property is the paramount duty of government and shall be impartial and complete.”

Selective scrutiny based on surname or perceived ethnicity violates Georgia’s guarantee of impartial governmental protection.

B. Due Process

Ga. Const. art. I, § I, ¶ I:

“No person shall be deprived of life,

liberty, or property except by due process of law.”

Unauthorized detention or interrogation for civil immigration purposes constitutes a deprivation of liberty without due process under Georgia law.

VI. Georgia Statutory Violations

A. Anti-Racial Profiling Requirements

O.C.G.A. § 35-1-5 requires every Georgia law-enforcement agency to adopt and enforce a written policy prohibiting racial or ethnic profiling.

Targeting individuals based on Hispanic or Latin surnames, language use, or perceived ethnicity directly conflicts with this statutory mandate.

B. Lack of State Authority for Civil Immigration Enforcement

Georgia law does not grant general authority to local law enforcement, EMS, or fire personnel to enforce federal civil

immigration law. Acting beyond statutory authority constitutes ultra vires conduct, exposing the municipality to liability.

C. Emergency Medical and Fire Services

O.C.G.A. Title 31, Chapter 11 governs emergency medical services and establishes a duty focused exclusively on health and safety.

Using EMS or fire personnel as immigration informants exceeds their statutory role and creates foreseeable harm by deterring emergency calls.

VII. Georgia Appellate Case Law

Georgia courts have consistently condemned discriminatory enforcement and unauthorized expansion of police authority:

Grissom v. Gleason, 262 Ga. 374, 418 S.E.2d 27 (1992) (arbitrary or discriminatory enforcement violates Georgia equal protection).

Brown v. State, 278 Ga. 810, 607 S.E.2d 579 (2005) (detentions must be strictly limited in scope and duration).

State v. Jones, 289 Ga. App. 176, 656 S.E.2d 556 (2008) (unjustified extension of encounters is unlawful).

City of Atlanta v. Mitcham, 296 Ga. App. 185, 674 S.E.2d 272 (2009) (municipal liability for ultra vires acts).

Gilbert v. Richardson, 264 Ga. 744, 452 S.E.2d 476 (1994) (immunity does not protect acts outside lawful authority).

City of Rome v. Jordan, 263 Ga. 26, 426 S.E.2d 861 (1993) (liability for foreseeable harm caused by government conduct).

VIII. Public–Safety and Community Harm

These practices create predictable and documented harms:

Victims and witnesses avoid contact with police

Crimes go unreported

Emergency calls are delayed or never made

Community trust and engagement collapse

Public safety depends on trust. Selective or perceived immigration enforcement by local authorities destroys that trust.

IX. Requests for Accountability

Accordingly, I request written clarification regarding:

Whether your department engages in immigration-related questioning or referrals based on name, language, or perceived ethnicity.

Whether any policies or practices exist involving cooperation with federal immigration enforcement beyond lawful requirements.

Whether EMS or fire personnel are instructed, formally or informally, to contact immigration authorities.

What safeguards exist to ensure

compliance with federal and Georgia civil-rights law.

X. Conclusion

The foregoing authority is provided to ensure there is no ambiguity regarding the constitutional, statutory, and appellate law governing this matter. Local public-safety institutions must operate within lawful bounds and maintain community trust. This grievance is submitted for the public record. I expect a written response addressing the issues raised herein.

Respectfully,

[Your Name]

[City / County]