



House of Representatives

MARVIN LIM
REPRESENTATIVE, DISTRICT 98
P.O. BOX 931886
NORCROSS, GEORGIA 30093
(404) 656-0314 (OFFICE)
(404) 585-7715 (MOBILE)
(404) 651-8086 (FAX)
EMAIL: marvin.lim@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 611-B
ATLANTA, GEORGIA 30334

STANDING
COMMITTEES:

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APPROPRIATIONS
HEALTH
RETIREMENT

April 28, 2025

Sheriff Keybo Taylor
Gwinnett County Sheriff's Office

Sheriff Taylor:

As State Representative for House District 98 of unincorporated Norcross, I seek to clarify a number of questions that have arisen, given the passage last year of HB 1105, the proposal of SB 21 this year, and events in 2025 in Gwinnett involving the U.S. Department of Homeland Security and Immigrations and Customs Enforcement.

In strong belief that providing clarity to the public regarding the policies and practices of our local law enforcement can only strengthen our public safety, I write this letter in two parts. First, I seek to provide my understanding of the law, which provides a background for the questions I ask. I am an attorney, but not a criminal attorney, and therefore, I certainly welcome any clarification you may have regarding my understanding of the law. Second, I provide the specific questions to which I seek clarity.

Powers of law enforcement related to immigration:

- **Requesting DHS/ICE agreements:** Local/state authorities are mandated to request agreements with federal agencies that enforce immigration laws – but does not explicitly require participation beyond initial request.¹
- **Verification of status during investigations and arrests (outside of county jail):** If there is probable cause to suspect a criminal violation, and the suspected person is unable to provide one of a list of documents (e.g., driver's license, proof of lawful presence), law enforcement must attempt to verify the person's legal status, and is authorized to do so through various means, such as checking federal ID databases.² If the person is verified to

¹ O.C.G.A. § 35-1-17(b)(2).

² O.C.G.A. § 17-5-100(c).

be an “illegal alien,” law enforcement “may”/is authorized – but is not explicitly required – to take actions such as detention, transporting to a detention facility, or notifying DHS/ICE.³ (This power preceded HB 1105.)

- **Immigration status verification for “citation-only misdemeanors”:** For the following list of misdemeanors, police officers with arrest power can consider the release of a suspect with a citation only after verification of the individual’s immigration status via federal databases or the individuals’ presentation of valid identification proving lawful presence in the U.S: criminal trespass; shoplifting (\$500 or more); refund fraud (\$500 or more), and possession of marijuana <1 ounce.⁴
- **Verification of status for persons jailed:** Localities must report individuals in jail/detention facility custody to LESC/ICE (Law Enforcement Support Center), if the person is unable to provide one of a list of documents (e.g., driver’s license, proof of lawful presence) to establish lawful presence.⁵
 - If the person can establish lawful presence, there is NO requirement in Georgia law that ICE be notified.
- **Detentions in county jail for immigration status:**
 - No person shall be detained solely due to the inability to contact the LESC/ICE.⁶
 - No person identified as an “illegal alien” by the LESC of the United States Department of Homeland Security shall be detained unless a request to detain has been received.⁷
 - Jailers/sheriffs across Georgia must honor any written request from ICE to detain a person who is suspected to be in the U.S. unlawfully, for 48 business hours after the person was ordered “released” on the local arrest charge(s).⁸ If ICE does not detain the person after 48 business hours (from the time he/she would have otherwise been released), the person shall be released.⁹
 - A county jail or municipal detention facility must provide an interpreter for any person to be confined who is unable to effectively communicate.¹⁰
 - If a state or local law enforcement officer has verification that a person is an “illegal alien,” then such officer “may”/is authorized – but is not explicitly required – to securely transport such “illegal alien” to a federal facility in this state or to any other temporary point of detention, and to reasonably detain such “illegal alien” when authorized by a federal law immigration detainer or federal arrest warrant.¹¹

Questions

- **Overall:** Has the Sheriff’s office determined specific procedures to implement HB 1105 across all its jurisdiction in Gwinnett?

³ O.C.G.A § 17-5-100(e).

⁴ O.C.G.A § 17-4-23(a)(2).

⁵ O.C.G.A § 42-4-14(d)(2).

⁶ O.C.G.A § 42-4-14(d)(3).

⁷ O.C.G.A § 42-4-14(d)(4).

⁸ O.C.G.A § 42-4-14(d)(2).

⁹ O.C.G.A § 42-4-14(d)(2).

¹⁰ O.C.G.A § 42-4-14(e).

¹¹ O.C.G.A § 42-4-14(g).

- **Requesting DHS/ICE agreements:** To what extent is the Sheriff's Office cooperating with Department of Homeland Security – including, but explicitly not limited to, ICE?
 - Are there established agreements?
 - Is cooperation happening ad-hoc when requested with judicial warrants or search warrants – and, if so, is cooperation limited to certain types of judicial or search warrants?
 - Is cooperation happening when requested regardless of warrants being issued – and, if so, in what scenarios?
- **During investigations and arrests outside of county jail:**
 - If people are engaging in suspected misdemeanor traffic violations (e.g., speeding), and do not have a drivers' license, regardless of race or ethnicity, what is the standard protocol?
 - What procedures has the Sheriff's Office adopted regarding its "shall be authorized to" powers pursuant to Section 17-5-100(c) of the Georgia Code, regarding reasonable means available to determine the immigration status of the suspect?
 - Relatedly, is there a standard protocol that exists when individuals suspected of being undocumented and/or foreign born are in contact with law enforcement AND do not meet the requirements for arrest (as noted in HB 1105) – and , if so, what is the protocol?
 - What procedures has the Sheriff's Office adopted regarding its "may take any action authorized by state and federal law" powers pursuant to Section 17-5-100(e) of the Georgia Code, regarding powers of law enforcement upon verification during investigation that a suspect is an "illegal alien"?
 - What is the protocol if there are minors in the home or venue at the time of the arrest?
 - What are the considerations for when people other than the person suspected of a crime are in the immediate vicinity/surrounding areas, when the suspected person is arrested or detained? Are they also interrogated/detained/etc.? Is there an identity verification (i.e., (show me your papers")) protocol in place?
- **While a person is in custody in county jail:**
 - Does the Sheriff's Office notify ICE, including verifying for detainer requests, for any individuals other than those who cannot establish "lawful presence"?
 - Where are detained /arrested foreign-born individuals usually kept while waiting for bonds or ICE detainees?
 - What is the procedure pursuant to Section 42-1-11.5(b)(2) of the Georgia Code, regarding the requirement to inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice?
 - What procedures has the Sheriff's Office adopted pursuant to its requirement under Section 42-4-14(e) of the Georgia Code, regarding state law requirement to provide an interpreter for any person to be confined who is unable to effectively communicate or understand the requirements of this Section?
 - What procedures has the Sheriff's Office adopted regarding its "may be detained, arrested, and transported as authorized by state and federal law powers pursuant to Section 42-4-14(g) of the Georgia Code, regarding its powers upon verification

that any person confined in a county jail or municipal detention facility is an “illegal alien”?

- **Data tracking:**
 - Is the Sheriff's Office coordinating and tracking numbers of arrests related to immigration enforcement and operations?

Thank you for your consideration of these questions. I look forward to your response.

Respectfully,

A handwritten signature in dark ink, appearing to read "Marvin Lim", followed by a horizontal line.

Marvin Lim
State Representative, House District 98



*House of
Representatives*

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REPRESENTATIVE, DISTRICT 98
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May 23, 2025

Sheriff Keybo Taylor
C/O Chief Cleo Atwater
Gwinnett County Sheriff's Office

Sheriff Taylor:

Thank you for your response to my previous letter about Gwinnett County's immigration detainment procedures. It answered a good number of my questions. Based on your responses, I have follow-up questions that will help me further to understand your practices. My goals remain to help ensure Gwinnett County's policies are as clear as possible, and to ensure that the protection of our public safety and our individual rights continue to go hand-in-hand.

- 1) **Cooperation with ICE:** Your response stated that Gwinnett County does not have a formal agreement with ICE. Formal agreement aside, your response also stated that "the Office cooperates with ICE to the extent required by the statutes you cite" and "We cooperate with ICE under appropriate circumstances when cooperation is appropriate and beneficial to both agencies" – the latter being a broader statement than the former.
 - a. To confirm: does this mean that the Sheriff's Office cooperates with ICE beyond what is required by the cited statutes? If so:
 - i. In the absence of discussion of specific cases, does the Sheriff's Office have a written policy to make determinations about whether cooperation beyond statutory mandates is beneficial? And if no

written policy exists, through what method does the Sheriff's Office determine which cases are beneficial to both agencies?

b. More narrowly, can the Sheriff's Office confirm that it cooperates with ICE with respect to enforcement of laws regarding any individual's "lawful presence" only as required by aforementioned statutes, even as it might also simultaneously cooperate with ICE on enforcement of federal laws not regarding any individual's lawful presence? And without discussing every scenario, I would like to ask about three examples:

- i. Where the Sheriff's Office cooperates with ICE's enforcement of 18 U.S.C. § 1951 et al. (money laundering), and either ICE or the Sheriff's Office suspects a particular person of violating the provisions of that law, can you confirm the Sheriff's Office verifies lawful presence of that person only as required by the aforementioned statutes (i.e., O.C.G.A. §§ 17-5-100, 42-4-14) and not more broadly?
- ii. If the Sheriff's Office chooses to cooperate with ICE for mutually beneficial reasons, does the Sheriff's Office detain individuals who are suspected of unlawful presence, but are not affiliated with violating any other law, if those individuals are present during the arrests and/or detainments of individuals who are suspected of violating the law? In other words: does the Sheriff's Office participate in "collateral" arrests and/or detainments?
- iii. If ICE notifies the Sheriff's Office of the existence of a person suspected not to have lawful presence but no warrant or immigration detainer exists AND the Sheriff's Office has no probable cause to believe that a suspect has committed a criminal violation (which would trigger the verification requirements of O.C.G.A. § 17-5-100) beyond any probable cause in ICE's notification, can you confirm that the Sheriff's Office does not act on ICE's information?

2) **Regarding the PO34.00**, to which you referred me regarding my question surrounding jail policy:

- a. Would you provide additional clarification on the following questions I originally asked – the content of which I did not see addressed in that particular policy?
 - i. Does the Sheriff's Office notify ICE, including verifying for detainer requests, for any individuals other than those who cannot establish "lawful presence"?
 - ii. Where are detained /arrested foreign-born individuals usually kept [or detained] while waiting for bonds or ICE detainees?

- iii. What is the procedure pursuant to Section 42-1-11.5(b)(2) of the Georgia Code, regarding the requirement to inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice? [Note: I did see other notice provisions in the policy, but not requirements to notify the person being detained themselves.]
- iv. What procedures has the Sheriff's Office adopted regarding its "may be detained, arrested, and transported as authorized by state and federal law powers pursuant to Section 42-4-14(g) of the Georgia Code, regarding its powers upon verification? [As a related question beyond my original inquiry: are there any possible circumstances in which the Sheriff's Office would transport detainees to a federal detention center if ICE has not showed up to pick up the detainee in the 48 hours allowed for that – and, if so, what are those circumstances?]
- v. Is the Sheriff's Office coordinating and tracking numbers of arrests related to immigration enforcement and operations?
- b. With respect to the following, would you be able to clarify how the determination is made that an inmate is in the U.S. illegally (D) – versus then narrower inability to verify lawful status from possession of documents (C), which is what is statutorily required?

C. If verification of lawful status cannot be made from documents in possession of the inmate, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security.

D. If it is determined the inmate is in the United States illegally, the Sheriff or designee shall notify the United States Department of Homeland Security.

- c. With respect to the following, what is the reasoning behind the language "opportunity to be released" as opposed to simply "released," the latter pursuant to the language O.C.G.A. § 42-4-14 (which does not use the word "opportunity" in front of "release")? Can you confirm that no person is denied release solely on the basis § O.C.G.A. § 42-4-14, if they are otherwise eligible for release?

No person shall be denied bond or the opportunity to be released from custody solely on the basis of this law. Unless the jail receives a valid notification of pending charges from the United States Department of Homeland Security or another agency, the inmate will be eligible for release from custody pursuant to the admissions and release policy of the Gwinnett County Sheriff's Office.

d. With respect to the following language:

If there is a language barrier between jail staff and the inmate, an interpreter must be contacted to assist with the booking and identification process.

i. The language says an interpreter must be contacted, but not that an interpreter must be provided, as required by O.C.G.A. § 42-4-14. Can you confirm that the policy requires that an interpreter must be provided?

1. If so, can you further confirm that you have, in fact, provided interpreters in all applicable previous cases since the effective date of HB 1105 (which enacted this requirement)?

ii. Would the Sheriff's Office consider:

1. contacting and ultimately providing only/explicitly "qualified" interpreters, including a provision that the interpreter be as neutral as possible; and/or

2. also providing digital tools for interpretation, to expand the range of adequate options, as consistent with the DOJ Law Enforcement Language Access initiative:

<https://www.lep.gov/law-enforcement?>

e. Finally, this policy does not appear to prohibit the Sheriff from detaining someone indefinitely until it gets a final ICE detainer request. If the LESC response is "No match" or if LESC responds by instructing the Sheriff to contact them to get the detainer request, it appears the Sheriff can hold the person indefinitely, EXCEPT "Inmates who the jail suspects to be illegal aliens shall not be detained solely because the after hours number is not available." But there is no other such provision limiting time of detention, pre-LESC detainer request.

i. Can the Sheriff's Office confirm that it is the policy of the Office that a person shall not be detained, before a final LESC detainer request is received, solely on the basis of suspected, but not-yet-LESC verified unlawful presence, if no such local charges require detention [beyond 48 hours, etc.]?

Thank you, once again, for your consideration of these questions. I again look forward to your response.

Respectfully,

A handwritten signature in dark ink, appearing to read "Marvin Lim", with a long horizontal stroke extending to the right.

Marvin Lim
State Representative, House District 98

Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***] [*** External Email ***] [*** External Email ***]

From Lim, Marvin <Marvin.Lim@house.ga.gov>

Date Fri 6/20/2025 2:34 PM

To Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>

Cc Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>

2 attachments (401 KB)

Ltr. to AG Carr # 2 - Rep. Lim.pdf; Ltr. to AG Carr - Rep. Lim.pdf;

Sheriff Taylor, some facts, all of which have backup documentation:

1. Until this email response on June 20 - again, I wrote initially on April 28 - you never one responded directly to my messages, which, as I stated initially, were between us, as I was legitimately trying to get more information precisely so I could help address those gaps. Chief Atwater's initial response on May 16, after I had to prompt it, was helpful - but it was never followed up again with anything but suggestions to take things off email and onto a call, unresponsiveness to my repeated attempts to schedule that call on the timeframe given, and finally a suggestion to have a call only weeks later. This is consistent with a pattern of evasiveness:
 - a. Even this past session, when I was attempting to schedule a private meeting with you, you ended up scheduling, cancelling, and not rescheduling.
 - b. You have been dodging Rep. Jasmine Clark's attempts to get a town hall. (I will reiterate that request: would you be willing to have a town hall on this issue? Note that, while your office and I have had at least the start of dialogue - again, I was willing to take a different tack, to start - there has not been one with the public.)
 - c. You refuse to speak to federal electeds' staff about these issues.
- 2) Notwithstanding that I did not personally vote for HB 1105, I have already followed your suggestion, and drafted two letters to AG Carr (see attached) asking for clarification on critical issues that remain unclear to sheriffs and others charged with implementing HB 1105. As I stated in previous emails, I understand there is lack of clarity at the state level, and I was attempting to get facts from you all to help inform that. You, however, have evaded.
- 3) I understand the laws are not as clear as they could be - again, I agree with you there, and was trying to help with that issue - but never does that abrogate your responsibility to have clear policies consistently applied. Merely because the legislature drafts something poorly does not mean you don't do your best, as a constitutional officer, to implement what you have. And maybe you have done the absolute best with what you have got - I was willing to give the benefit of the doubt, hence not moving to condemn you immediately like others were - but I can't know that if you don't answer these questions.
- 4) Your position has not, in fact, been clearly stated and addressed, because I asked specific questions which remain unanswered, and, which, your responses strongly indicate, you have no standard policy to address (or have a standard that is being potentially inconsistently applied, even within the scope of law enforcement discretion).
 - a. For the sake of comprehensiveness, I append to the bottom of this email 22 questions* (at least) that I have asked, but remain unanswered. Would you point me to the answers you have provided on these questions - including, for example, whether you have, in fact, provided interpretation to every person (which does not require further clarity in HB 1105 - that one is very clear)?
 - b. A suite of those questions - very relevant to this recent case, given the charge is, as I have seen, related to following unmarked law enforcement vehicles - has nothing to do with jail policy (I will note, the only actual written policy you provided): essentially, in what scenarios does GCSO find it mutually beneficial to cooperate with ICE? A reasonable person can absolutely surmise, given the circumstances, that this recent incident is about ICE cooperation. (The specific question I already asked that is most relevant: "More narrowly, can the Sheriff's Office confirm that it cooperates with ICE with respect to enforcement of laws regarding any individual's "lawful presence" only as required by aforementioned statutes, even as it might also simultaneously cooperate with ICE on enforcement of federal laws not regarding any individual's lawful presence? ") Perhaps the truth is that there was no ICE cooperation. But if that were the case, had you answered my questions, that would have been more apparent.
- 5) You are obligated to provide Open Records, and, interpreting your non-responsiveness in the last month, I already started that route and fully intend to avail the full scope of that statute.
- 6) Ending 287(g), while a significant step for which many people remain grateful - notwithstanding that your primary opponents pledged to do the same - does not give you a pass on any of the above.

I am an immigrant representing a large immigrant community, but at the end of the day, as I have also repeatedly stated, clarity and transparency in general makes everyone safer. That, as I have always stated, remains the goal. Your actions here are not consistent with the same values.

-Rep. Marvin Lim, Esq.

*22+ Questions Where GCSO's Position Remains Unstated

1. **Cooperation with ICE:** Your response stated that Gwinnett County does not have a formal agreement with ICE. Formal agreement aside, your response also stated that "the Office cooperates with ICE to the extent required by the statutes you cite" and "We cooperate with ICE under appropriate circumstances when cooperation is appropriate and beneficial to both agencies" - the latter being a broader statement than the former.
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 - iii. If ICE notifies the Sheriff's Office of the existence of a person suspected not to have lawful presence but no warrant or immigration detainer exists AND the Sheriff's Office has no probable cause to believe that a suspect has committed a criminal violation (which would trigger the verification requirements of O.C.G.A. § 17-5-100) beyond any probable cause in ICE's notification, can you confirm that the Sheriff's Office does not act on ICE's information?

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 - ii. Where are detained /arrested foreign-born individuals usually kept [or detained] while waiting for bonds or ICE detainers?
 - iii. What is the procedure pursuant to Section 42-1-11.5(b)(2) of the Georgia Code, regarding the requirement to inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice? [Note: I did see other notice provisions in the policy, but not requirements to notify the person being detained themselves.]
 - iv. What procedures has the Sheriff's Office adopted regarding its "may be detained, arrested, and transported as authorized by state and federal law powers pursuant to Section 42-4- 14(g) of the Georgia Code, regarding its powers upon verification? [As a related question beyond my original inquiry: are there any possible circumstances in which the Sheriff's Office would transport detainees to a federal detention center if ICE has not showed up to pick up the detainee in the 48 hours allowed for that – and, if so, what are those circumstances?]
 - v. Is the Sheriff's Office coordinating and tracking numbers of arrests related to immigration enforcement and operations?
- b. With respect to the following, would you be able to clarify how the determination is made that an inmate is in the U.S. illegally (D) – versus then narrower inability to verify lawful status from possession of documents (C), which is what is statutorily required?
 1. C. *If verification of lawful status cannot be made from documents in possession of the inmate, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security.*
 1. D. *If it is determined the inmate is in the United States illegally, the Sheriff or designee shall notify the United States Department of Homeland Security.*
- c. With respect to the following, what is the reasoning behind the language "opportunity to be released" as opposed to simply "released," the latter pursuant to the language O.C.G.A. § 42-4-14 (which does not use the word "opportunity" in front of "release")? Can you confirm that no person is denied release solely on the basis § O.C.G.A. § 42-4-14, if they are otherwise eligible for release?
 1. *No person shall be denied bond or the opportunity to be released from custody solely on the basis of this law. Unless the jail receives a valid notification of pending charges from the United States Department of Homeland Security or another agency, the inmate will be eligible for release from custody pursuant to the admissions and release policy of the Gwinnett County Sheriff's Office.*
- d. With respect to the following language:
 1. *If there is a language barrier between jail staff and the inmate, an interpreter must be contacted to assist with the booking and identification process.*
 1. i. The language says an interpreter must be contacted, but not that an interpreter must be provided, as required by O.C.G.A. § 42-4-14. Can you confirm that the policy requires that an interpreter must be provided?
 1. If so, can you further confirm that you have, in fact, provided interpreters in all applicable previous cases since the effective date of HB 1105 (which enacted this requirement)?
 1. ii. Would the Sheriff's Office consider:
 1. contacting and ultimately providing only/explicitly "qualified" interpreters, including a provision that the interpreter be as neutral as possible; and/or
 1. also providing digital tools for interpretation, to expand the range of adequate options, as consistent with the DOJ Law Enforcement Language Access initiative: <https://www.lep.gov/law-enforcement/>
- e. Finally, this policy does not appear to prohibit the Sheriff from detaining someone indefinitely until it gets a final ICE detainer request. If the LESC response is "No match" or if LESC responds by instructing the Sheriff to contact them to get the detainer request, it appears the Sheriff can hold the person indefinitely, EXCEPT "Inmates who the jail suspects to be illegal aliens shall not be detained solely because the after hours number is not available." But there is no other such provision limiting time of detention, pre-LESC detainer request.
 1. i. Can the Sheriff's Office confirm that it is the policy of the Office that a person shall not be detained, before a final LESC detainer request is received, solely on the basis of suspected, but not-yet- LESC verified unlawful presence, if no such local charges require detention [beyond 48 hours, etc.]?

From: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>

Sent: Friday, June 20, 2025 12:08 PM

To: Lim, Marvin <Marvin.Lim@house.ga.gov>; Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>

Cc: Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>

Subject: RE: Response to Rep. Lim [*** External Email ***] [*** External Email ***] [*** External Email ***] [*** External Email ***]

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning.

I believe my position regarding this issue has been clearly stated and addressed. If my response was not adequate for you, then please note that I see no need for any further communication regarding this situation. However, if you have a different issue that falls within the scope of my authority and is in line with my policies that you would like to bring to my attention, please feel free to send it. My office has sent an extensive written response to your request; therefore, I will not be addressing this issue any further.

It is common knowledge that the problems and issues that are concerning you now are issues that should have been addressed at the legislative level of which you are a member. These issues are not new; they were foreseen and identified prior to the current administration's position. Consequently, you as a state legislator have the distinct opportunity to address these issues with your colleagues in the State Senate and the House of Representatives.

I would strongly suggest you take this time and energy to collaborate with your colleagues and address this issue in the House and Senate. It is imperative that the work towards meaningful change starts today to protect the people of Gwinnett County and the state of Georgia while ensuring all laws are enforced fairly; that the law is equally applied to all people in this state regardless of their legal status.

My position and the work that I have done in the immigrant community is ongoing and speaks for itself.
With best wishes,



Keybo Taylor | Sheriff

Gwinnett County Sheriff's Office | Gwinnett County Government

770-822-3122 | 2900 University Parkway, Lawrenceville, GA 30043 | [GwinnettCountySheriff.Org](https://www.gwinnettcountry.com)

Find us on [Facebook](#), [Instagram](#), [Twitter](#), and [LinkedIn](#) @GwinnettSheriff

From: Lim, Marvin <Marvin.Lim@house.ga.gov>

Sent: Friday, June 20, 2025 10:12 AM

To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>

Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>

Subject: Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***] [*** External Email ***]

CAUTION: This email originated from outside of Gwinnett County Government. Maintain caution when opening links, attachments, or responding. When in doubt, contact phishing@gwinnettcountry.com.

Sheriff Taylor:

Especially in light of these charges against Mario Guevara, it is imperative we speak **immediately**. I will note again that I sent my first letter, 53 days ago today. it was followed (albeit only after nudging on my part) initially with responsiveness - but then it quickly turned into suggestions to talk via phone rather than written word, then non-responsiveness to my multiple emails and calls when I tried to set that up, and now a desire to delay the conversation further to June 30 (which would make it over two months to respond to what are, at the end of the day, basic questions about GCSO SOP and policy).

If you are unable to respond with immediacy, that will say quite a bit.

-Rep. Marvin Lim

From: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Sent: Wednesday, June 18, 2025 1:03 PM
To: Lim, Marvin <Marvin.Lim@house.ga.gov>; Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: RE: Response to Rep. Lim [*** External Email ***] [*** External Email ***] [*** External Email ***]

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon, Representative Lim,

I apologize for missing your call on Friday. Do you have any availability during the week of June 30th that we can schedule a call?

I look forward to speaking with you soon.



Cleophas Atwater | Chief
Gwinnett County Sheriff's Office | Gwinnett County Government
770-822-3160 | 2900 University Parkway, Lawrenceville, GA 30043 | GwinnettCountySheriff.com
Find us on [Facebook](#), [Instagram](#), [Twitter](#), and [LinkedIn](#) @GwinnettSheriff

From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Friday, June 13, 2025 10:38 AM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***]

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Chief Atwater, hi there. I called you at (770) 822-3160, but was not able to leave a VM. Please call me back today at (404) 488-9893. Thank you. -Rep. Lim

From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Thursday, June 12, 2025 10:51 AM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***]

Chief Atwater, I will call you at 10:30am tomorrow regardless. Having written in initially 45 days ago with my questions, and under the assumption that GCSO's policies haven't actually changed since then, I am intent to close it out on my end by tomorrow. Thank you! -Rep. Marvin Lim

From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Tuesday, June 10, 2025 5:54 PM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***]

Or what about this Friday - pretty free before 3pm!

From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Monday, June 9, 2025 11:28 AM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***] [*** External Email ***]

Absolutely! Can we set up a time to speak tomorrow - either 9am or 11am?

From: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Sent: Friday, June 6, 2025 2:27 PM
To: Lim, Marvin <Marvin.Lim@house.ga.gov>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: RE: Response to Rep. Lim [*** External Email ***] [*** External Email ***]

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Good afternoon, Representative Lim

I certainly want to be helpful to you and your constituents. May I suggest a call, perhaps with you and select staff? I fear email may not be the most efficient way to bring clarity to such an ambiguous house bill.



From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Friday, June 6, 2025 11:20 AM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***]

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Chief Atwater: Hi there. Two weeks having expired since I wrote my follow-up letter, I wanted to check-in on a response, and if it would be possible to receive one by next week. I also wanted to make clear that, if there are questions I've asked the answers to which are unclear, I understand some (perhaps a lot) of that may be at least partially attributed to some of the uncertainties created by the wording of HB 1105 and other laws. As I alluded to previously, I'm trying to seek clarity to the fullest extent possible for our constituents, and your responses will also help me try to get that clarity elsewhere. Thank you. -Rep. Lim

From: Lim, Marvin <Marvin.Lim@house.ga.gov>
Sent: Friday, May 23, 2025 2:12 PM
To: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Re: Response to Rep. Lim [*** External Email ***]

Chief Atwater:

Thank you sincerely for this response, which answered several of my questions. Please see below my follow-up questions (also attached, more formally). I very much appreciate your continued engagement.

-Rep. Marvin Lim

May 23, 2025

Sheriff Keybo Taylor
C/O Chief Cleo Atwater
Gwinnett County Sheriff's Office

Sheriff Taylor:

Thank you for your response to my previous letter about Gwinnett County's immigration detention procedures. It answered a good number of my questions. Based on your responses, I have follow-up questions that will help me further to understand your practices. My goals remain to help ensure Gwinnett County's policies are as clear as possible, and to ensure that the protection of our public safety and our individual rights continue to go hand-in-hand.

1. **Cooperation with ICE:** Your response stated that Gwinnett County does not have a formal agreement with ICE. Formal agreement aside, your response also stated that "the Office cooperates with ICE to the extent required by the statutes you cite" and "We cooperate with ICE under appropriate circumstances when cooperation is appropriate and beneficial to both agencies" – the latter being a broader statement than the former.
 - a. To confirm: does this mean that the Sheriff's Office cooperates with ICE beyond what is required by the cited statutes? If so:
 - i. In the absence of discussion of specific cases, does the Sheriff's Office have a written policy to make determinations about whether cooperation beyond statutory mandates is beneficial? And if no written policy exists, through what method does the Sheriff's Office determine which cases are beneficial to both agencies?
 - b. More narrowly, can the Sheriff's Office confirm that it cooperates with ICE with respect to enforcement of laws regarding any individual's "lawful presence" only as required by aforementioned statutes, even as it might also simultaneously cooperate with ICE on enforcement of federal laws not regarding any individual's lawful presence? And without discussing every scenario, I would like to ask about three examples:
 - i. Where the Sheriff's Office cooperates with ICE's enforcement of 18 U.S.C. § 1951 et al. (money laundering), and either ICE or the Sheriff's Office suspects a particular person of violating the provisions of that law, can you confirm the Sheriff's Office verifies lawful presence of that person only as required by the aforementioned statutes (i.e., O.C.G.A. §§ 17-5-100, 42-4-14) and not more broadly?
 - ii. If the Sheriff's Office chooses to cooperate with ICE for mutually beneficial reasons, does the Sheriff's Office detain individuals who are suspected of unlawful presence, but are not affiliated with violating any other law, if those individuals are present during the arrests and/or detentions of individuals who are suspected of violating the law? In other words: does the Sheriff's Office participate in "collateral" arrests and/or detentions?
 - iii. If ICE notifies the Sheriff's Office of the existence of a person suspected not to have lawful presence but no warrant or immigration detainer exists AND the Sheriff's Office has no probable cause to believe that a suspect has committed a criminal violation (which would trigger the verification requirements of O.C.G.A. § 17-5-100) beyond any probable cause in ICE's notification, can you confirm that the Sheriff's Office does not act on ICE's information?
2. **Regarding the PO34.00**, to which you referred me regarding my question surrounding jail policy:
 - a. Would you provide additional clarification on the following questions I originally asked – the content of which I did not see addressed in that particular policy?
 - i. Does the Sheriff's Office notify ICE, including verifying for detainer requests, for any individuals other than those who cannot establish "lawful presence"?
 - ii. Where are detained /arrested foreign-born individuals usually kept [or detained] while waiting for bonds or ICE detainees?
 - iii. What is the procedure pursuant to Section 42-1-11.5(b)(2) of the Georgia Code, regarding the requirement to inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice? [Note: I did see other notice provisions in the policy, but not requirements to notify the person being detained themselves.]
 - iv. What procedures has the Sheriff's Office adopted regarding its "may be detained, arrested, and transported as authorized by state and federal law powers pursuant to Section 42-4-14(g) of the Georgia Code, regarding its powers upon verification? [As a related question beyond my original inquiry: are there any possible circumstances in which the Sheriff's Office would transport detainees to a federal detention center if ICE has not showed up to pick up the detainee in the 48 hours allowed for that – and, if so, what are those circumstances?]
 - v. Is the Sheriff's Office coordinating and tracking numbers of arrests related to immigration enforcement and operations?
 - b. With respect to the following, would you be able to clarify how the determination is made that an inmate is in the U.S. illegally (D) – versus then narrower inability to verify lawful status from possession of documents (C), which is what is statutorily required?
 - i. C. If verification of lawful status cannot be made from documents in possession of the inmate, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security.
 - ii. D. If it is determined the inmate is in the United States illegally, the Sheriff or designee shall notify the United States Department of Homeland Security.
 - c. With respect to the following, what is the reasoning behind the language "opportunity to be released" as opposed to simply "released," the latter pursuant to the language O.C.G.A. § 42-4-14 (which does not use the word "opportunity" in front of "release")? Can you confirm that no person is denied release solely on the basis of O.C.G.A. § 42-4-14, if they are otherwise eligible for release?
 - i. No person shall be denied bond or the opportunity to be released from custody solely on the basis of this law. Unless the jail receives a valid notification of pending charges from the United States Department of Homeland Security or another agency, the inmate will be eligible for release from custody

pursuant to the admissions and release policy of the Gwinnett County Sheriff's Office.

- a. d. With respect to the following language:
- i. *If there is a language barrier between jail staff and the inmate, an interpreter must be contacted to assist with the booking and identification process.*
 - i. i. The language says an interpreter must be contacted, but not that an interpreter must be provided, as required by O.C.G.A. § 42-4-14. Can you confirm that the policy requires that an interpreter must be provided?
 1. If so, can you further confirm that you have, in fact, provided interpreters in all applicable previous cases since the effective date of HB 1105 (which enacted this requirement)?
 - i. ii. Would the Sheriff's Office consider:
 1. contacting and ultimately providing only/explicitly "qualified" interpreters, including a provision that the interpreter be as neutral as possible; and/or
 2. also providing digital tools for interpretation, to expand the range of adequate options, as consistent with the DOJ Law Enforcement Language Access initiative: <https://www.lep.gov/law-enforcement/>
 - a. e. Finally, this policy does not appear to prohibit the Sheriff from detaining someone indefinitely until it gets a final ICE detainer request. If the LESC response is "No match" or if LESC responds by instructing the Sheriff to contact them to get the detainer request, it appears the Sheriff can hold the person indefinitely, EXCEPT "Inmates who the jail suspects to be illegal aliens shall not be detained solely because the after hours number is not available." But there is no other such provision limiting time of detention, pre-LESC detainer request.
 - i. i. Can the Sheriff's Office confirm that it is the policy of the Office that a person shall not be detained, before a final LESC detainer request is received, solely on the basis of suspected, but not-yet- LESC verified unlawful presence, if no such local charges require detention [beyond 48 hours, etc.]?

Thank you, once again, for your consideration of these questions. I again look forward to your response.

Respectfully,
Marvin Lim
State Representative, House District 98

From: Atwater, Cleo <Cleo.Atwater@gwinnettcountry.com>
Sent: Friday, May 16, 2025 7:58 AM
To: Lim, Marvin <Marvin.Lim@house.ga.gov>
Cc: Taylor, Keybo <keybo.taylor@gwinnettcountry.com>; Coleman-Hawkins, Cynthia <Cynthia.Coleman-Hawkins@gwinnettcountry.com>
Subject: Response to Rep. Lim [*** External Email ***]

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Representative Lim,

My name is Cleo Atwater, Gwinnett County Sheriff's Office Chief. Thank you for your letter and for taking the time to engage with the operations of the Gwinnett County Sheriff's Office. We appreciate both our citizens and elected officials showing interest in the policies and procedures that guide our work, particularly on matters as significant and complex as immigration.

As you are aware, immigration policy remains at the forefront of national discussion, intersecting with social, economic, political, and law enforcement considerations. Sheriff Taylor and the dedicated professionals within the Gwinnett County Sheriff's Office take seriously our role in the lawful administration of duties related to immigration enforcement and detention.

Your inquiry is detailed and touches on the breadth of immigration-related issues we encounter. The Georgia statutes you reference form the legal foundation for much of our responsibility in this area. In practice, the application of these laws primarily affects two functions within our agency: (1) operations within our jail, which houses approximately 2,400 inmates, and (2) law enforcement activity outside the detention facility.

The responsibilities of the Sheriff's Office are primarily centered on constitutionally and statutorily mandated duties, particularly those related to warrant service, fugitive apprehension, operating the county jail and serving as an enforcement arm of the judiciary.

When our deputies encounter immigration-related issues in the field, they are trained to act in accordance with all applicable federal and state laws. We acknowledge that our responses to certain questions may seem general or non-specific; however, this reflects the practical realities of law enforcement. Unlike the controlled environment of a detention facility, field interactions often do not conform to rigid protocols. Instead, such encounters are assessed under the well-established judicial standard of the "totality of the circumstances," which necessarily requires officers to react to the unique facts of each situation.

Accordingly, our primary focus in this response will be on immigration-related activities and procedures within our detention center. Nevertheless, I can confirm that our deputies working in the field receive appropriate training and operate in accordance with all applicable federal and state laws governing immigration. Below, I will respond to each of your questions in the order presented:

- Requesting DHS/ICE agreements: To what extent is the Sheriff's Office cooperating with Department of Homeland Security – including, but explicitly not limited to, ICE?
RESPONSE: The Office cooperates with ICE to the extent required by the statutes you cite. We sometimes cooperate with other branches of the DHS unrelated to immigration issues.
 - o Are there established agreements? **RESPONSE:** We discussed an agreement with ICE that would help us to comply with the statutes you cited, but not beyond those requirements. Their law department has not yet produced a draft.
 - o Is cooperation happening ad-hoc when requested with judicial warrants or search warrants – and, if so, is cooperation limited to certain types of judicial or search warrants? **RESPONSE:** We cooperate with ICE under appropriate circumstances when cooperation is appropriate and beneficial to both agencies. However, we do not assist in ICE initiated "sweeps" for undocumented immigrants. ICE has offered to make agents accessible if needed for us to comply with the statutes.
 - o Is cooperation happening when requested regardless of warrants being issued – and, if so, in what scenarios? **RESPONSE:** Law enforcement is a complex endeavor where no two situations are ever the same. The presence or absence of arrest warrants, search warrants, Terry stops, or detainers are not dispositive of the decision to cooperate with another agency. Cooperation may occur whenever two agencies need mutual support.
- During investigations and arrests outside of county jail:
 - o If people are engaging in suspected misdemeanor traffic violations (e.g., speeding), and do not have a drivers' license, regardless of race or ethnicity, what is the standard protocol? **RESPONSE:** In Gwinnett County, police departments primarily enforce traffic laws and respond to calls for assistance. Standard protocol calls for the Deputy to apply the statutes to the infinite variety of circumstances they face. Deputies, like all law enforcement officers apply the laws to whatever circumstances they face.
 - o What procedures has the Sheriff's Office adopted regarding its "shall be authorized to" powers pursuant to Section 17-5-100(c) of the Georgia Code, regarding reasonable means available to determine the immigration status of the suspect? **RESPONSE:** The Deputies have been instructed and trained on the applicable statutes. Reasonable means cannot be predetermined because reasonableness is always related to the unique circumstances of every encounter, as is commonly recognized in enforcement actions.
 - Relatedly, is there a standard protocol that exists when individuals suspected of being undocumented and/or foreign born are in contact with law enforcement AND do not meet the requirements for arrest (as noted in HB 1105) – and, if so, what is the protocol? **RESPONSE:** Deputies will not arrest anyone without lawful authority to do so. Suspicion is not cause for arrest. There is no protocol that could possibly apply to every such scenario.
 - o What procedures has the Sheriff's Office adopted regarding its "may take any action authorized by state and federal law" powers pursuant to Section 17-5- 100(e) of the Georgia Code, regarding powers of law enforcement upon verification during investigation that a suspect is an "illegal alien"? **RESPONSE:** Again, a Deputy is authorized to take any lawful action that is appropriate to the unique circumstances of the encounter. Deputies are trained to consider all the circumstances and proceed accordingly.
 - o What is the protocol if there are minors in the home or venue at the time of the arrest? **RESPONSE:** When minors are present at arrests scenes, Deputies determine if any legal relationship exists between minor and the arrestee and then take appropriate action based on the circumstances such as the age of the children, relatives available to take custody, the recommendation of the arrestee, and the advice and counsel of DFCS.

- o What are the considerations for when people other than the person suspected of a crime are in the immediate vicinity/surrounding areas, when the suspected person is arrested or detained? Are they also interrogated/detained/etc.? Is there an identity verification (i.e., (show me your papers") protocol in place?
RESPONSE: Deputies consider all of the circumstances of the arrest and the environment when others are nearby. Deputies will not approach those they encounter and demand papers because they are not ICE agents.

· **While a person is in custody in county jail:**

- o Does the Sheriff's Office notify ICE, including verifying for detainer requests, for any individuals other than those who cannot establish "lawful presence"?
- o Where are detained /arrested foreign-born individuals usually kept while waiting for bonds or ICE detainees?
- o What is the procedure pursuant to Section 42-1-11.5(b)(2) of the Georgia Code, regarding the requirement to inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice?
- o What procedures has the Sheriff's Office adopted pursuant to its requirement under Section 42-4-14(e) of the Georgia Code, regarding state law requirement to provide an interpreter for any person to be confined who is unable to effectively communicate or understand the requirements of this Section?
- o What procedures has the Sheriff's Office adopted regarding its "may be detained, arrested, and transported as authorized by state and federal law powers pursuant to Section 42-4-14(g) of the Georgia Code, regarding its powers upon verification

· **Data tracking:**

- o Is the Sheriff's Office coordinating and tracking numbers of arrests related to immigration enforcement and operations?

RESPONSE TO THE SIX QUESTIONS ON JAIL ACTIVITIES: To address your six specific questions regarding our jail operations and the treatment of immigration-related matters, we have enclosed the relevant policies and procedures that govern our practices. These documents provide a comprehensive overview of our internal protocols concerning the handling of individuals with potential immigration issues while in our custody.

Our written policies are maintained with precision and are regularly reviewed and updated to ensure full compliance with all applicable federal and state laws. These policies form the foundation of our operational decisions and guide our staff in carrying out their responsibilities in a consistent, lawful, and professional manner.

To ensure effective implementation of these policies, a full-time Lieutenant—whose primary focus is the application of immigration-related procedures within the detention facility—has been assigned to oversee this area. We believe this documentation will provide a more thorough and accurate response than a simple point-by-point reply.

In summary, the Gwinnett County Sheriff's Office complies fully with all applicable statutes related to immigration enforcement. Our role is clearly defined by law, and we allow federal agencies such as ICE to address immigration matters that fall within their jurisdiction.

We remain committed to transparency, accountability, and lawful conduct in all aspects of our operations. We value continued dialogue with policymakers and community leaders and welcome further engagement on these important issues.

Best regards,

Chief Cleo Atwater



Cleophas Atwater | Chief

Gwinnett County Sheriff's Office | Gwinnett County Government

770-822-3160 | 2900 University Parkway, Lawrenceville, GA 30043 | GwinnettCountySheriff.com

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House of Representatives

MARVIN LIM
REPRESENTATIVE, DISTRICT 98
P.O. BOX 931886
NORCROSS, GEORGIA 30093
(404) 656-0314 (OFFICE)
(404) 585-7715 (MOBILE)
(404) 651-8086 (FAX)
EMAIL: marvin.lim@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 611-B
ATLANTA, GEORGIA 30334

STANDING
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AGRICULTURE & CONSUMER AFFAIRS
APPROPRIATIONS
HEALTH
RETIREMENT

June 11, 2025

The Honorable Chris Carr
Attorney General of Georgia
40 Capitol Square, SW
Atlanta, GA 30334

Dear Attorney General Carr:

As State Representative for House District 98, I write to request your legal opinion as to certain provisions in Title 42 of the Official Code of Georgia Annotated. In speaking both to Georgia law enforcement charged with upholding these provisions as well as Georgia citizenry who may be impacted thereby, I believe these provisions require further clarification, under the belief that clarity of law leads to our safest, most just outcomes:

With respect to O.C.G.A. § 42-1-11.5(b)(1), regarding the requirement to “[c]omply with, honor, and fulfill any request made in the immigration detainer notice,” and O.C.G.A. § 42-4-14(d)(2), stating that “[i]f the LESC [Law Enforcement Support Center] of the United States Department of Homeland Security responds to contact pursuant to this paragraph with a request to detain an illegal alien, he or she shall not be released within 48 hours of receipt of such request; provided, however, that if such person was released prior to such request to detain, such fact shall be communicated to the LESC of the United States Department of Homeland Security”:

Question No. 1: What other documents – for example, an ICE administrative warrant (e.g., ICE Form I-200, ICE Form I-285) – must accompany such an immigration detainer notice, in order to obligate Georgia law enforcement to carry out the detainer?

Question No. 2: Are Georgia law enforcement exempt from liability pursuant to O.C.G.A. § 42-1-11.5(b)(1)’s “any request made” language if they are not able to comply with the current requirement per DHS Form I-247A (3/17) to “[n]otify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from . . . custody” –

a situation that may arise, for example, if the law enforcement is unable to reach LESC in the given time frame (a situation contemplated, in a different context, in O.C.G.A. § 42-4-14(d)(2))?

Question No. 3: Does a civil immigration detainer request pursuant to these provisions – with or without an administrative warrant, yet without any other evidence of any other criminal activity – constitute either a warrant under Georgia law pursuant to Title 17, or probable cause for arrest without a warrant?

With respect to O.C.G.A. § 42-4-14, stating that “a reasonable effort shall be made within 48 hours of such person’s arrival at the jail or detention facility and pursuant to subsection (c) or (d) of this Code section to determine the: (1) The nationality of the person so confined; and (2) That the person so confined is not an illegal alien,” and O.C.G.A. § 42-4-14(d)(2), stating that “[n]o person shall be detained solely due to the inability to contact the LESC of the United States Department of Homeland Security pursuant to the provisions of this subsection”:

Question No. 4: Given these provisions, is it correct that Georgia law enforcement must release a person in their custody within 48 hours of the person’s arrival at the jail or detention facility even if their lawful presence has not been verified – including if ICE/LESC has provided either no response or any response except an immigration detainer request – so long as the person would have otherwise been released but for inability to confirm lawful presence with LESC?

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read "Marvin Lim", followed by a horizontal line extending to the right.

Marvin Lim
State Representative, House District 98



House of Representatives

MARVIN LIM
REPRESENTATIVE, DISTRICT 98
P.O. BOX 931886
NORCROSS, GEORGIA 30093
(404) 656-0314 (OFFICE)
(404) 585-7715 (MOBILE)
(404) 651-8086 (FAX)
EMAIL: marvin.lim@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 611-B
ATLANTA, GEORGIA 30334

STANDING
COMMITTEES:

AGRICULTURE & CONSUMER AFFAIRS
APPROPRIATIONS
HEALTH
RETIREMENT

June 13, 2025

The Honorable Chris Carr
Attorney General of Georgia
40 Capitol Square, SW
Atlanta, GA 30334

Dear Attorney General Carr:

Please allow me to include the following addendum to my letter to you dated June 13, 2025, regarding my request for your legal opinion as to certain provisions in Title 42 of the Official Code of Georgia Annotated.

With respect to OCGA 42-4-14(d)(2), which states that “[i]f the LESC of the United States Department of Homeland Security responds to contact pursuant to this paragraph with a request to detain an illegal alien, he or she shall not be released within 48 hours of receipt of such request; provided, however, that if such person was released prior to such request to detain, such fact shall be communicated to the LESC of the United States Department of Homeland Security,” and OCGA 42-4-14(g), which states that “Nothing in this Code section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release”:

Question No. 5: The current DHS Form I-247A (i.e., immigration detainer notice) requests its recipient to “[m]aintain custody of the individual for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody” (emphasis in original).¹ This

¹ See *Form I-274A, Immigration Detainer (Sample)*, NATIONAL IMMIGRANT JUSTICE CENTER, <https://immigrantjustice.org/for-attorneys/resources/form-1-247a-immigration-detainer-sample> (last visited Jun. 13, 2025) (I-247A form updated 2/25 per settlement with ICE); see also *Immigration Detainer Sample*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/sites/default/files/documents/Document/2017/I-247A.pdf> (last visited Jun. 13, 2025) (prior I-247A form updated 3/17 with similar language).

language implies 48 hours begins only when the individual is otherwise ready for release (i.e., no bond or has posted bond) – a practice to which, I have been informed, some sheriffs adhere. However, OCGA 42-4-14(d)(2) refers only to 48 hours upon receipt of the detainer request without additional qualification – and OCGA 42-4-14(g) refers only to eligibility for release (which may include, for example, the setting of bond, but not the posting thereof).

Therefore: per Georgia statutory language, does state law begin counting the 48 hours pursuant to OCGA 42-4-14(d)(2) upon receipt of the immigration detainer request, regardless of whether the individual is, at the time of receipt, otherwise ready for release (and regardless of conflicting language in DHS Form I-247A)?

Again, thank you for your attention to this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read "Marvin Lim", followed by a horizontal line extending to the right.

Marvin Lim
State Representative, House District 98