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8
9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11
12 RICARDO OLIVERA SILVA

13 Plaintiff,

14 v.

15 ED W. CAMPBELL, Director of Yakima
16 County Department of Corrections;
17 SCOTT HIMES, Chief of the Yakima
18 County Department of Corrections; and
YAKIMA COUNTY,

19 Defendants.

Case No.

COMPLAINT

1 **PRELIMINARY STATEMENT**

2 1. This suit arises from Defendants’ unlawful detention of Plaintiff for
3 over two days after he posted bail. Defendants placed an immigration hold on
4 Plaintiff based on a Form I-200 Administrative Warrant (“Form I-200”) issued by
5 the United States Department of Homeland Security (“DHS”). Form I-200s are
6 directed to federal immigration officers, and do not provide state or local law
7 enforcement officers with any authority to arrest or detain individuals for
8 immigration violations. Defendants’ policy and practice of holding individuals
9 based on the Form I-200 prevented Plaintiff from being released from Yakima
10 County jail, even though he was entitled to immediate physical release after
11 posting bail.
12

13 2. This suit challenges Defendants’ unlawful policy and practice of not
14 releasing individuals in their custody based solely on a request by immigration
15 officials. Defendants’ use of immigration holds amounts to the detention of
16 persons who are otherwise entitled to release from custody. Defendants’ policy
17 and practice violate the constitutional rights of the Plaintiff and countless others.
18

19 **JURISDICTION AND VENUE**

20 3. This action arises under the Constitution and laws of the United
21 States, including 42 U.S.C. § 1983. This Court has jurisdiction over this action
22 pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1343 (civil rights).
23

STATEMENT OF FACTS

Plaintiff’s Factual Background

1
2
3 10. On or around April 13, 2017, Mr. Olivera was placed in the custody
4 of Yakima County Department of Corrections (“DOC”) pursuant to state criminal
5 proceedings.

6
7 11. Mr. Olivera has never previously been charged with committing a
8 criminal offense under federal law.

9 12. An immigration official interviewed Mr. Olivera while he was in
10 custody at the Yakima County Jail on or about April 13, 2017.

11 13. On April 13, 2017, a DHS officer issued a Form I-200 on the
12 Plaintiff.

13
14 14. On April 14, 2017, Mr. Olivera’s bail was set at \$7,500 by Yakima
15 County Superior Court.

16 15. Shortly after Mr. Olivera’s bail was set, his girlfriend Genesis
17 Cosina attempted to seek the services of a local bail bonds company. The
18 company representative told her that they would not work with her because of an
19 “immigration hold” on Mr. Olivera.

20 16. On May 5, 2017, Mr. Olivera’s criminal case was transferred to
21 Yakima County District Court. He was charged with harassment and disorderly
22 conduct in violation of Wash. Rev. Code §§ 9A.46.020 and 9A.84.030.
23

1 17. On June 14, 2017, Mr. Olivera's bail was reduced to \$2,500.

2 18. At approximately 12:00AM of July 22, 2017, Ms. Cosina went to
3 Yakima County Jail to post bail for Mr. Olivera, as well as for Roberto Miranda
4 Mateo ("Mr. Miranda"), another acquaintance detained in Yakima County Jail,
5 whose bail was set at \$500.
6

7 19. Ms. Cosina rang the doorbell at Yakima County Jail when she
8 arrived. A jail officer spoke through the speaker next to the doorbell and asked
9 why she was there. Ms. Cosina responded that she was there to post bail and
10 provided the full names of both Mr. Olivera and Mr. Miranda.

11 20. Around fifteen minutes later, a jail officer informed Ms. Cosina over
12 the speaker that she could not post bail for either individual because of their
13 immigration holds.
14

15 21. Ms. Cosina then called an immigration advocate who she had
16 previously spoken with about Mr. Olivera's situation. The advocate stated that he
17 would call the jail and call her back.

18 22. Ms. Cosina continued to wait outside the jail for approximately an
19 hour. The immigration advocate then called her back and informed her that she
20 could post bail. She rang the doorbell again to ask to post bail for Mr. Olivera and
21 Mr. Miranda. A jail officer told her over the speaker that they were checking their
22 papers to see if the jail could release them.
23

1 23. After waiting for a while, Ms. Cosina rang the doorbell again to
2 request an update. A jail officer came outside and escorted Ms. Cosina inside,
3 finally permitting her to initiate the process to post bail.

4 24. After arriving inside the building, Ms. Cosina posted bail first for
5 Mr. Olivera, then Mr. Miranda. The jail officer handed her paper receipts for
6 each.

7 25. Immediately after handing Ms. Cosina the second bail receipt, the
8 jail officer told her that Mr. Olivera and Mr. Miranda were now in immigration
9 custody.
10

11 26. The jail officer had not informed Ms. Cosina that Mr. Olivera and
12 Mr. Miranda would remain detained after posting bail.

13 27. The jail officer called for a sergeant to speak with Ms. Cosina. The
14 sergeant explained to Ms. Cosina that she could not get the bail amounts
15 refunded.
16

17 28. Mr. Olivera was not moved from his cell after posting bail.

18 29. Mr. Olivera was entitled to release from Defendants' custody
19 immediately after posting bail on his state charges.

20 30. Mr. Olivera was not released from Yakima County Jail after posting
21 bail.
22
23

1 37. In the past, Defendants had a policy and practice of holding
2 individuals based on immigration “detainers” submitted on DHS Form I-247,
3 which request that other law enforcement officials maintain custody of an
4 individual. U.S. Immigration and Customs Enforcement,
5 [https://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-](https://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-form.pdf)
6 [form.pdf](https://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-form.pdf) (last visited Dec. 19, 2017).

8 38. In April 2014, the United States District Court for Oregon issued
9 *Miranda-Olivares v. Clackamas Cnty*, No. 3:12-cv-02317-ST, 2014 WL 1414305
10 (Apr. 11, 2014). *Miranda-Olivares* held that detaining an individual solely based
11 on the Form I-247 violated the Fourth Amendment because the detainer does not
12 furnish probable cause.

13 39. Following *Miranda-Olivares*, Defendants ceased their policy and
14 practice of detaining individuals based on Form I-247 detainer.

16 40. Defendants instead replaced it with a policy and practice of placing
17 immigration holds on individuals solely based on Form I-200s issued by federal
18 DHS officials.

19 41. Similar to Form I-247, Form I-200 is unsupported by a finding of
20 probable cause by a neutral magistrate. *See* U.S. Immigration and Customs
21 Enforcement, [https://www.ice.gov/sites/default/files/documents/Document/2017/](https://www.ice.gov/sites/default/files/documents/Document/2017/I-200_SAMPLE.PDF)
22 [I-200_SAMPLE.PDF](https://www.ice.gov/sites/default/files/documents/Document/2017/I-200_SAMPLE.PDF) (last visited Dec. 17, 2017).

1 42. Form I-200 does not authorize state or local officials to take any
2 action. *Id.*

3 43. The Form I-200 issued for Mr. Olivera did not furnish probable
4 cause for detaining him, nor direct or authorize Yakima County to hold Mr.
5 Olivera after he posted bail for his state charges.
6

7 **Intergovernmental Agreement**

8 44. Yakima County has entered into an Intergovernmental Agreement
9 (“IGA”) with the United States Marshals Service.

10 45. The IGA allows DHS and other federal agencies to rent bed space
11 from Yakima County for purposes of housing federal detainees.

12 46. The IGA does not authorize Yakima County to enforce federal
13 immigration laws.

14 47. The IGA authorizes Yakima County to accept federal detainees only
15 when they are presented by a federal law enforcement officer.
16

17 48. The IGA does not direct or authorize Yakima County to hold
18 individuals after they post bail for his state charges.
19

20 **CAUSE OF ACTION**

21 **Detention in Violation of Civil Rights – 42 U.S.C. § 1983**

22 49. The policy and practice of Defendants, and the individual acts of
23 Defendants Director Campbell and Chief Himes in placing immigration holds

1 5. Enjoin Yakima County DOC, its Director, and Chief from detaining
2 individuals with immigration holds after posting bail;

3 6. Award Plaintiff damages arising from Defendants’ unlawful
4 detention in an amount to be proven at trial;

5 7. Award attorney fees and costs under 42 U.S.C. § 1988, and under
6 any other basis justified under law; and
7

8 8. Grant other further relief as just and appropriate.

9 DATED this 20th day of December, 2017.

10 NORTHWEST IMMIGRANT
11 RIGHTS PROJECT

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