

McGuireWoods Teams With ACLU in Lawsuit Over Virginia Sheriff's Immigration Agreement

COMPLAINT SEEKS TO TERMINATE CULPEPER COUNTY ICE CONTRACT

November 27, 2018

McGuireWoods is serving as pro bono co-counsel with the American Civil Liberties Union of Virginia in a lawsuit that seeks to terminate an arrangement in which Culpeper County sheriff's deputies perform duties of U.S. Immigration and Customs Enforcement officers.

Culpeper County Sheriff Scott Jenkins signed an agreement on April 24, 2018, with ICE under Section 287(g) of the Federal Immigration and Nationality Act that purportedly allows deputies to enforce federal civil immigration law by performing functions such as questioning individuals booked in the county jail about their immigration status and detaining them until ICE takes them into custody. The sheriff's office must cover personnel expenses associated with the agreement, as well as costs for training, equipment, technology and administrative supplies.

Under the Virginia Constitution, localities may only take actions specifically authorized by the constitution or the General Assembly. Neither authorizes Culpeper County to enforce federal immigration law or to spend local tax revenues for that purpose, the lawsuit states.

McGuireWoods and the Virginia ACLU filed the lawsuit Nov. 28 in Culpeper County Circuit Court on behalf of county taxpayers Michael McClary and Christina Stockton. The defendants are Jenkins, who executed the agreement with ICE, and the county board of supervisors, which allocates funds to the sheriff's office. The plaintiffs asked the court to order the sheriff to terminate the agreement immediately and stop using local tax money for related expenses.

"We are partnering with the ACLU of Virginia because an important legal principle is at stake," said McGuireWoods' [Casey Lucier](#). "Under Culpeper County's agreement with ICE, sheriff's deputies assume immigration enforcement duties that are not authorized by Virginia law, putting a strain on local public safety resources. We filed this lawsuit to protect the interests of county taxpayers."

The McGuireWoods team also includes partners [Dion Hayes](#) and [Dale Mullen](#) and associates [Travis Gunn](#), [Ashley Peterson](#), [Patrick McNichol](#) and [Maggie Bowman](#), all based in the firm's Richmond, Virginia, office.

As part of McGuireWoods' commitment to client and community service, the firm's lawyers are involved in significant pro bono work, including immigration matters, death penalty cases, child support enforcement prosecutions, housing law cases, domestic violence representations, human trafficking litigation, wills and powers of attorney, court-appointed criminal defense and general counseling for nonprofit organizations.

McGuireWoods earned a "Highly Commended" rating in *Financial Times*' 2017 [North America Innovative Lawyers Report](#) for its role in a first-of-its-kind pro bono initiative that made Richmond the first U.S. city to outsource legal aid matters in 12 practice areas, enabling legal aid organizations to focus scarce resources on other critical areas.