



September 30, 2014

Superintendent Terry Kokolis  
Anne Arundel Department of Detention Facilities  
131 Jennifer Road  
Annapolis, MD 21401

Dear Superintendent Kokolis:

I write on behalf of the ACLU of Maryland, in follow-up to my June 2014 letter about recent federal court decisions finding constitutional problems with immigration detainer requests. As you may be aware, the Maryland Attorney General recently issued a letter of advice concluding that by itself, an immigration detainer does not authorize continued detention of a person past their state or local release date. The Attorney General's letter also concludes that "the only sure way to avoid . . . potential liability . . . is to decline to detain individuals beyond their regularly-scheduled release date when the sole basis for extending the detention is the receipt of an ICE detainer."<sup>1</sup>

You may also be aware that in response to this letter of advice, Prince George's County will no longer respond to ICE hold requests unless they are accompanied by a warrant issued by a judge.<sup>2</sup> As discussed in our June 2014 letter, the Fourth Amendment requires a *judicial finding* of probable cause in order to justify detention, and we believe requiring a warrant issued by a judge is the only constitutional way to implement that requirement.

Please inform us how you plan to proceed in light of these developments. If we can be of any assistance, please do not hesitate to be in touch.

Sincerely,

A handwritten signature in black ink, appearing to read "Sirine Shebaya".

Sirine Shebaya  
Immigrants' Rights Attorney  
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(410) 889-8555

<sup>1</sup> Maryland Attorney General Letter of Advice to the Honorable Douglas W. Mullendore, Washington County Sheriff, August 14, 2014 at 1-2.

<sup>2</sup> John Fritze, *Prince George's County to limit holding immigrants for the feds*, The Baltimore Sun, September 25, 2014, available at [www.baltimoresun.com/news/maryland/bs-md-prince-georges-immigration-20140925.0,1607516.story](http://www.baltimoresun.com/news/maryland/bs-md-prince-georges-immigration-20140925.0,1607516.story).

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