



June 9, 2014

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

**Re: Recent court decision regarding the constitutional deficiencies  
of immigration detainers (Form I-247)**

Dear Superintendent Kokolis,

I write on behalf of the American Civil Liberties Union of Maryland (ACLU) to bring to your attention recent federal court rulings regarding the constitutionality of detaining someone on the sole basis of an immigration detainer request (DHS Form I-247). In the past three months, three federal courts have found that such detention may violate the Fourth Amendment and that counties are liable in damages to the individuals they detain on that basis. The enclosed briefing paper provides an analysis of the relevant issues and a summary of the court cases for your review.

It is our understanding that your agency currently has a policy or practice of responding to every immigration detainer you receive by detaining individuals named in these forms for ICE pickup past the time when they should otherwise be released (for example because they have posted bond or been acquitted or resolved their criminal charges or otherwise become eligible for release). *We urge you to seriously reconsider your practices in this regard, since they may run afoul of detainees' Fourth Amendment and procedural due process rights and may expose your agency to significant liability.*

I also enclose a model detainer policy for your review. Please do not hesitate to contact me with any questions or for further discussion of these issues. I can be reached at [shebaya@aclu-md.org](mailto:shebaya@aclu-md.org) or at (410) 889-8550 ext. 140.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

FIELD OFFICE  
6930 CARROLL AVENUE  
SUITE 610  
TAKOMA PARK, MD 20912  
T/240-274-5295

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

OFFICERS AND DIRECTORS  
COLEMAN BAZELON  
PRESIDENT

SUSAN GOERING  
EXECUTIVE DIRECTOR

Sincerely,

Sirine Shebaya  
Immigrants' Rights Attorney  
[shebaya@aclu-md.org](mailto:shebaya@aclu-md.org)  
(410) 889-8550 ext. 140