



KEVIN KAMENETZ
County Executive

FRED HOMAN
Administrative Officer

November 13, 2014

Deborah Richardson, Director
Department of Corrections
802 York Road
Towson, MD 21204

RE: Compliance with ICE Detainers

Dear Director Richardson:

The Administration has reviewed the Letter of Advice from Assistant Attorney General Adam Snyder to the Washington County Sheriff, the Honorable Douglas W. Mullendore, dated August 14, 2014 regarding a local law enforcement officer's potential exposure to liability for honoring detainers issued by U.S. Immigration and Customs Enforcement (ICE) when doing so requires the local law enforcement officer to retain custody of an individual after the time the individual would otherwise be released from custody under the provisions of Maryland law. The letter concluded generally that if a local enforcement officer does not have probable cause to extend custody over the subject of an ICE detainer, the continued detention likely constitutes a violation of the Fourth Amendment to the United States Constitution.

Consistent with that advice, the Governor has, in two separate letters (August 27, 2014 and October 20, 2014), stated that the state Department of Public Safety and Correctional Services will comply with an ICE detainer only if two circumstances are satisfied:

1. The Detainer request has adequate support for a finding of probable cause under the Fourth Amendment; and
2. ICE provides the Department with a judicial warrant indicating that there is probable cause to believe that the subject of the detainer has committed a violation of criminal law.

Effective immediately, the Department of Corrections shall honor only those ICE detainers that satisfy the conditions established by the Governor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred Homan", is written over a horizontal line.

Fred Homan
County Administrative Officer

cc: Donald. I. Mohler, III, Chief of Staff
Michael E. Field, County Attorney