



MARTIN O'MALLEY  
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October 20, 2014

The Honorable Gregg Hershberger  
Department of Public Safety and Correctional Services  
300 E. Joppa Road, Suite 1000  
Towson, MD 21286

Dear Secretary Hershberger:

By letter dated August 27, 2014, I confirmed that the Department of Public Safety and Correctional Services, in its role as administrator of Central Booking in Baltimore City, would comply with detainers issued by U.S. Immigration and Customs Enforcement (ICE) only when those requests were supported by probable cause adequate to satisfy the Fourth Amendment. I now offer further clarification of that policy.

The Department shall honor only those ICE detainers that satisfy the following two conditions:

1. The basis provided for the detainer is at least one of the limited circumstances specified in my letter of April 18, 2014; 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.

As a State, we remain willing to cooperate with ICE regarding detainer subjects who present a risk to public safety, provided that both of the above conditions are met.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin O'Malley".

Governor