

Prince George's Co. to limit holding immigrants for the feds

Prince George's County will become the state's second jurisdiction to stop honoring federal requests to hold illegal immigrants beyond their scheduled release unless agents can demonstrate it is likely that they have committed a crime, county officials said Thursday.

County officials have issued the policy in response to a recent letter from the office of the Maryland attorney general, who opined that holding immigrants on "detainers" requested by U.S. Immigration and Customs Enforcement without probable cause to believe they are criminals could violate the Fourth Amendment. Gov. Martin O'Malley, a Democrat, issued a similar policy last month for the state-run jail in Baltimore.

Immigration advocates applauded the decision to end the practice, which led to the deportation of hundreds of immigrants in Maryland who entered the country illegally but had committed no crime here.

A Baltimore Sun analysis this year found that more than 40 percent of the immigrants deported from the state under the system had no prior criminal record. That percentage was far greater than the national average.

President Barack Obama has frequently said his administration is prioritizing criminals for deportation.

Most immigration violations are civil, not criminal matters.

"If a person has already completed their time here and we have no other real reason to hold them outside of a [federal] request then they will be released," said Yolanda Evans, a spokeswoman for the Prince George's corrections department.

A spokesman for ICE was not immediately available to comment late Thursday evening.

The Prince George's policy, which is set to take effect Oct. 1, is significant for several reasons.

It requires federal agents to obtain a warrant from a judge to document probable cause rather than asking corrections officials to assess cases. That's a more restrictive standard than O'Malley set for Baltimore.

Prince George's had one of the largest shares of non-criminal deportations in the state, according to federal data. More than 40 percent of all deportations from Maryland under a

controversial program known as Secure Communities occurred in Prince George's. Nearly half of those immigrants had no prior criminal record.

"We are thrilled to see the crisis resolved in the jurisdiction that has seen the greatest impact from detainers and look forward to others following Prince George's County's leadership," said Gustavo Torres, executive director of CASA de Maryland.

CASA and the Maryland chapter of the American Civil Liberties Union have been pressing counties to rethink their acceptance of the ICE detainers after federal courts in other circuits have questioned their legality. The detainers, or "holds," are signed by [federal employees](#), not judges.

Their effort has been helped by an Aug. 14 letter from the attorney general to the sheriff of Washington County.

"If a local law 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," a state attorney wrote in the letter.

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