



Shawnee County
Department of Corrections

501 S.E. 8th Street - Topeka, Kansas 66607

Brian W. Cole, Director

Adult Detention Facility – 501 SE 8th – Topeka, Kansas 66607 – (785) 291-5000 – FAX (785) 291-4924
Youth Detention Facility – 401 SE 8th – Topeka, Kansas 66607 – (785) 233-6459 – FAX (785) 291-4963
Corrections Annex – 818 SE Adams – Topeka, Kansas 66607 – (785) 291-5000 – FAX (785) 291-4930

May 30, 2014

Mr. Doug Bonney
Chief Counsel & Legal Director
ACLU Foundation of Kansas
3601 Main Street
Kansas City, MO 64111

SUBJECT: Immigration Detainers (Letter of May 12, 2014)

My office is in receipt of your letter dated May 12, 2014, wherein you articulate your concern over the legality of the Shawnee County Department of Corrections maintaining custody of potential Immigration and Customs Enforcement (ICE) detainees upon the authority of an I-247 “Immigration Detainer – Notice of Action” form. We appreciate that you provided us with your legal analysis of this discrete issue, and the court opinion in *Galarza v. Szalczyk* in March of this year.

Because we believe there is merit to your position, we have ceased recognizing any “probable cause” authority in the I-247 form, and have notified the local ICE authority of our decision. It is our desire never to hold any person in our facility beyond the period for which proper lawful authority exists. Even if there is ultimately a finding by the U.S. Supreme Court, or even our circuit, contrary to the *Galarza* opinion on this point, for now we will err on the side of the protection of individual liberties.

In your letter to me, you offered to provide me a copy of a memorandum your office is developing on the legal issues raised by ICE detainers. I would very much appreciate receiving a copy upon your completion, as another tool to help us to ensure careful management of these complex legal subjects. Thank you for your input on this important matter. If you have any additional questions, please feel free to give me a call at (785) 251-6601.

Kindest Regards,

Brian W. Cole
Director