



**Testimony for the Senate Judicial Proceedings Committee
March 27, 2025**

**HB 1222 - Public Safety - Immigration Enforcement
(Maryland Values Act)**

FAVORABLE WITH AMENDMENTS

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The ACLU of Maryland supports HB 1222, which seeks to prohibit state or local entities from entering into a contractual agreement with federal immigration enforcement under the 287(g) program and terminate existing agreements. As part of the Maryland Immigrant Justice Table, we are asking the committee to remove the amendments adopted by the House Judiciary Committee that require local law enforcement agencies to notify and transfer people to Federal Immigration and Customs Enforcement (ICE). The purpose of HB 1222 is to end 287(g) agreements in Maryland, not mandate new forms of collaboration with ICE. Local jurisdictions already have the discretion to engage with ICE if they choose; ending 287(g) agreements does not limit that existing authority.

We believe this legislation is both necessary and urgent. Evidence shows that participation in 287(g) programs encourage racial profiling, disproportionately impacts Black and Latine people, historically targets individuals with little to no criminal history and creates a climate of fear that harms the relationship between law enforcement and local communities. Given that state and local resources are limited, they should be dedicated to strategies that have been proven to improve public safety and not on approaches that have a long history of racial profiling and violating people's rights.

287(g) agreements have resulted in widespread constitutional violations and racially disparate treatment of residents.

Recent studies and investigations document how the 287(g) program fosters unconstitutional practices.¹ Since 2012, street enforcement models were phased out and all current 287(g) programs in Maryland are exclusively jail based. However, data shows that the jail based model incentivizes racially disparate pretextual stops in order to funnel Black and Latine residents into the deportation

¹ American Immigration Council. (2025) *The 287(g) Program: An Overview*. (Fact Sheet)
<https://www.americanimmigrationcouncil.org/research/287g-program-immigration#:~:text=Researchers%20have%20found%20that%20287,Latino%20and%20Black%20community%20residents.>

pipeline. In Maricopa County, Arizona, for instance, the Department of Justice found that local law enforcement routinely conducted sweeps in Latine communities and that Latine drivers were up to nine times more likely to be stopped than other drivers.² This led to the termination of the 287(g) program in Maricopa County in 2011.

The experience in Frederick County, Maryland, further illustrates the problem. In a notable case, deputies unlawfully stopped Sara Medrano in 2018 while she was driving with her daughter and two grandchildren. The officer lied about why he pulled her over (a broken taillight that was working just fine), proceeded to interrogate her about her immigration status, and detained her illegally, making her believe she would be separated permanently from her family.³ In *Medrano vs Jenkins*, the court ruled in favor of Ms. Medrano, which resulted in a \$25,000 award in damages, and a formal apology from Sheriff Jenkins for the misconduct of his officers.⁴

Although she was eventually released, this is just one of many examples of abusive police practices that terrify communities, and make residents view law enforcement as a threat, rather than protection. Maryland's law enforcement agencies must serve all individuals equally and without discrimination. We also must ensure that public safety decisions are made and resources are spent to advance the interests of *Maryland's communities* first, not the federal government's anti-immigrant politics.

The Values Act will improve public safety by ending 287(g) programs, which waste local resources and erode public trust.

In addition to widespread constitutional violations, studies have found that 287(g) programs make communities less safe.⁵ 287(g) makes certain residents afraid of reporting crime, whether as witnesses or as victims, and they are less likely to cooperate in police investigations. A 2017 study makes clear: "Research has shown that immigrants may be less likely to report victimization to the police in the

² Letter from Thomas E. Perez, Asst. U.S. Attorney General, to Bill Montgomery, Maricopa County Attorney, Re: United States' Investigation of the Maricopa County Sheriff's Office, December 15, 2011, http://www.justice.gov/crt/about/spl/documents/mcso_findletter_12-15-11.pdf.

⁴ *Medrano vs. Jenkins*. (2021). Settlement Agreement and Release. https://www.aclu-md.org/sites/default/files/field_documents/final_settlement_agreement_and_release_signatures.pdf

⁵ Police and Immigration: How Chiefs Are Leading their Communities through the Challenges. (2010). Police Executive Research Forum.

https://www.immigrationresearch.org/system/files/police_and_immigration_-_how_chiefs_are_leading_their_communities_through_the_challenges_2010.pdf

United States for a variety of reasons: language barriers, fear of the police, and fear of deportation.”⁶

In Maryland, neither Montgomery County nor Prince George’s County have entered into 287(g) agreements, despite each having a higher immigrant population than Frederick County. Unsurprisingly, both counties have achieved more significant reductions in crime rates in recent years than Frederick County has under Sheriff Jenkins and his oversight of the 287(g) program.⁷

Proponents of 287(g) programs claim that it reduces crime by prioritizing those offenders who present the greatest risk to public safety. However, data shows unequivocally that historically it disproportionately impacts those with low level offenses. This is a result both of increased racial profiling as mentioned above, and of the fact that 287(g) programs are based in County jails where a vast majority of those booked are for lower-level offenses, serving sentences of less than a year. According to the Frederick County 2012 Annual Report, 88 percent of civil immigration detainees issued by ICE were for misdemeanors — and 60% for minor traffic violations.⁸

It is clear that the 287(g) program fosters unconstitutional and racist policing practices, and erodes community trust and public safety. And Maryland must uphold due process and disentangle immigration enforcement from the criminal justice system. For the foregoing reasons, the ACLU of Maryland urges for a favorable report on HB 1222 with the aforementioned amendments.

⁶ Gutierrez, C. M., & Kirk, D. S. (2017). *Silence speaks: The relationship between immigration and the underreporting of crime*. *Crime & Delinquency*, 63(8), 926–950. and <https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-93>.

⁷ Seven truths surrounding the 287(g) program. 2020. ACLU of Maryland. <https://www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs>

⁸ *i.d.*