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SB 850 - SUPPORT
CORRECTIONAL SERVICES - IMMIGRATION DETENTION -
PROHIBITION (DIGNITY NOT DETENTION ACT)

Judicial Proceedings Committee

February 26, 2020

Dear Chair Smith and Members of the Judicial Proceedings Committee:

Maryland Against ICE Detention urges you to give a favorable report on SB850, the Dignity Not Detention Act; this act would effectively keep for-profit immigration prisons out of Maryland and would end local entities' contracts (IGSAs) for ICE detention. Maryland Against ICE Detention is a coalition of community members, faith leaders, and advocacy groups fighting to stop immigrant detention facilities in Maryland. We represent over 50 organizations with more than 190,000 Maryland members total, and we stand opposed to any municipality in Maryland profiting from detaining our residents on immigration charges.

We support just and humane treatment for all residents of our state. Regardless of detention facilities' current and proposed locations, immigrant detention affects all Maryland residents. Evidence from ICE expansion efforts across the country shows that adding more detention beds results in more community raids (rife with racial profiling and "collateral arrests" of bystanders), more people detained at routine ICE check-ins, and more community members detained for civil violations. The consequences for our communities are severe. Our friends and neighbors, including those who have called Maryland home for decades, live in fear of being detained or deported, forcibly separated from their children, and prevented from supporting their families. This needs to stop.

Immigrant detention, whether privately or publicly run, takes us in the wrong direction in history. Mass incarceration has long been a problem in our country, and immigrant detention is aggressively eating away at progress that's been made, by simply shifting who gets locked up. Immigrant detention is deadly (dozens of detainees in ICE custody have died under the Trump and Obama administrations). It is also inhumane, with widespread findings of inadequate and spoiled food, negligent medical care, extensive use of solitary confinement, physical and sexual abuse, and more. Frederick County itself has been implicated in oversights in immigration detention including interpretation

services, medical care, unmonitored access to lawyers, and a process for documenting grievances. We are convinced that the inherent nature of detention means that oversights and abuses will persist so long as there are beds.

Numerous state and local governments around the country have rejected being part of ICE's cruel, costly, and destructive system of immigrant detention. It is time for Maryland to step forward as well.

ICE and private contractors such as ICA not only exploit immigrant communities, but also prey upon towns and counties that are financially struggling, such as Sudlersville, Maryland. Yet economic promise can, and often does, turn sour. Due to poor oversight, there have been endemic abuses, and local governments (e.g., Eloy, Texas) have been on the hook when lawsuits have arisen. In other cases (Cibola County, NM, and counties in CA), counties have had to front costs beyond what they were paid, and they've lost money. As a state, Maryland should not count on such an unethical and unreliable industry to help its struggling localities.

Maryland already took the important step of banning private prisons, but there's a loophole for immigrant detention. We need to close that loophole.

The percentage of immigrant detainees housed in private prisons nationwide has increased steadily in the last decade, now reaching about 70%. A small number of corporations reap tremendous profits through federal contracts, ultimately at great cost to the taxpayer. These corporations--including ICA which is seeking to open a detention center in Sudlersville, a town of 400 people in Queen Anne's county--have a history of maximizing profits at the expense of humane treatment of detainees and fair compensation for employees. ICA's Farmville, Virginia Detention Center has been investigated by the Department of Homeland Security's (DHS) Office of Civil Rights and Civil Liberties in response to complaints about poor medical care, use of force and restraints, lack of religious accommodation, and poor environmental health and safety.

Private prisons contracting with the Immigration and Customs Enforcement Agency (ICE) have avoided accountability for poor conditions. According to a 2019 study by the Office of the Inspector General of the DHS, private prisons are largely exempt from federal oversight.

Rather than holding facilities accountable through financial penalties, ICE issued waivers to facilities with deficient conditions, seeking to exempt them from complying with certain standards. However, ICE has no formal policies and procedures to govern the waiver process, has allowed officials without clear authority to grant waivers, and does not ensure key stakeholders have access to approved waivers. Further, the organizational placement and overextension of contracting officers' representatives impede monitoring of facility contracts. Finally, ICE does not adequately share information about ICE detention contracts with key oversight officials.

Maryland should not allow a system of ICE immigrant detention, due to the ethical, legal, medical, social, administrative, and financial problems endemic to it.

We therefore urge a favorable report on SB 850.

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