



Barbara Noveau, Executive Director, DoTheMostGood-Montgomery County

COMMITTEE: Judicial Proceedings

TESTIMONY ON: SB850 - CORRECTIONAL SERVICES - IMMIGRATION DETENTION - PROHIBITION (DIGNITY NOT DETENTION ACT)

POSITION: SUPPORT

HEARING DATE: February 26, 2020

BILL CONTACT: Delegate Vaughn Stewart

To: The Honorable William C. Smith, Jr., Chair, Judicial Proceedings Committee, and Committee Members

DoTheMostGood—Montgomery County (DTMG) is a progressive grassroots organization with more than 1600 members who live in a wide range of communities from Bethesda near the DC line north to Germantown and beyond, and from Potomac east to Silver Spring and Olney. DTMG supports legislation that reinforces human rights for all residents of Maryland, and recognizes that civil enforcement of the immigration laws is the exclusive responsibility of the Federal government. The management and operation of detention facilities for immigrants involves inherently governmental functions, such as coercive police power, that should not be delegated to the private sector. Moreover, because of the Federal role and issues of state liability, accountability and cost, the involvement of state and local officials in civil immigration detention should be phased out to the fullest extent legally permissible.

Consistent with these principles, DTMG supports SB850. This bill would preclude state or local officials from entering into agreements for the detention of individuals in a privately managed detention center. This will keep private contractors, whose performance is far from exemplary as described below, from constructing immigrant detention centers in our state. It further provides that the state and its local governments would be barred from entering into or renewing an immigration detention agreement, including with the Federal Government, and must terminate any existing agreements by October 1, 2121.

Maryland and its local jurisdictions should not be aiding in the civil enforcement of Federal immigration law. The current record establishes that many private contractors are more concerned with their profits than the humane treatment of the vulnerable detainees, or fair compensation for their employees.

The percentage of immigrant detainees housed in private prisons has increased steadily in the last decade, now reaching 70%. Recently one such company, Immigration Centers of America (ICA), has been working with Sudlersville, in Queen Anne's County, to pave the way for a new immigrant

detention center there, over the clear objections of many of the town's citizens. Along with detention centers run by other companies, 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, unnecessary use of force and restraints, lack of religious accommodation, and poor environmental health and safety practices. Already, three prisoners in custody of ICE detention facilities have died in 2020, and eight died in 2019. These deaths were not only in private facilities, but in some that are run by municipalities under ICE contract. The U.S. House of Representatives Oversight and Reform Committee announced in December that it is investigating the inadequate medical care in such facilities.

Private prisons contracting with the Immigration and Customs Enforcement Agency (ICE) have avoided accountability for poor conditions. Even the supervising agency, the Department of Homeland Security, admitted in a 2019 report by its Office of the Inspector General that private prisons are largely exempt from federal oversight. A 2018 DHS report called out abuses such as "nooses in detainee cells, improper and overly restrictive segregation, and untimely and inadequate detainee medical care" at ICE detention centers.

Even though ICE detention facilities will bring needed jobs to a community, the financial incentives to municipalities are not guaranteed. For instance, in Cibola County, New Mexico, the local government is losing funds, while a private company reaps huge profits. In the case of ICA Farmville, the town makes one one-hundredth (0.01%) of the revenue— \$2 million per month — that the company receives. Another drawback for communities hosting detention centers is that employees themselves are also mistreated. For example, one private prison company, Corrections Corporation of America (CCA), has been the subject of lawsuits over underpayment of employees, employment discrimination, retaliation and sexual harassment.

Evidence from other ICE expansion efforts across the country shows that adding more detention beds results in more community raids, more people detained at routine ICE check-ins, and more community members detained for civil violations. The consequences for our communities are severe and unacceptable. Our friends and neighbors, including those who have called Maryland home for decades, live in fear of being deported, forcibly separated from their children, and prevented from supporting their families. Immigrant communities will be far less likely to trust local government, especially local law enforcement, and less likely to report crimes, making all of us less safe.

The urgent need for this legislation is buttressed by the revised National Detention Standards issued by the Trump Administration in December. These standards govern the treatment of immigrant detainees held in almost 140 facilities in 44 states. The revisions remove basic safeguards necessary for adequate medical care. Facilities are longer required to maintain current accreditation with the National Commission on Correctional Health Care, or to perform health assessments of detainees in accordance with national correctional standards. Health care now can be under the direction of a health services administrator, rather than a licensed physician. To strip detainees of their dignity, toilets are no longer required to have modesty panels. Additionally, new facilities need not have outdoor recreation facilities. If that is not enough trampling of basic humane treatment, detainees will have even greater challenges in accessing lawyers and legal materials.

For all these reasons, DoTheMostGood strongly recommends a **Favorable** report on SB850.

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