

**Statement of  
Jesse Franzblau, Senior Policy Analyst  
National Immigrant Justice Center**

**Maryland House of Delegates, Judicial Proceedings Committee  
SB 850 – Support  
Correctional Services, - Immigration Detention – Prohibition (Dignity Not Detention Act)**

February 26, 2020

Dear Chair Smith and members of the Judicial Proceedings Committee:

My name is Jesse Franzblau; I am a Senior Policy Analyst at the National Immigrant Justice Center (NIJC). On behalf of my colleagues, and the thousands of individuals NIJC serves every year, I am here to express our strong support for SB 850, the Dignity Not Detention Act.

For over three decades, NIJC has dedicated itself to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. NIJC provides legal services to more than 10,000 low-income individuals each year. NIJC also monitors abuses in the federal immigration detention system, while serving as a primary *pro bono* legal service provider for detained immigrants. NIJC submits this written statement to inform you that the Dignity Not Detention Act is a timely and vitally important measure to protect Maryland residents.

The Department of Homeland Security (DHS) issued a Request for Information (RFI) in April 2019 to identify one or more possible immigration detention facility sites within a desired 50-mile radius of the U.S. Immigration and Customs Enforcement (ICE) Baltimore Field Office. The RFI called for a facility of approximately 600-800 ICE adult males and females.<sup>1</sup> In response, the private company Immigration Centers of America (ICA) submitted a conceptual site plan and 14-page packet of information for an 800-bed facility. The company's packet was redacted, but a three-page cover letter offered a glowing account of the private immigrant detention facility that ICA runs with ICE with 700 beds in Farmville, Virginia, and expressed interest in creating a similar operation in Maryland.<sup>2</sup> Importantly, no local governments in Maryland responded to the RFI expressing interest in hosting the new ICE facility in their town or county.

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<sup>1</sup> Request for Information (RFI), Immigration and Customs Enforcement (ICE), *Immigration Detention Services – Maryland Detention Capability*, April 2019, <https://cutt.ly/CrML3uA>.

<sup>2</sup> Lilian Reed, "ICE published an ad looking for interest in building a Baltimore detention facility. Here's who answered," *The Baltimore Sun*, August 1, 2019, [shorturl.at/rAM38](http://shorturl.at/rAM38).

The Virginia-based company, ICA, hired the Annapolis-based consultancy firm Cornerstone Government Affairs to lobby officials in Queen Anne’s County to take on the new facility. Cornerstone lobbyists then went to the town of Sudlersville in an effort to convince local officials of their proposal.<sup>3</sup> Emails recently obtained through open records requests show that lobbyists with Cornerstone then worked closely with Sudlersville officials in an effort to pass an ordinance to allow for the building of the new facility.<sup>4</sup> That ordinance is currently under debate.

ICA has a history of hiring lobbyists and using powerful connections to promote its agenda. ICA hired consultants with Spotts Fain Consulting in 2011 to lobby ICE to assure its Virginia detention center reached its maximum inmate capacity.<sup>5</sup> The company also got help from the former Virginia Attorney General, Ken Cuccinelli, who used his influence to lobby ICE to get the Farmville facility off the ground.<sup>5</sup> Ken Cuccinelli is currently acting director of the U.S. Citizenship and Immigration Services, carrying out the Trump Administration’s most hardline anti-immigrant policies.

This statement is intended to remind you and your colleagues that the Dignity Not Detention Act legislation can accomplish something historically significant: it can unequivocally declare that Maryland is fundamentally opposed to the system of privatized mass incarceration that brazenly maximizes profits at the expense of basic civil and human rights.

The legislation will prevent companies like ICA from exploiting towns in order to maximize their profits at the expense of the human dignity of immigrants, communities of color and other marginalized communities. It will also stop ongoing attempts by the federal government to undermine the wellbeing of immigrants across the country in pursuit of a debased ideological and profit-driven agenda.

**1. Privately run immigration jails routinely place human and civil rights in jeopardy. Inevitably, costs are cut at the expense of health and safety of detained individuals.**

The proposed ICA facility in Queen Anne’s County is part of a massive expansion of the U.S. Immigration and Customs Enforcement (ICE) detention system, a sprawling patchwork of jails and prisons that currently holds nearly 40,000 people daily.<sup>6</sup> The system is rife with suffering, and Queen Anne’s County would be no different. Despite claims to the contrary, the

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<sup>3</sup> Lillian Reed, “An Eastern Shore town was awash in debt. Then a private immigrant detention contractor for ICE called,” The Baltimore Sun, December 19, 2019, [shorturl.at/grEOP](https://shorturl.at/grEOP).

<sup>4</sup> Town of Sudlersville, records in response to a Freedom of Information Act (FOIA) request, filed January 8, 2020.

<sup>5</sup> Lobbying Disclosure Report, Signed by Meade Spotts, [shorturl.at/joA37](https://shorturl.at/joA37).

<sup>5</sup> Staff Report, “Cuccinelli Cut Red Tape When ICE Facility Was on the Rocks,” Farmville Herald, April 16, 2013, <http://shorturl.at/gwAP9>.

<sup>6</sup> U.S. Immigration and Customs Enforcement (ICE), Detention Management, ICE Currently Detained Population as of 2/8/2020, <https://www.ice.gov/detention-management>. The figure was as high as 50,000, as of March 2019. See Spencer Ackerman, “ICE is detaining 50,000 people, an all time high.” The Daily Beast, March 8, 2019, <https://bit.ly/2tYjoD6>.

administration continues to separate children from their parents at the border.<sup>7</sup> While the children are sent to the care of the Department of Health and Human Services, their parents are jailed in ICE facilities like the prison proposed in Queen Anne’s County.<sup>8</sup> The Governor of Michigan rejected an ICA detention center in her state because ICE failed to assure her that the facility would not house parents who were separated from their kids.<sup>9</sup>

The rapid pace of expansion of the system in overcrowded quarters lacking sufficient medical care is also resulting in the spread of disease. Last year ICE was holding more than 2,000 individuals in detention in quarantine.<sup>10</sup> In June 2019, after ICA-Farmville suspended lawyer visits in response to a mumps outbreak, immigrants detained at the facility organized a “meal strike” in protest of the restricted freedoms following the quarantine. Guards cracked down on the protesters, using pepper spray and placing some into solitary confinement. The protesters are suing ICE Field Office Director Russell Hott and ICA-Farmville Warden Jeffrey Crawford over the incident.<sup>11</sup>

ICE’s detention system is overwhelmingly outsourced to for-profit prison companies such as ICA and local jails. ICE and its contractors are notorious for abusive and inhumane conditions and widely criticized for a lack of transparency and accountability. For-profit prisons have little incentive to focus on anything other than ensuring profitability for their shareholders.<sup>12</sup> NIJC has obtained documents through information requests that shed light on the money transfer scheme between ICE, ICA, and the Town of Farmville which illuminate how the company profits from detaining immigrants.<sup>13</sup> It can reasonably be assumed that ICA will continue to be motivated by profit-driven incentives as it seeks to grow its immigrant detention business.

## **2. Expansion undermines rather than protects public safety. Community-based alternatives to detention are cheaper, effective, and humane.**

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<sup>7</sup> Jesse Franzblau, “Family Separation Policy Continues, New Documents Show,” National Immigrant Justice Center, June 22, 2019, <https://bit.ly/2Z1zWrA>.

<sup>8</sup> Miriam Jordan and Caitlin Dickerson, “U.S. continues to separate migrant families despite rollback of policy,” The New York Times, March 9, 2019, <https://nyti.ms/2VR4JFJ>.

<sup>9</sup> Catherine Shaffer, “Governor Whitmer cancels Ionia immigrant detention center deal,” Michigan Radio, February 16, 2019, <shorturl.at/uHUWY>.

<sup>10</sup> Mica Rosenberg and Kristina Cooke, “Mumps, other outbreaks force U.S. detention centers to quarantine over 2,000 migrants,” Reuters, March 10, 2019, <https://bit.ly/2EOs7gc>.

<sup>11</sup> Downs v. Hott (1:19-cv-00882), PETITION for Writ of Habeas Corpus and Complaint for Injunctive Relief, filed July 3, 2019, <http://bit.do/fb4Wc>.

<sup>12</sup> Susan Ferriss & Madeline Buiano, “Despite Outrage Over Immigrant Detention, Private Prisons’ Bottom Line is Still Strong,” The Center for Public Integrity, September 2, 2018, <https://bit.ly/2Tn8HsN>.

<sup>13</sup> Jesse Franzblau, “The Dark Money Trail Behind Private Detention: Immigration Centers of America-Farmville,” National Immigrant Justice Center, October 7, 2019, <shorturl.at/gnzIQ>.

In the past year, ICA has pursued new contracts to open ICE detention centers in the Midwest and now in Maryland.<sup>14</sup> Proposals such as ICA's serve no public safety function. On the contrary, a *reduction* of the use of jails and prisons for immigrants in favor of release and community-based alternatives to detention would promote family unity, and save taxpayers millions. More immigration detention beds mean more families separated, lifelong trauma inflicted on individuals<sup>15</sup> and more communities torn apart. The estimated 800 detention beds envisioned by ICA in Maryland will largely correspond to ramped-up interior enforcement operations. These operations will in no way reflect the "public safety" mission ICE touts. A spectrum of alternatives to detention (ATDs), including parole, affordable bond, communitybased support programs and regular check-ins, has long existed as a better option to the mass incarceration of immigrants.<sup>16</sup> At this moment, ICE is detaining nearly 40,000 people every day in its jails and private prisons. That represents a steep growth of the detention system from the average of just over 34,000 people in 2016.<sup>17</sup> Moves to expand this already bloated system are an insult to our national values and to the taxpayer's wallet.

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The National Immigrant Justice Center is unequivocally opposed to the expansion of immigration detention in Maryland and elsewhere. We urge you to support the Dignity not Detention Act to ensure that Maryland does not participate in this or any administration's assault on immigrant families.

**Please direct any response or inquiries to:**

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<sup>14</sup> Lilian Reed, "ICE published an ad looking for interest in building a Baltimore detention facility. Here's who answered," The Baltimore Sun, August 1, 2019, <http://bit.do/fb4SL>.

<sup>15</sup> American Immigration Council, "U.S. citizen children impacted by immigration enforcement," March 28, 2017, <https://bit.ly/2BYDbqv>.

<sup>16</sup> For a review of the existing literature on ATDs, see American Immigration Lawyers Association *et al.*, "The Real Alternatives to Detention," June 27, 2017, [shorturl.at/iGKL3](http://shorturl.at/iGKL3). <sup>17</sup> Heidi Altman, "DHS's Secret Detention Expansion Is Dangerous For Immigrants, And Democracy," National Immigrant Justice Center, January 10, 2019, [shorturl.at/emFR5](http://shorturl.at/emFR5).