

UU Frederick_FAV_SB850

Uploaded by: Antoniewicz, Carol

Position: FAV

Dismantling Racism Team
Unitarian Universalist Congregation of Frederick
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**SB 850 - SUPPORT
CORRECTIONAL SERVICES - IMMIGRATION DETENTION -
PROHIBITION (DIGNITY NOT DETENTION ACT)
Judicial Proceedings Committee, February 26th, 2020**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

We are a team of church members who lead the Unitarian Universalist Congregation of Frederick in actions that work to dismantle racism, white supremacy and other oppressions within our congregation and community. Over the past three years we have learned a great deal about the abusive nature of Immigration and Customs Enforcement (ICE). We have taken action to oppose our local sheriff's department contract (287g) with ICE. We have participated in meetings of the Frederick County Council, sharing testimony on the harmful practices that occur due to this contract. We support the bill's provision that will forbid local law enforcement agencies from entering into such contracts and from housing immigrant detainees.

From community groups and teachers we have learned of parents being deported after a minor traffic violation. This has caused much trauma to the children directly affected, and sparked fear among other children who wonder if a parent might be locked up or even taken out of the country at any time. Racial profiling has been another detrimental effect of local contracts with ICE, e.g. Santos v. Frederick County, Medrano v. Jenkins, again causing harm to anyone who doesn't 'look white' or has difficulty with English.

The mean-spirited practices of ICE have no place in our community. The failure of the federal government to pass humane immigration reform should not place such a burden on our immigrant neighbors and our communities at large.

We are aware that private prisons are not allowed to operate in Maryland. We agree – no one should make a profit from another human being's misery. Similarly, we oppose the building of any immigrant detention centers in Maryland.

We urge a favorable report on SB 850.

TKPK Mobilization Laura Atwood_FAV_SB850

Uploaded by: Atwood, Laura

Position: FAV

Laura Atwood
Takoma Park Mobilization
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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:

I am writing on behalf of Takoma Park Mobilization to urge your support of SB 850, Dignity Not Detention Act. Takoma Park Mobilization has 1831 members at last count (rather than getting tired and dwindling, we are growing in number and resolve). As an organization, our mission including working toward a just and equitable society that celebrates diversity; we work in partnership with community organizations who represent the most impacted, while standing with the least powerful among us.

Why do we care? All of us are volunteers (generally with jobs and families), and we have different histories to what motivates us to commit so much time and energy to this work. Yet a common underlying theme is our deep belief in shared humanity. I work in healthcare, as a home health physical therapist for homebound patients. (In a given day or week, I may work with an elderly patient with dementia who's a U.S. citizen but whose primary family caregiver is undocumented; a right-wing political pundit whose marriage relies heavily on shared beliefs; someone who escaped from Sierra Leone years ago and has built his own American dream here but remembers teenage friends who were shot next to him; and an elderly Russian Jewish man who can't remember where he is now but can tell in detail how he helped stop the Germans in WW2.) Each person is my patient; each person is struggling medically and is afraid; each person is a human being I need to connect with so I can do my job and help them. And when I turn on the news and look at someone, I instinctively see a person who could be my patient.

Political hearings and shared humanity: At the last state hearing I went to, I looked around the room at all the very different people with very different roles and views, and I mused about whether we have a single thing in common. I'd venture to say: We each want to be recognized and treated as human beings; we each want to be heard; we each want to make basic choices about how we live; and we each want to be recognized for our contributions (to our loved ones, to our communities however we define them, and to our society however we envision it).

SB 850 would stop immigration detention (public and private) in Maryland. How does this relate to Takoma Park Mobilization's core value of shared humanity? Among the most dehumanizing things you can do to someone is to lock them up. Privacy and basic choices (what to wear, what to eat, who to spend time with) are denied. Medical neglect, violence, and human rights violations are endemic. People who are detained can no longer provide for their families as

breadwinners and/or caregivers, and can no longer contribute to their communities as workers and volunteers (in churches, schools, community sports leagues, and more). And detention is a form of family separation; over 5 million U.S. citizen children live with at least one family member who is undocumented, and after a raid or arrest, the majority of children display multiple behavioral changes as their family is thrown into turmoil.

SB 850 is urgent; Maryland residents—immigrant and non-immigrant—cannot afford to wait for another session. Right now, a private company ICA (which has a terrible record at its Farmville, VA, facility), via consulting firm Keystone Consulting Group, has been negotiating with an economically devastated community on the Eastern shore to build Maryland's first-ever private detention facility, which would hold 600-800 people on civil immigration charges. The population of Sudlersville itself is about 400 people. At a recent town meeting, residents were overwhelmingly opposed to this project, but the town leaders stealthily pushed forward anyway. Opponents of the project are mobilizing, proponents are starting to bring in ugly stereotypes to justify the project, and there's just been expression of violence against an opponent. This is all unfolding these very days.

This town genuinely needs fiscal relief, and its residents have real pain; we as a society need to address rural economic conditions such that struggling communities have promising paths forward. This is not such a path: A huge detention center would fundamentally change the town's character, compete with other economic options (tourist and recreational development), very possibly fail to deliver on economic promise and instead bring fiscal woes (this has happened a number of times around the country), divide the community, endanger immigrants locally and statewide, and create a moral stain on our collective character by essentially trading lives for \$\$\$. Other states have moved to protect all their residents by stopping this, and Maryland needs to step forward as well.

At Takoma Park Mobilization, we see connections between immigration injustice and other types of social and racial injustice—injustice that we as a society should be moving away from, not toward. Maryland already took the ethically appropriate step of banning privately run incarceration in the criminal justice system; yet privately run detention for civil immigration violations is a loophole, and SB 850 would close that loophole. As a nation, we use incarceration far, far more than other countries; our per capita rate is greater than Russia's and China's combined, and we dwarf democracies in Western Europe and elsewhere. We have criminalized poverty in a number of ways. We have criminalized drug addiction (an approach that is finally shifting, as the opioid crisis has hit rural communities especially hard). And we have criminalized race itself, with particularly shameful statistics in Maryland. Migration is a fundamentally natural process; if you study the development of languages and maps of linguistic development—or study any number of ancient history disciplines—you see that as long as people have existed, people have moved around. Yet with confused and hateful rhetoric, and related policies, we as a society criminalize migration as well (not coincidentally, particularly migration by non-white people in poverty). A number of alternatives to detention exist, though each type needs its own examination; immigration detention is not inevitable, not necessary, and not humane. Maryland needs to recognize and reject this destructive trap.

We therefore urge a favorable report on SB 850.

Laura Atwood, Takoma Park Mobilization

OAG_FAV_SB850

Uploaded by: Benson Brantley, Sandra

Position: FAV

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January 21, 2020

The Honorable Vaughn Stewart
Maryland General Assembly
220 House Office Bldg.
Annapolis, MD 21401

Dear Delegate Stewart:

You asked for advice about proposed legislation to prohibit any State or local entity, or State or local officer or employee, from entering into an immigration detention agreement with any “facility owned, managed, or operated, in whole or part, by a private entity.” In addition, the bill also seeks to end all immigration detention agreements by prohibiting State or local entities, as well as State or local officers or employees from entering into such agreements. You asked whether the bill is constitutional and legally sufficient. It is my view that it is, as explained below.

The federal government “has broad, undoubted power over the subject of immigration and the status of aliens.” *Arizona v. United States*, 567 U.S. 387, 394 (2012). Federal law directs the Attorney General of the United States to arrange for appropriate places of detention for aliens detained pending removal or a decision on removal, which might include the “purchase or lease of [an] existing prison, jail, detention center, or other comparable facility suitable for such use.” 8 U.S.C. § 1231(g). In addition, federal law permits agreements with state and local governments “for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention.” 8 U.S.C. § 1103(a)(11)(B). Moreover, the Supremacy Clause makes clear that federal law is the “supreme Law of the Land ... any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. IV, cl. 2.¹

¹ Federal law may preempt state law in one of three ways: where the federal law contains an express preemption provision, where there is a conflict such that “compliance with both federal and state regulations is a physical impossibility,” or in those instances where the challenged state law “stands as an obstacle to the accomplishment and execution

At the same time, the Supreme Court has emphasized that “[t]he Federal Government may not compel the States to enact or administer a federal regulatory program.” *New York v. United States*, 505 U.S. 144, 188 (1992). Thus, “Congress cannot circumvent that prohibition by conscripting the State’s officers directly.” *Printz v. United States*, 521 U.S. 898, 935 (1997).

The legislative powers granted to Congress are sizable, but they are not unlimited. The Constitution confers on Congress not plenary legislative power but only certain enumerated powers. Therefore, all other legislative power is reserved for the States, as the Tenth Amendment confirms. And conspicuously absent from the list of powers given to Congress is the power to issue direct orders to the governments of the States. The anticommandeering doctrine simply represents the recognition of this limit on congressional authority.

Murphy v. National Collegiate Athletic Ass’n, 138 S. Ct. 1461, 1476 (2018).

Your proposal is directed to State and local government entities, officials, and employees. It does not seek to regulate federal activity. The federal government is not prohibited from entering into agreements with private entities. While federal law authorizes the federal government to enter into intergovernmental service agreements with state and local entities, it does not require state and local entities to do so. “Federal law provides states and localities the *option*, not the *requirement*, of assisting federal immigration authorities. [The state law] simply makes that choice for California law enforcement agencies.” *United States v. California*, 921 F.3d 865, 889 (9th Cir. 2019) (emphasis in original) (determining that the Department of Justice was unlikely to succeed in its claim that a state law that prohibited state and local law enforcement agencies from assisting the federal government in certain immigration matters was unconstitutional). Likewise, in my view, your proposal is not preempted by federal law but is a lawful exercise of the State’s own legislative authority.

Sincerely,



Sandra Benson Brantley
Counsel to the General Assembly

Zackary Berger_FAV_SB850

Uploaded by: Berger, MD PHD, Zackary

Position: FAV

February 26, 2020

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Testimony in Support of SB0850
Correctional Services-Immigration Detention-Prohibition
(Dignity Not Detention Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Zackary Berger, M.D., Ph.D.

My name is Zackary Berger and I am a primary care physician in Baltimore, Maryland, living in District 43. This testimony is in support of SB0850, the Dignity not Detention Act.

I treat undocumented immigrants both at Johns Hopkins and at the Esperanza Center. I am also a neighbor of immigrants. My patients, fellow Baltimoreans, and neighbors, live in constant dread of deportation. For Maryland to be a humane state, a welcoming state that delights in the diversity and talent of all its inhabitants, it must forbid the deadly, cruel contracts that constitute state government's complicity with currently fascist immigration policy.

Private contracts to imprison immigrants, as well as intergovernmental service agreements, short-circuit humanity and equate rule of law to an unfeeling nativism. My patients live in terror of nativist thugs wearing government uniforms, and our state authorities should in no way cooperate with this. I thank the House of Delegates for considering this important and clearly written bill which will benefit all inhabitants of Maryland, and bring some measure of comfort to the souls of those who care for immigrants in any capacity.

**I respectfully urge a favorable report for
HB677.**

ACY_FAV_SB850

Uploaded by: Bevan Dangel, Jennifer

Position: FAV



To: Committee Chair, Judicial Proceedings Committee
From: Ashley Devaughn, Youth Justice Policy Director
Re: SB 850, Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)
Date: February 26, 2020
Position: Support

Thank you for the opportunity to provide testimony on SB 850 Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act). Advocates for Children and Youth (ACY) SUPPORTS this bill.

There is widespread anxiety among immigrant communities about Immigrant and Customs Enforcement (ICE) actions. Immigration enforcement—and the threat of such actions—can negatively impact a child's long-term health and development. Children who reside in communities that partner with ICE experience negative educational outcomes and the detention of a child puts children at risk of emotional and economic instability.

2019 national data notes 69,550 migrant children were held in U.S. government custody over the past year, more children detained away from their parents than any other country, according to United Nations researchers. Being held in detention can be traumatic for children, putting them at risk of long-term physical and emotional damage. The study *Mental Health of Children Held at a United States Immigration Detention Center* by Sarah MacLean found that the physical and mental health toll that immigrant children experience during and after detention result in post-traumatic stress disorder, depression, anxiety, weight loss, and sleep problems. The American Academy of Pediatrics report named *Detention of Immigrant Children* states that "There is no evidence indicating that any time in detention is safe for children" The position of the AAP is that children in the custody of their parents should never be detained, nor should they be separated from a parent, unless a competent family court makes that determination. The report goes on to indicate "Children deserve protection from additional traumatization in the United States and the identification and treatment of trauma that may have occurred in children's country of origin, during migration, or during immigration processing or detention in the United States." The conditions in which children are detained and the support services that are available to them are of great concern to pediatricians and other advocates for children.

A child's risk of having significant physical, emotional, developmental, and mental health problems like depression, anxiety, and severe psychological distress increases following detention. Doctors and service providers have reported anecdotally that they have seen more children exhibiting stress- and anxiety-related behavioral changes, including symptoms of "toxic-stress," due to fear that a family member will be deported. Children experience toxic stress when they are suddenly separated from their parents, which negatively impacts brain development. They are also at greater risk of developing chronic mental health conditions that include depression and post-traumatic stress disorder (PTSD), as well as physical conditions such as cancer, stroke, diabetes, and heart disease.

The experience of detention, even for a relatively brief period of time, has a detrimental effect on the mental and physical health of children. Immigration enforcement actions—and the ever-present threat of enforcement action—has traumatized for millions of children across the country.

We urge this committee to issue a favorable report on SB 901.

1 North Charles Street Suite 2400 | Baltimore, MD 21201 | www.acy.org | 410-547-9200 |

Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth achieve their full potential.

SURJ Frederick_FAV_SB850

Uploaded by: Bromfield, Lisa

Position: FAV

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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:

SURJ (Showing Up for Racial Justice) Frederick supports SB 850, the “Dignity Not Detention” bill because it will ban all private ICE prisons and eliminate all IGSA’s to house detainees in public detention centers. SURJ works to bring public awareness to the facets of our society that discriminate and hinder progress to people of color through political activism, educational efforts, and discussions with entities that present, allow or endorse offensive or discriminatory symbolism, activities or behavior to the public arena. SURJ also collaborates with and has helped support local groups that work to empower at risk youth, that seek to teach people their rights, that are seeking greater equity in our public schools, and that celebrate the diversity that makes America great.

As a local branch of a national organization that seeks to help create racial equity and dismantle white supremacy in our community and society, we think it is imperative to pass this bill for several reasons. In our community and others, relationship between local law enforcement and ICE has led to the profiling of people based on skin color, nationality or language spoken. Our county has already been successfully sued once for civil rights violations due to our County Sheriff’s activities in trying to find immigrants to report to ICE. In addition, there is a conflict of interest in having private entities provide detention as it is in their best interest to detain more people, not to work towards a more equitable and opportunity-rich society for all. There are grave disparities based on race in our national justice system and our local justice system, therefore the inevitable outcome of this conflict of interest will impact people of color more than it will impact white people. Maryland is a better place with equity and opportunity for all.

We urge a favorable report on SB850

Curious Taxpayers Frederick_FAV_SB850

Uploaded by: Burrell, Edward

Position: FAV

Edward L. Burrell
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SB 850- FAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

As Convener of Frederick Curious Taxpayers, I am writing concerning the SB 850 Bill (Dignity Not Detention Act).

Our organization ,The Curious Taxpayers of Frederick County, is a small group of mainly retired professionals, Who have been quite concerned about the treatment and lack of outreach by our County and City Governments to our Hispanic neighbors. Our Group includes, Teachers, Doctors, CPA's, scientists, ministers among several other professions. Our objective has been to secure respect for the Hispanic population in Frederick by our elected officials particularly by law enforcement. Our membership is approximately 23 citizens not including many others who attend our meetings and join us in sympathy of our objective

We have reviewed HB677 and have found it very much in line with our objectives. We are disappointed that we need to legislate dignity, but as you have outlined in the bill, enforcement actions, racism and misinformation in our state is at that point where immigrants have now become one of our vulnerable populations. We are finding Hispanic immigrants in our community now living in fear of unlawful actions by our County Sheriff to such an extent, they are unable to function as a normal resident. Despite court decisions regarding the rights of these residents, we are continuing to find enforcement actions contrary to both court findings and constitutional law. Our elected officials should be those leading the lawful and well-being support of Immigrants, but because of political fear and a lack of empathy, Groups such ours have had to take the lead. SB 850 will provide our local elected officials with unambiguous clarification of what is required of them.

We urge a favorable report on SB 850

Edward L. Burrell
Convener

Jim Caldiero _ FAV_SB 850

Uploaded by: Caldiero, Jim

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Shared Voices for Liberal Religious Values in Maryland

Testimony in Support of SB 850 - Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)

To: Senator William Smith, Jr. and Members of the Senate Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: February 26, 2020

Thank you for the opportunity to offer written testimony in support of SB 850 – Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act).

We have seen the headlines, the broadcast and cable news stories about many of the U.S. Immigration and Customs Enforcement (ICE) detention centers, most of which are operated by profit-motivated private enterprises such as Immigration Centers of America (ICA) – stories that report poor health care—both physical and mental-- dozens of deaths caused by violations of medical standards, sexual assault, substandard sanitary and dietary conditions and often inhumane treatment.

Such facilities would have deleterious effects on our Maryland communities. It’s been shown that the presence of an ICE detention facility increases the “roundup” and detention of people who live nearby, resulting in uprooted and disrupted families, children being subjected to trauma, and negative economic impacts when workers are removed from their jobs.

We can add to this “long train of abuses” by sharing stories about local immigrants and about detention facilities operated in Maryland in partnership with ICE.ⁱ

Roberto

I met Roberto—not his real name—on Monday, January 27, 2020 in the Environment and Transportation Committee room of the Maryland House of Delegates on CASA lobby night. As I sat diagonally across from Delegate Vaughan Stewart’s desk, I listened to Roberto, holding his young daughter in his arms, tell of his quest to escape the violence of his Central American country and his hope of starting a safe life with his family in the United States.

Roberto crossed the border in Texas with his wife and young daughter, surrendered peacefully to U.S. Customs and Border Protection agents and requested asylum. He was separated from his family, transferred to an ICE detention facility in Georgia. After two months, he attended a hearing. No decision. He was returned to detention. Another two months and again, no decision. He was returned to detention. Another two months, but this time, he was freed, granted asylum and reunited with his wife and daughter.

On January 27, 2020, standing in the halls of the oldest State House continuously in use, Roberto, without fear, could tell us his story.

The emotional toll of facing an immigration judge three times, every two months, twice having hopes lifted, only to be let down and returned to detention, was telling as Roberto relayed his story. Such a practice, along with the unsanitary, unhealthful, violent, emotionally searing detention is inhumane. We are better than this and ending detention, finding a better solution is what the idea of America is.

Charley (Charley's story is also part of written testimony in favor of SB 901 and HB 388 and HB 677)

I met Charley several months ago. Charley is not his real name. As with most immigrants, fear envelops Charley's life, so no real names, no videos or films in which gangs can recognize him.

Charley came to the U.S. from a Central American country with his mother when he was 6 years old. We might call him a Dreamer. His childhood was uneventful. During his teen years, however, his life turned upside down. After a violent altercation with his stepfather, Charley, age 15, was arrested, jailed and subsequently deported, despite his protestations of "credible fear" of violence if returned to a Central American country he barely knew.

After a year, Charley had saved enough money to travel to Mexico and re-enter the U.S. at the California border. For the next 10 years, Charley integrated himself into American life, began a family, worked and paid taxes. Then, a routine encounter with police who became suspicious of his name led to his detention and a subsequent call to ICE which took Charley into custody.

Charley was shunted to various ICE detention centers, many privately run under contract with companies such as Immigration Centers of America (ICA) which is trying to build a 600-bed center in Maryland within 50 miles of ICE's Baltimore Field Office. Charley ended up at the ICE Detention Center in Jessup, MD, a part of the Howard County Department of Corrections facility that the County rents to ICE under an Intergovernmental Service Agreement where ICE pays the county a lucrative per diem rate for each of the 100+ immigrant detainees.

Charley and all the undocumented immigrant young men held in the detention center are housed in "general population" dormitories along with gang members. The immigrants, most of whom are non-violent, are faced with two choices: join a gang for protection – begin a life of crime, the very event we are trying to prevent – or be beaten by gang members. Charley didn't join a gang and was beaten. Guards, who don't speak Spanish, seeing Charley's bloodied and bruised body, concluded he had been fighting and placed him in segregation/isolation, a mixed blessing. At least he was safe from the gangs, but alone in a small, dark, windowless cell for 23 hours a day, with only one hour outside for exercise and phone calls to family and lawyers. The facility does not provide counseling or mental health support that the most vulnerable detainees need. There are few books and nearly none in Spanish. Only one television and gangs dominate the programming. Families, if local, don't visit because they are afraid of ICE.

Fortunately, a non-profit organization took on Charley's case. An immigration judge ruled that Charley's original deportation was unjust because of "credible fear" in returning to Central America and so his re-entry violation was consequently invalid. Charley was granted asylum. He has graduated from a trade school, obtained a driver's license and is reconnecting with his

family. He wants to become a lawfully admitted permanent resident (Green Card) and eventually to become a U.S. Citizen. After all, the United States is really the only home he knows.

During World War II, President Franklin D. Roosevelt succinctly described why our parents and grandparents were fighting and dying thousands of miles from our shores. He asserted Four Freedoms—Freedom from Want, Freedom to Worship, Freedom of Speech and Freedom from Fear. Today, Freedom from Fear, which should apply to all who live here regardless of race, creed, national origin, sexual orientation and immigration status is under threat. Fear is pervasive among our immigrant communities—fear of taking a sick child to an emergency room and fear of a pregnant woman going to hospital because a nurse may call ICE, fear of reporting domestic abuse because a state social worker or a police officer may call ICE.

Detention of people who seek asylum, who seek protection from violence, who seek a better life for themselves and their families, is anathema to the American ideals inscribed on the copper-green lady in New York harbor:

“Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!” -- Not walls, not detention centers

My Unitarian Universalist faith calls me to promote and affirm justice, equity and compassion in human relations and the goal of world community with peace, liberty and justice for all. But I am touched also by the history of the Unitarian Universalist Service Committee’s founders, Rev. Waitstill Sharpe and his wife, Martha, who in 1939 and 1940, defying hate, put their lives in danger to help refugees escape Nazi oppression. Honored by the State of Israel as “Righteous Among the Nations,” the Sharpe’s tradition of helping refugees lives on as a foundational principle of my faith and that of the thousands of Unitarian Universalists in Maryland. (You can learn more about the Sharpe’s by visiting the U.S. Holocaust Museum in Washington, D.C. and at <https://www.uusc.org/two-defined-defying-hate/>.)

Thank you for your consideration and warmest regards.

Jim Caldiero
Ellicott City
Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland
c/o UU Church of Annapolis, 333 Dubois Rd., Annapolis, MD 21401; email:
immigration@uulmmd.org

Sources:

<https://www.aila.org/infonet/deaths-at-adult-detention-centers>

<https://khn.org/morning-breakout/behind-the-doors-of-ices-detention-facilities-sexual-assault-use-of-force-poor-medical-care-and-deaths/>

<https://www.uusc.org/two-defined-defying-hate/>

ⁱ “long train of abuses” from Thomas Jefferson, et al, *The Declaration of Independence*, July 2, 1776.

UU Ministry Caldiero_FAV_SB850

Uploaded by: Caldiero, Jim

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Shared voices for liberal religious values in Maryland

Testimony in Support of SB0850 - Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)

To: Chair Smith and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: February 26, 2020

Thank you for the opportunity to offer written testimony in support of SB0850 – Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act).

We have seen the headlines, the broadcast and cable news stories about many of the U.S. Immigration and Customs Enforcement (ICE) detention centers, most of which are operated by profit-motivated private enterprises such as Immigration Centers of America (ICA) – stories that report poor health care—both physical and mental-- dozens of deaths caused by violations of medical standards, sexual assault, substandard sanitary and dietary conditions and often inhumane treatment.

Such facilities would have deleterious effects on our Maryland communities. It’s been shown that the presence of an ICE detention facility increases the “roundup” and detention of people who live nearby, resulting in uprooted and disrupted families, children being subjected to trauma, and negative economic impacts when workers are removed from their jobs.

We can add to this “long train of abuses” by sharing stories about local immigrants and about detention facilities operated in Maryland in partnership with ICE.ⁱ

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Charley (Charley's story is also part of written testimony in favor of HB0388)

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Charley came to the U.S. from a Central American country with his mother when he was 6 years old. We might call him a Dreamer. His childhood was uneventful. During his teen years, however, his life turned upside down. After a violent altercation with his stepfather, Charley, age 15, was arrested, jailed and subsequently deported, despite his protestations of "credible fear" of violence if returned to a Central American country he barely knew.

After a year, Charley had saved enough money to travel to Mexico and re-enter the U.S. at the California border. For the next 10 years, Charley integrated himself into American life, began a family, worked and paid taxes. Then, a routine encounter with police who became suspicious of his name led to his detention and a subsequent call to ICE which took Charley into custody.

Charley was shunted to various ICE detention centers, many privately run under contract with companies such as Immigration Centers of America (ICA) which is trying to build a 600-bed center in Maryland within 50 miles of ICE's Baltimore Field Office. Charley ended up at the ICE Detention Center in Jessup, MD, a part of the Howard County Department of Corrections facility that the County rents to ICE under an Intergovernmental Service Agreement where ICE pays the county a lucrative per diem rate for each of the 100+ immigrant detainees.

Charley and all the undocumented immigrant young men held in the detention center are housed in "general population" dormitories along with gang members. The immigrants, most of whom are non-violent, are faced with two choices: join a gang for protection – begin a life of crime, the very event we are trying to prevent – or be beaten by gang members. Charley didn't join a gang and was beaten. Guards, who don't speak Spanish, seeing Charley's bloodied and bruised body, concluded he had been fighting and placed him in segregation/isolation, a mixed blessing. At least he was safe from the gangs, but alone in a small, dark, windowless cell for 23 hours a day, with only one hour outside for exercise and phone calls to family and lawyers. The facility does not provide counseling or mental health support that the most vulnerable detainees need. There are few books and nearly none in Spanish. Only one television and gangs dominate the programming. Families, if local, don't visit because they are afraid of ICE.

Fortunately, a non-profit organization took on Charley's case. An immigration judge ruled that Charley's original deportation was unjust because of "credible fear" in returning to Central

America and so his re-entry violation was consequently invalid. Charley was granted asylum. He has graduated from a trade school, obtained a driver's license and is reconnecting with his family. He wants to become a lawfully admitted permanent resident (Green Card) and eventually to become a U.S. Citizen. After all, the United States is really the only home he knows.

During World War II, President Franklin D. Roosevelt succinctly described why our parents and grandparents were fighting and dying thousands of miles from our shores. He asserted Four Freedoms—Freedom from Want, Freedom to Worship, Freedom of Speech and Freedom from Fear. Today, Freedom from Fear, which should apply to all who live here regardless of race, creed, national origin, sexual orientation and immigration status is under threat. Fear is pervasive among our immigrant communities—fear of taking a sick child to an emergency room and fear of a pregnant woman going to hospital because a nurse may call ICE, fear of reporting domestic abuse because a state social worker or a police officer may call ICE.

Detention of people who seek asylum, who seek protection from violence, who seek a better life for themselves and their families, is anathema to the American ideals inscribed on the coppergreen lady in New York harbor:

“Give me your tired, your poor,
Your huddled masses yearning to breathe free, The
wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!” -- Not walls, not detention centers

My Unitarian Universalist faith calls me to promote and affirm justice, equity and compassion in human relations and the goal of world community with peace, liberty and justice for all. But I am touched also by the history of the Unitarian Universalist Service Committee's founders, Rev. Waitstill Sharpe and his wife, Martha, who in 1939 and 1940, defying hate, put their lives in danger to help refugees escape Nazi oppression and fear. Honored by the State of Israel as “Righteous Among The Nations,” the Sharp's tradition of helping refugees lives on as a foundational principle of my faith and that of the thousands Unitarian Universalists in Maryland.

Please help end the fear. Vote to support SB0850.

Thank you for your consideration and warmest regards.

Jim Caldiero

Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland c/o
UU Church of Annapolis, 333 Dubois Rd., Annapolis, MD 21401

Home address:

4128 Lotus Circle, Ellicott City, MD, 21043

Ph.: 410-465-7452

Email: immigration@uulmmd.org

Sources:

<https://www.aila.org/infonet/deaths-at-adult-detention-centers>

<https://khn.org/morning-breakout/behind-the-doors-of-ices-detention-facilities-sexual-assault-use-of-force-poor-medical-care-and-deaths/> <https://www.uusc.org/two-defined-defying-hate/>

ⁱ “long train of abuses” from Thomas Jefferson, et al, *The Declaration of Independence*, July 2, 1776.

La ColectiVa_FAV_SB850

Uploaded by: Cendejas, Danny

Position: FAV

Danny Cendejas
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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:

La ColectiVA, an inclusive collaborative committed to upholding social justice and equity, introduces this statement of support for SB 850 (Dignity Not Detention Act). We believe in the principles of inclusivity, consciousness, dignity and justice. We practice grassroots work that is centered in the community and stand against anything that oppresses people, including the criminalization, incarceration, and deportation of migrants.

Through the experiences of our organization's members and community members who have experienced the impact of detention directly, we have learned of the harm detention, and in particular Immigration Centers of America (ICA), exerts on our loved ones.

We believe that preventing the expansion of public and private immigration detention, especially considering the particularly exploitative nature of private prison companies, is critical for supporting migrants and all our neighbors. Agreements like the ones private prison companies like Immigration Centers of America (ICA) employs in Virginia have set up mechanisms to guarantee hundreds of people will be incarcerated daily at a moral, human, and fiscal cost to residents of Farmville and Virginia as a whole. La ColectiVA and the community members we work with believe it is important we oppose expansion of these mechanisms, and instead use public resources to invest in education, housing, healthcare and other urgent needs.

An account from a local community member who has been detained at ICA-Farmville, shares the following:

“In my time in detention, I experienced mistreatment and difficult conditions, including isolation, bad medical care, and racism from some of the guards. I would never want to be back in detention nor would I want another of those detention centers to be opened. I was there for over a year and I am still unable to overcome the effect this had on me and my family.

Danny Cendejas
La ColectiVA
organizate@protonmail.com

I learned that the owners of the facility gained profit from having us incarcerated and I consistently saw many people who had already signed off on their deportation, continue to be detained for indefinite amounts of time. I witnessed the way the people detaining us took measures to increase the amount of money left for them by cutting costs in care for people. In one instance, someone who fainted during recreational time was only given Tylenol as a response. Food was insufficient for people and we were only given chicken as a food option twice a week, leaving us hungry and relying on expensive commissary to survive. I lost a lot of weight while in detention and my family and community support spent a lot of money to help me out. Additionally, I saw abuse through the use of isolation in detention. I heard people who were subjected to isolation most of the time they were detained and the way they yelled and suffered. It makes me sad to think of how we had to endure harsh treatment to not aggravate our situation.”

This is only one example of thousands of people who experience incarceration and harsh treatment daily at the hands of ICE and their contractors. We are committed to supporting efforts to prevent the expansion of these practices.

We urge a favorable report on SB 850.

BFBJ_FAV_SB850

Uploaded by: Cocke, Abby

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0850

February 26, 2020

Dear members of the Judicial Proceedings Committee,

The members of Baltimore for Border Justice are submitting this testimony to urge you to **SUPPORT SB0850**, the Dignity Not Detention Act, which would prohibit future contracts between Maryland jurisdictions and operators of for-profit immigrant detention centers, and end existing contracts with such facilities by October 2021.

Baltimore for Border Justice is an advocacy and service organization founded to address the crisis of inhumanity at our southern border, as well as less tangible borders here at home that divide us based on race, class, gender, and ability. Our members represent a wide range of neighborhoods and organizations across Baltimore. Ending for-profit immigrant detention in our state is a crucial priority in our work for a more humane society. The profit motive should never factor into the decision to incarcerate someone, especially not members of vulnerable populations.

In April 2019, U.S. Immigrations and Customs Enforcement (ICE) advertised for private contractors to open a new Baltimore-area immigration detention center to house up to 800 people. Since these sorts of arrangements invariably involve kickbacks to local governments, this would create a monetary incentive for law enforcement officials in our area to ramp up raids on immigrant communities to fill this new facility and keep the funds flowing. Preying on the bodies of color and breaking up families in the name of profit hearkens back to our shameful history of slave catchers. Not only will undocumented immigrants be targeted, increased ICE presence will also impact documented immigrants and Hispanic Americans. We must not allow indefinite and inhumane incarceration to be synonymous with big business.

One of the companies that responded to the ICE advertisement was Immigration Centers of America (ICA), which runs a private immigrant detention facility in Farmville, Virginia. This facility has a long and dark history of abuses. In October 2011,

Anibal Ramirez-Ramirez, a 35 year-old immigrant from El Salvador, died five days after arriving at the Farmville facility. ICE's own review of the case found that despite severe signs of illness, staff didn't schedule Mr. Ramirez-Ramirez to see a doctor until days after his intake, and, despite several nurses raising concerns, they were at first blocked from even taking his vital signs. When his vital signs were finally taken, the nurse who did so recommended that he be immediately transferred to emergency care due to a perilously high heart rate. Instead, ICA staff decided to continue to wait for his scheduled doctor's appointment in fourteen hours. Mr. Ramirez-Ramirez passed away before he could make that appointment.

Last year, there was a mumps outbreak at the Farmville facility. Detainees were not initially offered vaccinations, and instead were placed on lockdown and denied outside visits. When some detainees started a hunger strike in protest, they reported that they were pepper-sprayed and placed in solitary confinement in retaliation. Other complaints include over-use of force and restraints, lack of religious accommodation, and environmental health concerns. As an example of that last point, ICA Farmville received a waiver in 2013 of the requirement that each detention center have one toilet for every twelve men and one for every eight women, on the basis that it would cost an additional \$400,000 and take thirty days to complete. That waiver is still in place, meaning that ICA Farmville has not had to comply with the rules for seven years.

It would be a disaster for Baltimore to have a detention facility like the one in Farmville come to our area, even if you look at economic factors rather than the value of human life. Baltimore has always been a popular town for new immigrants, and that remains true today – we are one of seven jurisdictions in Maryland where immigrants have stopped or slowed population loss in recent years. According to the nonpartisan Fiscal Policy Institute, immigrants make up 9% of Baltimore's population, but 12% of the workforce. They are more likely to start new businesses and less likely to commit crime. But most importantly, they are people, and we will not see them be used to line the pockets of executives and shareholders, nor will we accept their mistreatment being used to line our own local coffers.

Thank you for your attention and for doing the right thing.

Sincerely,

Baltimore for Border Justice

Abby Cocke, Opal Phoenix, Dante Swinton, Rikki Vaughn, Ray Kelly, Donna D. Brown, JC Faulk, Miriam Doyle, Isaac Perry Cocke, Nicholette Stachowiak, Karis Haslam, Buzz Merrick, Adiana Britt, Kamau Fahie, Isaac Dalto, Charlene Rock-Foster, Hannah Pfeifer, Michael Dalto, Natasza Bock-Singleton, Bruce Emmerling

RISE Western MD_FAV_SB850

Uploaded by: Downey, Juliana

Position: FAV

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:

On behalf of the R.I.S.E. Coalition of Western Maryland, we urge a favorable report on SB 850. RISE stands for Resources for Immigrant Support and Empowerment. We are an immigrants' rights organization based in Frederick Maryland and have a full understanding of the harm done in communities that target residents of color, often on pretexts as transparent as "your headlights are too bright," and detain contributing immigrant community members, even for minor civil infractions, because of their immigration status.

In Frederick, we have had two separate contracts with ICE since 2008. Both have been extremely problematic--to quote the president of the county council, they're "tearing the county apart"--and have little to no transparency or oversight. One of those agreements, made unilaterally by the sheriff with ICE against the wishes of many of his deputies, and much of the community as a whole, is to house the detainees in the county's Adult Detention Center, which has been criticized for its inhumane and unconstitutional conditions. A 2013 inspection by ICE's office of detention oversight found our detention center office non-compliant with agency standards on 20 counts, including unmonitored access to legal representatives, timely provision of healthcare, interpretation services, food safety, and documentation of detainee grievances.

Sheriff Charles Jenkins' record in management of the detention center also includes detainees routinely and deliberately being subjected to cold temperatures, juveniles being illegally held in solitary confinement for 23 hours a day, entrapment of immigrants brought to the center on the pretext of continuing legitimate documentation processes, and multiple in-custody suicides.

We concerned residents and taxpayers have no sure way of knowing if these issues have been addressed at all, let alone resolved. When we submit public information requests (PIAs) to the Frederick County Sheriff's Office, they usually respond that they cannot give out information about a federal program. And our outreach to our county council members, DHS, the office of the Inspector General, and our AG Brian Frosh has met with similar stonewalling. The answer--contestable (but politically expedient) under the terms of the county charter and other pertinent documents--is always "The sheriff is an independently elected official who entered into The

these contracts legally and the only way to end them is to vote him out of office.” Our detention center is a publicly funded facility, not a private prison. And yet, we still lack transparency and oversight, which makes us especially mindful of the fact that well-documented abuses in private facilities, like the ones the current Administration is promoting in Maryland and nationwide, are even more numerous and unconscionable.

Our 10-plus years’ experience living in a community where both the 287(g) and IGSA programs have been permitted to come in and take root has taught us something we hope other communities will never have to learn the hard way: that the profiling, entrapment, and detention of fellow human beings whose main goals have been for themselves and their loved ones to escape life-threatening circumstances and become contributing members of a once proudly welcoming country not only robs them of their dignity and humanity--it robs us (that is, all of us who countenance it) of our own.

For example, by discouraging our better instincts and encouraging our darkest ones. As illustrated by a sign brandished by a demonstrator at a recent rally promoted and attended by Frederick’s sheriff and his supporters--among them, white supremacists--in opposition to another rally, in celebration of the county’s immigrant community, being held at the same time a few blocks away. Captured by a Frederick News Post photographer and appearing in the paper the next day, it read, “Next time we’ll bring pitchforks and torches.”

For these and other reasons, we urge a favorable report and the passage of SB 850.

Sincerely,

The R.I.S.E. Coalition of Western Maryland.

Indivisible HoCo_FAV_SB850

Uploaded by: Enagonio, Liz

Position: FAV



Indivisible **HoCo MD** Immigration Team

Tammy Spengler,
Co-Chair of Indivisible Howard County
Immigration Action Team
hocoimmigration@gmail.com, 443-248-3437

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:

Howard County Indivisible urges you to give a favorable report to SB850, the Dignity Not Detention Act and keep Maryland free from the business of detaining immigrants. I am co-chair of Howard County Indivisible's Immigration Action Team. Howard County Indivisible has 705 members and our organization is a proud member of the Howard County Coalition for Immigrant Justice, a coalition of organizations calling on county officials to end our county's contract with ICE.

We believe that families belong together and that justice starts locally. In Howard County, we have seen how ICE has created large loopholes to justify detaining innocent people while defining them as "criminally involved." They tell our officials that we will only be housing detainees that are violent and dangerous to society. In truth, we have learned that they are a dishonest organization, detaining individuals with traffic violations or for crossing the border. These lies as well as the inhumane treatment of immigrants by ICE, the separation of children from their parents, and their practice of racial profiling are all compelling reasons not to work with such an abhorrent organization. These practices will only stop when state governments and local governments refuse to be complicit with their actions.

We suggest that instead of wasting taxpayer money, Maryland agencies offer to provide support and case management to immigrants. Some of the alternatives to detention include regulated and mandated check-ins with law enforcement, communication with authorities by telephone, linking families to community-based psychosocial services, or electronic monitoring of some individuals. Studies show that asylum seekers are very compliant in appearing for their immigration court hearings.

For example, the Family Case Management program was highly successful with the families present for hearings over 99 percent of the time. As stated by many law enforcement officials, immigrant families are not threats to national security. Furthermore, there is a consensus that incarcerating asylum-seeking families does not make our communities safer. Using alternatives to family detention saves taxpayer dollars and creates opportunities to reinvest detention budgets to more productive programs. In fiscal 2018, it cost ICE over \$200 per day to keep a family in detention; detaining a person in a specialized family detention is more than \$300. Alternatives to detention cost only around \$5 or \$6 per person. Perhaps more important, alternative programs do not result in detaining very small children, taking children away from their parents, or implementing policies that violate basic American values. (Frances)

Profiting off of the incarceration of people is immoral and encourages poor quality of care in exchange for profit. Maryland is better than this. We must find the willpower to protect our immigrant neighbors and refuse to collaborate with ICE.

The State of Maryland should lead the way in standing up to tyranny, violence, racism, and bigotry. I do not want my immigrant neighbors to go to jail needlessly and watch their families in anguish. Instead we should show compassion for our immigrant neighbors as they endure this terrifying experience in our nation's history and for our own sakes, lest we lose our very humanity.

Please give this bill a favorable report.

Francis, Will, et al. "Social Justice Brief." National Association of Social Workers, 2018, www.socialworkers.org/LinkClick.aspx?fileticket=9diqjSxR4Ik%3d&portalid=0.

Jesse Franzblau_FAV_SB850

Uploaded by: Franzblau, Jesse

Position: FAV

**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.¹ 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.² Importantly, no local governments in Maryland responded to the RFI expressing interest in hosting the new ICE facility in their town or county.

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

² 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.

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.³ 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.⁴ 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.⁵ 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.⁵ 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.⁶ The system is rife with suffering, and Queen Anne’s County would be no different. Despite claims to the contrary, the

³ 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.

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

⁵ Lobbying Disclosure Report, Signed by Meade Spotts, shorturl.at/joA37.

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

⁶ 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.⁷ 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.⁸ 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.⁹

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.¹⁰ 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.¹¹

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.¹² 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.¹³ 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.

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

⁸ 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>.

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

¹⁰ 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>.

¹¹ 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>.

¹² 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>.

¹³ 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.¹⁴ 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 individuals¹⁵ 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.¹⁶ 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 2016.¹⁷ Moves to expand this already bloated system are an insult to our national values and to the taxpayer's wallet.

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:

Jesse Franzblau, NIJC Senior Policy Analyst, mfleming@heartlandalliance.org
Mark Fleming, NIJC Associate Director of Litigation, mfleming@heartlandalliance.org
Heidi Altman, NIJC Policy Director, haltman@heartlandalliance.org

¹⁴ 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>.

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

¹⁶ 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. ¹⁷ Heidi Altman, "DHS's Secret Detention Expansion Is Dangerous For Immigrants, And Democracy," National Immigrant Justice Center, January 10, 2019, shorturl.at/emFR5.

MD Against ICE Detention_FAV_SB850

Uploaded by: Galloway, Nicholas

Position: FAV

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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.

Maryland Against ICE Detention

MD Against ICE_FAV_SB850

Uploaded by: Galloway, Nicholas

Position: FAV

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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.

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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.

Maryland Against ICE Detention

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Uploaded by: Gardiner, Sarah

Position: FAV



FREEDOM FOR IMMIGRANTS

TOGETHER WE WILL END IMMIGRATION DETENTION

Freedom for Immigrants
1322 Webster Street, Suite 300 Oakland,
CA 94612
www.freedomforimmigrants.org

Delegate Vaughn M Stewart III
House Office Building, Room 220
6 Bladen Street
Annapolis, MD 21401

February 26, 2020

Re: Freedom for Immigrants Support for SB 850

Dear Chair Smith and Members of the Judicial Proceedings Committee,

Freedom for Immigrants is pleased to support SB850, the Dignity Not Detention Act. We believe this bill will improve transparency in contracting for the purposes of immigration detention, prevent the expansion of immigration detention in Maryland, and ensure that Maryland localities are not complicit in maintaining the abusive and profit driven private prison industry. As co-sponsors of California's Dignity Not Detention Act (codified at Cal. Civil Code § 1670.9), we are excited to support this bill in Maryland.

Freedom for Immigrants is a national nonprofit organization, and we work exclusively in the immigration detention context. We are working to end U.S. immigration detention by visiting people in detention weekly, monitoring human rights abuses, elevating stories, building community-based alternatives to detention, and advocating for system change. Our network of 4,500 volunteers conducts weekly visits to ICE jails and prisons throughout the country, including in the DMV area.

In FY20, Immigration and Customs Enforcement (ICE) detained a daily average of 55,000¹ people across a network of more than 200 jails and prisons.² Freedom for

¹ Kight, Stef W. "Trump's budget proposal requests 'wildly large' ICE funding." Axios. February 10 2020
<https://www.axios.com/white-house-budget-ice-immigration-8c2ece6b-0aad-44a1-80bfd2a59a49aeb8.html>

² <https://www.freedomforimmigrants.org/detention-statistics>

Immigrants and our partner organizations have documented extensive abuses within these facilities, including medical neglect leading to death³, retaliatory use of solitary confinement⁴, barriers to legal counsel⁵, racial discrimination⁶, sexual assault⁷, and physical abuse.⁸

These human rights violations come at an extremely high cost to the taxpayer. According to FY18 data, the average cost of detention per person per day is \$208.⁹ Taxpayers continue to foot the bill for a profit-driven and abusive system of mass incarceration despite viable alternatives to detention in the form of proven community-based support services, which can operate for as little as \$17 a day.

Fortunately, policy solutions to combat a morally bankrupt, economically costly, and unnecessary system of immigration detention exist. In conjunction with the Immigrant Legal Resource Center, Freedom for Immigrants helped to draft and acted as one of the original organizational co-sponsors for the California Dignity Not Detention Act - composed of SB 29 and AB 103. Combined, these bills prevent new or expanded contracts between the federal government and California localities for the purposes of immigration detention and increase transparency and oversight of contracting and conditions within existing immigrant jails and prisons. Freedom for Immigrants is also a member of a coalition of organizations that advocated for passage of California state bill AB 32, which mandates an end to all private detention in the state. We are now working toward its implementation.

Since the passage of Dignity Not Detention in 2017, four county jails ended their contracts with ICE for immigration detention. In addition, three cities that previously acted as a middleman in a contract with ICE and a private prison company ended their involvement in the contract. Therefore, the total population of detained immigrants in California was reduced to approximately 4,000 people detained, down from 6,250.

³ “Systemic Indifference: Dangerous and Substandard Care in Immigration Detention.” Freedom for Immigrants and Human Rights Watch. 2017. <https://www.freedomforimmigrants.org/medical-neglect>

⁴ Urbina, Ian. “ICE Uses Solitary Confinement Against Detained Immigrants.” The Atlantic. September 6, 2019. <https://www.theatlantic.com/politics/archive/2019/09/ice-uses-solitary-confinement-among-detainedimmigrants/597433/>

⁵ “SPLC Demands Access to Detainees, Challenges Barriers to Legal Representation at Immigrant Detention Center in Georgia.” Southern Poverty Law Center. July 31, 2017. <https://www.splcenter.org/news/2017/07/13/splc-demands-access-detainees-challenges-barriers-legalrepresentation-immigrant-detention>

⁶ “Abuse Motivated by Hate and Bias in U.S. Immigration Detention.” Freedom for Immigrants. 2019. <https://www.freedomforimmigrants.org/report-on-hate>

⁷ “Widespread Sexual Assault.” Freedom for Immigrants. April 2017. <https://www.freedomforimmigrants.org/sexual-assault>

⁸ Speri, Alice. “Detained, then Violated.” The Intercept. April 11, 2018. <https://www.wnycstudios.org/podcasts/takeaway/segments/new-report-documents-physical-sexual-abuseice-detention-centers>

⁹ Benenson, Laurence. “The Math of Immigration Detention.” National Immigration Forum. May 9, 2018. <https://immigrationforum.org/article/math-immigration-detention-2018-update-costs-continue-multiply/>

The bill has also resulted in greater oversight of immigrant jails and prisons. In February 2019, the California Office of the Attorney General published a report exposing serious abuses and violations of standards within ICE facilities in the state.¹⁰ The law has also resulted in greater transparency for contracting by requiring localities to hold public hearings prior to approving permits to private prison companies or selling land for the purposes of private prison construction. The Geo Group, one of the nation's largest private prison companies, is actively trying to expand its immigrant detention apparatus in several cities in California. Thanks to provisions in Dignity Not Detention, community members were notified of these plans and had the opportunity to share their concerns about the harmful impact of expanded detention to their communities. On February 18, the McFarland city planning commission voted not to advance a request from the Geo Group to obtain a new permit for the purposes of expansion.¹¹

We view our work in California as part of a national movement to end immigration detention and build in its place a just approach to migration that safeguards the dignity and agency of all people. We are thrilled to see that Maryland is taking a strong stand against immigration detention via introduction of SB850.

Introduction of this legislation is particularly timely, as ICE is actively seeking to expand its detention apparatus in Maryland, including via the use of private prison companies. One of the companies actively soliciting a bid for an immigration detention contract in Maryland, Immigration Centers of America, currently operates an ICE jail in Farmville, Virginia. Although ICA markets itself as a humane, morally upstanding company, advocates and the Department of Homeland Security's own Office of Civil Rights and Civil Liberties have documented serious abuses at the Farmville facility, including spoiled food, inappropriate use of solitary confinement and use of force, and medical neglect which has led to death.¹²¹³ During the summer of 2019, the facility reported a series of mumps outbreaks, leading to restrictions on visitor access to the facility, and raising even greater questions about the capability of ICA staff to provide adequate care to the persons in its custody.¹⁴ We are also concerned with conditions within existing ICE facilities in

¹⁰ "Attorney General Becerra Releases First Report on Immigration Detention Facilities in California." February 26, 2019. <https://oag.ca.gov/news/press-releases/attorney-general-becerra-releases-first-report-immigration-detention-facilities>

¹¹ Jordan, Mariam. "An ICE Detention Center? You Picked the Wrong Town, Residents Say." New York Times. February 20, 2020. <https://www.nytimes.com/2020/02/20/us/immigration-detention-bakersfieldmcfarland.html>

¹² "Detention in Your District: VA 5." Freedom for Immigrants. December 2019.

<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5e456050431d563a3820356f/1581604>

¹³ [/DIYD+VA+5+FINAL.pdf](#)

¹⁴ Stern, Michael. "Mumps outbreak reported at Farmville ICE facility." ABC 8 News. July 7, 2019.

<https://www.wric.com/news/local-news/mumps-outbreak-reported-at-farmville-ice-facility/>¹⁴

Frazen, Rachel. "Migrant in ICE custody dies at Maryland Jail." The Hill. December 24, 2019.

<https://thehill.com/blogs/blog-briefing-room/news/475828-migrant-in-ice-custody-dies-at-maryland-jail>

Maryland. In December 2019, Nigerian national Anthony Oluseye Akinyemi died while in ICE custody at the Worcester County Jail.¹⁴

If ICE succeeds in expanding its immigration detention apparatus in Maryland, the agency's enforcement capacity in the region will dramatically increase, creating an environment of fear in a tri-state area home to communities from around the world. As of 2017, 15.2% of Maryland's population is foreign born.¹⁵ Expanding ICE detention in Maryland will come to the detriment of Maryland communities.

We applaud your office's leadership in introducing SB850. We support this bill and thank you for taking a stand for the rights of immigrants.

Sincerely,



Christina Fialho
Co-Founder/Executive Director
Freedom for Immigrants



Sarah Gardiner
Policy Director
Freedom for Immigrants

¹⁵ "Maryland Demographics" Migration Policy Institute.

<https://www.migrationpolicy.org/data/stateprofiles/state/demographics/MD>

DWN_FAV_SB850

Uploaded by: Ghandehari, Setareh

Position: FAV

Testimony in support of MD SB 850
Setareh Ghandehari
Advocacy Manager
Detention Watch Network

Thank you Mr. Chairman and committee members. My name is Setareh Ghandehari and I am a resident of Montgomery County, MD. I am also the Advocacy Manager at Detention Watch Network, a national organization that has been working at the intersection of immigration and mass incarceration for the last two decades.

Immigration and Customs Enforcement (ICE) detains nearly 40,000¹ people everyday in a sprawling network of over 200 immigration jails across the country.² Private prison companies operate over 70% of ICE's detention system.³ The system has grown rapidly under this administration reaching a historic high of 55,000 beds last summer.⁴ The private prison companies that operate it incentivize profits and politics over human dignity and due process.

Private companies that run detention centers as well as those that contract with the government for other services such as food, transportation and guards have benefitted the most from the expansion of immigration detention. One way in which they ensure their profits is by including guaranteed minimums, or "local lockup quotas" into their contracts.⁵ This means that regardless of how many people are actually detained, the private company is guaranteed payment for a minimum number of beds. For example, the Northwest Detention Center in Tacoma, WA has a guaranteed minimum requiring ICE to pay the GEO Group for 800 beds regardless of how many people are detained there.⁶ Jails with these

¹ U.S. Immigration and Customs Enforcement, Detention Statistics (2020) <https://www.ice.gov/detention-management-tab2>

² Detention Watch Network, *Detention 101* (2020) <https://www.detentionwatchnetwork.org/issues/detention-101>

³ Detention Watch Network, *A Toxic Relationship: Private Prisons and U.S. Immigration Detention 2* (2016) [https://www.detentionwatchnetwork.org/sites/default/files/reports/A Toxic Relationship_DWN.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/A%20Toxic%20Relationship_DWN.pdf)

⁴ Andrea Castillo, *ICE Provides Deplorable Healthcare to Detained Immigrants, Advocates Allege in Massive Lawsuit*, L.A. Times, Aug. 19, 2019 <https://www.latimes.com/california/story/2019-08-19/immigrant-detention-medical-care-lawsuit>

⁵ Detention Watch Network, *supra* note 3

⁶ Detention Watch Network, Center for Constitutional Rights, *Banking on Detention: Local Lockup Quotas & The Immigration Dragnet 8* (2015) <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20CCR%20Banking%20on%20Detention%20Report.pdf>

contractually guaranteed minimums are considered priorities by ICE which feels pressure to fill available beds in the name of cost efficiency.⁷ Additionally, with “tiered pricing,” ICE actually receives a discount for people detained above the guaranteed minimum, again incentivizing higher levels of detention.⁸ Because the priority for private companies is profit, they are incentivized to cut corners like limiting medical staffing and denying care.⁹ Since 2003, over 190 people have died in ICE detention centers, including many who were denied medical care and whose deaths were deemed negligent by ICE’s own review.¹⁰

Even if a guaranteed minimum doesn’t exist in a contract, once a facility is built the local counties and cities often become dependent on the federal funds coming in to detain immigrants. In places like Etowah County in Alabama, ICE was planning to end the contract with the county due to poor conditions, but after Members of Congress intervened due to the loss of jobs, ICE kept the facility open.¹¹

In addition to the perverse profit incentives, we’ve found that local enforcement ramps up when immigration jails are opened, tearing local communities apart as loved ones are jailed and often eventually deported.

⁷ *Id.* at 4-6

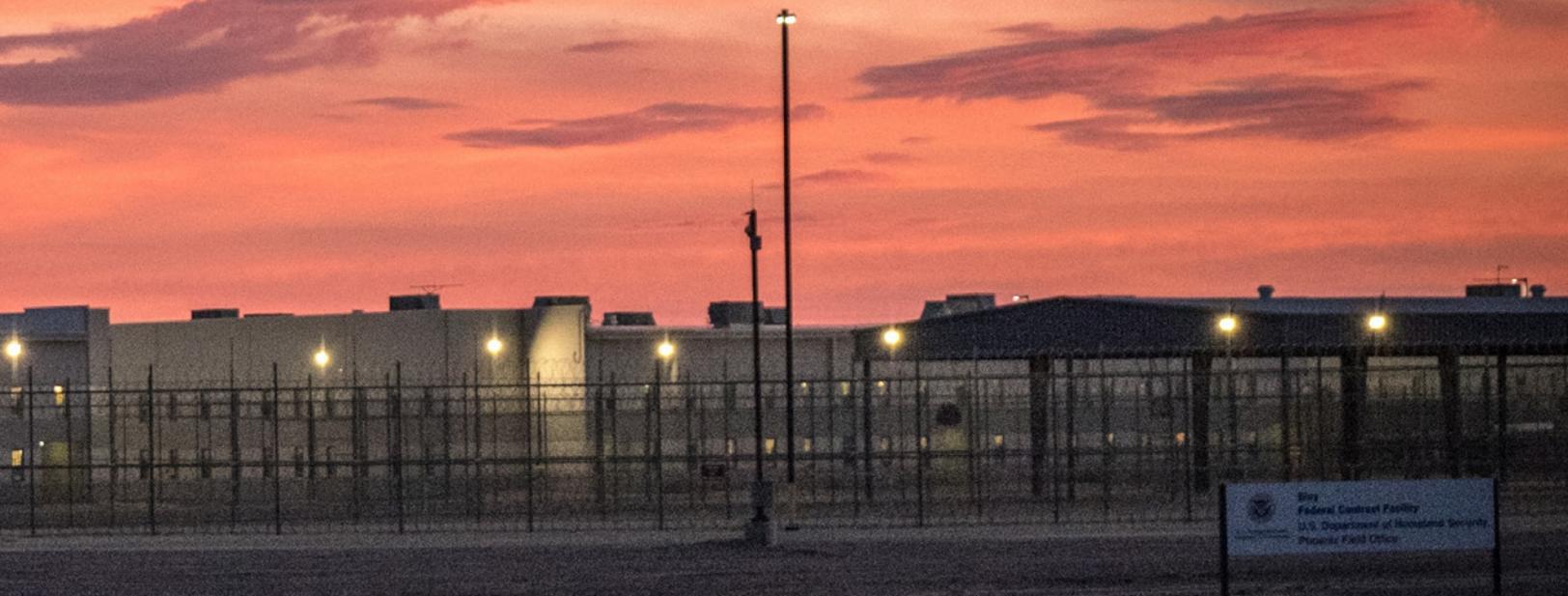
⁸ *Id.*

⁹ Detention Watch Network, *supra* note 3

¹⁰ Detention Watch Network, *supra* note 2

¹¹ Lisa Riordan Seville, Hannah Rapple, *When Feds Sought to Shutter Immigration Jail, Politics Intervened*, NBC News, Aug. 22, 2012, <http://investigations.nbcnews.com/news/2012/08/22/13398156-when-feds-sought-to-shutter-immigration-jail-politics-intervened>

A TOXIC RELATIONSHIP: PRIVATE PRISONS AND U.S. IMMIGRATION DETENTION



DETENTION
WATCH NETWORK

ACKNOWLEDGEMENTS

The primary author of this report was Mary Small, with staff contributions by Dawy Rkasnuam and Silky Shah.

About Detention Watch Network

Detention Watch Network (DWN) is a national coalition of organizations and individuals working to expose and challenge the injustices of the United States' immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons. Founded in 1997 by immigrant rights groups, DWN brings together advocates to unify strategy and build partnerships on a local and national level to end immigration detention.

Visit detentionwatchnetwork.org

Design by: Maria C. Schultz

Translation by: Eleana Gómez

Cover Image by: Steve Pavey

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INTRODUCTION

The U.S. immigration detention system is the largest in the world, with Immigration and Customs Enforcement (ICE) under the Department of Homeland Security (DHS) holding hundreds of thousands of people each year in a sprawling network of over 200 detention facilities. However, in addition to being remarkable for its size, the U.S. immigration detention system is an outlier for the degree to which it has been privatized. As of August 2016, 73 percent of immigrants held in ICE custody were in facilities operated by private prison companies,¹ and the remaining facilities often contract with other private companies for services such as food, guards, and even medical care. The relationship between ICE and private contractors has been disastrous for immigrants, as well as for American taxpayers, who pay more than \$2 billion each year to maintain the detention system.² Although a lack of due process, inhumane and sometimes fatally inadequate conditions, and a woeful lack of both oversight and transparency are endemic to the entire system, privatization has exacerbated each of these problems.

The immigration detention system has not been alone in exploring partnerships with private prison companies. In 1996 the Bureau of Prisons under the Department of Justice (DOJ) also began contracting with private prison companies, specifically Corrections Corporation of America (CCA) who are currently attempting a re-brand to CoreCivic, The GEO Group, Inc. (GEO) and Management and Training Corporation (MTC), to run a network of segregated immigrant-only prisons that eventually grew to include 13 facilities in seven states.³ However, in August 2016, the DOJ announced that it would begin phasing out these contracts and ending its reliance on privately-run prisons.⁴ The announcement was

the combined result of a decrease in the number of people incarcerated in federal facilities, a critical report by the DOJ Office of Inspector General,⁵ damning investigative reporting on deaths as the result of medical neglect and other serious deficiencies,⁶ years of careful research and advocacy by non-profit organizations,⁷ and organizing and resistance by the people incarcerated in the facilities.⁸

In the aftermath of this announcement, the spotlight quickly turned on ICE, which contracts with the exact same companies, as well as a few other smaller ones, to run the vast majority of its detention centers. In fact, ICE's entanglement is even more convoluted; while ICE contracts directly with private prison companies for some detention facilities, many are sub-contracted to a private prison company through a local government acting as a contracting middleman. Not surprisingly, whether directly or indirectly contracted, nearly identical complaints have been lodged against these companies' facilities within the immigration detention system, including fatal medical neglect, abusive solitary confinement, and other misconduct and mismanagement. In the wake of the DOJ announcement, it was clear that DHS should promptly follow DOJ's lead in disentangling itself from its private prison contractors. On August 29, 2016, DHS Secretary Jeh Johnson announced that a subcommittee of the Homeland Security Advisory Council (HSAC Subcommittee) had been tasked with reviewing whether DHS should also begin severing ties with private prison companies, with the final report due by November 30, 2016.⁹

In response, Detention Watch Network (DWN), along with many other organizations and people directly affected by the current immigration detention regime, submitted a mountain of

evidence about the problems with a detention system driven by profiteering to the HSAC Subcommittee. This report seeks to synthesize and make public that information. The report details four fundamental problems with the use of privately-run detention centers, as our research indicates that private contractors:

- Seek to maximize profits by cutting costs—and subsequently critical services—at the expense of people’s health, safety, and overall well-being;
- Are not accountable, and often do not bear any consequences when they fail to meet the terms of their contracts;
- Exert undue influence over government officials, and push to maintain and expand the immigration detention system;
- Are not transparent, and in fact, fight hard to obscure the details of their contracts and operations from the American public.

The privatization of immigration detention creates perverse incentives for incarceration. DHS must take steps to end all profiteering in the immigration detention system by reducing reliance on immigration detention and ending direct and indirect contracts with private companies.

Specifically, DHS should:

1. Immediately cease its current expansion of the immigration detention system. ICE must not sign any new contracts, including with private prison companies;
2. Decline to award any contract renewals or rebids for existing facilities to private detention operators;
3. Immediately modify all contracts without end dates to include an end date no later than one year after modification;
4. Not replace phased out contracts with additional county jail contracts, but rather take

immediate and aggressive action to reduce the number of people held in immigration detention. DHS should start by ending family detention; ending the detention of asylum-seekers, providing a bond hearing for all detained individuals, and narrowing its interpretation of mandatory detention.¹⁰

INHUMANE CONDITIONS

Detention Watch Network, in collaboration with the American Immigration Lawyers Association, the CARA Family Detention Pro Bono Project, Community Initiatives for Visiting Immigrants in Confinement (CIVIC), Grassroots Leadership, and the National Immigrant Justice Center submitted declarations and complaints reflecting the experiences of 42 individuals who were or are held in privately run detention facilities to the HSAC Subcommittee.¹¹ The experiences of these 42 individuals are a small sample of the egregious conditions and violations that we hear about regularly, but powerfully illustrate the degree to which private prison contractors fail to ensure the safety and dignity of the immigrants held in their facilities. Key themes from their testimonies include inadequate medical care, mistreatment and abuse in its many forms, poor quality of food and sanitation, language access concerns, and lack of accountability for problems at the facilities.

Of the 42 individuals represented in these declarations, 76 percent expressed complaints regarding medical care. Several of these complaints involved extensive delays in being seen by the medical unit. Another frequent complaint was being told to drink water to treat various medical conditions, including earaches, knee pain, post-surgery fever and vomiting, and a broken finger. Multiple complaints involved basic medical incompetence, such as an individual detained at the CCA-operated Otay Mesa Detention Facility in San Diego, CA who stated



photo: Steve Pavey

that the facility mixed up his medicine with the medication of someone else with a similar name at least six times.¹² Another individual was told to submit a request—which routinely took two days for processing—in order to request a bandage for an open burn wound.¹³ A woman detained at CCA's South Texas Family Residential Center in Dilley, TX stated that two medical personnel pricked her with a needle seven times in an attempt to provide her with intravenous fluids and laughed each time they were unable to locate a vein, despite her crying out in pain. Though they finally inserted a tube after finding a vein in her other hand, an Emergency Medical Technician later removed the tube and showed her that the needle was bent, and that the medical personnel did not know how to insert the tube.¹⁴ At least one complaint points to the potentially fatal consequences of inadequate medical care, including an individual detained at the GEO-operated Adelanto Detention Facility in Adelanto, CA who reported that facility staff refused to

transfer her to the hospital after she experienced heart-related symptoms that caused her to lose consciousness.¹⁵

The frequency and consistency of medical complaints are particularly alarming in light of evidence that failures to refer individuals to higher level care contributed to multiple recent deaths in detention.¹⁶ Among these are: Evalin-Ali Mandza who died after staff at a GEO facility in Colorado waited nearly an hour to call 911 after he began experiencing chest pain¹⁷ and Manuel Cota-Domingo who died after an eight hour delay in transferring him to the emergency room by staff at CCA's Eloy facility in Arizona.¹⁸

These findings are further echoed in a new report about detention in the Deep South, which included interviews with immigrants detained at three privately-run detention facilities, including the LaSalle Detention Facility where three people died in the first half of 2016.¹⁹ Interviews from

all three facilities uncovered significant and life-threatening delays or denials of medical and mental health care.²⁰ Providing further clarity about potentially fatal indifference at LaSalle, an interviewee reported that “one detainee tried to hang himself in the dorm. The code was called but no administrators came.”²¹

Thirty-one percent of the individuals represented in the declarations submitted to the HSAC Subcommittee reported mistreatment and abuse in various forms, including verbal abuse, employee theft, retaliation, abusive solitary confinement, and sexual harassment and assault. An individual detained at the GEO-operated Karnes Family Residential Center in Karnes City, TX stated in her declaration that her daughter had been touched inappropriately by an employee at the facility’s day care center twice, and that this had also happened to two other children detained at the facility.²² In another example, an 18-year-old detained at the LaSalle Corrections-operated Irwin County Detention Center in Ocilla, GA stated that she was placed in solitary confinement for three days after reporting that she had been verbally harassed by other detained people on account of her perceived sexual orientation. The experience in solitary confinement was especially traumatizing to her as a survivor of rape and domestic violence.²³ In an example of employee theft, an individual detained at the CCA-operated Otay Mesa Detention Facility stated that officers at the facility had been caught stealing money from envelopes that family members had sent to detained people for their commissary accounts.²⁴

These trends are repeated in other compilations of interviews and testimony. The use of solitary confinement, both due to overcrowding and as inappropriate or disproportionate punishment, is particularly consistent. For example, several

Evalin-Ali Mandza died after staff at a GEO facility in Colorado waited nearly an hour to call 911 after he began experiencing chest pain and Manuel Cota-Domingo died after an eight hour delay in transferring him to the emergency room by staff at CCA’s Eloy facility in Arizona.

individuals held at the LaSalle Corrections-operated Irwin Detention Facility in Georgia reported that they were placed in administrative segregation upon arrival for several days until there were spaces available in the housing units, with one person reporting that he was in segregation for 10 days when he first arrived at Irwin.²⁵ A transgender woman detained at Eloy in a housing unit with 250 men reported that the guards and men would watch trans women shower, and they were written up when they tried to put up curtains. She was sexually harassed by a man in the housing unit and when she reported it she was told to deal with it because there was no space to move her to; when she contested this decision, she was sent to solitary confinement for two days and then returned to the same housing unit where she was being harassed. The man who had harassed her then physically and sexually assaulted her in retaliation for reporting the harassment in the first place. After being taken to the hospital, she was placed in solitary confinement for a week and faced bullying by guards and other detained people.²⁶

Food and sanitation were also common concerns and present in 17 percent of the declarations submitted to the HSAC Subcommittee. An individual detained at the GEO-operated Adelanto Detention Facility in Adelanto, CA stated that the facility provides expired food; for example, a pizza served two weeks after the expiration date on the box.²⁷ Another individual

detained at the GEO-operated Karnes Family Residential Center stated that there were sometimes worms in the beans and rice, swarms of flies in the kitchen and no disinfectant to clean the tables.²⁸

Although the declarations submitted to the HSAC Subcommittee point to inhumane conditions, the degree to which cost-cutting is a driver is perhaps best shown by a series of sexual assaults by a CCA guard at the Hutto Detention Facility in Texas between 2009 and 2010, who serially assaulted women during unscheduled stops on the way to the airport. This abusive and criminal activity continued undetected because, in violation of the contract between CCA and ICE, the guard was not required to have another guard in the transport van with him.²⁹

Cost-cutting is also visible in the medical staffing decisions these companies make. Although CCA and GEO have gone to great lengths to hide information about their medical staffing,³⁰ the limited information available does indicate that there are frequent and long-term vacancies for

A transgender woman detained at Eloy in a male housing unit was sexually harassed by a man in her unit. When she reported it, she was sent to solitary confinement for two days and then returned to the same housing unit. The man who had harassed her then physically and sexually assaulted her in retaliation. After being taken to the hospital, she was placed in solitary confinement for a week and faced bullying by guards and other detained people.

contractually-required positions,³¹ creating a dangerous administrative limbo which allows facilities to pass inspection while also saving money on personnel costs.

These concerns of inadequate medical care, mistreatment, and poor sanitation and food quality are compounded by the absence of meaningful oversight of private detention contractors, explored in more detail in a later section of this report. Ten percent of the individuals represented in the declarations raised concerns about transparency, with three individuals stating that facility staff make cosmetic fixes in preparation for inspections and visits from members of Congress. One individual detained at the GEO-operated Karnes Family Residential Center stated that facility staff were notified in advance of an inspection, so guards gave detained women and children stuffed animals, provided them with more coffee and food, and placed covers on tables to prepare for the inspectors' visit. She stated that after the inspectors left, the guards took all the stuffed animals back from the children.³²



photo: photo: Alonso Yáñez/La Opinión

CONTRACTING AND OVERSIGHT

As concerning as the conditions inside privately operated detention facilities described above are, the fact that they continue unimpeded is perhaps even more alarming. ICE's inability or unwillingness to address these serious problems has several causes, including poor contracting practices and a woefully inadequate inspections process.

Recent litigation and research regarding nearly 100 detention facility contracts by the National Immigrant Justice Center has revealed the details of ICE's convoluted contracting system.³³ Among other important findings, researchers uncovered widespread indirect contracting, a lack of clarity about which detention standards govern many facilities, and a shocking number of indefinite contracts.

ICE contracts directly with private prison companies for fewer than 10 detention facilities.³⁴ The majority of privately-run detention facilities are contracted indirectly with either local governments or the U.S. Marshals Service (USMS) acting as a middleman. This contracting model creates additional barriers to both accountability and transparency, but also allowed private companies to avoid open competition for the contracts. Even though the ultimate beneficiary is a private company, ICE is able to circumvent open competition requirements by taking advantage of special processes for agreements between governmental entities. Forty percent of CCA's contracts were obtained through a non-competitive process; 30 percent through this indirect contracting model.³⁵

In addition to often allowing an end-run around competitive bidding, numerous ICE contracts don't indicate which of the three versions of detention standards³⁶ currently in use are in place

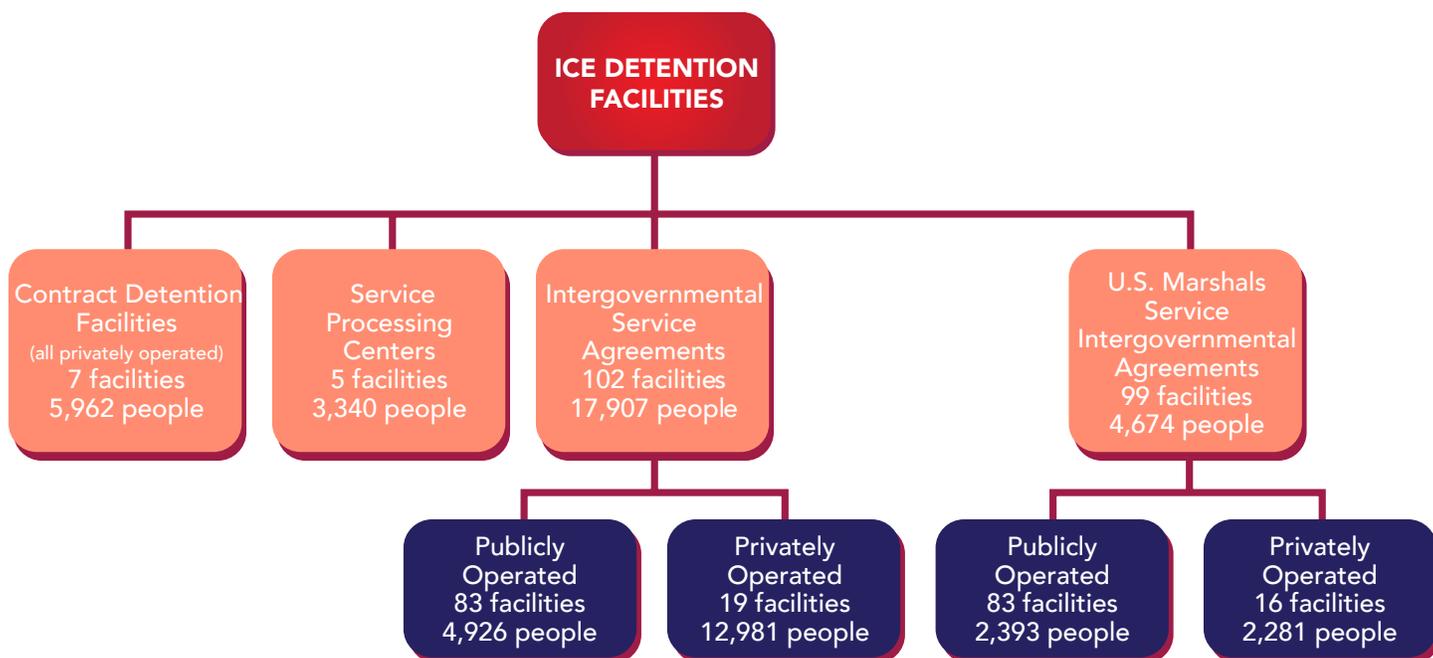
Facility staff were notified in advance of an inspection, so guards gave detained women and children stuffed animals, provided them with more coffee and food, and placed covers on tables to prepare for the inspectors' visit. After the inspectors left, the guards took all the stuffed animals back from the children.

at the facility.³⁷ The versions include: the National Detention Standards (NDS) from 2000 which are the lowest level and least comprehensive, the Performance Based National Detention Standards from 2008 (PBNDS 2008) or the Performance Based National Detention Standards from 2011 (PBNDS 2011). Although the newer standards contain more robust protections, including sexual assault prevention guidelines and more detailed standards governing solitary confinement and hunger strikes, they are still derived from prison standards, and therefore replicate many of the deplorable conditions and troubling human rights failings endemic to the criminal justice system. Furthermore, they are not codified and are therefore not easily enforceable. Despite these deficiencies, the level of standard included in a contract still conveys important information about ICE's ability and willingness to manage a contractor-run detention system.

Both ICE and the private prison companies frequently point to the fact that all directly contracted private facilities are theoretically compliant with either PBNDS 2008 or PBNDS 2011. However, this doesn't account for the effect of indirect contracting; at least 14 indirectly contracted private facilities are only contracted to meet the bare minimum of detention standards.³⁸

Regardless of which level of standards are included in the contract, the vast majority of

Ice Detention Contracts By Number Of Facilities And Average Daily Population, FY16



*Data obtained from an ICE facilities matrix dated December 8, 2015 and does not include new ICE facilities (Kankakee County Jail, Torrance County Detention Center, Prairieland Detention Center, Nevada Southern Detention Center, and Allen Parish Public Safety Complex) or significant expansion in the number of detention beds at Charleston County Detention Center, Coastal Bend Detention Facility, Denver Contract Detention Facility, Florence Correctional Center, Glades County Detention Center, Immigration Centers of America-Farmville, Johnson County Law Enforcement Center, La Salle County Regional Detention Center, Jena/LaSalle Detention Facility, Pine Prairie Correctional Center, Western Tennessee Detention Facility, Willacy County Regional Detention Center, and Yakima County Jail. Privately-operated facilities are italicized.

contracts do not include robust penalty provisions to help ensure that the standards are met, and a significant number, including those for at least nine privately-run facilities, don't include a contract end date.³⁹ ICE has rarely elected to terminate a contract during its term. Instead, if ICE engages to demand improvements at all, it does so during contract renewals and rebids, essentially giving a free pass to these nine facilities.

Finally, ICE contracts, particularly those with private prison companies, are also plagued by the inclusion of guaranteed minimums. Guaranteed minimums are contractual provisions which obligate ICE to pay for a specified number of beds, regardless of whether or not those beds are being used at any given time. Often, ICE then receives a "discount" for any people detained above the guaranteed minimum number, incentivizing even higher levels of detention disguised as a more efficient use of government

resources. Ninety-three percent of known guaranteed minimums benefit a private prison company.⁴⁰ At least 20 contracts with private companies contain a guaranteed minimum,⁴¹ affecting at least 11,936 people.

The inclusion of guaranteed minimums, which essentially act as taxpayer funded profit insurance for detention contractors, is no accident. In 2005, CCA noted in its Security and Exchange Commission filing that its inability to control occupancy rates at its facilities was a risk for its revenue and profitability.⁴² Guaranteed minimums are the contractual solution to this problem. While guaranteed minimums may not technically control occupancy rates, they financially incentivize stable or increased detention numbers, and provide guaranteed minimum revenue for the company, protecting it against any shifts in immigration policy or movement toward decarceration.

In addition to poor contracting practices, extensive research into ICE's inspections process has also shown that ICE does not provide effective oversight over its contractors. Instead, ICE's inspections process allows the numerous failings of the detention system to fall through the cracks, while avoiding consequences, independent oversight, and transparency. Failing the most basic of requirements for an adequate oversight process, ICE's inspections are not independent. Rather than having an independent agency conduct inspections of its detention facilities, ICE's inspections are done internally or by contractors hired and paid by ICE, raising concerns about impartiality.⁴³ Those concerns are further heightened by the fact that inspection reports may be edited before they are finalized and submitted to ICE's Detention Monitoring Unit by the inspections contractor.⁴⁴ These edits are not tracked, and ICE officials report not knowing the frequency or types of edits that occur between an initial inspection and when the inspections contractor submits the inspection report.

However, beyond independence, ICE's inspections are of poor quality and seem designed to allow facilities to pass. By announcing its inspections in advance, ICE gives facilities the opportunity to make cursory changes to conceal serious problems.⁴⁵ Moreover, inspectors check for the existence of policies and often take facility staff at their word without evaluating the implementation of critical functions such as medical care and grievance procedures, or even checking easily verified safety infrastructure such as fire alarms. As most inspections don't include interviews with detained people, their perspective is not incorporated into the inspections findings either.⁴⁶ Taken together, these create a checklist culture in which inspectors are ticking items off a long list rather than fully and comprehensively examining

the lived reality of people detained at the facility. The effects of the checklist culture are perhaps best demonstrated by the repeat finding that indoor rooms with windows count as providing outdoor recreation because air from the outside can enter the room.

Moreover, indirect contracting—in which a local government or the USMS hold a contract with ICE and then turn around to sub-contract with a private prison company—has allowed private companies to exploit an inspections loophole. Within the detention standards, many individual requirements are italicized, meaning that facilities contracted through intergovernmental service agreements (again, those where a local government or the USMS hold the contract with ICE) do not have to meet the requirement, but rather the spirit of the requirement. When a private prison company is sub-contracted to run one of these facilities, they retain the ability to meet the spirit of the requirement as opposed to the requirement itself. This loophole is further stretched by a lack of awareness or attention to detail on the part of the inspectors. In numerous instances, rather than indicating how a facility met the intent of an italicized standard, the inspector simply wrote "N/A."

Given these findings, it is not surprising that ICE's inspections fail to uncover serious problems at detention facilities. At least seven facilities implicated in medically negligent deaths received passing ratings from ICE inspections, both before and after the deaths occurred, even when the death investigation found facilities failed to meet medical care standards and explicitly identified the deaths as preventable.⁴⁷ Even when severe deficiencies are discovered and named in an inspection or death review, ICE has not terminated contracts or used available penalties, but rather

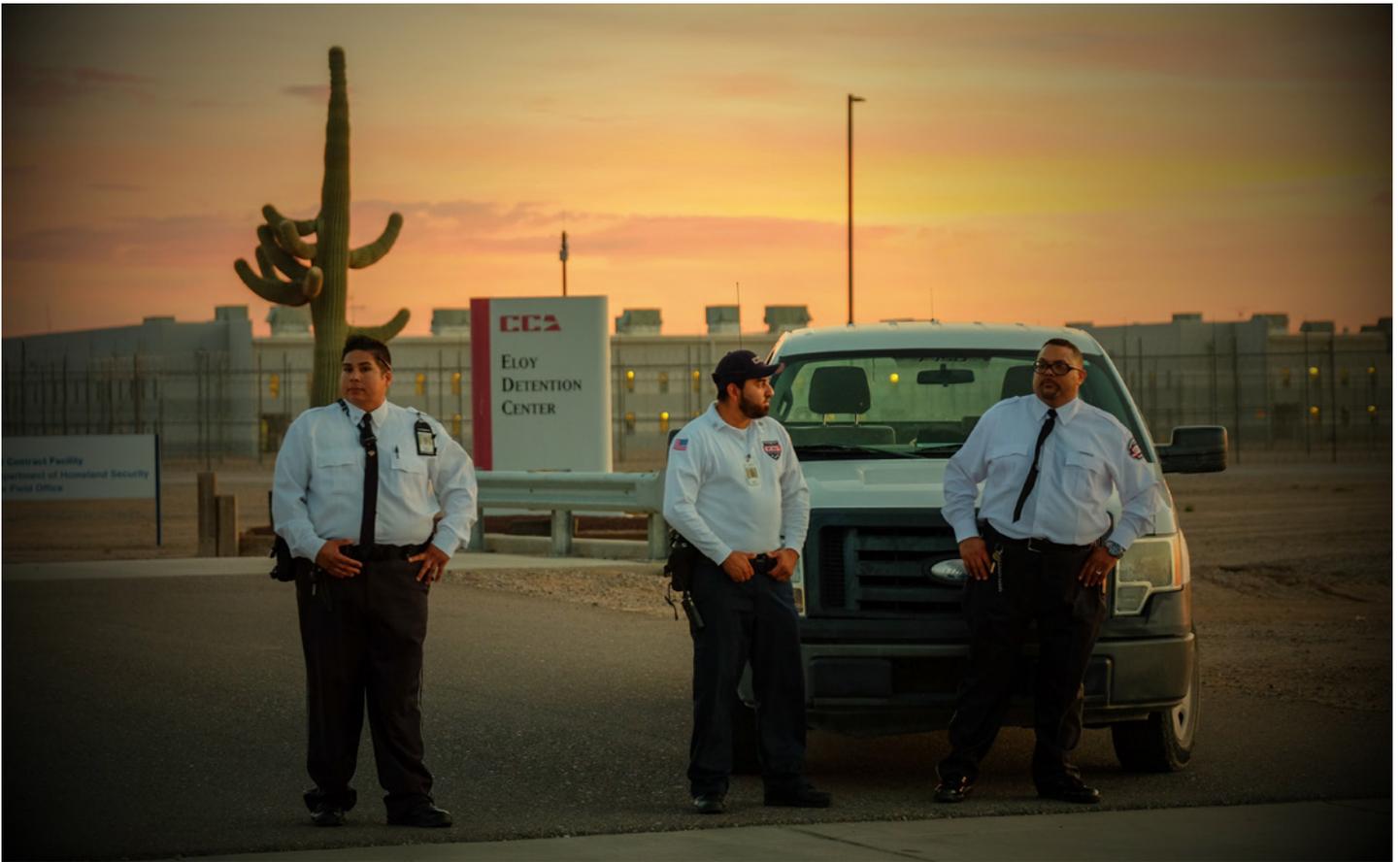


photo: Steve Pavey

continued to send immigrants to be held in unsafe conditions. Former ICE senior officials have also expressed concern about the relationship between the companies and ICE, and the quality of privately-run facilities.⁴⁸

Evidence of ICE's unwillingness to cut ties, even in the face of well documented and egregious failings at a facility, are clearly demonstrated in the case of Eloy. Eloy is, by far, the deadliest detention facility in the system, with 14 documented deaths since 2003, including numerous suicides.⁴⁹ As early as 2012, and potentially earlier, inspectors flagged concerns about suicide prevention at Eloy.⁵⁰ Then in 2013, Elsa Guadalupe-Gonzalez committed suicide at Eloy; two days later, Jorge Garcia Mejia also committed suicide in a different housing unit. Death reviews conducted after the two suicides found that confusion about who should call 911 lead to delays in the placing the call after both suicides, and that Eloy didn't have

a suicide prevention plan, among other serious shortcomings.⁵¹ In 2015, José de Jesús Deniz Sahagun also committed suicide at the facility. Horrifyingly, but unsurprisingly, the subsequent death review found that Eloy still did not have a suicide prevention plan at the time of his death.⁵² It's difficult to imagine what additional information would be required to trigger a contract termination, and yet, at the time of writing, over a thousand immigrants continue to be held at this dangerous facility.

INFLUENCE PEDDLING AND A REVOLVING DOOR

While conditions, oversight, and contracting deficiencies are not limited to privately-run detention facilities, the private sector does have its own methods of exerting influence over decision-makers. These include campaign contributions, massive lobbying expenditures, and revolving door politics. In 2008 CCA and GEO received

\$307 million combined in revenue for running immigration detention facilities. By 2015 it had more than doubled to \$765 million.⁵³

Although the final numbers for the 2016 election cycle are not yet available, by the end of June, GEO had contributed \$464,000 and CCA had contributed \$210,000 to the 2016 congressional and presidential races.⁵⁴ During each of the 2006, 2008, 2010, 2012, and 2014 cycles, CCA and GEO contributed at least \$500,000 to federal elections combined,⁵⁵ and in some cases, much more. During the 2014 cycle, CCA contributed to 23 senators and 25 representatives, and GEO Group contributed to 10 senators and 28 representatives.⁵⁶

Digging into specific contributions provides more insight into the influence these companies exert. This is perhaps most clear as it relates to the detention bed quota, which has been included in DHS's budget since 2009 and requires that ICE maintain an average of 34,000 detention beds.⁵⁷ This provision has been a key driver of increased immigration detention over the last eight years and, as an increasing percentage of immigration detention has been privatized (from 25 percent in 2005⁵⁸ to 49 percent in 2009⁵⁹ to 73 percent in 2016⁶⁰), a key driver of private prison profits as well. Engagement by private prison companies specifically on the detention bed quota indicates that they are not just influencing which entities get detention facility contracts, but are actively shaping policy decisions about the scope of the detention system overall.

For GEO, the detention bed quota seems to drive at least some campaign contributions. In the 2014 election cycle, GEO was Representative Cuellar's (D-TX) biggest contributor giving \$15,550.⁶¹ As of mid-September 2016, GEO was again slated to be

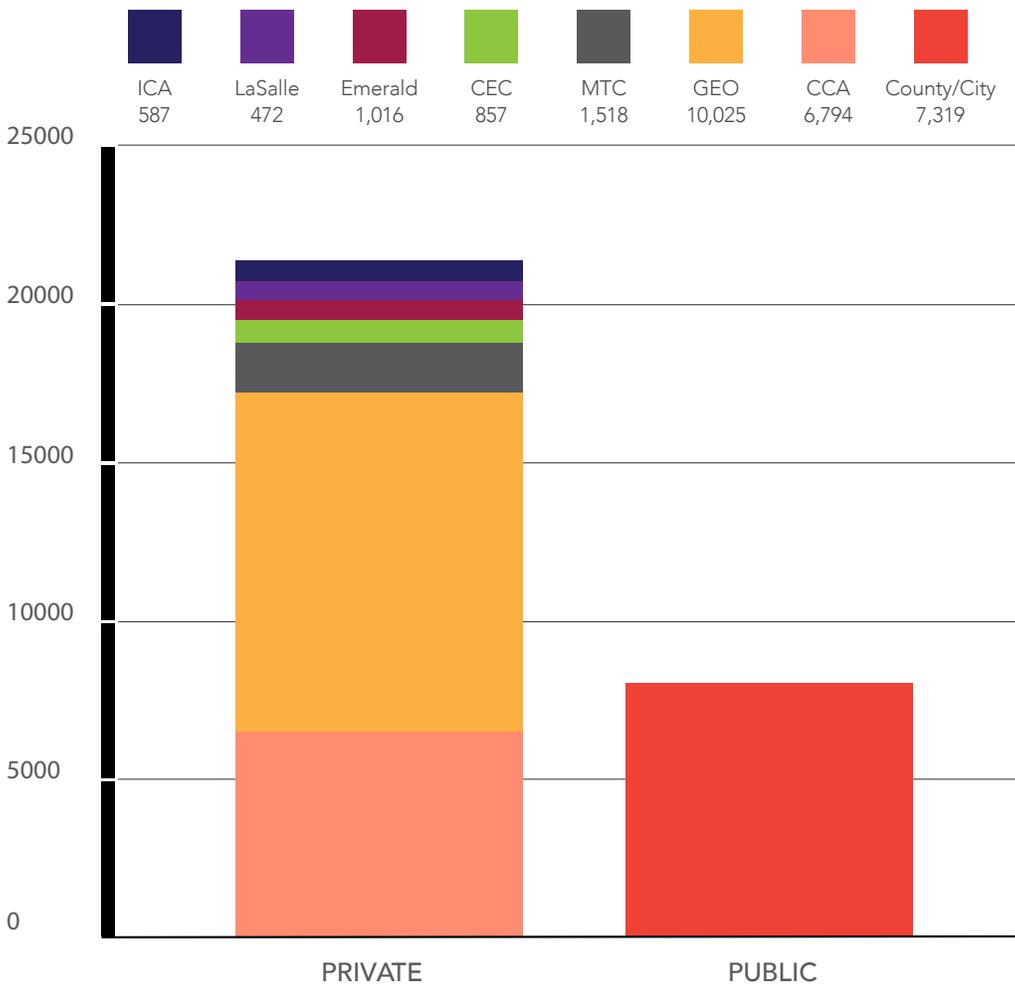
2008 CCA and GEO received \$307 million combined in revenue for running immigration detention facilities. By 2015 it had more than doubled to \$765 million.

Rep. Cuellar's largest donor, having already contributed \$15,090.⁶² This is significant because Rep. Cuellar is on the Homeland Security Appropriations Subcommittee, which continues to insert the immigration detention quota in the budget and shapes the way in which it is interpreted. CCA has also sought to maintain the detention bed quota. Between 2006 and 2015, CCA spent \$8.7 million and GEO spent \$1.3 million in quarters where they directly lobbied the DHS Appropriations Subcommittee.⁶³

CCA and GEO have both invested in federal lobbying beyond their specific focus on supporting the detention bed quota. In addition to lobbying on appropriations, in 2015, CCA lobbied against the Justice Is Not For Sale Act, which would have banned private prisons at the federal, state, and local levels, and the Private Prison Information Act which would have removed the exemption that allows private prison companies to avoid disclosing the details of its contracts or information about what goes on inside its facilities.⁶⁴

In 2015 alone, the two companies hired 20 lobbyists in DC at \$1.6 million⁶⁵. In October 2016, GEO dramatically expanded its lobbying capacity, hiring three new firms, including David Stewart and Ryan Robichaux of Bradley Arant Boult Cummings,⁶⁶ both of whom are former staff of Senator Jeff Sessions and will be focused on federal contracts with private prisons. Seventy percent of CCA and GEO lobbyists have previously worked on the Hill.⁶⁷

FY16 Immigration Detention ADP, Private vs. Public Operators



**This data was obtained from an ICE facilities matrix dated December 8, 2015 and does not include new ICE facilities (Kankakee County Jail, Torrance County Detention Center, Prairieland Detention Center, Nevada Southern Detention Center, and Allen Parish Public Safety Complex) or significant expansion in the number of detention beds at Charleston County Detention Center, Coastal Bend Detention Facility, Denver Contract Detention Facility, Florence Correctional Center, Glades County Detention Center, Immigration Centers of America-Farmville, Johnson County Law Enforcement Center, La Salle County Regional Detention Center, Jena/LaSalle Detention Facility, Pine Prairie Correctional Center, Western Tennessee Detention Facility, Willacy County Regional Detention Center, and Yakima County Jail. Privately-operated facilities are italicized.*

The revolving door also exists between the federal agencies issuing contracts and private prison companies. David Venturella, former Assistant Director of ICE, is now the Executive Vice President for Corporate Development at GEO, and Julie Myers Wood, a former DHS Assistant Secretary for ICE, is now on GEO's board.⁶⁸ Mary Loiselle, formerly of ICE, is the Program Director for GEO's new alternative to detention program for immigrant families.⁶⁹ Both CCA and GEO have had numerous additional people in senior leadership positions who were formerly high level government officials, including multiple Directors of the Bureau of Prisons, General Counsel for DHS, Director of the U.S. Marshals Service, and more.⁷⁰

Beyond these pay to play schemes, ICE's ability and willingness to hold its contractors to even the most minimal of standards is completely undermined by the depth of its reliance on them. Especially coupled with the requirements of the detention bed quota, any leverage ICE has is significantly weakened. With 73 percent of detention facilities operated by private prison companies, and the remaining facilities subcontracting out for services like food, guards, and medical care, any threat of significant financial penalties or large scale termination is undermined by the companies' awareness of how much ICE—at least given its current way of operating—needs them.

TRANSPARENCY

The entire detention system is plagued by a lack of transparency. ICE does not proactively disclose most of its facility inspections, contracts, death reviews, or even basic statistics to the public. Nor is vital information about suicide attempts, hunger strikes, work program stoppages, use of solitary confinement, use of force, or other significant information readily available. In fact, to date these documents have only been available through slow-moving and resource intensive Freedom of Information Act (FOIA) requests and litigation.⁷¹

Within a broader culture of secrecy, private prison contractors have been particularly effective at avoiding scrutiny. As detailed above, ICE relies heavily on indirect contracting, which allows private companies to operate detention facilities while on the surface ICE contracts with a public entity—either a local government or USMS.⁷²

Private companies have typically been able to take advantage of a FOIA loophole, Exemption 4, meant to protect commercial trade secrets to persuade the government to hide many of the terms of their contracts, leaving the public in the dark about the costs and staffing plans for these facilities.

ICE's fundamental opposition to transparency, spurred on by its top contractors, is perhaps best illustrated by DWN and the Center for Constitutional Rights' (CCR) current FOIA litigation⁷³ in which the government essentially acted as free counsel for its private detention contractors. After refusing to respond to a FOIA request until ordered to do so by a judge, ICE began producing documents, but heavily redacted all detention facility contracts, claiming that they could withhold pricing information and staffing plans under FOIA Exemption 4.

Private contractors are openly proclaiming what we've long known: that they are actively seeking to shape government detention policy and the scope of government secrecy, protecting their own interests and profits at the expense of immigrant communities and the American public.

When DWN and CCR filed a motion challenging these redactions, ICE justified them based on the contractors' position that release of the information could cause them "substantial competitive harm." Notably, ICE's legal position depended heavily on the opinions and arguments of private contractors themselves, four of the largest of whom submitted sworn declarations attesting to the need for secrecy and the perils of public awareness of terms in government contracts. In GEO's case, David Venturella, a former ICE official who is now the Senior Vice President of Business Development at GEO, submitted a declaration claiming that public view of the lucrative contract terms between GEO and the government would harm the "detention market," as if protecting private prison profits was the role of the courts. Relying on these declarations, ICE adopted the position of its private contractors as its own throughout the litigation.

In July 2015, the Federal Court in *DWN v. ICE* ruled that the details of government contracts with private detention companies, specifically the per diem payments and staffing plans associated with each contract, are not exempt from public release under FOIA. ICE chose not to appeal and the issue, which ICE should never have defended in the first place, was on the cusp of resolution, with ICE preparing to disclose the improperly-redacted information.

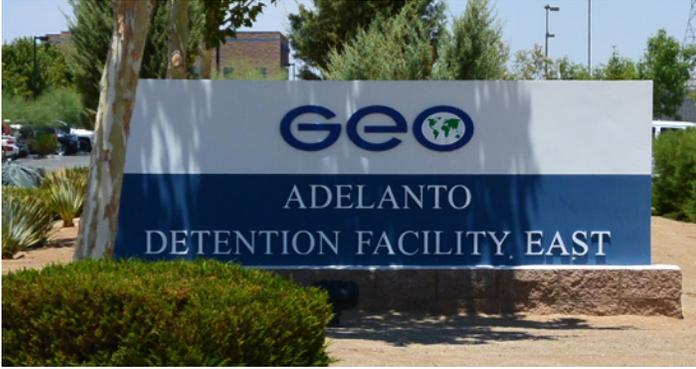


photo: Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

Instead, GEO and CCA filed a motion to intervene in the case, which was granted in September 2016, and are appealing the lower court's ruling to the Second Circuit Court of Appeals. This has now created a rather remarkable situation. Private contractors are challenging the district court's interpretation of the federal government's obligations under FOIA, even though the federal government is not. In doing so, the private contractors are openly proclaiming what we've long known: that they are actively seeking to shape government detention policy and the scope of government secrecy, protecting their own interests and profits at the expense of immigrant communities and the American public.

CONCLUSION

The problems within the immigration detention system, and the degree to which they are exacerbated by ICE's entanglement with private prison companies is clear. Throughout the system, we see evidence that these companies seek to maximize their profits by cutting costs at the expense of people's health, safety and well-being; are not accountable and don't experience consequences for even severe deficiencies; exert undue influence over government officials and immigration policy; and fight tooth and nail to avoid even minimal transparency. These are not problems that can be addressed through reform,

but only through completely ending the U.S. government's relationship with and reliance on private prison companies.

The privatization of immigration detention creates perverse incentives for incarceration. The Department of Homeland Security (DHS) should take steps to end all profiteering in the immigration detention system by reducing reliance on immigration detention and ending direct and indirect contracts with private companies.

Specifically, DHS should:

1. Immediately cease its current expansion of the immigration detention system. ICE must not sign any new contracts, including with private prison companies;
2. Decline to award any contract renewals or rebids for existing facilities to private detention operators;
3. Immediately modify all contracts without end dates to include an end date no later than one year after modification;
4. Not replace phased out contracts with additional county jail contracts, but rather take immediate and aggressive action to reduce the number of people held in immigration detention. DHS should start by ending family detention; ending the detention of asylum-seekers, providing a bond hearing for all detained individuals, and narrowing its interpretation of mandatory detention.⁷⁴

Terminating these contracts will not fix all the problems within the United States' massive immigration detention system, but it is an important first step. It is simply unacceptable to put profit over people, especially when it comes to the deprivation of liberty.

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BANKING ON DETENTION:

local lockup quotas & the immigrant dragnet



DETENTION
WATCH NETWORK



center for
constitutional
rights



About Us

Detention Watch Network (DWN) is a national coalition of organizations and individuals working to expose and challenge the injustices of the U.S. immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons. Founded in 1997 in response to the explosive growth of the immigration detention and deportation system in the United States, DWN is today the only national network that focuses exclusively on immigration detention and deportation issues and is known as a critical national advocate for just policies that promote an eventual end to immigration detention. As a member-led network, DWN unites diverse constituencies to advance the civil and human rights of those impacted by the immigration detention and deportation system through collective advocacy, public education, communications, and field-and-network-building.

Website: <http://detentionwatchnetwork.org>

The Center for Constitutional Rights (CCR) is dedicated to advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. CCR employs litigation, education, and advocacy to advance the law in a positive direction, to empower poor communities and communities of color, to guarantee the rights of those with the fewest protections and least access to legal resources, to train the next generation of constitutional and human rights attorneys, and to strengthen the broader movement for social justice.

Website: <http://ccrjustice.org>

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Introduction

The United States government manages the largest immigration detention system in the world. Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS), oversees the detention of hundreds of thousands of individuals charged with civil immigration violations each year in a sprawling network of over 200 immigration jails across the U.S. In 2009, Congress began including a requirement to fund a minimum number of beds (currently 34,000) dedicated to detention at any given time in its annual appropriations bill. Since the policy, often referred to as the national detention bed quota, went into effect, the number of people detained each year has increased from 383,524 in FY (fiscal year) 2009 to a record breaking 477,000 in FY 2012.¹

CONTINUATION SHEET		REFERENCE NO. OF DOCUMENT BEING CONTINUED
NAME OF OFFEROR OR CONTRACTOR GEO GROUP INC THE		HSCEDM-09-D-00006/HSCEDM-09-J-00036/P00001
ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)
0001	<p>All other terms and conditions remain the same. Discount Terms: Net 30 FOB: Destination Period of Performance: 04/01/2009 to 02/28/2010</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>Guaranteed minimum (500 detainees / day) Base: Funding for April 1, 2009 through June 30, 2009, (b)(4)</p> <p>P00001: Increase funding from (b)(4) by (b)(4)</p> <p>Product/Service Code: S206 Product/Service Description: GUARD SERVICES</p>	

Figure 1: Taken from ICE's Broward Transitional Center contract with the GEO Group.

In the last decade the detention system has grown by 75 percent,² an expansion that depends heavily on ICE's increasing use of private contractors to operate and provide services at immigration jails across the country. Sixty-two percent of immigration detention beds are operated by private prison companies,³ such as Corrections Corporation of America (CCA) and the Geo Group (GEO). Many government-owned facilities also rely on privately contracted detention-related services such as food, security, and transportation. This interdependent relationship with private industry has produced a set of government-sanctioned detention quotas that ensure profits for the companies involved while incentivizing the incarceration of immigrants. Accordingly, a large portion of the over \$2 billion in the FY 2016 budget⁴ for detention operations will ultimately go to for-profit contractors.

ICE's contracts with private detention companies have exacerbated the effects of the federal detention bed quota by imposing local "lockup" quotas, contractual provisions that obligate ICE to pay for a minimum number of immigration detention beds at specific facilities, referred to in contracts as "guaranteed minimums." Because guaranteed minimums require payment to private contractors whether beds are filled or not, ICE faces considerable pressure to fill them. Local lockup quotas that serve to protect the bottom line of private companies thus incentivize the imprisonment of immigrants.

This report aims to expose the use of guaranteed minimums at the local level and its potential influence over ICE's detention practices. Although this report offers the most comprehensive information to date on the use of guaranteed minimums, the information presented herein provides only a partial picture of the use of these local lockup quotas across the U.S. due to ICE's reticence regarding the details of their detention facility contracts. The report draws on data obtained from a current Freedom of Information Act (FOIA) request filed by Detention Watch Network and the Center for Constitutional Rights⁵ in November 2013. Information has also been gathered from solicitations listed and archived at the Federal Business Opportunities website, where the government posts requests for business proposals.⁶ Additionally, where possible, contracts from the National Immigrant Justice Center's ICE FOIA request⁷ were also reviewed and utilized.

National Detention Bed Quota

The Intelligence Reform and Terrorism Prevention Act of 2004 required ICE to increase, in each fiscal year from 2006 to 2010, the number of immigration detention beds available by 8,000 above the preceding fiscal year's number.⁸ Beyond a requirement to create additional capacity, ICE was also under pressure to use it. In February 2006, then Assistant Secretary of ICE Julie Myers Wood met with then Chairman of the House Subcommittee on Homeland Security Harold Rogers (R-KY) and Representatives Louis Gohmert (R-TX), John Culberson (R-TX), and Judge John Carter (R-TX).⁹ In that meeting, Representatives Culberson and Carter highlighted that “[d]etention facilities in Laredo are only one-third full,” and that there are “[h]undreds of empty beds.” Chairman Rogers noted that as one of his “key issues,” he wanted “‘no’ empty beds.”¹⁰

The use of arbitrary numerical goals escalated in 2009 when Congress began formally including the national bed quota in annual appropriations bills. Since then, the detention bed quota has been written into the DHS Appropriations Act, which states, “... funding made available under this heading shall maintain a level of not less than 34,000 detention beds.”¹¹

In addition to requiring that ICE maintain the physical capacity to detain at least 34,000 people at any time, many members of Congress have urged ICE to interpret this language to require that all detention beds be in use

at all times—that is, that a minimum of 34,000 beds not only be funded, but also filled, every day. Over time, congressional frustration over empty beds has grown. In April 2015, after a heated exchange with ICE Director Sarah Saldaña, Representative John Culberson (R-TX) suggested that the current quota language be altered to replace the word “maintain” with “fill.”¹² Congressional staff have also repeatedly, if incorrectly,¹³ told ICE that keeping an average of at least 34,000 detained per day is a statutory requirement.¹⁴

These criticisms make clear that ICE faces substantial pressure to funnel immigrants into detention in order to keep beds filled, despite the arbitrariness of quotas at both the national and local levels. Former ICE Director John Sandweg expressed this frustration in a September 2013 interview with *Bloomberg*, saying that “[h]aving a mandate out there that says you have to detain a certain number – regardless of how many folks are a public safety threat or threaten the integrity of the system – doesn’t seem to make a lot of sense. You need the numbers to drive the detention needs, not set an arbitrary number that then drives your operation.”¹⁵ No other law enforcement agency is subject to a national quota system for incarceration. Prominent law enforcement officials have decried the national quota as “unprecedented” with a “corrupting influence on the entire process” of enforcement and removal.¹⁶



Northwest Detention Center, image courtesy of Seattle Globalist



No other law enforcement agency is subject to a national quota system for incarceration.



Local Lockup Quotas

While members of Congress continue to stress the importance of “filling” the mandated 34,000 immigration detention beds, local lockup quotas for immigrants in the form of guaranteed minimums also place pressure on ICE to fill beds. Guaranteed minimums are contractual provisions that obligate ICE to pay for a minimum number of immigration detention beds at specific facilities. Because guaranteed minimums require payment to private contractors whether beds are filled or not, they function as local lockup quotas, incentivizing ICE to fill detention beds because of the contract stipulation. Present exclusively in contracts with private companies, the growth of local lockup quotas is inextricably linked to the rise of corporate interests in immigration detention.

A. Guaranteeing Profit for Private Companies

Guaranteed minimums predate the national quota’s inception and have existed at least since 2003. Their use can be understood in the context of the private prison industry’s past instability and its successful pursuit of guaranteed profit.

In 1984, CCA built the first private prison in the U.S., the Houston Processing Center, an immigration detention center in Houston, TX. Although the private prison system has grown considerably since then, in the late 1990s, the industry lost steam as CCA almost went bankrupt and the stock of Wackenhut Corrections Corporation (now GEO) fell significantly.¹⁷ After being bailed out by the now-defunct hedge fund Lehman Brothers, the private prison industry saw the government’s post-9/11 interest in expanding immigration detention as a potential cash cow and began vying for more federal contracts to incarcerate immigrants.¹⁸



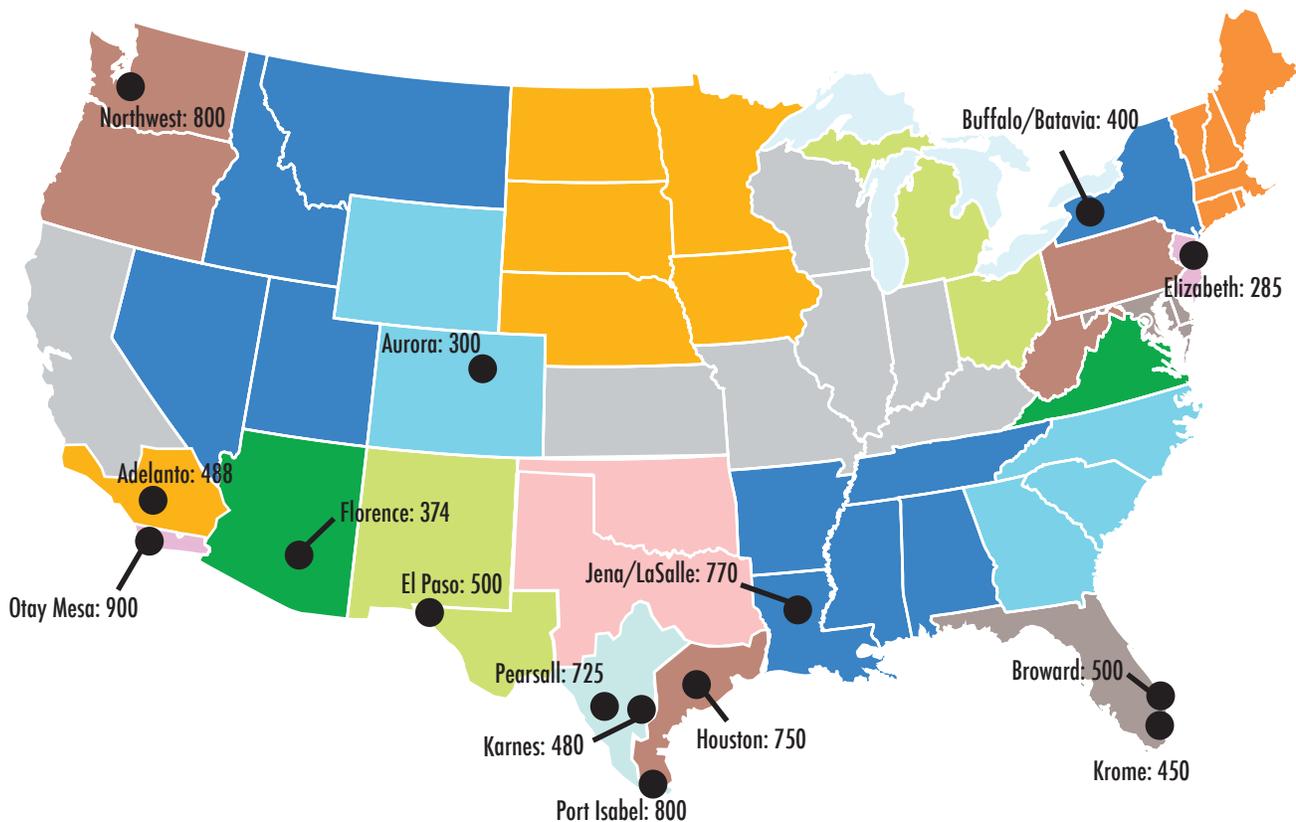
Houston Processing Center, image courtesy of Sin Huellas

Revitalized after the period of crisis, the private prison industry moved to secure its future by pursuing the incorporation of guaranteed minimums into contracts. CCA’s 2003 contract for the Houston Processing Center was one of the first to include a guaranteed minimum, this one for 375 persons.¹⁹ Since then, an increasing number of contracts between ICE and private contractors for detention or detention-related services have included guaranteed minimums. These guarantees act as taxpayer-funded insurance for private companies against any changes in immigration enforcement policy or prioritization, because the companies are paid regardless of how many individuals ICE detains. Guaranteed minimums have now spread to every type of immigration detention facility.

B. Guaranteed Minimums in Both Public & Private Facilities

Field Office	Guaranteed Minimums (based on ICE 1/28/2013 spreadsheet)	Guaranteed Minimums (based on accessible contracts and solicitations)
Buffalo	400	400
Denver	350	300
El Paso	500	500
Houston	750	750
Los Angeles	488	488
Miami	750	950
Newark	285	285
New Orleans	0	770
Phoenix	374	374
San Antonio	2,791	2,005
San Diego	872	900
Seattle	1,181	800
TOTAL:	8,741	8,522

ICE's Enforcement and Removal Office (ERO), which oversees detention operations, is divided into 24 field officesⁱ nationwide. Of those, 12 have guaranteed minimums.ⁱⁱ



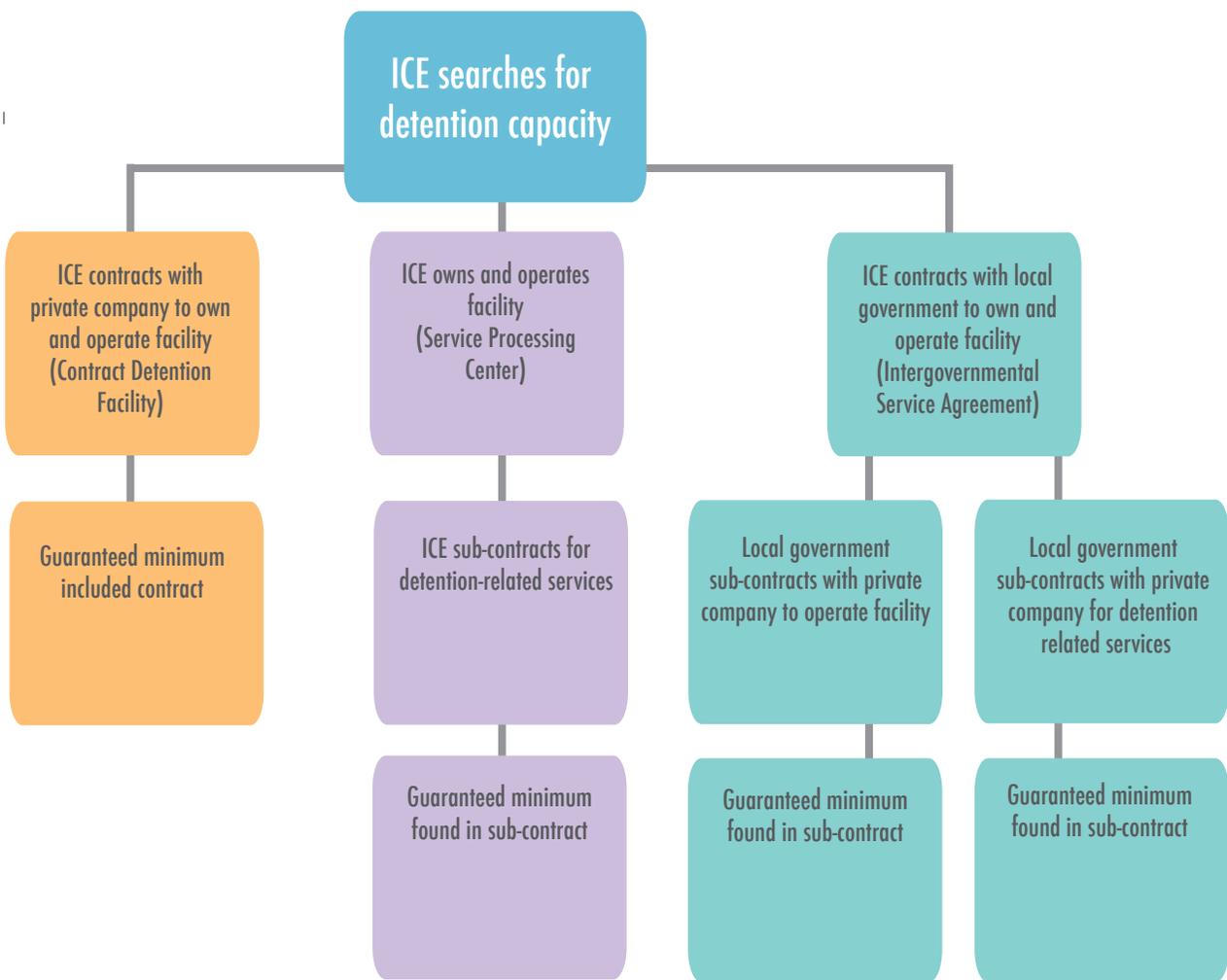
i. The 24 field offices are Atlanta, Baltimore, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, El Paso, Houston, Los Angeles, Miami, New Orleans, New York City, Newark, Philadelphia, Phoenix, Salt Lake City, San Antonio, San Diego, San Francisco, Seattle, St. Paul, and Washington.

ii. *DWN v. ICE*, No. 14-cv-583 LGS (2013), "2013 ADP Targets," produced by ICE on December 15, 2014. Available at <http://ccrjustice.org/sites/default/files/attach/2015/06/DWN%20v%20ICE%20FOIA%20-%202013%20ADP%20Targets%2028526.pdf>; *New Orleans Field Office* has a guaranteed minimum. See also *DWN v. ICE*, No. 14-cv-583 LGS (2013), Bates No. ICE 2014FOIA03585.001228-001789. Available at <http://ccrjustice.org/sites/default/files/attach/2015/06/DWN%20v%20ICE%20FOIA%20-%20ICE%201228-1789.pdf>

ICE categorizes its detention facilities into three primary categories: Service Processing Centers, which are owned and administered by ICE; Contract Detention Facilities, in which ICE contracts directly with a private company; and Intergovernmental Service Agreements (IGSAs), through which ICE rents out space in local or state facilities. In reality, however, the arrangements are more complicated, and these categories can obscure the involvement of private companies even at public facilities. Service Processing Centers, those facilities owned and operated by ICE, do sometimes contract out for detention-related services such as security, transportation, and food. Similarly, many local governments sign the IGSA with ICE and then sub-contract with private companies to operate the detention center or to provide detention-related services.

Although guaranteed minimums are found formally only in contracts with private companies, sub-contracting within IGSAs and SPCs means that private companies can be involved and minimums can occur in all three types of contract categories including public facilities, as outlined in the chart below. When the contractor operates the entire facility, whether contracted or sub-contracted, they receive the per-bed payment as if the guaranteed population was detained. This functions in the same way for private contractors providing other services. For example, in a food service contract with a guaranteed minimum, the contractor will be paid as if they provided food for the guaranteed population, even if the number of people actually detained was lower.

Guaranteed Minimums in Detention Contracts



C. Guaranteed Minimums as Local Lockup Quotas

Contracts with guaranteed minimums are understood at the field office level as general priorities within their relevant geographic area, and create incentives for heightened enforcement in order to fill beds. This pressure to fill beds and fulfill the mandate is felt acutely at local field offices where facilities with guaranteed minimums are prioritized and privately-contracted beds and services are perceived as being more “cost efficient.”

Crucial to the cost-efficiency calculus is the use of “tiered pricing,” in which ICE receives a discount on each person detained above the guaranteed minimum. Tiered pricing creates direct financial incentives for ICE not only to meet the guaranteed minimum, but also to fill guaranteed-minimum facilities to capacity in order to take advantage of discounts for additional immigrants.

When ICE fails to make the most of its financial arrangements with private companies, it risks critique. In October 2014, for example, the U.S. Government Accountability Office (GAO) produced a report on immigration detention criticizing ICE for underutilizing cost-efficient bed space.²⁰ Per the contracts, ICE paid certain facilities their guaranteed minimums even when the beds went unoccupied. The GAO further censured ICE for failing to capitalize on the tiered pricing model and recommended that ICE develop “an oversight mechanism to ensure that field offices comply with guidance to place detainees, whenever possible, in facilities with guaranteed minimums and tiered pricing [to] provide ICE with better assurance that it is cost-effectively managing detainee placement.”²¹

ICE officials pass this message from headquarters to the field office level. According to the same GAO report, if “ICE ERO headquarters officials...notice that a particular area of responsibility [field office] has open space in facilities with guaranteed minimums, they can call the field office director to find out why the guaranteed minimum is not being met.”²²

Indeed, during the 2013 budget sequestration in which ICE released 2,226 immigrants²³ from detention due to budget cuts, ERO Assistant Director for Operations Support, William C. Randolph, and then Acting Assistant Director for Field Operations, Philip T. Miller, advised local offices in an email that “[t]he first priorities for funding are the 11ⁱⁱⁱ [field offices] that have detention facilities with guaranteed minimum beds.”²⁴ In another email, Miller emphasized again that field offices should “[e]nsure that all mandatory minimum detention bed guarantees are being met and that any net cost benefits of tiered pricing or low cost beds are being realized.”²⁵

Repeating this directive from headquarters, Washington Field Office Director Mary Evans wrote, “Ensure that all mandatory minimum detention bed guarantees are being met and that any net cost benefits of tiered pricing or low costs beds are being realized. For our purposes that means that Farmville [Detention Center] should stay at a population of 505 or above.”²⁶

Because GEO Group has been the most successful company in getting guaranteed minimums incorporated into their contracts, their facilities are often prioritized in order to fill local quotas. Denver’s then Field Office Director John P. Longshore wrote an email in 2013 saying, “we must ensure we are maximizing GEO beds for cost savings—I believe that our usage has improved again. We will be getting emails and calls from HQ [ICE headquarters] if they note we are not making good use of those cheaper beds. They already call me enough on stuff.”⁴⁶ Longshore also mentions an interest in raising “GEO usage” to “the full contract amount of 525.”⁴⁷

ⁱⁱⁱ 11 field offices are listed in a January 2013 ICE spreadsheet, but DWN and CCR’s FOIA request revealed that the New Orleans Field Office also has a guaranteed minimum at the Jena/LaSalle Detention Facility. See footnote ii.

A marked preference for GEO beds is also seen in the Miami field office where then Deputy Assistant Director of Field Operations Jack Bennett wrote to the local field office that, “[g]iven the fact that the beds beyond your minimum at Broward are \$6.24 each, please fill them up to your max. Field ops will make the necessary adjustments to your ADP [average daily population].”⁴⁸ Internal communications also indicate that GEO has placed pressure on ICE field offices to increase bed usage. An employee at the Northwest Detention Center wrote in an email that, “our AFOD [Assistant Field Office Director] over the [sic] NWDC has reported that the Warden/Administrator of the NWDC has stated that ‘he wouldn’t be surprised, if we go down to 500 detainees, that GEO might not give ICE 60 days notice’, [sic] meaning to cancel the contract.”⁴⁹

The financial incentives and bureaucratic pressures associated with the local lockup quotas are particularly worrying when combined with easily manipulated enforcement, detention and release practices. Through mechanisms like these, financial considerations and private profit can affect government decisions to deprive immigrants of liberty at a concrete, local level.

Ultimately, ICE has significant control over the pipeline of immigrants entering and leaving detention. ICE controls the pace and aggressiveness of its enforcement operations, and the field offices that determine when and how to conduct enforcement operations are the recipients of direct pressure to fill beds. Within this system, a single guaranteed minimum risks influencing decisions in an entire field office jurisdiction.⁵¹

In addition to controlling the number of people coming into detention, ICE controls the release of individuals from detention through the manipulation of bond and parole decisions. A recent example of ICE’s power to keep people detained was their virtual “no bond” or “high bond” policy relating to asylum-seeking Central American families, in which mothers and children who had passed an initial eligibility screening for the asylum process—after which they would previously have been released—were instead detained for long periods of time.⁵² Although this change in practice was driven by a desire to deter future asylum-seekers from migrating to the U.S., it demonstrates how vulnerable bond and parole decisions are to manipulation in order to ensure guaranteed bed minimums are met.

Guaranteed Minimums by Private Contractor

Private Contractor ⁵⁰	Services	Total Guaranteed Minimums
Asset Protection & Security Services LP	Patrol and security guard services	374
Doyon Government Group (www.doyongovgrp.com)	Security Services	500
Ahtna Technical Services, Inc. (www.atsiak.com)	Facility operations and maintenance support, guard services	800 ^{iv}
Akima Global Services LLC (www.akimaglobal.com)	Detention Management	850
Akal Security (www.akalsecurity.com)	Security Officer Services	900
Corrections Corporation of America (www.cca.com)	Owns and manages private prisons	1,935
The Geo Group, Inc. (www.geogroup.com)	Owns and manages private prisons	4,063

^{iv} 800 is the guaranteed minimum written into the most recent solicitation for Port Isabel Detention Center (PIDC). See endnote 39. And 500 is the guaranteed minimum written into Ahtna’s prior contract for PIDC. See endnote 38.

Guaranteed Minimums by Facility

● Service Processing Center

● Contract Detention Facility

● Intergovernmental Service Agreement (IGSA)

Field Office	Facility Name	Private Company Involved	Guaranteed Minimum*
Buffalo	Buffalo (Batavia) Service Processing Center	Akal-Akima JV ²⁷	400
Denver	Denver (Aurora) Contract Detention Facility	The GEO Group, Inc. ²⁸	300
El Paso	El Paso Service Processing Center	Doyon-Akal JV ²⁹	500
Houston	Houston Processing Center	Corrections Corporation of America ³⁰	750
Los Angeles	Adelanto Detention Facility	The GEO Group, Inc. ³¹	488 ³²
Miami	Broward Transitional Center	The GEO Group, Inc. ³³	500
Miami	Krome North Services Processing Center	Akima Global Services LLC ³⁴	450
New Orleans	Jena/LaSalle Detention Facility	The GEO Group, Inc. ⁴⁴	770 ⁴⁵
Newark	Elizabeth Detention Center	Corrections Corporation of America	285 ⁶⁶
Phoenix	Florence Service Processing Center	Asset Protection & Security Services LP ³⁵	374
San Antonio	South Texas Detention Complex (Pearsall)	The GEO Group, Inc. ³⁶	725 ³⁷
San Antonio	Port Isabel (PIDC)	Ahtna Technical Services, Inc ³⁸	800 ³⁹
San Antonio	Karnes County Correction Center ^v	The GEO Group, Inc.	480 ⁴⁰
San Diego	San Diego Contract Detention Facility (Otay Mesa) ⁴¹	Corrections Corporation of America	900 ⁴²
Seattle	Northwest Detention Center	The GEO Group, Inc.	800 ⁴³

* Italicized numbers are from solicitations

^v Karnes was converted into a family detention facility on August 1, 2014. It is still operated by the GEO Group, but it is unclear whether there is a guaranteed minimum. We currently have no direct evidence of a family quota.

Stealth Contracting

The outsourcing of detention promotes a lack of transparency regarding contracts and relationships between localities and the federal government. While ICE publishes select IGSA contracts on its website, agreements for detention space and detention-related services with private contractors are considerably more obscure—whether ICE contracts with the company directly, or the company is sub-contracted by a local government.

In response to FOIA requests, ICE redacts crucial details, including pricing information, of contracts or sub-contracts with private companies by claiming the information is exempt from disclosure because it may constitute “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”⁵³ The Freedom of Information Act further permits ICE to engage in a lengthy process to seek permission from the companies themselves to release such information to the public.⁵⁴ Thus, even when ICE has released detention facility contracts, information regarding guaranteed minimums is almost always redacted.

The absence of transparency about what exactly is promised and gained in detention facility contracts is further obscured by the way in which these contracts are quietly renewed, often on an annual schedule, sometimes with higher negotiated guaranteed minimums. For example, the Houston Processing Center’s guaranteed minimum increased from 375⁵⁵ to 750⁵⁶ between 2003 and 2008, and at Port Isabel Detention Center, the guaranteed minimum increased from 500⁵⁷ to 800⁵⁸ between 2008 and 2014. Krome Detention Center’s guaranteed minimum also saw an increase from 250 to 450 between 2008 and 2014.⁵⁹ For each of these, there is no publicly available information as to why such dramatic increases were necessary.

Local Dependence on Detention Dollars

Guaranteed minimums are far from the only source of pressure at the local level. When ICE has been forced by budget cuts to detain fewer immigrants, state and county jails have exerted political pressure to combat the decreases and push for a return to capacity.

Like private contractors, local and state government actors also exert pressure to fill local beds in order to access federal funds. In anticipation of budget cuts due to the sequestration of funding in early 2013, ICE attempted to lower the number of individuals held in immigration detention facilities. ERO headquarters warned the field offices to expect questions or pushback from local “contract partners.” The New York field office anticipated hearing from concerned wardens,⁶⁰ while the Atlanta Assistant Field Office Director wrote in an email that “[i]f the management of NGDC [North Georgia Detention Center], ACDC [Atlanta Contract Detention Center], or ICDC [Irwin Contract Detention Center] wish to voice their population concerns (or any other concerns), you are welcome to refer them to me.”⁶¹

Representatives from Chicago and Sacramento jails sent emails to their respective field offices in 2013 inquiring as to when detention numbers would increase again.⁶² And an individual from the Frederick County Jail in Maryland requested that the period of performance on its contract be extended “as far as the remaining funding will go[.]”⁶³ A captain from Boone County Jail in Illinois wrote in a February 2013 email that, “[t]he jailer and I were just curious if you knew anymore [sic] than we did about this situation and if we should look at trying to refill these beds with state inmates or if there is any hope that our numbers will increase.”

Beyond the pressure to fill beds, some extremely sub-par facilities have also stayed open to retain jobs in counties that are dependent on federal contracts to pad low and often dwindling budgets. Etowah County Detention Center, which has been singled out as one of the worst detention centers in the country for its abysmal conditions⁶⁴ was slated to close in 2010.



Etowah County Detention Center in Gadsden, Alabama

Representative Robert Aderholt (R-AL) and other members of Congress from Alabama immediately acted to countermand ICE's plan to close the facility because of the potential loss of jobs in the county. Senator Richard Shelby (R-AL), who sits on the DHS Appropriations Committee, threatened ICE's funding if it moved forward with terminating Etowah's contract, after which ICE rescinded its decision and cancelled plans to close the facility.⁶⁵ Despite ICE's efforts to end the contract due to the facility's remote location and lack of immigrants' access to counsel, Etowah continues to detain immigrants today.

Recommendations

There is a growing consensus that the mass detention of immigrants is unnecessary and inhumane. The U.S. government should move towards ending the use of immigration detention altogether. Unfortunately, corporate interests and the absence of job growth have converted the detention of human beings into a market-based activity. However, detention capacity and infrastructure must not be a determining factor in immigration enforcement and deportation policy. As immediate next steps, this report calls on:

- ICE to remove guaranteed minimums, tiered pricing or any other provisions that could function as a local lockup quota, from all detention contracts.
- ICE to make all information pertaining to detention contracts and the bidding process publicly accessible and transparent.
- ICE to stop contracting with private companies that lobby to pervert public policy via guaranteed minimums and other contractual giveaways.
- ICE to bar (1) the transfer of individuals between detention facilities; (2) the manipulation of bond or parole determinations; and (3) the initiation of enforcement actions based in whole or in part on empty detention beds, unmet guaranteed minimums, or tiered pricing.
- Congress to remove the national detention bed quota from the FY 2016 DHS Appropriations bill.

Conclusion

By requiring ICE to fill a certain number of detention beds on a daily basis at specific facilities, the U.S. government is allowing private interests a hand in setting policy on immigration enforcement and detention, while at the same time padding their bottom line. As long as the guaranteed minimums are in place, especially if they are reinforced by a national detention bed quota, the profits and the business model of these facilities are protected from the potential effects of immigration reform legislation, any expansion of prosecutorial discretion, or other administrative actions.

Even more disconcerting is the way in which local lockup quotas and the national immigration detention quota may influence ICE's decision-making. More research is needed to determine the extent to which these quotas have prompted ICE to more vigorously collaborate with local law enforcement solely for the purpose of finding additional people to detain, as well as how decisions about transfers between facilities are made and whether or not meaningful access to bond and parole are affected at facilities with guaranteed minimums.

The private sector should not be rewarded for placing a price tag on the deprivation of liberty, and the government should be held accountable for being a willful participant in this corrupted system. The practice of immigration detention, once rarely used, has become a rigid part of the United States' immigration and budget policy. Before any real immigration reform can be realized, the national and local lockup quotas have to be addressed. As a first step towards the ultimate closure of all detention facilities, ICE should end the use of guaranteed minimums and tiered pricing, and Congress should eliminate the national detention bed quota.

APPENDIX: Contracts' Periods of Performance

Facility Name	Private Contractor	Periods of Performance*	Guaranteed Minimum
Buffalo (Batavia) Service Processing Center	Akal-Akima JV	<i>2/1/2015-1/31/2016, option to extend annually until 2025</i>	400
Denver Contract Detention Facility	The GEO Group, Inc.	<i>9/1/2011-8/31/2013, option to extend every 2 years until 2021</i>	300
El Paso Service Processing Center	Doyon-Akal JV	<i>9/1/2008-6/30/2009, option to extend annually until 2013</i>	500
Houston Contract Detention Facility	Corrections Corporation of America	<i>4/1/2009-2/28/2010, option to extend annually until 2014</i>	750
Adelanto Detention Facility	The GEO Group, Inc.	<i>6/1/2011-5/31/2016</i>	488
Broward Transitional Center	The GEO Group, Inc.	<i>4/1/2009-2/28/2010, option to extend annually until 2014</i>	500
Krome North Services Processing Center	Akima Global Services LLC	<i>2014-2015, option to extend annually for the next 10 years</i>	450
Florence Services Processing Center	Asset Protection & Security Services LP	<i>2009-2010, option to extend annually for the next 4 years</i>	374
South Texas Detention Complex (Pearsall)	The GEO Group, Inc.	<i>12/1/2012-11/30/2013, option to extend annually until 2016</i>	725
Port Isabel (PIDC)	Ahtna Technical Services, Inc.	<i>11/1/2014-8/31/2015, option to extend annually until 2022</i>	800
Karnes County Correctional Center	The GEO Group, Inc.	<i>12/07/2010-12/6/2015</i>	480
San Diego Contract Detention Facility (Otay Mesa)	Corrections Corporation of America	<i>7/1/2005-6/30/2008, with option to extend every 3 years</i>	900
Northwest Detention Center	The GEO Group, Inc.	<i>4/1/2015-3/31/2016, option to extend</i>	800
Jena/LaSalle Detention Facility	The GEO Group, Inc.	<i>10/01/2008-9/30/2009, option to extend every year until 2014</i>	770

* **Italicized information was taken from solicitations**

ENDNOTES

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51. As a potential consequence, immigration enforcement in regions with guaranteed minimums may be affected by the requirement to fill a local bed quota. For example, the San Diego Field Office has two detention facilities, but only the Otay Mesa Detention Center has a guaranteed minimum. Enforcement actions anywhere in the jurisdiction of that Field Office could be wholly, or in part, motivated by the need to meet Otay Mesa's guaranteed minimum.
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TWW Harford_FAV_SB850

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Position: FAV

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:

As members of Together We Will, Harford County (TWW) we urge you to give a favorable report on Senate Bill 850, the Dignity Not Detention Act, to keep for-profit prisons out of Maryland. TWW is a coalition of community members seeking social and economic justice in Maryland. We represent more than 250 Harford County residents of all faiths, backgrounds and political parties. We stand opposed to any municipality in Maryland profiting from detention of vulnerable populations, both immigrant and native-born. As Maryland citizens, quite cognizant of what our government does in our name, we are dedicated to just and fair treatment for all residents of our state.

Unfortunately, the percentage of immigrant detainees housed in private prisons has increased steadily in the last decade. And 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 Queen Anne's county, have a history of maximizing profits at the expense of humane treatment of detainees and fair compensation for employees. For example, 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. As Maryland citizens we oppose bringing that model to our own state.

As members of TWW we believe Maryland should not allow prison facilities that are not held to a high standard. Allowing for-profit prisons in Maryland, especially under contract with ICE, will be detrimental to all of us. Adding more detention beds result in more community raids, more businesses disrupted, more people 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 deported, forcibly separated from their children, and prevented from supporting their families. Immigrant communities become less likely to trust local government, especially local law enforcement, and less likely to report crimes, making all of us less safe. We urge a favorable report on SB 850. Thank you.

Jan Hirschfeld
Delane Lewis
Together We Will, Harford County

Jerry Kickenson_FAV_SB850

Uploaded by: Kickenson, Jerry

Position: FAV

February 26, 2020

Jerry Kickenson
1701 Ladd Street,
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TESTIMONY IN SUPPORT OF SB8500
Correctional Services-Immigration Detention-Prohibition
(Dignity Not Detention Act)

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

FROM: Jerry Kickenson

I am writing in support of Senate Bill 850, the Dignity Not Detention Act as a resident of Silver Spring, Maryland and District 18.

Jewish sacred text and tradition teach us to welcome the stranger, for we were strangers in the land of Egypt. Leviticus 19:34 explicitly instructs us to treat the immigrant in our land the same as native citizens. Native citizens are not incarcerated and separated from their families for civil offenses. My Jewish tradition is also rooted in liberation. I believe in liberation and that immigrant families should be united and free - never incarcerated.

SB850 would end state and local agency involvement in the cruel, immoral and counterproductive incarceration of immigrants and require transparency in any zoning or permitting decisions taken by local jurisdictions that enable private facilities that intend to incarcerate immigrants within Maryland.

I strongly urge you to reach a favorable report for SB850. It is the moral and right thing to do.

Respectfully yours,

Jerry Kickenson
Thank you.

Kitty Maynard_FAV_SB850

Uploaded by: Maynard, Kitty

Position: FAV

SB 850- DIGNITY NOT DETENTION ACT- SUPPORT

Dear Rep. Stewart,

I'm writing in support of the Dignity not Detention bill that you introduced to the Maryland Legislature. I live on the Eastern Shore in Kent County, just a stone's throw away from the town of Sudlersville. Recently the town was approached by ICA, a for-profit prison company that runs detention centers for ICE. The town is in a great deal of debt due to a series of bad decisions, and the town commissioners jumped at the offer. They were proctoring a deal that would sell ICE a parcel of land adjacent to the middle school in the heart of their small charming town. While publicly, the town commissioners say that the project is no longer on the table, they are actively changing the town ordinances to allow ICE to move in--there is a vote occurring on March 4 to allow a detention center in spite of a strong display of opposition at previous meetings. The current detention system is immoral in many ways, and one of these ways is how companies like ICA prey on small towns like Sudlersville, promising them revenue and jobs, and using them instead. Your bill would ensure that these types of situations do not become the norm in rural areas like mine.

Sincerely,
Kitty Maynard
Chestertown Maryland
kmaynard_ch@yahoo.com

AFSCME-FAV-SB850

Uploaded by: moran, patrick

Position: FAV



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Patrick Moran - President

Testimony
SB 850 – Correctional Services - Immigration Detention – Prohibition
(Dignity Not Detention Act)
Judicial Proceedings
February 26, 2020
Support

AFSCME Council 3 strongly supports SB 850. This legislation would end the ability of state and local governments to engage with private contractors to establish detention facilities. It would also call for any existing local contracts with private detention companies to be terminated by June 2020. Finally, it would ensure that the public is adequately informed if any plans should surface for the construction or establishment of a new detention facility.

AFSCME Council 3 represents correctional officers in our state’s prisons. Admittedly we regularly butt heads with management over staffing, wages and working conditions. All too often the issues we discuss with management have direct, negative impacts and consequences on the safety of staff and inmates if they go unresolved. Lack of appropriate levels of staffing harm the ability to implement and maintain ongoing education and rehabilitation programs.

HOWEVER, we can and do engage with management, raise these issues and alert the public by blowing the whistle on poor conditions when they exist. For privatized prisons and for-profit detention facilities, there are no whistleblowers, no public servants that look to serve their community with dignity and respect for the lives of others. The bottom line is the last line on the profit ledger: is it big enough? If not, what more can be cut back and squeezed out of employees and programs to enhance that profit?

For-profit imprisonment and detention are among the most immoral institutions imaginable – there is no goal of adjudication, or rehabilitation and societal reincorporation. It’s all about the money. AFSCME Council 3 asks for a moral, favorable report of this legislation.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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DTMG_FAV_SB850

Uploaded by: Noveau, Barbara

Position: FAV



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.

Barbara Noveau

Executive Director, DoTheMostGood barbara@dtmq.org
[240-338-3048](tel:240-338-3048)

SB0850 MD NARAL

Uploaded by: philip, diana

Position: FAV



SB0850 - Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)

Presented to the Honorable Will Smith and Members of the Senate Judicial Proceedings Committee

February 26, 2020 12:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee **a favorable report on SB0850 - Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)**, sponsored by Senator Charles E. Snyder, III.

Our organization advocates for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every childbearing individual has the right to decide if, when, and how to form one's family, and to parent in good health, in safety, and with dignity. We know that individuals have improved opportunities of good perinatal health when given access to timely healthcare, safe living conditions, and reasonable accommodations, and believe an immigration status does not strip an individual of their rights to positive pregnancy outcome.

Under the Trump/Pence Administration, Immigrations and Customs Enforcement has detained tens of thousands of undocumented immigrants.¹ As a result of this administration's cruel and inhumane policy, hundreds of pregnant people have suffered immigration detention, some of whom have in turn suffered miscarriages.² To guarantee pregnant immigrants' basic human rights to carry their pregnancies to term with dignity, we must divest from privatized detention centers in Maryland.

Pregnancy is a complicated time in one's life, and systems of detainment and incarceration are not built to support pregnant individuals. As recently as last year, a pregnant inmate in Jessup, Maryland, was kept in restrictive housing, depressed and alone during the final weeks of her pregnancy.³ Though national incarceration rates of women are rising,⁴ structures for detaining and incarcerating pregnant individuals are not evolving quickly enough. In the last three years, the Maryland General Assembly has passed the first laws in the nation requiring pregnancy-related healthcare policies be established in writing and banning solitary confinement of pregnant inmates and detainees. Given the troubled history of incarceration of pregnant individuals in Maryland, we cannot guarantee the reproductive rights of pregnant detainees in private facilities. SB0850 will further the momentum of reproductive justice to protect the rights of pregnant undocumented immigrants. To prevent incarceration of pregnant individuals during this tumultuous time in their lives and to promote healthy pregnancy outcomes, we must make a firm commitment to protecting reproductive rights for all Marylanders, regardless of their immigration status. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0850**. Thank you for your time and consideration.

¹ Aleaziz, Hamed. "More Than 52,000 People Are Now Being Detained By ICE, An Apparent All-Time High." BuzzFeed News, May 20, 2019. <https://www.buzzfeednews.com/article/hamedaleaziz/ice-detention-record-immigrants-border>.

² "Pregnant and Detained." All Things Considered. National Public Radio, April 6, 2018. <https://www.npr.org/2018/04/05/599802820/pregnant-and-detained>

³ "Pregnant, Locked Up, and Alone." All Things Considered. National Public Radio, June 19, 2019. <https://www.npr.org/2019/06/16/732109546/pregnant-locked-up-and-alone>

⁴ Sawyer, Wendy. "The Gender Divide: Tracking Women's State Prison Growth." Prison Policy Initiative, January 9, 2018. https://www.prisonpolicy.org/reports/women_overtime.html

MLC_FAV_SB850

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0850
CORRECTIONAL SERVICES – IMMIGRATION DETENTION - PROHIBITION (DIGNITY NOT
DETENTION ACT)**

Bill Sponsor: Senator Sydnor

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0850 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

We have all been shocked and horrified by how intrusive immigration enforcement has become in our society and how the focus has changed to now consider immigrants and refugees as though they are all hardened criminals. More detention facilities have sprung up, and incarcerating immigrants has become a money-making proposition. That is not how we should behave. We should not profit off of someone else's pain.

And, thinking for a moment that having new detention centers will somehow make the incarceration conditions more favorable for immigrants is completely mistaken. What is happening in Maryland with immigrant detention is already horrific, as many of the people who visit immigrants in detention facilities have attested to. We cannot just turn a blind eye and think about the revenue implications. We must stop this practice.

Please don't allow any more detention facilities in Maryland! Close down the ones that we already have that are run by private companies with little accountability and an eye towards making money. We need to re-think detention vs ankle bracelets or some other way of keeping track of undocumented immigrants while they are waiting to have their cases heard. Allow them to be productive citizens vs treating them as criminals.

Be very wary of allowing additional incarceration infrastructure to be built in Maryland, as the long-term effects of that policy would be to have a state full of crumbling prisons. This is not who we are in Maryland. We urge you to not participate in this dehumanizing business.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

DoctorsForCampClosure_FAV_SB850

Uploaded by: Roach, Dr. Chad

Position: FAV



Kate Sugarman, MD

Doctors for Camp Closure, Maryland

katesugarman@hotmail.com

301-343-5724

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Chapter of Doctors for Camp Closure strongly supports SB 850. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

As physicians we know all too well the danger that immigration detention poses to the people who are detained as well as to their families. We know that when immigrants are detained, either in government jails or in for profit ICE detention centers, their physical and psychological health suffers. Sometimes the health effects are so severe that the immigrants die from what would be otherwise treatable illnesses. Many detained migrants have died from suicide. As recently as December 2019 a detained Nigerian man in Maryland's own Snow Hill prison from an apparent suicide. This could not have happened if there were no IGSA agreement, which HB 677 will end.

The for profit prison corporation that is hoping to build in Maryland, ICA, has a history of denying medically necessary treatments to their detainees. Outbreaks of preventable diseases such as mumps and chicken pox are quite frequent. Equally devastating is the psychological suffering of their inmates.

I know from first hand experience that ICA denied critically needed medicine to one of their sick inmates. Another inmate, despite suffering from PTSD and depression, was then pepper sprayed, which is quite toxic.

As physicians, we also know that the family members of the detained person suffers just as much. When a parent is detained, the family loses the wages from that parent. Just as devastating is the fear, depression and anxiety that the children experience when they no longer have their parent at home. Children lose their ability to sleep and focus on their school work.

This bill needs to be passed immediately. Every day that we wait means that more detained people suffer, get sick and sometimes die. Every day that we wait means that spouses and children become more and more financially destitute and depressed, unable to support themselves and unable to properly function at school.

We urge a favorable report on SB 850.

Doctors for Camp Closure is a national nonpartisan organization of healthcare professionals that opposes the inhumane detention of immigrants and asylum-seekers in the United States

Cecil Dem Club_FAV_SB850

Uploaded by: Rothermel, Tim

Position: FAV

Tim Rothermel
Cecil County Democrat Club
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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:

I represent the Cecil County Democrat Club. Our main focus is advancing ideals of human rights in Cecil County from helping the homeless to defending the immigrant population. Myself and our membership would like to express our support for SB 850.

Passing of SB 850 would go a long way towards making the immigrant community of Cecil County feel more welcome. Ever since the signing of the 287g agreement in Cecil County, and even before then, many in the immigrant community have lived in fear in their own homes. Passing of SB 850 would be a great start to show that the state of Maryland is taking steps to welcome the immigrant community as part of our family of Marylanders.

In Cecil County this has become especially imperative because the current mood has led to a distrust of law enforcement in our county. Recently, a Mexican restaurant was held up at gun point twice. Sadly, the employees there were too frightened to work with local law enforcement to bring this criminal to justice because they feared being sent off to a private detention facility. A violent criminal walked free for too long simply because authorities did not do what was necessary to build trust with the community they are charged to protect. This is why we can not wait on passing SB 850, it is vital that we start taking steps to build trust between law enforcement and the immigrant community to make all of Maryland safer.

We urge a favorable report on SB 850.

SB0850 Sydnor Testimony

Uploaded by: Senator Sydnor, Senator Sydnor

Position: FAV

CHARLES E. SYDNOR III, ESQ.
Legislative District 44
Baltimore City and Baltimore County

Judicial Proceedings Committee

Parliamentarian
Maryland Legislative Black Caucus



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senator Charles E. Sydnor III
Testimony Regarding SB 850 – Correctional Services –
Immigration Detention – Prohibition
Before the Senate Judicial Proceedings Committee
On February 26, 2020

Good afternoon Mr. Chairman, members of the Judicial Proceedings Committee.

As we speak, Immigration Customs and Enforcement are currently holding over 38,000 immigrants in facilities across the United States.¹ On average, ICE detains more than 44,000 immigrants in over 200 detention facilities.² ICE relies heavily on state and local governments in partnership with private companies to detain immigrants and run its facilities. In fact, the vast majority of ICE detention facilities are privately run. SB 850 is an effort to keep these detention facilities out of our communities and to stop sponsoring an industry built on the inhumane treatment of immigrants.

Immigration Centers of America (ICA) is currently bidding to build an immigrant detention facility in Maryland. ICA runs a facility in Farmville, Virginia, that has been cited for serving worm-infested food, withholding medical treatment, denying access to legal representation, throwing people into solitary without cause, and failing to contain contagious illness outbreaks multiple times. Unfortunately, immigrant detention facilities like this ICA facility are not rare. Privately-run immigrant detention facilities like ICA facilities are deeply immoral institutions. Operators of these institutions have an incentive to provide a minimal standard of living because it increases their profit margins. In addition to the aforementioned problems, companies that run private detention facilities often violate labor laws, exploiting immigrants and using forced labor.

What is more, dozens of people have died at these detention facilities. Fifty-six detainees died in ICE facilities during the Obama administration and 26 detainees have died during the Trump administration. There is no excuse for allowing individuals in the custody of the federal

¹ Currently Detained Population by Arresting Agency as of February 15, 2020, United States Immigration and Customs Enforcement Detention Statistics, retrieved from <https://www.ice.gov/detention-management>.

² ICE Average Daily Population. During Fiscal Year 2020, United States Immigration and Customs Enforcement Detention Statistics, retrieved from <https://www.ice.gov/detention-management>.

government to die because of derelict confinement conditions. We cannot be complicit in this system by allowing these facilities to continue to operate in our communities.

SB 850 works to stop ICE from building additional detention facilities in Maryland, protects our immigrant communities, and ensures that no town, county, or corporation is profiting from family separation or incarceration. It accomplishes this in three parts. First, by banning any new contracts or renewals of existing contracts, this bill cuts off state and local governments' role in building and operating detention centers. Second, this bill promotes transparency and ensures that public the public is adequately informed by government officials when any plans for a new detention facility are to take place. Third, this bill prohibits state and local entities from entering into any new contracts or renewing any existing contracts for immigrant detention.

The Dignity not Detention Act will keep ICE and its contractors out of Maryland, protect our immigrant communities, and make sure that no town, county, or corporation is profiting from family separation or incarceration. We have an opportunity and an urgent responsibility at the state level to end our participation in this merciless, unjust system.

I urge the committee to vote in favor of SB 850.

JUFJ_FAV_SB850

Uploaded by: Silver, Joanna

Position: FAV

February 26, 2020



Joanna Silver
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TESTIMONY IN SUPPORT OF SB850
Correctional Services-Immigration Detention-Prohibition
(Dignity Not Detention Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joanna Silver, on behalf of Jews United for Justice (JUFJ)

My name is Joanna Silver and I live in Silver Spring, Maryland in District 18. I advocate on behalf of a number of local organizations, but I am testifying today on behalf of Jews United for Justice (JUFJ) in support of SB850.

JUFJ has thousands of members throughout Maryland; we are inspired by our Jewish values to advance economic, racial, and social justice in our communities. Two core Jewish values relevant to HB677 are that we must welcome the stranger and that we must treat the immigrant in our land the same as native citizens.

United States citizens are rarely, if ever, incarcerated and separated from their families for civil offenses; when they are, we afford them due process and we ensure that they actually get this process by affording them the right to appointed counsel. When immigrants are detained by ICE in Maryland, they are detained for civil offenses. Yet they do not have the right to appointed counsel, and they are detained in the exact same jails as people serving criminal sentences.

I have worked for the past 19 years as a public defender at the state and federal level here in Maryland so I have spent a lot of time in our jails. People detained by ICE pending their civil removal proceedings face the exact same loss of liberty that anyone else incarcerated by our government does: having your every moment and every movement controlled by another; living in close quarters with strangers who are living under the same stressful conditions that you are; being at the mercy of prison staff, who often do not speak your language, for everything you need; having minimal and usually substandard physical and mental health care; being subjected to solitary confinement; being unable to work to support your family and, instead, being a financial drain on your family because being in prison is not free – everything

costs money – phones, clothes, toiletries, in some prisons, health care; and, of course, being separated from your family. This separation is particularly difficult for individuals in ICE custody because their family members without lawful status often cannot visit them.

While I do not believe anyone should be subjected to these conditions for a civil infraction and certainly not without an absolute right to appointed counsel, the immigration detention system is particularly pernicious because its very existence drives ICE's enforcement efforts. **The more beds ICE has available, the more interior enforcement it engages in and the more that people who have lived here for years, often with their families, are targeted.** For example, the detained population in Maryland shifted over the past few years as beds were filled with people sent up from the border. The population is now shifting again, with an increased focus on interior enforcement as Trump's Remain in Mexico program has gone into full effect and border apprehensions are decreased. Similarly, ICE is more likely to detain someone during their check-in if there are beds available, and Department of Homeland Security attorneys are more likely to ask the Immigration Judge to set a high bond if ICE has beds available; conversely they are more likely to agree to a low bond if ICE does not.

HB677 would end our state's complicity in this shameful and unjust system and decrease the harmful impact that ICE is having on our immigrant community members and their families. **I strongly urge you to reach a favorable report for HB677.**

Indivisible HoCo_FAV_SB850

Uploaded by: Spengler, Tammy

Position: FAV



Indivisible **HoCo** **MD** Immigration Team

Tammy Spengler,
Co-Chair of Indivisible Howard County
Immigration Action Team
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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:

Howard County Indivisible urges you to give a favorable report to SB850, the Dignity Not Detention Act and keep Maryland free from the business of detaining immigrants. I am co-chair of Howard County Indivisible's Immigration Action Team. Howard County Indivisible has 705 members and our organization is a proud member of the Howard County Coalition for Immigrant Justice, a coalition of organizations calling on county officials to end our county's contract with ICE.

We believe that families belong together and that justice starts locally. In Howard County, we have seen how ICE has created large loopholes to justify detaining innocent people while defining them as "criminally involved." They tell our officials that we will only be housing detainees that are violent and dangerous to society. In truth, we have learned that they are a dishonest organization, detaining individuals with traffic violations or for crossing the border. These lies as well as the inhumane treatment of immigrants by ICE, the separation of children from their parents, and their practice of racial profiling are all compelling reasons not to work with such an abhorrent organization. These practices will only stop when state governments and local governments refuse to be complicit with their actions.

We suggest that instead of wasting taxpayer money, Maryland agencies offer to provide support and case management to immigrants. Some of the alternatives to detention include regulated and mandated check-ins with law enforcement, communication with authorities by telephone, linking families to community-based psychosocial services, or electronic monitoring of some individuals. Studies show that asylum seekers are very compliant in appearing for their immigration court hearings.

For example, the Family Case Management program was highly successful with the families present for hearings over 99 percent of the time. As stated by many law enforcement officials, immigrant families are not threats to national security. Furthermore, there is a consensus that incarcerating asylum-seeking families does not make our communities safer. Using alternatives to family detention saves taxpayer dollars and creates opportunities to reinvest detention budgets to more productive programs. In fiscal 2018, it cost ICE over \$200 per day to keep a family in detention; detaining a person in a specialized family detention is more than \$300. Alternatives to detention cost only around \$5 or \$6 per person. Perhaps more important, alternative programs do not result in detaining very small children, taking children away from their parents, or implementing policies that violate basic American values. (Frances)

Profiting off of the incarceration of people is immoral and encourages poor quality of care in exchange for profit. Maryland is better than this. We must find the willpower to protect our immigrant neighbors and refuse to collaborate with ICE.

The State of Maryland should lead the way in standing up to tyranny, violence, racism, and bigotry. I do not want my immigrant neighbors to go to jail needlessly and watch their families in anguish. Instead we should show compassion for our immigrant neighbors as they endure this terrifying experience in our nation's history and for our own sakes, lest we lose our very humanity.

Please give this bill a favorable report.

Francis, Will, et al. "Social Justice Brief." National Association of Social Workers, 2018, www.socialworkers.org/LinkClick.aspx?fileticket=9diqjSxR4Ik%3d&portalid=0.

ACLU_FAV_SB850

Uploaded by: Spielberg, Joe

Position: FAV

February 26, 2020

**SB 850 – Correctional Services – Immigration Detention –
Prohibition
(Dignity Not Detention Act)**

AMERICAN CIVIL
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**Testimony for
the Senate
Judicial
Proceedings
Committee**

The ACLU of Maryland supports SB 850, the Dignity Not Detention Act, which would prevent private prison companies from operating immigration detention centers in Maryland.

The immigration detention population has risen dramatically over the past few decades, due to federal enforcement policies. To manage this influx, ICE has increasingly contracted with private for-profit prison corporations, and local and county jails to house more individuals. This usually happens in one of two ways: (1) ICE contracts directly with private companies, or (2) ICE contracts with sub-federal jurisdictions and localities pursuant to Intergovernmental Service Agreements, and in turn, they subcontract with private corporations to provide detention services.

As a result, 70% of people in ICE custody are detained by private prison companies. Private immigration detention has become a lucrative, multibillion dollar industry that shapes federal policy by implementing contracts, and lobbying at the federal, state, and local level.² The two largest private detention operators, Geo Group and CoreCivic (formerly Corrections Corporation of America), account for 80% of the industry, and received \$1 billion in federal contracts last year.¹ As these companies reap massive profits, however, tens of thousands of immigrants are exploited in their care.

Even though the federal government oversees their detention facilities, private contractors largely operate without public oversight, transparency,

¹ Tara Tidwell Cullen, *Ice Released Its Most Comprehensive Immigration Data Yet. It's Alarming.*, Nat'l Immigrant Just. Ctr. (Mar. 13, 2018), available at <https://perma.cc/AQB9-HFPA>

² Denise Gilman & Luis A. Romero, *Immigration Detention, Inc.*, 6 J. on Migration & Hum. Security 145, 148 (2018).

¹ Renae Merle & Tracy Jan, *Wall Street pulled its financing. Stocks*

have plummeted. But private prisons still thrive. Washington Post, Oct. 3, 2019, accessed at: <https://www.washingtonpost.com/business/2019/10/03/wall-street-pulled-its-financing-stockshave-plummeted-private-prisons-still-thrive/>



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Maryland

and accountability. They are not subject to constitutional requirements, administrative law, open records laws, and other legal checks that would otherwise apply to federal agencies doing the same work. Outsourcing immigration detention enables federal policies that may have otherwise been politically unviable. Without meaningful oversight, there is no incentive to provide for the health and safety or even treat humanely those entrusted to them. And so they do not.

As the private immigration detention business has become indistinguishable from the criminal justice system, there have been countless stories of willful neglect and the deliberate dehumanization of women, men, and children. As a matter of practice, contractors have exploited immigrant labor, provided low-quality medical care, abused detainees, and perpetuated inhumane living conditions. Immigrants in for-profit prisons have died from untreated HIV, untreated cancer, suicide, and heart attacks and seizures when staff waited too long to bring them to a hospital.⁴ Geo Group is currently facing litigation in several states for its inhumane treatment.⁵ While ICE is charged with monitoring their contractors, it fails to even enforce its own performance based detention standards.⁶

Preemption

State and local laws may be preempted by federal law under the Supremacy Clause. However, there is a strong anti-commandeering presumption against preemption when Congress legislates in an area traditionally occupied by the states. There must be a “clear and manifest purpose of Congress” to supersede the States’ police powers.⁷ This bill does not task Maryland with changing federal immigration policy, only how it exercises its police powers. And where the Immigration Nationality Act provides for cooperation between

⁴ Seth Freed Wessler, “This Man Will Almost Certainly Die,” *The Nation* (Jan. 28, 2016), available at <https://www.thenation.com/article/archive/privatized-immigrant-prison-deaths/> ⁵ Marcia Heroux Pounds, “ICE and its contractor Geo Group failed to treat immigrants humanely, lawsuit claims,” *South Florida Sun Sentinel* (Aug. 19, 2019), available at <https://www.sun-sentinel.com/business/fl-bz-geo-ice-detention-lawsuit-20190819c55ygh36pjejjjoby5knifwexm-story.html>

⁶ U.S. Department of Homeland Security, Office of the Inspector General, “ICE Does Not Fully Use Contracting Tools to Hold Detention Contractors Accountable for Failing to Meet Performance Standards” (Jan. 29, 2019), available at

<https://www.oig.dhs.gov/taxonomy/term/1677>⁷ *Arizona v. United States*, 567 U.S. 387, 400 (2012).



federal and state governments, it specifically conditions that cooperation on compliance with state law.s

SB 850 takes an important step toward addressing the abuse and dehumanization that immigrants face at the hands of ICE and its private contractors. But it also challenges us to answer one of the most crucial questions of our time: How much should companies be able to profit off human misery and pain? The most vulnerable people from around the world risk their lives coming here because of the promises that our country offers. Mercenaries who turn public safety and upholding the rule of law into a profitable business is immoral in any language. We keep our communities safe despite what it costs, not because of it.

We urge a favorable report on SB 850.

See 8 U.S.C. § 1252c(a), § 1357(g).⁸

Doctors for Camp Closure_FAV_SB850

Uploaded by: Sugarman, Kate

Position: FAV



Kate Sugarman, MD

Doctors for Camp Closure, Maryland

katesugarman@hotmail.com

301-343-5724

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Chapter of Doctors for Camp Closure strongly supports SB 850. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

As physicians we know all too well the danger that immigration detention poses to the people who are detained as well as to their families. We know that when immigrants are detained, either in government jails or in for profit ICE detention centers, their physical and psychological health suffers. Sometimes the health effects are so severe that the immigrants die from what would be otherwise treatable illnesses. Many detained migrants have died from suicide. As recently as December 2019 a detained Nigerian man in Maryland's own Snow Hill prison from an apparent suicide. This could not have happened if there were no IGSA agreement, which HB 677 will end.

The for profit prison corporation that is hoping to build in Maryland, ICA, has a history of denying medically necessary treatments to their detainees. Outbreaks of preventable diseases such as mumps and chicken pox are quite frequent. Equally devastating is the psychological suffering of their inmates.

I know from first hand experience that ICA denied critically needed medicine to one of their sick inmates. Another inmate, despite suffering from PTSD and depression, was then pepper sprayed, which is quite toxic.

As physicians, we also know that the family members of the detained person suffers just as much. When a parent is detained, the family loses the wages from that parent. Just as devastating is the fear, depression and anxiety that the children experience when they no longer have their parent at home. Children lose their ability to sleep and focus on their school work.

This bill needs to be passed immediately. Every day that we wait means that more detained people suffer, get sick and sometimes die. Every day that we wait means that spouses and children become more and more financially destitute and depressed, unable to support themselves and unable to properly function at school.

We urge a favorable report on SB 850.

Doctors for Camp Closure is a national nonpartisan organization of healthcare professionals that opposes the inhumane detention of immigrants and asylum-seekers in the United States

SDMV_FAV_SB850

Uploaded by: Taylor, Lauren

Position: FAV



Nicholas Galloway - Liaison
Sanctuary DMV
sanctuarydmv2017@gmail.com

**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:

On behalf of organizers and supporters of Sanctuary DMV, we support SB 850 urge this committee to report favorably on this legislation. Sanctuary DMV is an all-volunteer group that stands in solidarity with immigrant and marginalized communities based in Washington DC, Maryland, and Virginia. Our mission is to support communities that are directly impacted by anti-immigrant policies and sentiments.

The passage and implementation SB 850 is conducive to our goal of supporting directly impacted communities in the State of Maryland. Right now, our neighbors are suffering and dying in immigration detention across the state. Individuals in the custody of Immigration and Customs Enforcement (ICE) are routinely met with medical neglect, isolation, and abuse at the hands of detention officials. Since November of 2016, 26 people have died amidst the abhorrent conditions of ICE detention. In December of 2019, 56 year old Anthony Akinyemi died in ICE detention in the Worcester County Jail.

On behalf of ICE, many of these facilities are run by private entities such as Immigration Centers of America (ICA), which has pinpointed Maryland as a site for detention expansion. ICA's facilities have been cited for serving worm-infested food, withholding medical treatment, denying access to legal representation, and throwing people into solitary without cause. The expansion of these facilities by ICE and contractors such as ICA facilitates more targeting and arrests of our neighbors, which in turn creates more abuses and inhumane conditions for them to face. Sanctuary DMV has supported detainees and their families, and as such we can attest that immigrant detention - both private and public - is an incredible detriment to our immigrant neighbors in Maryland and across the country.

SB 850's provisions to 1) phase out existing local/state contracts fostering immigrant detention, and 2) banning any new local/state contracts with private immigration detention companies, will keep ICE and its contractors out of Maryland, protect our immigrant communities, and make sure that no town, county, or corporation is profiting from family separation or incarceration. SB 850 will drastically reduce the harm that ICE is able to inflict upon our immigrant neighbors, and will

be a boon to the welfare of the State of Maryland as a result. We urge a favorable report on SB 850.

Sincerely,

Nicholas Galloway,
Organizer
Sanctuary DMV

SDMV_FAV_SB850

Uploaded by: Taylor, Lauren

Position: FAV



Nicholas Galloway - Liaison
Sanctuary DMV
sanctuarydmv2017@gmail.com

**SB 850 - SUPPORT
CORRECTIONAL SERVICES - IMMIGRATION DETENTION -
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Sincerely,

Nicholas Galloway,
Organizer
Sanctuary DMV

Maryland Catholic Conference_FAV_SB850

Uploaded by: Wallerstedt, Anne

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 26, 2020

SB 850

Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act)

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch)dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 850 prohibits state and local governments from entering into agreements facilitating immigration-related detention in private facilities, including the housing of those being held for deportation proceedings or removal. It also requires that existing contracts be terminated by October 1, 2021.

The Catholic Church has historically held a strong interest in immigration and how public policy affects immigrants seeking a new life in the United States, stemming from the inherent dignity and value that each person holds, regardless of societal labels such as citizenship status, ethnicity, or financial ability. In this vein, the Conference strongly supports legislation that protects immigrants and their families, especially when they are faced with the prospect of their families being broken apart. The Church recognizes that a strong and thriving family unit is the basis of a fulfilling life.

In the absence of federal immigration policy reform, the state must act to not only differentiate the roles of federal civil immigration officials and local law enforcement and corrections officers, but also to protect its most vulnerable persons and families from unjust and inhumane detention practices. Senate Bill 850 is a crucial first step for Maryland to take a strong stance in favor of the basic human rights and decency of each individual in the state.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 850.

CAN_FAV_SB850

Uploaded by: Wells, Martha

Position: FAV



Testimony in support of SB850 - 2020

Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act)

To: Chair Smith and members of the Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: February 26, 2020

We are writing in **support of Senate Bill 850**, Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act), on behalf of the Congregation Action Network. The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for and solidarity with our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated.

SB850 would end state and local agency involvement in the cruel, immoral and counterproductive incarceration of immigrants and require transparency in any zoning or permitting decisions taken by local jurisdictions that enable private facilities that intend to incarcerate immigrants within Maryland.

We strongly urge you to reach a favorable report for HB677. It is the moral and right thing to do.

Respectfully yours,

Jerry Kickenson

Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells

Cluster Leader, Congregation Action Network (Prince Georges County)

BWCUMC Rev Julie Wilson_FAV_850

Uploaded by: Wilson, Rev. Julie

Position: FAV

Rev. Julie Wilson, Chair
Baltimore Washington Conference Immigration Taskforce
Jmw1976@gmail.com 410-758-7705

**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:

The Baltimore Washington Conference Immigration Task Force is writing in support of SB850. The Baltimore Washington Conference of the United Methodist Church is made up of 530 churches in Maryland, and approximately 100 more in surrounding areas. We are a people who believe deeply in scripture and want our faith to guide us as we wrestle with difficult issues such as immigration.

Our churches serve diverse communities. Some of those communities have seen the impact of immigrant detention facilities in their own back yard. “Raids of workplaces, homes, and other social places have often violated the civil liberties of migrants... Due to these raids and the ensuing detentions and deportations that follow them, families have been ripped apart and the migrant community has been forced to live in a constant state of fear” Our faith teaches us that “Throughout Scripture the people of God are called to love sojourners in our midst, treating them ‘as if they were one of your citizens’ and loving them as we do ourselves (Leviticus 19:33-34 NRSV)”. Therefore, the United Methodist Church affirms the worth, dignity, and inherent value and rights of all persons regardless of their nationality or legal status.” *2016 Book of Resolutions, #3281, "Welcoming the Migrant to the US"*.

We support this bill because it is what our faith calls us to do. Our Social Principles state that “...We oppose immigration policies that separate family members from each other or that include detention of families with children, and we call on local churches to be in ministry with immigrant families.” (*2016 Book of Discipline, Social Principles ¶162.H*) Further, as a denomination we call for the, “elimination of for-profit detention centers; and, “the elimination of indefinite detention, incarceration of children, and the expanding prison population, which also benefits privately owned detention centers and prisons;” (*2016 Book of Resolutions, #3281, "Welcoming the Migrant to the US"*).

We urge a favorable report on SB 850.

Gahler_UNF_SB850

Uploaded by: Gahler, Jeff

Position: UNF



JEFFREY R. GAHLER
SHERIFF

HARFORD COUNTY

Senate Bill 850 - Oppose

SHERIFF'S OFFICE

45 S Main Street PO Box 150 Bel Air, MD 21014

www.harfordsheriff.org

Correctional Services- Immigration Detention- Prohibition

Letter of Opposition to the Senate Judicial Proceedings

February 25, 2020

I write today in support of public safety through a cooperative relationship with our Federal partners at the Department of Homeland Security (DHS) and in opposition to Senate Bill 850.

On the days that followed September 11, 2001; much discussion was initiated concerning the lack of cooperation and information sharing between Federal, State and Local government agencies. Many blamed this lack of cooperation by Government agencies as the reason why the 9/11 hijackers were able to carry out their planed attacks. Elected leaders on both sides of the aisle worked to breakdown these "Information Siloes" and improve information sharing between government agencies. Legislation removing local and States' ability to cooperate with our federal partners is counterproductive to the hard work put in to our national security efforts.

Since 2016, the Harford County Sheriff's Office (HCSO) has partnered with the DHS to participate in the Immigrations and Customs Enforcement's (ICE) 287(g) Delegation of Authority Program. This participation comes in the form of a Memorandum of Agreement (MOA) signed between ICE and local agencies that permits correctional officers/correctional deputies, once trained by ICE, to perform certain immigration enforcement functions.

The 287(g) Program is not new. In fact, the Program was initiated in 1996 by President Clinton and continued through the administrations of every President since. Our Agency's effort to join this Program was in 2015 and formalized/approved in 2016, during President Obama's Administration. Initiated by a Democrat, continued by a Republican, and then continued again by another Democrat, the 287(g) Program has enjoyed bipartisan support for over 20 years.

Under the 287(g) Program, local detention center officers, working under ICE supervision when performing program related duties, work to identify and process for removal those individuals who are in the Country illegally and booked into our detention center. This is not a program that crosses over to the law enforcement functions of my Office - just one of the many false claims that are used to attack the 287(g) Program.

Once an individual is identified, ICE and federal authorities determine the course of action related to any immigration action, such as deportation, in accordance with the DHS/ICE priorities. Those individuals identified as having the highest priority are those individuals who present a threat to national security and/or public safety.

Over the three-year period that the HCSO has participated in the 287(g) Program, we have successfully identified and turned over more than 130 individuals who were not residents of the United States and had also committed crimes against our citizens. Returning these who committed crimes against our state, back into our community to further victimize our citizens is certainly not an effective strategy to reduce crime and keep law abiding citizens safe.

As Sheriff, an elected representative responsible for keeping our Harford County communities safe, the 287(g) MOA provides me one more tool to accomplish this mission. During my first term as Sheriff, I was

pleased to announce that crime had fallen each year and at the end of last year to another all-time low for our County. I credit crime reduction success to our complete public safety approach to crime fighting and our priorities which are inclusive of the 287(g) Program.

This legislation will make it illegal under Maryland Law for trained and certified correctional officers in Harford, Frederick and Cecil Counties to carry out the Federal 287(g) Program. Passage of this bill in its current form will destroy the hard work we have done to keep our communities safe by removing individuals who are in our Country illegally and are victimizing our citizens.

As Sheriff of Harford County, I join with the Maryland Sheriffs' and the Maryland Chiefs of Police Associations, in respectfully asking the members of the Senate Judiciary Committee to issue an unfavorable report on SB850.

Sincerely,
Sheriff Jeffrey R. Gahler

Sheriff_Jenkins_UNF_SB850

Uploaded by: Jenkins, Chuck

Position: UNF

FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS
FREDERICK COUNTY LAW
ENFORCEMENT CENTER**

110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS

100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

**DETENTION CENTER/
CENTRAL BOOKING**

7300 Marcie's Choice Lane
Frederick, Md. 21704
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301-600-2566 (D.C. Fax)
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To: The Honorable William C. Smith, Jr. and Members of the Senate
Judicial Proceedings Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 26, 2020

Re: **SB 850 Correctional Services - Immigration Detention – Prohibition
(Dignity Not Detention Act)**

Position: **Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer both written and verbal testimony in opposition to Senate Bill 850. I have worked closely with the Department of Homeland Security (DHS) / Immigration and Customs Enforcement (ICE) for 12 years in the 287g Delegation of Authority Program and the IGSA Housing Program. Intergovernmental cooperation is key to public safety and national security to keep our communities safe. This is a crime and public safety issue.

SB 850 is yet another back door attempt by certain General Assembly members at making the state of Maryland a sanctuary state. This will place the citizens of all 23 counties at risk by forcing the release of known criminal illegal aliens from our county jails, detention centers, and prisons. This bill grossly undermines public safety by eliminating the detention and housing of criminal illegal aliens.

The enforcement of immigration laws is a function of the federal government, however federal law prohibits a state from interfering with federal law enforcement to include immigration enforcement. It is also clear under federal law that local law enforcement may assist the federal government agencies. Detention centers do not exercise “coercive police powers” (as stated in the bill language) over criminal aliens that are arrested for the commission of crimes. Everyone is processed, treated equally, and asked the same questions on intake.

This General Assembly should not intervene in local authority and allow local county jurisdictions to decide separately, if their jails and detention centers choose to cooperate with ICE in the enforcement of immigrations laws. County governments, detention centers, correctional facilities, and Sheriffs, should be the decision makers in regard to honoring ICE detainers, sharing information, and housing criminal illegal aliens. A unit of local government should be allowed to enter freely into an immigration detention agreement, provided that it complies with federal detention standards required for federal detainees.

The phrase “Dignity Not Detention Act” is inserted in this bill title simply to put emotion into the argument over immigration enforcement and detention. Criminal aliens jailed for state and local crimes or held on ICE detainers are not mistreated, devalued, or disrespected. As a matter of fact detention standards for criminal illegal aliens are much higher and more restrictive than those for American citizens being incarcerated. In effect we have already established that in our jails we will treat criminal illegal aliens better than our own citizens, creating a special class of inmate.

This legislation will allow criminal illegal aliens to be released back into our communities without any regard for the safety of the citizens. I can’t over emphasize what a terrible mistake it would be to pass this legislation, which would make every county and every Marylander less safe from repeat violent crime. I strongly urge an unfavorable report on SB 850.

SomersetCountyCommissioners_UNF_SB850

Uploaded by: Mathies, Craig

Position: UNF

COMMISSIONERS FOR SOMERSET COUNTY

11916 SOMERSET AVENUE, ROOM 111
PRINCESS ANNE, MARYLAND 21853
TELEPHONE 410-651-0320, FAX 410-651-0366

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COUNTY ADMINISTRATOR-CLERK
RALPH D. TAYLOR

COUNTY ATTORNEY
KIRK G. SIMPKINS

February 24, 2020

The Honorable William C. Smith Jr., Chair
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Re: Opposition Senate Bill 850 –Correctional Services- Immigration Detention-Prohibition
(Dignity Not Detention Act)

Dear Chairman Smith and Committee Members:

The Somerset County Commissioners wish to express their opposition of SB850-
Correctional Services- Immigration Detention-Prohibition (Dignity Not Detention Act).

We understand that this bill as presented would prohibit governmental entities in Maryland
from housing immigration related detainee's as of October 1, 2021. The Somerset County
Commissioners are opposed to this legislation and ask for an unfavorable report on SB850.

Sincerely,

Craig N. Mathies, Sr.
President

Cc: Senator Marybeth Carozza

MACo_UNF_SB0850

Uploaded by: Mehu, Natasha

Position: UNF



Senate Bill 850

*Correctional Services – Immigration Detention – Prohibition
(Dignity Not Detention Act)*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: February 26, 2020

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** SB 850 as it imposes stringent limitations on local government autonomy that have significant consequences on the ability to manage local jail operations.

MACo consistently opposes legislation that preempts local authority and autonomy via state law. It is our policy to oppose legislation that imposes a state standard upon local personnel practices, limits county land use authority, or requires counties to deliver (or not deliver) local services in specific ways. In each of these cases, and those similar to them, MACo believes locally elected officials are in the best position to respond to their community needs and are directly accountable to the communities they serve.

SB 850 limits the manner in which counties may operate their local detention facilities in regards to federal immigration detention. It would prohibit the continued operation of long held federal contracts and agreements that have been locally assessed and implemented. These arrangements, between levels of government, undergo appropriate local scrutiny for safety and potential community impact. Such management of county jail contracts and policies should be left to the discretion of those counties.

Counties recognize the difficult decisions the State faces regarding a range of immigration-related proposals, however, urge caution against passing legislation that may have other far-reaching consequences on the authority of local governments to manage their operations. For these reasons, MACo urges an **UNFAVORABLE** report on SB 850.

Payne_UNF_SB850

Uploaded by: Payne, Sue

Position: UNF

I am here today in opposition to SB 850 because this bill is designed to dismantle the detention system used to hold aliens for immigration proceedings and, ultimately, removal when it is ordered.

The dismantling effort has many fronts and they include steps taken by the government itself, lawsuits by advocacy groups like those seen here today supporting this bill; quasi-scholarly reports, and a concerted media campaign to sway public opinion.

The Obama administration began this dismantling and became a prime mover in this effort by simply failing to detain when it was most crucial. Today, this failure to follow Federal Immigration Law has begun to be reversed by an administration that is sending a loud message to the world that the United States is no longer going to either tolerate or encourage illegal intrusions. Today, the sponsors of SB 850 are orchestrating a disingenuous effort to deny law enforcement the ability to keep alien criminals off our streets and away from the communities they prey upon.

The advocates of protecting criminal aliens insult citizens of our country who have been more generous to legal immigrants than all other countries in the world combined. These advocates will pursue legal avenues and often use blatant misrepresentations, claiming the plight of immigrant children as a strategy for releasing entire groups of aliens. A society that values its laws, and honors its citizens, realizes that DHS and the Justice Department are executing Federal law, and any State that seeks to defy the law doesn't understand or care why detention of aliens is an important and fundamental part of any orderly immigration control system.

A society cannot pick and choose which Federal laws it will follow. Neither Maryland, nor any other state, can create its own immigration laws or system, or refuse to enforce these laws; just as it cannot create or refuse to enforce Federal Civil Rights laws.

I have testified on these fraudulent "immigration rights" bills for many years before this body. I have heard the illegal immigration advocates issue pseudo-academic reports declaring why alien detention should not be utilized. These include the U.S. Conference of Catholic Bishops, the National Immigration Law Center, the ACLU, the SEIU, Casa of Maryland, Jews United for Justice and many, many more. These same groups have enriched themselves with tax dollars, both state and federal, while they advocate broad based amnesty and have lobbied against both detention and meaningful border control.

In essence, they have succeeded in forcing citizens to aid and abet the violation of federal law while funding their own destruction. And every American that is a victim of illegal alien crime is not only a victim of a 100% preventable crime, but also victimized by our elected representatives who have violated their oath to govern and protect us by supporting sanctuary legislation.

If you value the dignity of Maryland, and its citizens, I ask for an unfavorable report on SB 850, and an understanding that social justice is not about the sacrifice of American lives through the misuse of our Federal Immigration system; but rather it is about protecting the rights of citizens who have every right to expect that you, our lawmakers, will not break us in the process.

FAIR_UNF_SB850

Uploaded by: Rendall, Shari

Position: UNF

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*Board of Directors Emeritus

FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 23, 2020

The Honorable William Smith, Jr., Chairman
Judiciary Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee,

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is an non-profit, non-partisan organization of concerned individuals who believe that our immigration law must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has two million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR's strong opposition to Senate Bill (SB) 850. FAIR opposes the reckless lawlessness of sanctuary policies like those imposed by this bill.

Sanctuary policies place a greater emphasis on the welfare of illegal aliens than the well-being and safety of citizens and legal immigrants in their own communities by impeding the enforcement of federal immigration laws and blocking free communication between state and local officials and federal immigration officials.

SB 850 expresses that state and local officials should have no involvement in immigration enforcement or detention matters. In practical terms, this bill would not only forbid local sheriffs from cooperating with federal agents in enforcing immigration laws, but more importantly, would prevent them from alerting U.S. Immigration and Customs Enforcement if they become aware of the fact that a suspected criminal in custody at the local jail might also be in this country illegally and thus removable by law. Instead of handing these convicted criminals over to ICE for removal, they are simply released back onto our streets, many to recommit more crimes.

California's sanctuary policies have led to more crimes and more innocent victims. In the last two years, the Orange County sheriffs office has released



more than 1,500 aliens with ICE detainers back onto the streets. More than 400 of those aliens have already been rearrested with charges including rape, assault with a deadly weapon, child sex offenses, domestic violence and driving under the influence. Every single one of those crimes was preventable because none of those criminals should have still been in the U.S. State and local officials cooperate with the federal law enforcement in every aspect, such as gun control and drug laws, and immigration enforcement should not be an exception.

Moreover, SB 850 conflicts with federal law. Specifically, 8 U.S.C. §1357(g)(10) states that a formal agreement with the federal government is *not* necessary for any officer or employee of a state or local agency to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States or to cooperate with the Attorney General in the identification, apprehension, *detention*, or removal of aliens not lawfully present in the United States.

Further, sanctuary policies, like SB 850 deny ICE critical assistance to enable it to accomplish its statutorily mandated mission to identify and ultimately remove illegal aliens who are currently in state or local custody. ICE has just 20,000 employees, only half of whom are dedicated to the apprehension and removal of illegal aliens. The cooperation of state and local law enforcement, which number about 900,000 strong, is vital to ferreting out those among us who are here illegally and who wish to cause us harm. At least five of the 9/11 hijackers were illegal aliens, four of whom came into contact with state and local law enforcement several times before the attacks, in some cases just days prior to the attack.¹ If those state and local law enforcement officers had worked with federal immigration officials, the 9/11 terrorist plot might have been thwarted.

Sanctuary policies tell individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue, does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials.

To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. For these reasons, FAIR opposes SB 850.

¹¹ CNN, "Another Hijacker Was Stopped for Traffic Violation, January 9, 2002

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is fluid and cursive, with the first letter of "Shari" being a large, stylized capital 'S'.

Shari Rendall

Josephine Salazar_UNF_SB850

Uploaded by: Salazar, Josephine

Position: UNF

Please Oppose Bills SB850, SB901 and SB903

Dear Committee Members,

My name is Josephine Salazar, I am a U.S. citizen by birth and have resided in the great State of Maryland since 1986. As a Montgomery County resident, I oppose Sanctuary Bills SB850, SB901, and SB903.

I had the honor of serving our Nation for over 31 years in Washington D.C. and used my bilingual skills in the work place.

As a federal employee we were asked to safeguard and protect our Personal Identifiable Information (PII). We turned over financial disclosures had our biometrics taken and maintained our integrity in the workplace.

It is difficult for me to understand why we would have to turn over our PII to individuals who are not here legally and can jeopardize our wellbeing. The PII identifies our unique identity such as our personal information which includes our name, gender, address, telephone, email address or basic biometric data information that is electronically stored within a device or application.

Are you asking that our law enforcement officers be transparent with their PII to individuals who entered our country illegally?

How can you stop law enforcement from doing their jobs? Do you not trust them? Our Nation protects their employees I can attest to this because I was a federal employee. The State of Maryland should also protect their federal enforcement counterparts.

Our family experienced a terrible situation that involved our underage daughter and an adult undocumented student in her high school who was sexually harassing her. We could not stop him from calling our daughter in the middle of the night or prevent his mother from calling and encouraging our daughter to go out with her son because she wanted desperately for him to become "Americanized" or "legal." We could not get personal information about this individual except for the fact that he was incarnated in Texas for three months prior to coming Maryland to benefit from all of the free services Montgomery County and the State of Maryland afforded him.

The end result was that we could not get any help to stop this individual from harassing our daughter. To protect our daughter, we sent her to a different school out of state.

As providence would have it, and prior to my daughter asking me immigration related questions, my son brought to my attention a May 7, 2018, Washington Post article making reference to undocumented individuals trying to become Americanized by getting involved with young girls.

https://www.washingtonpost.com/local/heinous-and-violent-ms-13s-appeal-to-girls-grows-as-gang-becomes-americanized/2018/05/04/a4132e94-40bf-11e8-bba2-0976a82b05a2_story.html?noredirect=on&utm_term=.9e5b5f7cef65

Then we started noticing changes in our daughter's behavior and it was not good.

As parents of students, we are held accountable for their school attendance. If we do not send our children to school, we immediately receive a notification phone or e-mail that our child was absent.

When your child does not come home after school, one gets an empty nervous feeling as to what is going on. Did she have an accident? Did a strong gust of winds knock down a tree branches and hurt your child?

When you discover that the reason, your child is truant because there is an adult male student encouraging your child to skip school or not to go home after school. What does one do? You find out that the adult male student crossed illegally at the U.S. border and was incarcerated for over a month. You find out these individuals drive without a license and have total disregard for the MVA laws to acquire a license to drive legally. You contact the county police; the County's State's Attorney's Office child abuse office and they tell you their hands are tied and they can do nothing.

But what does one do, when there are adult undocumented high school students who want to become Americanized no matter who they hurt and at what cost? Whether it be financially or morally! They become professional students by staying as long as they can in high school to reap the benefits? They encourage truancy and who holds them accountable? They encourage their friends to bully your child when she doesn't want to have anything to do with him? Your child becomes depressed and wants to go to another school or leave school.

How can you stop law enforcement from doing their jobs? Do you not trust them?

Our country is governed by the rule of law as you may know, (The rule of law is the legal principle that law should govern a nation, as opposed to being governed by arbitrary decisions of individual government officials. It primarily refers to the influence and authority of law within society, particularly as a constraint upon behavior, including behavior of government officials.) and anyone who chooses to live in our great Nation is not above the law whether they are here legally or illegally.

If anyone commits a crime whether it is a hit or run driver or contributing to the truancy of a minor. Does the individual run away because they are afraid to be asked their legal status and do not want to be held accountable for the crime or crimes they have committed?

Are we not in this great Nation to be law abiding citizens only to have an individual or individuals infringe on OUR rights? I say no. That is why I am here. There are others who have not voiced their concerns but soon they will be here too. It is my hope that they trailblaze behind me to do the right thing and testify against Sanctuary bills.

Perhaps if these individuals who are not held accountable know they are not above the law, they will not feel so empowered to break the law. If they indoctrinate our children to break the law then it is time for these individuals to learn the consequences of breaking the law. Whether it be driving without a license or teaching your child to commit immigration fraud.

Antonio Machado Spanish poet said "**Todo lo que se ignora, se desprecia.**" "All that is ignored, is despised." Is this true? Do we want to ignore this situation because it is despised and is not of our interest?

Thank you and please do the right thing for the law-abiding citizens of this state.

Josephine_Salazar_UNF_SB850

Uploaded by: Salazar, Josephine

Position: UNF

Please Oppose Bills SB850, SB901 and SB903

Dear Committee Members,

My name is Josephine Salazar, I am a U.S. citizen by birth and have resided in the great State of Maryland since 1986. As a Montgomery County resident, I oppose Sanctuary Bills SB850, SB901, and SB903.

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Thank you and please do the right thing for the law-abiding citizens of this state.

Yin_Zheng_UNF_SB850

Uploaded by: Zheng, Yin

Position: UNF

Please oppose SB850, SB901 and SB903

Dear committee members,

My name is Yin Zheng. This is the fourth time I have come here to testify against sanctuary bills. I oppose SB850, SB901 and SB903, which will convert Maryland into a sanctuary state.

America, to me, is a place where justice is served fairly and appropriately; however, I have noticed that certain people always seem to be exempt from the law. If that is to be allowed, then can one truly consider immigration law a bona fide law at all? If immigration law is selective in whom it applies to and optional for some, why should we have these laws in place at all?

Fourteen years ago, I applied for my sister to immigrate here. At the time of the application, her son was a young child, and after 14 years long & tedious years, he became an adult and was no longer eligible to accompany his parents. During the application process, she had to undergo background checks to prove that she didn't have any criminal record, and she had to provide a birth certificate, immunization record up to date, a list of places she had lived, and her education & working history. As a legal immigrant applicant, you are required to yield everything that ICE requests of you. Your visa will not be granted until you provide everything to immigration offices; nevertheless, if you somehow break the law to enter this country, you will be offered special protection, and nobody can inquire about your immigration status and anything about you. This is penalizing law-abiding people and unfairly rewarding those who willingly disobey this nation's laws.

No wonder there are always people who seek to break the law: mainly because our legislators are the ones who *enable* them.

I feel deep sorrow for the Angel wife and Angel moms who testified several times at the hearings in Annapolis. What is wrong with our legislation here? Why we are so lenient to criminals but risking those who are here to protect us (FBI agents/police officers) This is immoral!

Immigrants don't come here solely because they want a better life; they arrive here because they love America and its values, and they honor qualities of law and order that makes this country so great. They don't come here to despise America and express their animosity.

Immigrants are frequently misunderstood by lawmakers and are often weaponized to push political agendas and are also used to sow division within the immigrant community. Please end this madness. Get to know the average legal immigrant, their tribulations, their struggles, and their views; by doing so, you will finally comprehend *why* they oppose sanctuary laws. **SB850, SB901 and SB903 are pursuing prohibiting any cooperation or exchange of information with Federal Immigration officials.**

These bills would handcuff our public entities in their effort to keep our community safe, and it would risk the safety of the public as a whole. What is the true purpose of this bill? Our legislators are busy creating safe havens for some while completely ignoring the fact that our police officers and law enforcement agents are being killed by illegal aliens.

Please oppose SB850, SB901 and SB903. Thank you for your time.

Yin Zheng
11216 Green Watch Way, North Potomac, MD 20878