



Testimony in support of SB901 - 2020

State and Local Government - Participation in Federal Immigration Enforcement

To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: February 26, 2020

We are writing in **support of Senate Bill 901**, State and Local Government - Participation in Federal Immigration Enforcement, with amendment, 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 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, and never feeling unsafe in their own communities.

SB901 would prohibit corrections officers from detaining people beyond their release date, unless presented with a valid judicial warrant. Imagine how a citizen would react if not released when scheduled, even when they are not accused of any crime. Yet some local corrections agencies in Maryland can and do hold people on only the request of Immigration and Customs Enforcement, with no evidence of a crime and no judicial oversight.

When not detaining, some local correctional officers will notify federal immigration authorities of the release date and time of individuals in their custody, allowing federal agents into non-public areas to ease taking individuals ordered released by local and state authorities into federal custody.

These practices treat immigrants with less due process than citizens. It puts our corrections agencies at risk of violating individuals' fourth amendment rights. As the Maryland Attorney General's *Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* states: "the government bears the burden of proving that the detention of someone beyond the person's State-law release date does not violate the Fourth Amendment and its Maryland counterpart."

SB901 would also prohibit police from inquiring about immigration status during stops. A clear policy like this will increase trust in Maryland's immigrant community, leading to better reporting

of crime and making us all safer. In Montgomery County, a legal resident did not report an auto breakin for fear of interacting with the police, because she had an undocumented family member. In Prince Georges County, a woman hesitated to report a sexual assault to police for fear of being reported to federal immigration authorities and deported. We want them, and all Maryland residents, to feel safe and not hesitate to aid police in preventing and solving crimes. Our local and state police have enough to do keeping Maryland safe without adding enforcement of federal immigration law.

Studies have repeatedly shown that immigrants, including undocumented immigrants, commit less crime than native born citizens. Studies have also shown that jurisdictions with policies and laws like SB901 have lower crime rates than those without.

This bill would not put Maryland at risk of retribution from the federal government in the form of reduced or retracted funding, or other clearly retributive actions. Legal precedent clearly prohibits the federal government from such actions. Jurisdictions such as California, Chicago and Philadelphia, have all won rulings in federal court preventing the federal government from doing so.

As people of faith who believe in, and practice, redemption, the Congregation Action Network requests one amendment to the proposed bill - Section 5-103(E)(2) should be deleted. This section exempts those ever convicted of a crime of violence from the protections against notification of federal immigration authorities and providing access to those authorities for the purpose of taking the individual into federal custody. The motivation for this clause, public safety, is laudable. However, those convicted of even a serious crime, perhaps decades ago, who have served their sentence in full, are not in any sense inherently more of a threat to public safety than any other resident of Maryland. Further, this clause implies that one who has committed a serious crime is incapable of redemption. We cannot accept this.

We strongly urge you to reach a favorable report for SB901, amended as we request just above. It will increase the trust that all Maryland residents hold for the police, making us all safer. It will align Maryland law with our Attorney General's guidelines. It is the right and moral thing to do.

Respectfully yours,

Jerry Kickenson

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Martha Wells

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