

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: Karen Campion

Date: February 26, 2020

I am writing in **support of Senate Bill 901**, State and Local Government - Participation in Federal Immigration Enforcement, with amendment.

My job, as a social worker in a Montgomery County public school, is to strengthen the resilience and wellbeing of our youngest Marylanders. Through research on parent-child attachment, we know that children who can rely on their parents' presence grow up feeling secure – to explore the world, develop their interests and skills, and live lovingly with others. One of the biggest threats to the students I work with is the fear that their parents will be torn away from them without a moment's notice. I have sat with mothers who fear to speak about the abuse they have been subjected to by violent domestic partners, who do not feel comfortable bringing official attention to unscrupulous practices by landlords and business partners, and who have been intimidated and treated rudely by police officers, even during routine traffic stops. Just walking into my office to ask for help requires a huge leap of faith. My students' safety, their parents' safety, my safety, and our entire community's safety are enhanced when the legal system designed to deliver justice covers all of us. When it is weaponized to terrorize a scapegoated minority, we all suffer the consequences.

SB901 would 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. 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.

SB901 would furthermore 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."

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.

I further believe that 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. I cannot accept this.

I strongly urge you to reach a favorable report for SB901, amended as I 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,
Karen Campion
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