

January 27, 2021

Jerry Kickenson
Silver Spring, MD 20902

TESTIMONY IN SUPPORT OF SB88/HB304
State and Local Government - Participation in Federal Immigration Enforcement

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

My name is Jerry Kickenson, and I live in Silver Spring, District 18. I am writing in support of SB88/HB304, State and Local Government - Participation in Federal Immigration Enforcement.

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. I believe in liberation and that immigrant families should be united and free - never incarcerated, and never feeling unsafe in their own communities.

SB88/HB304 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.

Even when not detaining people beyond their release date, some local correctional officers currently 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."

SB88/HB304 would also prohibit police from inquiring about immigration status during stops. A clear policy like this will increase trust among Maryland's immigrant community, leading to better reporting of crime and making all residents safer. In Montgomery County, a legal resident did not report an auto break-in 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 immigrants, 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 to keep Maryland safe without adding enforcement of federal immigration law.

Studies have repeatedly shown that immigrants, including undocumented immigrants, commit fewer crimes than native-born citizens. Studies have also shown that jurisdictions with policies and laws like SB88/HB304 have lower crime rates than those without.

I respectfully urge you to reach a favorable report for SB88/HB304. It will increase the trust that all Maryland residents hold for law enforcement, making us all safer. It will align Maryland law with our Attorney General's guidelines. It is the right and moral thing to do.