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TESTIMONY IN SUPPORT OF SB478
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

My name is Joanna Silver and I live in Silver Spring, Maryland. I advocate on behalf of a number of local organizations. I submit this testimony on behalf of Jews United for Justice (JUFJ). JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

Jewish tradition teaches us that “when strangers reside with you in your land, you shall not wrong them. The sojourners who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt.” In order to uphold these values, we must pass SB478.

When immigrants are detained by ICE, they are detained for civil offenses; they do not have the right to appointed counsel, and in Maryland they are detained in the exact same jails as people serving criminal sentences. I have worked for the past 20 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 face the 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.

I also know from my professional experience that people who are detained by ICE who have also had involvement in our criminal justice system are in ICE custody because our criminal justice system has decided to release them. They are in ICE custody because a state (or in some cases, a federal) court judge, often with the agreement of a prosecutor, decided their criminal conduct warranted a particular sentence, and now they are done with that sentence; they are in ICE custody because they have a new criminal charge and a judge decided that it was safe to release them into the community while their criminal case is pending; or they are in ICE custody because their criminal case has been dismissed. In all of these cases, they are in ICE custody for their civil

removal proceeding only; our criminal justice system has decided it does not need to incarcerate them further to protect our community. At this point, they are no different from anyone else who has finished their time in our criminal justice system – that they are also wanted by ICE for civil removal proceedings is a federal immigration matter – our State should not be involved with this process.

Further, our State should not want to be involved with this process given how cruel and unjust we know this process to be. While I do not believe anyone should be subjected to incarceration for a civil violation, 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 and detention practices. 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 and detained. 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 shifted back to interior enforcement when Trump's Remain in Mexico program decreased border apprehensions.

Similarly, ICE is more likely to detain someone during a routine 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. During the COVID-19 pandemic, ICE decreased interior enforcement and released many more detainees with no or very low bonds simply because the agency did not want to deal with the liability of a large detained population.

SB478 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 and respectfully urge you to reach a favorable report on SB478.