

January 21, 2021

Chairman William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Maryland Senate
Annapolis, MD 21401

Re: Testimony in Support of Maryland TRUST Act, SB 88

Dear Chairman Smith and Committee Members:

The National Immigration Law Center writes this testimony in strong support of SB 88, the Maryland Trust Act. This bill will limit the state's entanglement with federal enforcement which has torn many communities apart. The Trust Act would lead to immigrants being more willing to report crimes, use available health and social services for their families, and enroll their children in school.

It will take a long time to unravel and reverse the damage created by a cruel enforcement regime that has been built up over decades. As long as we still have an immigration system based on deportations and detentions -- with ICE continuing to terrorize our communities -- many more Maryland residents will continue to face separation from their loved ones and community. However, the state of Maryland can ensure that it does not contribute to targeting immigrants.

We urge you to support SB 88 for the following reasons:

Entanglement with ICE Does Not Further Public Safety

State resources should be spent on its community safety priorities, not on facilitating federal immigration enforcement. The decision to disentangle policing from immigration is one based on how to prioritize state resources, and the federal government cannot interfere with this state policymaking.

A national study conducted by the University of California, Davis, in 2019 found that deportations do not reduce crime. The study indicated that there is no correlation between

deportations and public safety; in particular, deportations had no effect on violent or property crimes.¹

A 2017 study conducted by Professor Tom Wong of the University of California, San Diego found that counties with policies protecting immigrants had lower crime rates. It found that there are, on average, 35.5 fewer crimes committed per 10,000 people in “sanctuary” counties compared to non-sanctuary counties.²

Recognizing the importance of community trust, law enforcement agencies often carefully craft local policies prioritizing the need to ensure that immigrants feel comfortable reporting crimes, acting as witnesses, and cooperating in criminal investigations over the conflicting purpose of facilitating federal immigration enforcement.³

Entanglement with ICE Leads to Racial Profiling

Entanglement with ICE not only leads to the erosion of community trust, it has also resulted in widespread racial profiling. Entanglement programs such as 287(g) agreements increase racial profiling due to the broad discretion provided to local law enforcement officers to detain and arrest people who they suspect are in the country unlawfully. This risk is especially high when law enforcement officers are not closely monitored.⁴

In North Carolina, the Alamance County Sheriff’s Office was highly criticized because of a proven systematic and unlawful targeting of Latinx residents, who have faced constant enforcement actions (traffic stops, seizures, arrests, investigations) since 2007. The U.S. Department of Justice’s investigation of these discriminatory police practices prompted the termination of the 287(g) program by ICE in 2012⁵.

Entanglement Can Lead to Constitutional Violations and Financial Liability

The practice of transferring individuals from state or local custody to ICE custody may lead state and local governments to commit serious constitutional violations and thus expose state and local

¹ Anna Flagg, *Deportations Reduce Crime? That’s Not What the Evidence Shows*, N.Y. TIMES, (Sept. 23, 2019), <https://www.nytimes.com/2019/09/23/upshot/deportations-crime-study.html>.

² Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, (2017), <https://www.nilc.org/issues/immigration-enforcement/sanctuary-policies-effects-crime-economy/>.

³ Michael John Garcia and Kate M. Manuel, *State and Local “Sanctuary” Policies Limiting Participation in Immigration Enforcement*, Congressional Research Service, (2015), <http://www.fas.org/sgp/crs/homesec/R43457.pdf>.

⁴ Danyelle Solomon and Tom Jawetz, *The Negative Consequences of Entangling Local Policing and Immigration Enforcement*, Center for American Progress, (2017), <https://www.americanprogress.org/issues/immigration/reports/2017/03/21/428776/negative-consequences-entangling-local-policing-immigration-enforcement/>.

⁵ Billy Ball, *DOJ ends federal immigration program in Alamance County*, Indy Times, (Sept. 26, 2012), <https://indyweek.com/news/northcarolina/doj-ends-federal-immigration-program-alamance-county/>

governments to serious financial liability. This risk arises because the practice of transferring individuals from state custody to ICE custody raises serious concerns about the right a person has under the Fourth Amendment to the U.S. Constitution against unreasonable seizures (including arrests).

In the *Roy v. County. of Los Angeles*⁶ lawsuit, the U.S. District Court for the Central District of California held that the Los Angeles County Sheriff's Department was liable for violating the Fourth Amendment rights of thousands of individuals it detained for ICE without probable cause of any crime, including some who were held for days after they should have been released. Following the decision, in 2020 the Los Angeles County Board of Supervisors approved the settlement of a \$14 million dollar class action lawsuit brought by immigrants who were unlawfully detained by the L.A. County Sheriff's Department

Other jurisdictions have similarly faced financial liability for collaborating with ICE. In Henrico County, Virginia, the County spent nearly \$46,000 to settle a lawsuit when the jail complied with an ICE detainer request and unlawfully detained an individual for more than forty-eight hours.⁷ Steering clear of requests from ICE to detain, notify or transfer a person unless a valid judicial warrant is present will help Maryland avoid the significant consequences and costs that come with complying with ICE detainer requests and/or entering into 287(g) agreements.

For these reasons we urge you to support the Maryland Trust Act.

Sincerely,



Shiu-Ming Cheer
Director of Movement Building & Strategic Partnerships

⁶ *Roy v. County. of Los Angeles*, 2018 WL 914773 (C.D. Cal. Feb. 7, 2018), *reconsideration denied*, 2018 WL 3439168 (July 11, 2018).

⁷ Faith Burns and Laura Goren, “*Federal Responsibility, Local Costs: Immigration Enforcement in Virginia*,” The Commonwealth Institute, (Sept. 26, 2018), <https://www.thecommonwealthinstitute.org/2018/09/26/federal-responsibility-local-costs-immigration-enforcement-in-virginia/>.