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Senate Bill 088 - Oppose

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## State and Local Government- Participation in Federal Immigration Enforcement

### Letter of Opposition to the Senate Judicial Proceedings

January 27, 2021

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I write today in support of public safety through a cooperative relationship with our Federal partners at the Department of Homeland Security (DHS) and in opposition to Senate Bill 88.

On the days that followed September 11, 2001; much discussion was initiated concerning the lack of cooperation and information sharing between Federal, State and Local government agencies. Many blamed this lack of cooperation by Government agencies as the reason why the 9/11 hijackers were able to carry out their planned attacks. Elected leaders on both sides of the aisle worked to breakdown these "Information Siloes" and improve information sharing between government agencies. Legislation removing local and States' ability to cooperate with our federal partners is counterproductive to the hard work put in to our national security efforts.

Since 2016, the Harford County Sheriff's Office (HCSO) has partnered with the DHS to participate in the Immigrations and Customs Enforcement's (ICE) 287(g) Delegation of Authority Program. This participation comes in the form of a Memorandum of Agreement (MOA) signed between ICE and local agencies that permits correctional officers/correctional deputies, once trained by ICE, to perform certain immigration enforcement functions.

The 287(g) Program is not new. In fact, the Program was initiated in 1996 by President Clinton and continued through the administrations of every President since. Our Agency's effort to join this Program was in 2015 and formalized/approved in 2016, during President Obama's Administration. Initiated by a Democrat, continued by a Republican, and then continued again by another Democrat, the 287(g) Program has enjoyed bipartisan support for over 20 years.

Under the 287(g) Program, local detention center officers, working under ICE supervision when performing program related duties, work to identify and process for removal those individuals who are in the Country illegally and booked into our detention center. This is not a program that crosses over to the law enforcement functions of my Office - just one of the many false claims that are used to attack the 287(g) Program.

Once an individual is identified, ICE and federal authorities determine the course of action related to any immigration action, such as deportation, in accordance with the DHS/ICE priorities. Those individuals identified as having the highest priority are those individuals who present a threat to national security and/or public safety.

Over the four-year period that the HCSO has participated in the 287(g) Program, we have successfully identified and turned over more than 160 individuals who were not residents of the United States and had also committed crimes against our citizens. Returning these who committed crimes against our state, back into our community to further victimize our citizens is certainly not an effective strategy to reduce crime and keep law abiding citizens safe.

As Sheriff, an elected representative responsible for keeping our Harford County communities safe, the 287(g) MOA provides me one more tool to accomplish this mission. During my first term as Sheriff, I was

pleased to announce that crime had fallen each year and at the end of last year to another all-time low for our County. I credit crime reduction success to our complete public safety approach to crime fighting and our priorities which are inclusive of the 287(g) Program.

This legislation will make it illegal under Maryland Law for trained and certified correctional officers in Harford, Frederick and Cecil Counties to carry out the Federal 287(g) Program. Passage of this bill in its current form will destroy the hard work we have done to keep our communities safe by removing individuals who are in our Country illegally and are victimizing our citizens.

As Sheriff of Harford County, I join with the Maryland Sheriffs' and the Maryland Chiefs of Police Associations, in respectfully asking the members of the Senate Judiciary Committee to issue an unfavorable report on SB 88.

Sincerely,  
Sheriff Jeffrey R. Gahler