

SB88 Support (individual).pdf

Uploaded by: Atwood, Laura

Position: FAV

January 27, 2021

Laura Atwood
Silver Spring, MD 20910
laura_a79@hotmail.com / 301-587-3876

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

Dear Chair Smith and members of the Judicial Proceedings Committee:

My name is Laura Atwood, and I live in Silver Spring, D20. I am testifying in support of SB88/HB304, State and Local Government - Participation in Federal Immigration Enforcement. While I'm active in local organizations, I am testifying as an individual.

I'm committed, personally and professionally, to seeing and honoring the humanity of every person I come into contact with. I'm a home physical therapist and travel to 5-6 homebound patients in my county each workday.

I've done this work throughout Montgomery County since 2011 and have seen distrust and wariness toward even healthcare providers increase noticeably in the past few years. I'm white, and before I enter many patients' homes, I need to deliberately build trust and signal that I'm with them, that I'll give the same care to them that I would to their neighbor or to my own parent--and of course do the hard work with myself and my organization to make sure this is in fact true.

If they had good reason to think that I might turn them over to immigration or other authorities, how much less trust would there be? And how could people who really need home healthcare get it if they, and/or household members, were too afraid?

The "sensitive locations" part of the Trust Act hits especially close to home. A few months ago, someone asked me, related to ICE: "My friend wants to know: If my friend can't breathe, is it safe to go to the hospital?" Can you even imagine if this were you or a loved one?!

And I scratch my head: I think it's an understatement to say that policing as an institution has trust/trustworthiness issues. So how does it serve policing to collaborate with the demonstrably cruel, reckless, and lawless agency we know as ICE? From horrific Covid response, to family separation, to deception during raids (e.g., on church grounds in Glenmont!), to continued transfers during a pandemic (nationwide including DHS bringing contagious detainees to Virginia so DHS could join BLM suppression), to violent response to detainee activism and hunger strikes (Virginia and nationwide), to excessive strip searches (Howard County), to deportations that seed Covid outbreaks in vulnerable countries--ICE has no place in Maryland police's circle of collaboration. (Please let me know if you'd like but can't locate information resources for these examples.)

It's also worth noting that ICE detention and deportation are neither inevitable nor necessary. ICE didn't even exist before 2003. And before the 1980s and 1990s, an era when prisons in general were expanding, immigration detention was uncommon.

Finally, as injustices in the criminal justice system are looked at and addressed, it seems wrong that Maryland would essentially condone ICE acting as a shadow system--without transparency and accountability, and without constitutional protections given to people who are being deprived of liberty and are in danger of being deported to their deaths. (Again, please let me know if you'd like information sources.) Anyone detained by ICE would, even in the eyes of the flawed criminal justice system, otherwise be free to go and live among loved ones in the community. The human-rights shortcuts that ICE takes are unacceptable and should not be supported.

For the sake of community trust, ability of everyone to receive needed service, and basic human dignity:

I urge you to support SB88/HB304.

SB0088-FAV-DTMG-1-27-21.pdf

Uploaded by: Bartlett, Olivia

Position: FAV



Olivia Bartlett, DoTheMostGood

Committee: Judicial Proceedings Committee

Testimony on: SB0088 - State and Local Government - Participation in Federal Immigration Enforcement

Position: Favorable

Hearing Date: January 27, 2021

Bill Contact: Senator William Smith

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep its members healthy and safe in a clean environment, uplift residents in all of our communities, and promote equity across all of our diverse communities. DTMG strongly supports SB0088 because it will increase public health and safety for all Maryland residents.

Maryland is home to people of many different backgrounds. According to the American Immigration Council, one in seven Maryland residents is an immigrant, one in eight residents is a native-born U.S. citizen with at least one immigrant parent, and more than 126,000 U.S. citizens in Maryland – including about 7 percent of children in Maryland -- live with at least one family member who is undocumented. Fifteen percent of the Maryland population is foreign-born, and about 5 percent of the total Maryland population was undocumented in 2016. Maryland is home to thousands of Deferred Action for Childhood Arrivals (DACA) recipients, primarily in Montgomery and Prince George's County and in the Baltimore area.

Maryland's documented and undocumented immigrants contribute significantly to our society and our economy, paying billions of dollars in state and local taxes and spending tens of billions of dollars in our businesses every year. Twenty to 30 percent of workers in construction, accommodation and food services, administrative and support services, waste management, and other service industries are immigrants. Importantly, undocumented immigrants were about 6 percent of Maryland's workforce in 2016.

It is vitally important – now more than ever during a virus pandemic -- that all of our residents, particularly our documented and undocumented immigrant neighbors, trust Maryland government and state and local law enforcement and public health officials. All Maryland residents need to be confident that they can come forward to report crimes, get healthcare, go to work and court appointments, and see their families without fear of being detained by police and turned over to Federal Customs and Immigration Enforcement (ICE) agents. SB0088 will improve community

trust in Maryland government and law enforcement by prohibiting law enforcement and correctional agents from

- inquiring about an individual's citizenship, immigration status, or place of birth
- detaining an individual in order to investigate the individual's citizenship or immigration status
- providing to the Federal government or another state information that will be used for a registry of individuals on the basis of religion, race, gender, sexual orientation, immigration status, or national or ethnic origin or for immigration enforcement.
- transferring an individual to Federal immigration authorities unless required by Federal law or a judicial warrant.

Local Maryland tax dollars should not be spent on Federal programs. The primary way ICE works is to partner with local police. The mission of our local police is to work in partnership with the community to identify and resolve issues that impact public safety. Cooperation with civil immigration enforcement undermines community trust in law enforcement and undermines its mission.

Fear of deportation makes it less likely that immigrants will report crimes they witness in their neighborhoods and access the healthcare they need. In order for Maryland to attain its economic and educational goals, it is vital that we have widespread testing, surveillance and, soon vaccinations, for COVID 19 so we can achieve herd immunity and get life back to normal. Fear of apprehension and detention among immigrant communities could be a barrier to appropriate actions to achieve herd immunity. Passage of SB0088 will go a long way to removing such barriers.

Maryland must protect the human rights of *all* its residents, not merely citizens. Trust Acts exist in over 400 jurisdictions around the country, including in conservative states such as Iowa, Kansas, Louisiana, and Texas. It has been well documented that, in jurisdictions with strong Trust Acts, crime is reduced and healthcare is improved. Trust policies create a safer community for everyone.

For all these reasons, DoTheMostGood strongly supports SB0088 and recommends a **FAVORABLE** report.

Respectfully submitted,

Olivia Bartlett
Co-lead, DoTheMostGood Maryland Team
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240-751-5599

support for sb 0088.pdf

Uploaded by: Berger, Zackary

Position: FAV

Support for SB0088, State and Local Government - Participation in Federal Immigration Enforcement

Zackary Berger, MD, PhD

I am a primary care physician for immigrants, mostly Spanish-speaking, at the Esperanza Center Health Clinic in Baltimore. These people come to this country fleeing from violent persecution, only to meet here, again, violent persecution in the form of Immigration and Customs Enforcement (ICE). Local law enforcement, which should be serving the community, must not collaborate with the purposeless agencies of blunt-force detention and deportation whom my patients fear. My patients' justified fear of ICE keeps them from seeking medical care, keeps them from seeking legitimate assistance from local government.

SB0088 MD NARAL SUPPORT.pdf

Uploaded by: Blalock, Isabel

Position: FAV



SB0088 - State and Local Government – Participation in Federal Immigration Enforcement

Presented to the Honorable Will Smith and Members of Judicial Proceedings Committee

January 27, 2021 11:00 a.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue a **favorable report on SB0088 - State and Local Government – Participation in Federal Immigration Enforcement**, sponsored by Senator Will Smith.

Our organization is an advocate for reproductive health, rights, and justice. However, our mission is hindered when not every Maryland resident can have access to these things without fear.

This is especially a problem for non-United States citizens residing in Maryland, who fear searching out reproductive or maternal healthcare at public hospitals or justice for sexual assault or domestic violence for fear of deportation. Having access to healthcare and justice is essential for all Marylanders and should not be hindered by any factor imposed by the state.

In the United States, immigrants make up approximately 14% of the population (4.4 million people), and account for 17% of women of reproductive age as well as 23% of births in the U.S.¹ However, without official residency or citizenship status, these women live in fear of seeking out medical care for their own health as well as that of the fetus. They shy away from hospitals and labor and delivery services to opt for unmonitored births in non-medical environments and are unable to attend regular prenatal checkups accessible to U.S. citizens. Additionally, immigrant women are less likely to seek justice for instances of sexual assault, domestic violence, and other forms of violence, again, due to fear of deportation² They fear the U.S. judicial system and forgo their own right to justice for these crimes committed against them as a result.

This piece of legislation will eliminate this persistent fear in the immigrant community. It will protect immigrants from Immigration and Customs Enforcement (ICE) at sensitive, public locations such as hospitals and courts. It will allow for this large population to seek out medical care without fear by providing immunity to any state and local government that does not provide information to the federal government about factors such as immigration status.³ This will also create a greater ability for immigrants to seek out justice against their assailants in a court of law. Several localities in our state have already passed similar policies, and codifying it into Maryland state law will create solid and unwavering security for all undocumented peoples in the state.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0088**. Thank you for your time and consideration.

¹ Sheila Desai and Goleen Samari, "COVID -19 and Immigrants' Access to Sexual and Reproductive Health Services in the United States," *Perspectives on Sexual and Reproductive Health* 52, no. 3 (June 12, 2020): pp. 145-149, <https://doi.org/https://doi.org/10.1363/psrh.12150>

² "Immigrant Victims of Sexual Assault," National Sexual Violence Resource Center (NSVRC), accessed January 24, 2021, <https://www.nsvrc.org/sarts/toolkit/6-12>

³ (2021), <https://mgaleg.maryland.gov/2021RS/bills/sb/sb0088f.pdf>

SB0088 Law Enf ICE.pdf

Uploaded by: Britt, Adiena

Position: FAV

SB0088 cross-filed with HB0304 State and Local Government - Participation in Federal Immigration Enforcement

Stance: Support

Testimony: My name is Adiena C. Britt and I reside in the 45th Legislative District of Baltimore City. I am writing to offer my support for both SB0088 and HB0304 which shields Local and State Law Enforcement from any actions for not participating with ICE. The immigrant community in our State is forced to live under a constant state of terror and are being forced into the shadows. Immigrants are less likely to report crimes committed against them, for fear that their immigration status will come up and they will be placed into deportation proceedings. Domestic Violence, robberies, assaults, and worse go unreported due to the fear of deportation. This causes the immigrant community to be prime targets for crime because perpetrators know they most likely will not call the police.

Our immigrant community deserves the same protections as any person walking down the street without fear of repercussions. Federal Immigration Enforcement should not be able to utilize reporting of victims against them in order to make attempts at deportation when they've committed no crime. I don't feel that coming to the United States to work should be a crime, and our immigration system as it is set up is primary an extortion scheme. People who are poor or of modest means cannot afford the exorbitant fees exacted during the "legal" immigration process. Our Country also extracts a massive amount of sweat equity from immigrants in the form of low-wage labor that is not currently paid back in kind. No credit is given to this community, and on top of all of this, they are forced to live in the shadows of our society for fear of deportation.

This bill being passed onto the Full Senate and House for consideration and passed into law will be ONE step in the right direction towards immigration reform. As little as the step is, it still needs to be taken.

Thank you.

Adiena C. Britt

6014 Old Harford Rd.

Baltimore, MD 21214

SB0088 Support Testimony Trust BFBJ.pdf

Uploaded by: Cocke, Abigail

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0088

January 24, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke and I am a resident of Baltimore City in District 43 and a strong supporter of SB0088. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0088, *State and Local Government - Participation in Federal Immigration Enforcement*.

In Maryland, multiple counties have partnerships with U.S. Immigration & Customs Enforcement for the purported purpose of stopping immigration “crime”, but the truth is that the existence of ICE itself is the crime. Formed in the paranoid days after the 9-11 attack, when an enormous increase in government force and reach was seen as necessary, the agency has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, physical and sexual abuse, scores of deaths of people in their “care”, separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities.

In contrast, what “crime” is it to seek a new life in a new country? So-called “illegal” immigrants have committed only paperwork violations necessitated by a byzantine and broken system; by simply coming here they have harmed no one at all. Immigration in fact has been shown time and again to make our communities stronger, more vibrant, and more prosperous. It is only xenophobia and the convenience of scapegoating the powerless that make us act as if the opposite were true. In Baltimore City, where population decline and the corresponding decline in tax revenue has made it difficult to keep the lights on, more immigration would be especially welcome!

By working with ICE to question, hold, and transfer Maryland residents into their custody, local law enforcement agencies go beyond the purview of their jobs, cause harm, and lose even more of their thin credibility. Research has shown that in places that have laws like SB0088 in place, crime has gone down. This is the natural result of not forcing people into the shadows. It is past time that we ended this shameful and counter-productive collaboration.

Thank you for your attention and for doing the right thing.

Sincerely,

Abby Cocke
Co-founder, Baltimore for Border Justice
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Bmore4BorderJustice@gmail.com
443-631-0432

BaltimoreCounty_FAV_SB0088.pdf

Uploaded by: Conner, Charles

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: SB 88

TITLE: State and Local Government - Participation in Federal Immigration Enforcement

SPONSOR: Senator Smith

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: January 27, 2021

Baltimore County **SUPPORTS** Senate Bill 88 – State and Local Government - Participation in Federal Immigration Enforcement. This bill would provide immunity from civil or criminal liability for refusing to provide immigration information to the federal government, and change law enforcement procedures targeting undocumented immigrants to foster community trust in government.

Baltimore County has implemented and repeatedly affirmed an Executive Order to this effect because County Executive Olszewski understands that public trust in law enforcement by all residents is essential to fostering fair and orderly government. It is the right of all residents within its borders to enjoy the comfort and safety Baltimore County offers; and when anyone is fearful that utilizing essential local resources will lead to their punishment or removal, government fails to execute its primary responsibility.

Similar to Baltimore County's policy, this bill prevents law enforcement from inquiring about immigration status, making arrests related to a civil immigration violation, detaining an individual beyond their court ordered release date, and cooperating with federal immigration authorities in the investigation and apprehension of undocumented immigrants. By prohibiting these actions by law enforcement, residents of any immigration status would be able to avail themselves of essential public safety resources. Baltimore County takes pride in and welcomes all its immigrant residents, and firmly believes all deserve the faith in their government and access to necessary services.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 88. For more information, please contact Chuck Conner, Director of Government Affairs at cconner@baltimorecountymd.gov.

MCYD Testimony-Support the Trust Act.pdf

Uploaded by: DeLong, Michael

Position: FAV



Montgomery County Young Democrats Testimony to Senate Finance Committee in Support of SB 88-Trust Act 1/27/2021

Chair Smith, Vice Chair Waldstreicher,

Thank you for receiving our testimony. We are an organization of young Democrats ages 14-34 who are working to make Montgomery County and Maryland better places to live, with freedom, opportunity, and justice for all. We are testifying in support of SB 88 - State and Local Government - Participation in Federal Immigration Enforcement - sponsored by Senator Will Smith. This bill will help protect undocumented immigrants from being deported without good cause, promote trust between law enforcement and immigrant communities, and keep families together.

SB 88, commonly known as the Trust Act, has several important provisions. It ends police cooperation with Immigration, Customs, and Enforcement (ICE) and other federal immigration agencies. Specifically the bill prevents law enforcement from asking about someone's immigration status, detaining someone on behalf of ICE, or notifying/transferring someone to ICE. Additionally, SB 88 protects undocumented immigrants from ICE in certain locations like schools, courthouses, and hospitals by requiring the Maryland Attorney General's office to create guidance on ICE enforcement in those areas. The bill protects undocumented immigrants against coercion to ensure that people can interact with police and report crimes without fear of harassment or deportation.

Legally Maryland has no requirement to assist ICE with immigration enforcement. ICE has brutally enforced the former Trump administration's terrorizing of immigrants, including the separation of families. Many undocumented immigrants have family members or children who are documented, and when they are arrested and threatened with deportation, families are ripped apart! This is appalling and Maryland should not spend its resources and money on these unjust and inhumane policies.

The Trust Act will also encourage immigrants, both documented and undocumented, to report serious crimes to the police and work with law enforcement to try to solve them. Currently

many immigrants are wary of the police because they fear being harassed or reported to ICE, or that their friends and family members will experience that treatment. The Trust Act will ease that fear.

A number of cities and counties have passed similar policies to stop police cooperation with ICE. We are proud that Montgomery County is one of them. As a nation of immigrants, America should welcome immigrants and help them in pursuing the American Dream.

By passing the Trust Act and ending police cooperation with ICE, Maryland can protect undocumented families, make our communities safer, and send a clear message that our state welcomes immigrants.

Please contact us at mocoyoungdems@gmail.com if you have any questions.

SB 88 - Maryland Trust Act.pdf

Uploaded by: Dwyer, Maura

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by the Baltimore chapter of the national organization, Showing Up for Racial Justice, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 40. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,

Maura Dwyer

3908 Falls Rd Baltimore MD 21211

Showing Up for Racial Justice Baltimore

Support of SB88 (HB304) - Trust Act- UULM-MD- Jim

Uploaded by: Egan, Ashley

Position: FAV



**Testimony in Support of SB 88 (HB 304) - State and Local Government -
Participation in Federal Immigration Enforcement**

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 27, 2021

Thank you for the opportunity to provide written testimony in support of SB 88 (HB 304) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements and requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

As you may know, SB 88 will prevent law enforcement agents from inquiring about immigration status, detaining immigrants on behalf of ICE and prohibiting agents from notifying ICE and transferring individuals to ICE custody. The bill commonly and purposefully called the "Trust" Act will help to instill trust between the police and our immigrant neighbors thus ensuring safer communities for all.

Research shows that counties that do not comply with ICE detainer requests have lower crime rates and stronger economies. A San Diego study showed that sanctuary policies actually can encourage people to report crime. And a 2021 survey showed that 44% of Latinos – regardless of immigration status – were less likely to contact police if they were victims of crime or fear that they would be asked about their own or other's immigration status. For undocumented immigrants, it's 70%.

Although ICE promulgated a "sensitive locations" policy in 2011, reports abound of ICE agents ignoring this policy, for example, apprehending undocumented students on their way to school. Mr. Trump's inhumane statement that there are no safe spaces for undocumented immigrants and the resulting aggressive implementation of Mr. Trump's immigration policies by U.S. government agencies continues to engender fear among our immigrant neighbors. Passage of SB 88 will help to alleviate some of that fear and lead to safer neighborhoods.

Moreover, because of the raging pandemic, I hope that you will consider amending the bill to require the Attorney General to include as sensitive locations all sites where Covid-19 vaccinations will be administered. Fear of getting vaccinated by our immigrant neighbors will prevent Maryland from achieving immunity from this terrible disease.

My Unitarian Universalist faith calls me to respect the inherent worth and dignity of every person and to promote and affirm justice, equity and compassion in human relations. Removing the fear that is prevalent among some of our neighbors is not only demanded by my faith, but also makes sense. SB 88 will surely help to assuage the fear in our immigrant communities, allow students to

take advantage of government-sponsored programs and ensure the public health and safety of all Marylanders.

I urge you to vote in favor of SB 88.

Thank you for your consideration.

Jim Caldiero

Ellicott City, MD 21043

Email: immigration@uulmmd.org

Unitarian Universalist Legislative Ministry of Maryland, 333 Dubois Rd., Annapolis, MD 21401, (410) 266-8044, info@uulmmd.org

Sources:

Effects of Sanctuary Policies on Crime and Economy

<https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

Sanctuary Cities Don't Breed Crime

https://www.washingtonpost.com/subscribe/signin/index.html?tid=usw_paywall&next_url=https%3A%2F%2Fwww.washingtonpost.com%2Fnews%2Fmonkeycage%2Fwp%2F2018%2F04%2F24%2Fsanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime%2F&

Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement

https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf

ICE Apprehensions: <https://sojo.net/articles/ice-raids-near-sensitive-locations-stoke-fear-immigrant-communities>

ICE Ignores Policy: <https://pjmedia.com/news-and-politics/2017/03/31/dems-move-to-ban-ice-from-arresting-illegal-immigrants-in-sensitive-locations/>

ICE Raids Hospitals: <https://psmag.com/social-justice/ice-keeps-raiding-hospitals-and-harming-disabled-children>

President Trump's approach is making it harder to enforce every other type of law, incl...

<https://thehill.com/blogs/pundits-blog/immigration/327837-public-safety-requires-courthouses-to-be-safe-spaces-for>

ICE Policy on Sensitive Locations: <https://www.ice.gov/ero/enforcement/sensitive-loc>

Reports of ICE Sensitive Locations Violations: <https://www.nolo.com/legal-encyclopedia/is-there-anywhere-i-m-safe-from-an-ice-arrest.html>

Salvadoran Women Wins Civil Rights Suit against Frederick and Released from Custody;

<https://www.baltimoresun.com/maryland/bs-md-ci-roxana-santos-20190206-story.html>

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

Support of SB88 (HB304) - Trust Act- UULM-MD- Jim

Uploaded by: Egan, Ashley

Position: FAV



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I urge you to vote in favor of SB 88.

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Jim Caldiero

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Sources:

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Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement

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<https://www.baltimoresun.com/maryland/bs-md-ci-roxana-santos-20190206-story.html>

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

Support of SB88 (HB304) - Trust Act- UULM-MD Steve

Uploaded by: Egan, Ashley

Position: FAV



**Testimony in Support of SB 88 (HB 304) - State and Local Government -
Participation in Federal Immigration Enforcement**

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Steve Eckstrand, Immigration Task Force, Unitarian Universalist Legislative
Ministry of Maryland

Date: January 27, 2021

I am writing to urge the committee to support SB 88: State and Local Government –
Participation in Immigration Enforcement.

The current practices in some jurisdictions of allowing police to enforce federal immigration law by inquiring about immigration status and detaining immigrants in cooperation with ICE have created mistrust among immigrants, who are reluctant to report crimes and provide important information for solving them. This lack of trust has obvious repercussions on general public safety. However, this bill's requirement that the Attorney General develop guidelines for schools, hospitals, and courthouses to limit civil immigration enforcement will enhance immigrant participation in important areas impacting public welfare. Especially now, for the wellbeing of the general population during this devastating pandemic, vaccine sites should also be labeled as safe locations for all who wish to be vaccinated without fear of intrusive police inquiry into immigration status.

My Unitarian Universalist faith tradition values welcoming the stranger with dignity, respect, and compassion. Needlessly destroying families and traumatizing children through unwarranted deportation is against our beliefs in the moral conduct of government. The cruel criminalization of immigrants is especially unfair since we know that immigrants on the whole commit fewer crimes than native-born citizens, and jurisdictions with policies and laws such as SB 88 have lower crime rates than those without.

Please give your support to this important bill which will benefit all Marylanders.

Sincerely,

Stephen Eckstrand

In Favor SB0088.pdf

Uploaded by: Emmanuelle, Colline

Position: FAV

January 25, 2021

Dear Senator Smith:

I am submitting my written testimony in favor of SB0088 “The Maryland Trust Act” to limit cooperation between MD law enforcement and ICE.

In Maryland, multiple counties have partnerships with U.S. Immigration & Customs Enforcement for the purported purpose of stopping immigration “crime”, but the truth is that the existence of ICE itself is the crime. Formed in the paranoid days after the 9-11 attack, when an enormous increase in government force and reach was seen as necessary, the agency has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, physical and sexual abuse, scores of deaths of people in their “care”, separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities.

In contrast, what “crime” is it to seek a new life in a new country? So-called “illegal” immigrants have committed only paperwork violations necessitated by a byzantine and broken system; by simply coming here they have harmed no one at all. Immigration in fact has been shown time and again to make our communities stronger, more vibrant, and more prosperous. It is only xenophobia and the convenience of scapegoating the powerless that make us act as if the opposite were true. In Baltimore City, where population decline and the corresponding decline in tax revenue has made it difficult to keep the lights on, more immigration would be especially welcome!

By working with ICE to question, hold, and transfer Maryland residents into their custody, local law enforcement agencies lose even more of their thin credibility. Research has shown that in places that have laws like SB0088 in place, crime has gone down. This is the natural result of not forcing people into the shadows. It is past time that we ended this shameful and counter-productive collaboration.

I look forward to seeing support for this important legislation to protect and support immigrants, who are all an important part of our community.

Thank you,

Colline Emmanuelle
A Maryland resident & community member

Bob Cullen_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

3111 Mary Avenue
Baltimore, MD 21214
410-319-8092

January 25, 2021

To Whom It May Concern:

I am writing in support of the Maryland Trust Act (SB88/HB304). This is a vital quality-of-life measure that would enhance the safety of Maryland families by improving community relationships with law enforcement as well as various other state entities. The Maryland Trust Act addresses this important goal by providing more needed latitude for vulnerable immigrants within the Free State when it comes to reporting crimes, accessing health and social services for their families, and enrolling children in school.

The key provisions of the Maryland Trust Act in this regard include halting the counterproductive police partnership with ICE; safeguarding immigrants against ICE in such essential public venues as schools, courthouses, and hospitals; better guaranteeing that members of our state's communities can engage meaningfully with the police without fear of harassment; and stopping law enforcement agencies from involvement in such disruptive and potentially prejudicial practices as the detention of immigrants on behalf of ICE.

For these reasons and others, I strongly urge each of you to please give the Maryland Trust Act your fairest and fullest consideration.

Sincerely,

Robert Cullen
Robert Cullen

Carla Tevelow_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Favorable Testimony for SB88/HB304

Delegate Luke Clippinger, Chair, and Members of the Judicial Proceedings Committee

I am writing in support of the Trust Act – SB88/HB304

At this time it's imperative we allow immigrants in our community to know our state supports their safety. Passing the Trust Act HB304 will build confidence in this mostly silent community. Many immigrants live with the possibility of being incarcerated and deported by Immigration and Customs Enforcement (ICE) This creates a condition of fear. At this point, ICE has become an inhumane agency, which has been reported to torture and mistreat its inmates. This has created a fear and is a deterrent to report crimes to the police, as well as attend institutions where they may be arrested. Immigrants come to this country looking for an opportunity to improve their lives away from dangerous circumstances. At one time, my family were immigrants. Once the Trust Act is passed our state will be building confidence and comity between immigrants, institutions and authorities. This act will show we are the state which treats people with concern and compassion .

Please pass **HB304/SB88**.

Thank you,
Carla Tevelow
Columbia, MD 21044
perlpubl@gmail.com

Emily Blank_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Emily Blank
P.O. Box 96 Mount Rainier 20712
emilyblank@gmail.com

TESTIMONY IN SUPPORT OF THE MARYLAND TRUST ACT

My name is Emily Blank and I am a Maryland resident in District 47a. This testimony is in support of the Trust Act, SB88/HB304. I am writing as a Core Leader of the Prince George's County Bend the Arc Minyan and as a member of Jews United for Justice.

One of the core beliefs of my faith is that "You shall not mistreat the stranger among you. Remember that you were strangers in the land of Egypt" (Deuteronomy 15:15).

My parents were born in the United States, but their parents both arrived from Russia in the early 20th century. Had they not, they would have been caught up in the Holocaust, and I might never have been born.

However, the opportunity my grandparents had to move to the relative safety of the United States is not extended to many people facing dire circumstances, people who are in immediate peril of their lives, escaping possible torture and death from gangs, from their governments, from poverty, from war. They deserve the same opportunities to live in peace and freedom as my grandparents had.

The reasons to protect immigrants from targeting by ICE are not only moral, but practical. If undocumented families are confident that interactions with police will NOT result in a visit from ICE, they will be much more likely to report any crimes they witness to the police. This will improve public safety for all residents. Further, assisting ICE costs money that could be better used for the state and local governments. Laws similar to the Trust Act have been already enacted in many localities and states.

Thank you for your attention. I respectfully urge a favorable report on SB88/HB304.

Gavin Kohn_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Gavin Kohn, Columbia, MD, 21045 (gavin.kohn@gmail.com)

Date: January 24, 2021

Please support SB88 (Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements. HB304 also requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

I am a resident in Howard County, and I am a student at the University of Maryland, College Park. I and many other people do not trust the local and state police forces for many reasons, but especially because they work with ICE to enforce non-criminal actions. ICE has been enacting terrifying policies that are inhumane and racist, and our police are complicit with these when they identify, detain and transfer immigrants for ICE. This further erodes trust in our police and government structure, and we can start to address that by ending any collaboration between our police force and ICE.

Local law enforcement should not ask for citizenship or national origin, and definitely should not detain or transfer immigrants for ICE. We may not be able to control ICE's actions at the state level, but we certainly do not need to be complicit with their crimes.

Please pass SB88.

Gavin Kohn

Kristin Lilly_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Kristin Lilly, LMSW (Ellicott City, 21042)

Date: January 24, 2021

Please support SB88 (Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements. HB304 also requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

I am a social worker that works with immigrants. ICE terrorizes immigrants and makes them feel unsafe in their own community. If the police work with ICE, it will only tell immigrants that it is not safe to report crime and that the police should be feared. This makes the community less safe for everyone.

Please pass SB88. Thank you for your time and consideration

Kristin Lilly

Michael David_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

IN SUPPORT OF SENATE BILL 88, THE TRUST ACT

Thank you for the opportunity to explain my stand in support of passage of the Trust Act.

I reside in Columbia, MD. I sit on the Executive Committee of the Howard County's Coalition for Immigrant Justice. I am a naturalized U.S. citizen, with varied and extensive insight in immigrant life. I have watched immigrants serving the country, being overproducers in work activities ranging from academic achievements, through trades and as manual laborers. As a nation, we need immigrants and we should ensure that immigrants feel safe and welcome. It has pained me to see honest, hard working people nervously watching over their shoulders in fear of overzealousness and ideological motivation of some, leading to separations of family and destroying economic opportunity.

It is thus with appreciation that I read Senator's Smith draft of SB88. In my opinion, SB88 is good legislation, methodically addressing sensible limitations in: law enforcement approaches, collaboration with federal immigration authorities on civil immigration enforcement, unwarranted denial of benefits, and participation in IGSAs tailored to enforcing federal immigration law. SB88 has a broad focus and it is sensibly limited.

I can imagine some asking 'now that we have a promised new federal approach to immigration issues, is it worth our political capital to support SB88?' In my opinion, the resounding answer is yes, we need SB88. For one, federal changes are slow and not assured. The scope of federal changes may not cover state functions. For another, we in Maryland have no reason to, nor benefit from, participation in civil immigration law, a federal function. For yet another, we have a practical and moral obligation to Maryland fellow residents and we benefit from a community that is allowed to thrive. For still another, immigration is, unfortunately, a divisive issue, with some of us abusing power and, unless prohibited by law, likely to participate in coercion and taking advantage of immigrants. We need clarity that national origin and immigration status are not criteria that should allow different rules in benefits or law enforcement.

Thank you for supporting SB88.

Michael David, J.D., Ph.D.
Tel. 410-370-2122

Perry Beider_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

TESTIMONY ON SB88/HB304, “THE MARYLAND TRUST ACT”
FOR THE JANUARY 27 HEARING OF THE JUDICIAL PROCEEDINGS COMMITTEE
POSITION: FAVORABLE

SUBMITTED BY

Perry Beider
4011 Rickover Road
Silver Spring, MD 20902

I strongly support the Maryland Trust Act as introduced by Chairman Smith. This bill is a necessity on both practical and moral grounds.

It is a practical necessity because effective law enforcement requires the support of the community it serves, and that support depends on trust—trust that the police and other law enforcement officers are there to protect the community, not to serve other agendas that harm the community. In the case of Maryland’s undocumented immigrants, that trust will be lacking as long as people live in fear that contact with the police will lead to deportation of their friends, their family members, or themselves. I understand that empirical studies have confirmed this common-sense concern, showing that cities with policies like those in the Maryland Trust Act, prohibiting state and local law enforcement officers from acting as surrogate agents for federal immigration policies, have lower crime rates and encourage more immigrants to report crimes they observe. In short, enactment of the Maryland Trust Act will improve public safety.

For an extreme example of the consequences of the loss of trust in governmental authority, one need look no further than last week’s riot and attempted insurrection at the U.S. Capitol. Of course, the cases are very different: the loss of trust fueling the riot resulted from FALSE beliefs, generated by self-serving politicians, manipulative right-wing media, and deranged conspiracy-mongers—and it was enabled by an exaggerated sense of entitlement among too many White Americans. In contrast, immigrants who don’t trust the police are influenced by legitimate, well-grounded fears that cooperating could have devastating consequences. But the general point stands: restoring faith and trust in governmental authority is a critical challenge in the U.S. today.

The act is also a necessity on moral grounds. Undocumented immigrants are not citizens, but they are human beings and entitled to the same fundamental respect and dignity as everyone else. The arbitrary and capricious—not to mention heart-breaking—operation of federal immigration policy is well known. People who have fled to the United States because of violence, corruption, and poverty in their native countries, who in many cases have raised families here and have been productive and law-abiding neighbors for years if not decades, should not be subject to arrest because they are dropping a child off at school or visiting a spouse in the hospital!

The fact that policies like those in the Trust Act are already working in Maryland’s five largest jurisdictions—Anne Arundel, Baltimore, Montgomery, and Prince George’s counties and Baltimore City—and another 13 local jurisdictions is good evidence that they should be implemented state-wide.

Thank you for your attention.

PLUMAS_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Testimony in support of **SB88/HB304: Trust Act**

Political Latinx United for Movement and Action in Society (PLUMAS) strongly urges representatives in the Maryland General Assembly to vote YES on SB88/HB304. The past year was a clear demonstration of the poor relationship the police has with many of the communities they are supposed to serve and protect. This was not an isolated incident as protests took place across the country, many of them right here in Maryland. It's imperative that we work to repair the relationship between the police and their communities, and the Maryland Trust Act is a step in that direction.

Police officers are supposed to be figures of safety and protection, but in our current climate they are seen as persecutors, and rightly so. Collaborations with ICE to identify and deport immigrants have tainted the image of police officers and desecrated their credibility as trusted officials. Many people are scared of calling the police for help or assistance because they worry they, their family, their neighbors, or their friends might be targeted instead. Because of this, less crimes get reported, compromising the safety of the communities. The persecution of immigrants does not even guarantee the safety of the community, so it's very confusing to see why resources and efforts are being directed towards such objectives when there are much more glaring issues in our communities.

As a Black immigrant myself, witnessing the manhunt for people who are just seeking out better lives for themselves and their families is quite sickening. It makes me feel like I have a target on my back. As such, even though I'm a law abiding citizen, I make every effort to avoid interaction with police officers as much as possible. This should not be the case. Passing the

Maryland Trust Act would be that first step in fixing this issue. Guaranteeing that people would not be targeted for interacting with the police is sure to increase the safety within these communities. Not only that, the interaction would serve to build a base layer of trust that eroded years ago when people began to look upon immigration with disgust and contempt.

Gerald Norgbe

PLUMAS Treasurer

Richard Kohn_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Richard Kohn, Ph.D, Columbia, MD, 21045 (RichardAKohn@gmail.com)

Date: January 23, 2021

Please support SB88 (Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S Immigration and Customs Enforcement (ICE).

Local and State Police must work with all members of the community to ensure public safety. It is not their job to enforce US immigration policies, and especially not to work with an organization that engages in racist terroristic activity. All members of the community, including immigrants and foreign visitors, must be encouraged to go to the police if they witness a crime or are a victim of crime. If certain groups of people do not feel safe in seeking protection from the police, they may be forced to defend themselves or seek help from criminal gangs, which leads to more crime. The police should not be trying to enforce federal immigration policies by working with ICE because it will erode the trust of foreign visitors and immigrants in working with the police.

Please pass SB88.

Richard Kohn, Ph.D.
Columbia, MD

Tammy Spengler_FAV_SB88.pdf

Uploaded by: Escobar, George

Position: FAV

Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Tammy Spengler, LCSW-C, Columbia, MD, 21045 (Tammy424@me.com)

Date: January 23, 2021

Please support of SB88 (Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements. HB304 also requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

I am a social worker and advocate for immigration reform. I believe it is damaging to our whole society when a group of people is afraid to contact the police. It creates a community that is exploited by others as they are threatened to be turned over to Immigration and Customs Enforcement (ICE). ICE has been enacting terrifying policies that are inhumane and racist. Two-thirds of detainees fear violence or death if returned to their home country. Our police are seen as complicit with ICE's inhumane practices when they identify, detain and transfer immigrants for ICE.

Both our immigration and our criminal justice systems need extensive overhaul. One way to begin is by disentangling these systems of mass incarceration. In Maryland we cannot control ICE's inhumane practices, but we do not have to assist with them. By separating these systems, we will send a message to immigrants that they can trust their local police. Local law enforcement would no longer ask citizenship or national origin questions or detain or transfer immigrants for ICE. This would enable our local law enforcement agencies to build a partnership with this marginalized community.

Please pass SB88.

Tammy Spengler

SB 88 - Maryland Trust Act Esposito 1.25.21.pdf

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Esposito

434 E. Oliver Street

Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

Testimony SUPPORTING SB088.pdf

Uploaded by: Feldenzer, Emile

Position: FAV

January 25, 2021

Testimony SUPPORTING SB088

Dear members of the Judicial Proceedings Committee,

My name is Emile Feldenzer and I am a resident of District 43 in Baltimore City. I am writing to urge you to SUPPORT SB0088, *State and Local Government - Participation in Federal Immigration Enforcement*.

Many local jurisdictions in Maryland, including my own, have already put in place policies similar to the Trust Act which prevent collaboration between local law enforcement and ICE. As a state, we have the choice not to be complicit in ICE's crimes against humanity, which include forced sterilization, physical and sexual abuse, deadly medical neglect of people in their custody, and separating young children from their families. When police collaborate with this hideously xenophobic institution, they lose the trust of the public, and also prevent undocumented people from coming forward when they or their loved ones are the victims of violent crimes.

Immigrants are not disposable. They are part of our communities, and our communities are divided and weakened when we allow them to be targeted. I'll never forget the time I did court support for a young man around my age, who was taken into ICE custody for marijuana possession. He stood to be sent back to a country he hadn't set foot in since he was an infant. Two big, burly, armed men loomed over him as he sat there in handcuffs, telling the story of his life--the trauma he faced along with his mother and siblings from his violent alcoholic father, his dream of putting himself through college and getting a business degree. He had dozens of testimonials from character witnesses, a sharp lawyer, and the tiny courtroom packed with family, friends, and people like me, white folks volunteering with Sanctuary Streets. He did not get deported. But no one should have to go through that kind of ordeal, and I have to imagine there have been others like him in similar situations, who didn't have the kind of support he had and didn't win back their freedom. Because they made a mistake, because they committed a victimless "crime". No person deserves that.

ICE is a greater threat to public safety than any of the individuals they have detained could ever hope to be. I hope you will agree that we can't keep allotting precious taxpayer dollars to federal immigration enforcement.

Thank you for taking the time to consider my testimony.

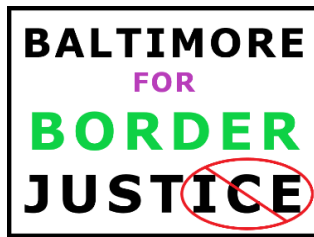
Sincerely,
--Emile

January 25, 2021

SB0088 Testimony Trust.pdf

Uploaded by: Fraser, Andrea

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0088

January 24, 2021

Dear members of the Judicial Proceedings Committee,

My name is Dr. Andrea Fraser and I am a resident of Baltimore City in District 43 and a strong supporter of SB0088. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0088, *State and Local Government - Participation in Federal Immigration Enforcement*.

In Maryland, multiple counties have partnerships with U.S. Immigration & Customs Enforcement for the purported purpose of stopping immigration “crime”, but the truth is that the existence of ICE itself is the crime. Formed in the paranoid days after the 9-11 attack, when an enormous increase in government force and reach was seen as necessary, the agency has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, physical and sexual abuse, scores of deaths of people in their “care”, separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities.

In contrast, what “crime” is it to seek a new life in a new country? So-called “illegal” immigrants have committed only paperwork violations necessitated by a byzantine and broken system; by simply coming here they have harmed no one at all. Immigration in fact has been shown time and again to make our communities stronger, more vibrant, and more prosperous. It is only xenophobia and the convenience of scapegoating the powerless that make us act as if the opposite were true. In Baltimore City, where population decline and the corresponding decline in tax revenue has made it difficult to keep the lights on, more immigration would be especially welcome!

By working with ICE to question, hold, and transfer Maryland residents into their custody, local law enforcement agencies lose even more of their thin credibility. Research has shown that in places that have laws like SB0088 in place, crime has gone down. This is the natural result of not forcing people into the shadows. It is past time that we ended this shameful and counter-productive collaboration.

Thank you for your attention and for doing the right thing.

Sincerely,

Dr. Fraser

SDMV - Support Trust Act SB088.pdf

Uploaded by: Geglia, Elizabeth

Position: FAV



SB 088/HB 304 - SUPPORT

Beth Geglia - Liaison

Sanctuary DMV

bgeglia@gmail.com 202-256-5263

SB 088/HB 304 - SUPPORT

State and Local Government - Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee/House Judiciary Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

On behalf of organizers and supporters of Sanctuary DMV, we support SB 088/HB 304, the State and Local Government - Participation in Federal Immigration Enforcement Act (the Maryland Trust Act), and urge this committee to report favorably on this legislation. Sanctuary DMV is an all-volunteer group that stands in solidarity with immigrant and marginalized communities based in Washington DC, Maryland, and Virginia. Our mission is to support communities that are directly impacted by anti-immigrant policies and sentiments. We have witnessed first-hand the escalation of attacks against immigrant communities during the Trump administration and before. We have worked with Maryland families affected by detention, deportation, discrimination, and other forms of violence enacted against immigrant communities through state and federal policies.

The passage and implementation of the Trust Act is essential to secure the conditions of human dignity and safety that all people in Maryland deserve regardless of status or country of origin. We have seen how collaboration between local law enforcement and ICE, most egregiously in the context of 287(g) has resulted in the racial profiling, arbitrary targeting, and prolonged detention of immigrant communities. The primary goal of the Trust Act is to ensure that Maryland police are not cooperating in immigration enforcement actions on behalf of the federal government. This separation of police and Immigration and Customs Enforcement (ICE) functions is imperative to create communities in which residents can seek urgent help without risk of being turned over to ICE, and where all members of the community are treated equally in the criminal justice system regardless of immigration status. Meanwhile, due to such collaboration, immigrants who commit crimes often suffer an unnecessary and unjust double punishment; even before they have been convicted or after they serve their sentences, police and jails in Maryland still transfer them to ICE for detention and deportation. Every Maryland resident deserves the chance to live safely in their community, and ICE-police collaboration often takes that chance away.

This legislation is not only a practical matter, it is a moral one. Right now, especially since the onset of the Covid-19 pandemic, our neighbors are suffering and dying in immigration detention across the state. Individuals in the custody of ICE are routinely met with medical neglect,

isolation, and abuse at the hands of detention officials. Numerous reports have found the handling of the Covid-19 outbreak and medical care in detention facilities to be inadequate, leading to otherwise preventable deaths. But the routine crimes that Maryland police deal with should not be punishable by deportation or death. Our communities deserve to be protected from the federal government's inhumane detention and deportation machine, which tears families apart, puts people's lives in danger, and harms the wellbeing of the state of Maryland.

Sanctuary DMV has worked with individuals who were brought into ICE custody through contact with the police. We have had to rally material and emotional support for their families in the aftermath. We have seen first-hand the effect on families and especially children as caregivers go through the process of detention and deportation. The economic, psychological, and emotional cost is severe and long-lasting. In these cases, what would have otherwise been a simple infraction, resulted in unnecessary long-term suffering.

The Maryland Trust Act aims to put clear parameters on the role of police in enforcing immigration policy. This includes barring local law enforcement from 1) inquiring about immigration status or place of birth, 2) transferring people to ICE without a judicial warrant, 3) notifying ICE about immigrants' whereabouts, and 4) using local law enforcement resources for immigration enforcement. We urge you to act on behalf of the safety and wellbeing of our communities and support this legislation.

We urge a favorable report on SB 088/HB 304.

Jeffrey_Harrison_FAV_SB88.pdf

Uploaded by: Harrison, Jeffrey

Position: FAV

Jeffrey A. Harrison

Date: January 25, 2021

Position: **Support / Favorable**

Bill Number: **SB 88**

Bill Title: State and Local Government - Participation in Federal Immigration Enforcement

Sponsor: Senator Smith

Committee: Judicial Proceedings

Dear Committee Chair Smith, Committee Vice-Chair Waldstreicher, and Committee Members:

-I strongly support SB 88. This legislation **clarifies law-enforcement responsibilities and focuses state and local resources and tax money on state and local law enforcement**. The federal government enforces federal civil immigration law. Local law-enforcement agencies need to focus on enforcing Maryland criminal law, investigating local crimes, and preventing local crimes.

-SB 88 does not hinder criminal law enforcement. The legislation complies with federal laws.

-SB 88 provide clear rules for all Maryland residents regarding how law-enforcement officers will treat everyone in Maryland during traffic stops and other interactions.

-The bill's clear provisions will **decrease the legal liability** that state, county, and local law-enforcement agencies currently face when untrained officers mistakenly try to enforce federal civil immigration law.

-The legislation prohibits immigration profiling and decreases the likelihood that law-enforcement officers will threaten, harass, or coerce Maryland residents because of immigration status. The bill's provisions discourage the bad practices of those local law-enforcement officers who currently threaten and intimidate residents who are not committing any crime. These threatened residents include victims of crime, witnesses to crime, and their neighbors and family members. Less fear will lead to better cooperation between residents and police. **This legislation will make Maryland's neighborhoods safer.**

-The bill's provisions reduce the chance that local law-enforcement officers in Maryland will be involved in the grievous mistakes and abuses by federal Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). In the past few years, ICE and CBP have mistakenly detained several hundred United States citizens! In addition, individual detainer records in the NCIC database and other law-enforcement data sources may be incorrect because of mistaken identity and data carelessness. Also, handing individuals over to ICE and CBP leads to detention of women, men, and children in substandard and inhumane living conditions with many reported abuses, including forced hysterectomies. More than 50 people have died in ICE or CBP custody in the past four years. In addition, the USA in recent years has denied asylum to or deported hundreds of individuals who then were murdered after removal to another country. **SB 88 will reduce the number of incidents in which Maryland is a cooperating party in deaths, mistakes, and abuses from the actions and policies of the federal government, ICE, and CBP.**

For those reasons, please **support SB 88** and report it as **Favorable** from the committee.

Thank you.

Jeffrey A. Harrison

(a member of Greenbelt People Power)

6835 Damsel Ct, Greenbelt MD 20770 (District 22), Jeff6836@gmail.com

SB 88 - Maryland Trust Act BH.pdf

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB0088 Written Testimony A Juberg.pdf

Uploaded by: Juberg, Arielle

Position: FAV

Arielle Juberg
Baltimore, Maryland
District 8

Testimony in Support of Bill SB0088, State and Local Government - Participation in Federal Immigration Enforcement

To: Chair Smith and members of the Senate Judicial Proceedings Committee

From: Arielle Juberg

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice in Baltimore and Casa de Maryland's Ally Network.

I am testifying in support of SB0088, State and Local Government - Participation in Federal Immigration Enforcement. I believe that police officers in Maryland should not ask about citizenship status or detain or transfer people to U.S. Immigration and Customs Enforcement (ICE). I am writing this testimony out of deep concern for immigrant communities in Maryland and to increase our public safety in this state.

Many counties and individual towns in Maryland have already implemented this type of legislation. We know from their experiences that this legislation is possible. In fact, we know that counties that do not partner with ICE see improved public safety.¹ When people don't have to fear discriminatory questions and the threat of immigration enforcement, they are much more likely to call the police and report crime. They are more likely to cooperate with police investigations. We cannot have safe communities if residents are afraid to work with police officers.

I am especially concerned about the impact of immigration detention on domestic violence. An undocumented person experiencing physical, mental, or emotional violence may be extremely reluctant to contact the police. Would you reach out for help, if the response included the possibility of being detained yourself in an immigration detention facility? This legislation will ensure that people reach out for help when they most need it.

I want to live in a community where people feel safe contacting the police. I want to live in a state where local police focus on local issues – not federal immigration policy. For all these reasons, I respectfully urge a favorable report for Bill SB0088 so that Maryland is a safer place for all residents.

¹ Wong, Tom K. The Effects of Sanctuary Policies on Crime and the Economy. Center for American Progress. January 26, 2017. <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

CASA_FAV_SB88.pdf

Uploaded by: Katz, Nick

Position: FAV

Senate Judicial Proceedings Committee

**SUPPORT SB88 – State and Local Government – Participation in Federal
Immigration Enforcement**

Testimony of Nicholas Katz, CASA de Maryland

January 27, 2021

Dear Honorable Chairman William Smith and Members of the Committee:

My name is Nicholas Katz and I am the Legal Director for CASA de Maryland (“CASA”). CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members in Maryland. Thank you for this opportunity to testify today in support of SB88, known as the “Trust Act”.

Trust is at the core of SB88. The primary goal of this bill is to ensure that the hundreds of thousands of immigrants who call Maryland home feel safe interacting with their government, whether that means accessing the benefits to which they are entitled, calling on the police to keep them safe, or just driving across a county line or helping a family member do some yardwork.

SB88 is long overdue. The past four years have done irreparable harm to our social fabric, with immigrants demonized, discriminated against and attacked by the federal government. Although we may have a new president, those wounds will not soon heal, and the fundamentals of our federal immigration system remain broken, targeted not at welcoming newcomers but rather excluding those who seek to contribute to our communities. Even before the previous administration, we saw a system that deported millions of individuals under former President Obama, tearing apart families and shredding the fabric of our communities. Too often, we are complicit in these efforts, allowing Maryland’s legitimate interest in keeping residents safe to enmesh us in this broken federal deportation machine which actually makes us far less safe.

As Maryland, along with the rest of the world, continues to struggle with a global pandemic, it has been our immigrant community that has stood up to keep our state running. By some estimates, sixty-nine percent of undocumented workers are deemed “essential” workers¹, helping to keep our food supply chain running, construction industry building, and restaurants open – among many other things. Your delivery driver should not have to fear that if they get pulled over for driving without a license, their family may be at risk of losing their sole breadwinner to deportation.

¹ *Immigrant Essential Workers are Crucial to America’s COVID-19 Recovery*, December 16, 2020, available at: <https://www.fwd.us/news/immigrant-essential-workers/>

Fundamentally, SB88 simply takes immigration and citizenship status out of the equation when you are interacting with state and local government. Its strong prohibition on inquiring about such status, together with its mandate that such inquiries do not factor into decisions about access to State resources, unless required by law, and its explicit rejection of Maryland's participation in any discriminatory registry, together form a powerful barrier between the State and an out-of-control federal immigration enforcement regime.

Importantly, this bill does nothing to impact the ability of Maryland to prosecute immigrants who have committed crimes. Rather, it simply puts everyone, regardless of immigration status, on an equal playing field. Immigrants who commit crimes will still be detained and prosecuted for the offenses, and face the same criminal penalties as anyone else. But they will not have to fear that Maryland will facilitate their transfer to immigration agents, placing them into a broken and dangerous *civil* system, over which Maryland has no control, that perversely has far greater consequences for their families than the criminal justice system.

This bill also does nothing to inhibit state and local law enforcement from collaborating with immigration enforcement agents on criminal matters. Investigations into things like human trafficking or drug trafficking are unrelated to the civil immigration enforcement system and as such are not governed by this legislation. The goal of SB88 is not to protect criminals. In fact, it is exactly the opposite. It is designed to encourage immigrants to feel safe accessing the criminal justice system, to report crimes without fear of retaliation based on their immigration status, to not turn the other way when they see a cop patrolling their street or a squad car driving down the road. Studies have shown that jurisdictions that enact policies to separate themselves from the civil immigration enforcement system are safer and more prosperous.²

CASA's strong support for SB88 stems from the experiences of our members. Each year thousands of community members come through CASA's doors, seeking assistance with legal issues, access to benefits, and for many other services. Over the last several years, the desperate need for these services has only risen, as the federal government has taken punitive – and often illegal – actions against the immigrant community. With continued hateful rhetoric coming from the highest levels of our government, immigrants in Maryland have become increasingly skeptical of engaging with government at any level. Stories like those outlined below, where State police unlawfully detained a man for helping his family trim a tree, or where a victim in a car accident suddenly faces permanent separation from her family, only exacerbate these feelings of unease.

That is why several of Maryland's largest localities, including Montgomery County, Prince George's County, Baltimore County, Baltimore City and a host of localities, including the city of Annapolis where we now sit, have taken bold action to protect their most vulnerable community members. But those actions are not enough. Only you can

²Wong, Tom K., *The Effects of Sanctuary Policies on Crime and the Economy*, Center for American Progress, January 26, 2017, available at: <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

put in place the comprehensive protections necessary to ensure that Maryland is no longer complicit in the operation of a federal deportation machine that is out of control and ripping our communities apart.

SB88 is a huge, positive step in that direction. By generally prohibiting State employees, including law enforcement agents, from inquiring about an individual's citizenship or immigration status, this bill sends a powerful message to immigrant Marylanders that we value them as full members of our community. As you are no doubt aware, nearly one million Marylanders are foreign born, representing more than 15% of our state's population. Immigrant residents of Maryland help drive our state's economy, as we are home to more than 176,000 immigrant businesses and 67,000 immigrant entrepreneurs.³ Maryland's immigrants pay more than \$12 billion in taxes each year.⁴

Almost all of CASA's more than 100,000 members have ties to another country, and many live in mixed status families, where some members have lawful immigration status in the United States and others may not. As we seek to protect our members, and their communities, from the rogue and often unlawful immigration policies of the current federal administration, it is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation.

In addition to prohibiting the initial inquiry into immigration or citizenship status, SB88 goes further to protect immigrant Marylanders, by prohibiting jurisdictions from entering in agreements like the Intergovernmental Services Agreements ("IGSA"s) that transform County jails into immigration detention centers. On a weekly basis, CASA is called on to respond to ICE raids, where our members are snatched up by immigration agents and whisked off to detention centers in Frederick, Howard and Worcester Counties. Our experience shows us that more ICE beds equals more people in detention. It is crucial that we do all that we can to stop the inhumane practice of imprisoning people who are facing civil immigration violations.

One of those calls came in August 2019, when the family of Jose Villalta reached out to CASA. Jose has lived in Montgomery County for nearly 15 years, after coming to the United States at the age of 17. On August 7, 2019 he was helping a family member trim a tree in Rockville, when he was stopped by police from the Maryland Department of Natural Resources (DNR). Although his only "crime" was failing to have the proper license to cut down a tree, a violation punishable by a small fine, DNR police illegally detained him based on an old deportation order. Jose went on to spend months in immigration detention, and continues to fight his deportation to this day. Despite the fact that Jose was in Montgomery County, which has a strong Trust policy to protect its residents, Jose was powerless to stop the State police from acting. Jose's case demonstrates why we cannot rely on local policies to truly engender the public trust that

³Baltimore Sun Editorial Board, *Maryland's Economy Depends on Immigrants*, October 10, 2019, available at: <https://www.baltimoresun.com/opinion/editorial/bs-ed-1013-immigrants-maryland-20191010-s66dcyrb5ec5fxbnsmkkaif3a-story.html>

⁴New American Economy, *Immigrants and the Economy in Maryland*, available at: <https://www.newamericaneconomy.org/locations/maryland/>

is necessary for our communities to be safe. We must enact state level legislation that prevents all government actors from acting as agents of our broken immigration system.

Sadly, Jose's story is far from an isolated incident. The story of one of CASA's most powerful and brave leaders illustrates how this detention regime hurts good people, undermines the fabrics of families and communities and leads to results that pervert justice. Roxana Orellana Santos was detained by ICE on January 8, 2018 after a routine ICE check-in. Despite the fact that she had multiple pending applications for immigration relief, and was litigating a federal civil rights case against the Frederick County Sheriff's Office, it was only after weeks of tireless advocacy and pressure that ICE finally released Roxana. Roxana was the victim of racial profiling by the Frederick County Sheriff's Office more than a decade ago and continues to fight to stay in this country.

Just days after Roxana was detained, another CASA member experienced an emergency on the highway when her car caught fire. After seeking help from the police, she was identified as having an old deportation order and transferred to ICE. Another CASA member came to our Tuesday intakes and informed us that after she had been in a car accident, local police had facilitated her transfer to ICE and she is now fighting imminent deportation.

WE ARE CASA

Deplorable conditions, lack of access to medical care, and general mismanagement have led to dozens of deaths in immigration detention over the last several years, including the deaths of seven children.⁵ The COVID-19 pandemic, and rogue nature of Immigration and Customs Enforcement, have made the situation even worse. In June of last year, ICE transferred detainees from across the country to a nearby detention center in Virginia, for the purpose of bringing additionally federal agents into the region to crack down on peaceful protests.⁶ This action led to a massive COVID-19 outbreak at the facility with hundreds infected and one detainee dead.⁷ Although the data is incomplete and hard numbers are difficult to come by, the Vera Institute for Justice has tracked nearly 9,000 cases of COVID-19 in ICE detention as of January 22, 2021.⁸

There is no justification for Maryland facilitating the transfer of its residents to such a dangerous and punitive system, where individuals accused only of *civil* violation are

⁵Morales Rocketto, Jess, *Opinion: Seven Children Have Died in Immigration Custody. Remember Their Names.*, BuzzFeed, September 30, 2019, available at: <https://www.buzzfeednews.com/article/jessmoralesrocketto/remember-their-names>

⁶ Olivo, Antonio and Miroff, Nick, *ICE flew detainees to Virginia so the planes could transport agents to D.C. protests. A huge coronavirus outbreak followed.* Washington Post, September 11, 2020, available at: https://www.washingtonpost.com/coronavirus/ice-air-farmville-protests-covid/2020/09/11/f70ebe1e-e861-11ea-bc79-834454439a44_story.html

⁷ Gathright, Jenny, *Inspection Finds "Systematic" Failings In Farmville Immigrant Detention Center Response to COVID-19 Outbreak*, WAMU, September 10, 2020, available at: <https://wamu.org/story/20/09/10/inspection-finds-systematic-failings-in-farmville-immigrant-detention-center-response-to-covid-19-outbreak/>

⁸ Smart, Noelle and Garcia, Adam, *Tracking COVID-19 in Immigration Detention: A Dashboard of ICE Data*, Vera Institute of Justice, last accessed January 23, 2021, available at: <https://www.vera.org/tracking-covid-19-in-immigration-detention>

subject to deplorable conditions and where their very lives are at risk. Although Maryland can't force the federal government to end immigration detention, it can send a clear message that our state will no longer be complicit in this violation of our residents' basic human rights.

Crucially, SB88 also calls on the Attorney General to work with key stakeholders to develop guidance on enacting policies that protect immigrants seeking to access sensitive locations, like schools, hospitals and courthouses. Although these locations are supposed to be generally shielded from ICE raids, we routinely hear from our members and allies about parents being picked up dropping their United States citizen children off at school, or attending court. In nearby Fairfax, Virginia, we saw ICE even pick up an individual leaving a hypothermia shelter run by a church.⁹ Such unconstrained tactics reveal the inherent lack of compassion in the current enforcement regime and demand a strong response from state and local governments to do whatever possible to protect their immigrant residents.

On the educational front, if parents are afraid to drop their kids off at school, or even send them to school in the first place, because they are afraid ICE will be waiting in the parking lot, then this undermines our state's educational mission and disrupts the school environment for everyone. At a time when Maryland is engaging in a generational investment in our childrens' futures, we cannot allow that laudable goal to be undermined by failing to protect those students and their families from a broken civil immigration enforcement system.

ICE enforcement actions in these sensitive locations also pose a public health risk. If parents or their children are unable to access medical facilities out of fear. If Marylanders don't feel safe accessing treatment in a timely manner there is increased risk that more serious conditions arise, or that infections are spread to other individuals, making communities less healthy and safe. COVID-19 affects us all and we must do everything we can to guarantee that all Marylanders, regardless of immigration status, feel safe accessing care. SB88 will help build the trust that is necessary to make that a reality.

Another example of why this legislation is necessary can be seen in the Trump administration's "public charge" rule, which despite the change in administration, remains in effect as of now – and has already done significant and lasting damage to even lawful immigrants' faith in the health care and public benefits system. This long-standing principle of federal immigration law has historically been applied to prevent immigrants from gaining lawful permanent resident status when they would likely become dependent upon the government as their main source of support. The Trump administration has expanded the rule to prevent anyone who has used – or is likely to use – a broad category of benefits from being eligible to get lawful permanent residence in the United States. This is a blatant attack on the communities that comprise CASA's base – low-income, primarily immigrant communities, where families sometimes need to rely on

⁹Carey, Julie, *ICE Agents Arrest Man Leaving Fairfax County Church Shelter*, NBC4, February 15, 2017, available at: <https://www.nbcwashington.com/news/local/ice-agents-arrest-men-leaving-alexandria-church-shelter/36084/>

some level of government-funded support to make ends meet or ensure that their children have healthy and nutritious food and access to medical care. These changes have already been implemented at U.S. consulates abroad and have led to a more than 300% increase in visa denials based on public charge grounds. In Maryland it is estimated that as many as 385,000 state residents, including 136,000 children, could be negatively impacted by this rule change.

CASA, together with partners from across the state and country, has engaged in a wide-ranging public education campaign to dispel myths about this proposed change and to argue against its implementation. But we cannot reach everyone, and in the end may not be able to stop this misguided policy. What we can, and must, do is ensure that Marylanders can access the benefits their tax dollars pay for without fear of being denied those benefits because of their immigration status. SB88 would help ensure that our immigrant communities feel safe going to the hospital, or seeking other state-funded services that they are eligible for.

CASA's Health and Human Services Department aids thousands of community members each year navigate the complex HHS system. While applying for Health and Human Services many times inquiring about immigration status for the purpose of assessing eligibility is necessary, but serious issues arise when these inquiries are misapplied. This commonly happens when mixed-status families are attempting to apply for services solely on behalf of those that are eligible, especially for their U.S.-born minor children. One cannot submit an application on behalf of a minor child without having an adult as the primary applicant. The system makes it overly cumbersome for mixed status families to opt-out of applying for the benefit for the primary applicant and solely applying on behalf of minor children that are eligible for the public benefit. The system asks several questions about the primary applicant's immigration status, despite them only applying for benefits for the eligible minor child. The system makes these questions required fields to be able to complete the application. These hurdles to apply for vital public benefits for eligible minors, especially in the context of the current political climate, forces some families to forgo critical services for the wellbeing of their minor children.

As the example above illustrate, since President Trump took office in 2017, his administration engaged in a systemic attack on immigrant communities, seeking to sow fear among families and deport as many undocumented members of our communities as possible. CASA has fought back against these assaults on all fronts, including through community organizing and mobilization, engaging in a robust program of Know Your Rights presentations, and through legal actions in federal court. In many of these efforts, we have acted in concert with the State of Maryland. Governor Hogan has come out against some of President Trump's more controversial policies and Attorney General Frosh has joined with Attorneys General from across the country in suing to prevent the administration's unconstitutional actions from going into effect.

Although President Biden will surely work to ameliorate the worst attacks of the Trump administration, he cannot do it alone, and without state action will not go far enough. As noted above, immigration detention and deportation were a core part of the Obama administration, when now-President Biden served as Vice President. We must stand up

for Maryland's immigrants and send a clear message that we value them and afford them the same respect and dignity that we do all other residents of Maryland. We must show through our action that public safety is best served by welcoming immigrants, not throwing them behind bars, and demand that our federal partners do the same.

It is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation. That is why SB88 is such a crucial piece of legislation. By prohibiting government agents from inquiring about the immigration or citizenship status of an individual, and by banning the use of threats of adverse immigration consequences against individuals for the purpose of coercing information from them, SB88 represents a commitment by the state to protect its residents and ensure they have access to the services they need.

CASA strongly supports SB88 and urges a favorable report from the committee.



SB088 Testimony - Rev Belsom Zellmer.pdf

Uploaded by: Kickenson, Jerry

Position: FAV

Rev. Charlene Belsom Zellmer, MDiv
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**SB 088/HB 304 - SUPPORT
State and Local Government -**

Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee/House Judiciary Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

As an Interfaith Minister and over 50 year resident of the State of Maryland, I firmly support the passage of SB088/HB304, known as the TRUST ACT.

The Trust Act will end police partnership with ICE. The Trust Act will prevent ICE from entering sensitive locations like religious institutions, schools and hospitals, preserving the integrity and sanctity of those locations for all of us.

Mutual trust weaves the fabric of our communities. A sometimes hidden value, trust is unique in its unspoken power to knit our lives together. We must feel confident in the mutuality of our institutions, upon which we rely for support. We have a moral obligation to care for each other.

1. *We must be able to live safely.* If we are victims of a crime, we must have confidence that reporting that crime will not bring us into suspicion ourselves as perpetrators rather than victims. Our immigrant neighbors fear reporting crimes against them for fear of retaliation by police who might report them to ICE which would initiate their detention leading to deportation regardless of their status. Things like police traffic stops or holding people for minor offenses in local detention beyond their release date should not be a gateway to deportation, often to countries from which our immigrant neighbors have fled for their lives.
2. *We must be able to live in health.* If we need healthcare, we must have confidence that seeking it in our hour of need will not start a cascade of reporting leading to arrest, detention and deportation. This fear of seeking healthcare services at the time of need has led our immigrant neighbors to shorter lifespans, sicker existence, lost work, inability to care for their families. A healthy community is a vital community. We must care for each other to promote good health without fear of ICE intervention through police or hospital worker reporting. All of our residents in Maryland deserve good preventive healthcare including feeling confident that seeking vaccines during this pandemic for themselves and their families will not lead to their separation through detention and deportation.
3. *We must take care of each other.* The people I have served rely upon ministers to listen and act with compassion. Yet, in my experience, mine is just one profession among many upon which residents rely. Trust is built upon many acts of listening, kindness, and acceptance. All of our community helpers can participate in these acts, including those who preserve, protect and defend us. Our local helpers should never be obligated to report our neighbors to federal

authorities. This kind of duplicity erodes public trust at all levels leading to fractured communities, pitting people against each other.

Passing the Trust Act will make our communities safer and healthier. Please lead with love in your decision making about our State.

I urge a favorable report on SB 088/HB 304.

With hope for peace and justice through love,

Rev. Charlene Belsom Zellmer, MDiv

Testimony in support of SB0088 - CAN.pdf

Uploaded by: Kickenson, Jerry

Position: FAV

Testimony in support of SB0088/HB0304**State and Local Government - Participation in Federal Immigration Enforcement**

To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: January 27, 2021

We are writing in **support of Senate Bill 0088/House Bill 0304/HB0304**, State and Local Government - Participation in Federal Immigration Enforcement, on behalf of the Congregation Action Network. The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated, and never feeling unsafe in their own communities.

SB088/HB0304 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."

SB0088/HB0304 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 SB0088/HB0304 have lower crime rates than those without.

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.

We strongly urge you to reach a favorable report for SB0088/HB0304. 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,

Jerry Kickenson

Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells

Cluster Leader, Congregation Action Network (Prince George's County)

MD Catholic Conference_FAV_SB0088 .pdf

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

January 27, 2021

SB 88

State and Local Government – Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 88 clarifies the roles of federal civil immigration authorities and local law enforcement officials in the state, specifically related to notification procedures to federal agencies, such as ICE, without a federal judicial warrant.

The Catholic Church has historically held a strong interest in immigration and how public policy affects immigrants seeking a new life in the United States. In the absence of federal immigration policy reform, there has to be greater clarity in the roles of local, state, and federal law enforcement in immigration enforcement and detainment. Unfortunately, when local and state law enforcement are requested to take part in immigration enforcement, it causes an erosion of their critical relationship with immigrant communities. When immigrant communities do not feel comfortable interacting with police – even to report crimes, then whole communities are less safe as crimes go unreported and/or unsolved. Senate Bill 88 balances the needs for both public safety and immigration enforcement in order to make families and communities safer. It will rebuild the necessary trust between law enforcement and immigrants throughout Maryland.

The Conference strongly supports legislation that protects immigrants and their families. A person and their family shouldn’t have to live in fear from the very entities who are tasked with keeping every person safe and healthy and helping our communities thrive. This fear is palpable and it permeates all aspects of a person’s life, such as running errands, driving children to and from school or activities, attending religious services, and going to work. Living in such fear has chilling effects on one’s well-being in terms of stability and ability to contribute positively to their family and community.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 88.

SB0088 Trust Act Testimony LK.pdf

Uploaded by: Kronser, Lori

Position: FAV

To: Senators Smith, Waldstreicher, and members of the Senate Judicial Proceedings Committee

I am a resident of District 23B and a long time Maryland resident. As a member of Showing Up for Racial Justice Annapolis and Anne Arundel County, a retired PGCPs elementary teacher, and as a Christian who is called to love the immigrant and refugee, I feel I must speak up in support of the Maryland Trust Act (SB0088/HB0304).

This bill will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities. The Trust Act will convey compassion to all residents regardless of their status as immigrants.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. Those who commit crimes of violence will still be held accountable.

There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities, and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants. Couldn't our state funds be better used elsewhere?

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

This bill will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. Can you imagine being separated, possibly forever, from your family while you are in the hospital recovering from surgery? Or being an abused woman, whose husband reports her as illegal to avoid the consequences of his behavior in a court of law? Or being a child afraid to go to school, because you worry your parent will be taken away when he or she comes to pick you up? It is imperative that all people feel safe using these community resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody.

It is for all these reasons that I urge you to vote in support of the Maryland Trust Act (SB0088/HB0304). Thank you for your time, service, and consideration.

Sincerely,
Lori Kronser
12800 Holiday Lane
Bowie, MD 20716

BARS Letter - Trust Act SB0088.pdf

Uploaded by: Law, Jonathan

Position: FAV



January 24, 2021

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

**RE: SUPPORT of Senate Bill 88
(State and Local Government - Participation in Federal Immigration Enforcement)**

Dear Committee Chair Smith and members of the Senate Judicial Proceedings Committee:

We at the Baltimore Asian Resistance in Solidarity (BARS) are writing to you in support of SB0088, the Maryland Trust Act, to end Maryland police partnership with ICE and other federal agencies and to protect the safety of immigrant Marylanders. We believe that the Maryland General Assembly should quickly bring this legislation to a vote and to ensure that Maryland state and local government agencies create safer communities for all Maryland residents.

Formed in response to police brutality against Michael Brown and Freddie Gray in the winter of 2015, Baltimore Asian Resistance in Solidarity (BARS) brings together Asians and Pacific Islanders of all backgrounds in Baltimore to work in solidarity with our neighbors and the communities we share: Black, Indigenous, all people of color, workers, LGBTQIA+, women, disabled folks, incarcerated people, immigrants and refugees. We represent a justice-oriented membership that includes first-generation immigrants who moved to the United States from another country, the children of immigrant parents, and those who have family members and close friends who are immigrants. We come to this issue knowing our personal experiences with xenophobia and anti-immigrant sentiment, knowing the history of the United States' abuse and exploitation of immigrants, and knowing the ongoing mistreatment of immigrant people today. **We must support SB 88, end Maryland law enforcement's collaboration with ICE, and protect immigrants in our schools and hospitals from harassment and coercion.**

The past few years have highlighted escalating human rights abuses undertaken in the name of



immigration enforcement in the United States. Fearmongering and prejudice have fed racist and Islamophobic harassment and abuse, including that which was perpetrated by a government that should be protecting the rights of all people equally under the law. By passing this legislation into law, Maryland will demonstrate that it will not contribute to attacking and targeting immigrants and it will not tolerate the mistreatment of any person regardless of nationality. Doing so is not just a sentimental gesture: Cities with sanctuary policies have lower crime rates and stronger economies, and local dollars will not be spent on federal enforcement. SB 88 will help ensure immigrant families will be able to become further enmeshed in our communities when they no longer have to fear sending their children to school or talking to police to prevent or stop violent crimes. It is when we isolate and segregate subsets of our communities that our communities become divided, mistrustful, and stagnant.

We urge the Maryland General Assembly to act swiftly to pass SB 88, the Maryland Trust Act. Doing so will ensure Maryland continues to be a welcoming state, and contribute to rebuilding community trust in our law enforcement and our government. Doing so will improve public safety for all Maryland residents while reducing spending. Doing so will protect our families and our neighborhoods.

BARS respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about Baltimore Asian Resistance in Solidarity or this position, please contact baltimoreasianresistanceinsolidarity@gmail.com.

Best regards,

Baltimore Asian Resistance in Solidarity

Vera_SAFE_SB0317_SB0088_MD Senate Judicial Proceed

Uploaded by: Lazar, Corey

Position: FAV



January 25, 2021

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: SB0317 (Right to Counsel in Immigration Proceedings); SB0088 (Participation in Federal Immigration Enforcement)

Dear Chairman Smith and Members of the Committee,

On behalf of the Vera Institute of Justice (Vera), we are writing in strong support of SB0088, which would limit police collaboration with ICE, and SB0317, which would establish the right to appointed counsel for detained immigrants and advance universal representation for immigrants facing deportation. Our immigration enforcement and detention system has led to irreparable harm to hundreds of thousands of impacted individuals and communities across the nation and perpetuated racism in our systems and institutions. The bills before you today take important steps toward charting a new vision of justice for immigrant communities. By guaranteeing publicly funded representation in immigration court for all of Maryland's detained residents, SB0317 centers fairness and dignity in a court system that is otherwise dehumanizing and unfair. And by ending local collaborations with ICE, SB0088 would ensure that Maryland state resources are not used to tear our communities and families apart and would reduce the number of people subjected to deportation proceedings in the first place. We urge you to report these bills out favorably.

As you may know, the mission of Vera is to drive change and to build and improve justice systems that ensure fairness, promote safety, and strengthen communities. Over the past fifteen years, Vera's Center on Immigration and Justice has led nationwide efforts to advance universal representation- the concept that every person facing deportation is entitled to zealous legal representation regardless of income, race, national origin, or history with the criminal legal system.

Over the past few years, immigrants have been attacked, criminalized, and ripped apart by federal policies. While these policies did not begin with the prior administration, they took on a particularly deliberate brutality and hostility over the last few years. During this moment of change and opportunity, leaders across all levels of government must renew and double-down on their commitment to protect immigrants and move forward the solutions our communities need, such as SB0317 and SB0088.

In a state such as Maryland, where 2 in 7 children have at least one immigrant parent and 1 in 6 of the labor force is foreign born, support for the immigrant community is support for the Maryland community at large.¹ The bills before you today provide an opportunity for Maryland to invest in its communities and advance a vision of justice for all that centers human dignity.

SB0317:

Vera's SAFE Initiative is a growing movement of communities advancing publicly funded, universal representation for immigrants facing detention and deportation.² Unlike in our criminal legal system, there is no public defender system for people facing the devastating consequences of detention and deportation in immigration court. As a result, most people—including an estimated 70 percent of people in detention—must fend for themselves while facing highly trained government attorneys seeking to deport them. At the core of the universal representation model is a belief that everyone is entitled to due process and to be treated fairly, justly, and with dignity under the law. SB0317 would advance universal representation by guaranteeing the right to appointed legal representation to people detained in Maryland facing deportation and Maryland residents detained out of state, including full-scope representation and collateral proceedings.

Pilot programs in Maryland localities have pioneered universal representation and demonstrated the need for state action. Prince George's County and Baltimore City were two of SAFE's first jurisdictions in 2017 and have remained two of our most important partners and national leaders in the movement for universal representation. These programs have successfully served and strengthened their communities, reuniting families and improving economic prospects for clients. Recently, Prince George's County grew its program – both in funding and capacity – to ensure that the program can reach even more people and have greater community impact. SB0317 would not interrupt these existing and successful local programs. Action from the state, through SB0317, would build on these critical local successes, provide state support for existing programs, and make a defense possible for all detained residents across the state as well as for those detained out of state.

During the pandemic, the stakes for people facing deportation while incarcerated in immigration detention could not be higher, and legal representation can mean the difference between life and death. Detained immigrants face increased public health risks as detention facilities are a vector of the spread of COVID-19.³ Conditions inside detention facilities, where people are crowded in close quarters with limited access to soap and sanitizing agents, create high risk for the rapid spread of this dangerous virus.⁴ As of January 20, 2021, ICE has reported that 8,946 people in

¹ Vera Institute of Justice, *Profile of the foreign-born population in Baltimore, Maryland* (New York: Vera Institute of Justice, 2020), <https://www.vera.org/downloads/publications/profile-of-foreign-born-population-baltimore.pdf>.

² For more information and additional resources, visit <https://www.vera.org/initiatives/safe-initiative>

³ Vera Institute of Justice, *COVID-19: Criminal Justice Responses to the Coronavirus Pandemic*, (New York: Vera Institute of Justice, 2020), <https://www.vera.org/projects/covid-19-criminal-justice-responses/covid-19-data>

⁴ Erica Bryant, *Detention May Become Death Sentence for Vulnerable Detainees*, Vera Institute of Justice, March 25, 2020, <https://www.vera.org/blog/covid-19-1/detention-may-become-death-sentence-for-vulnerable-detainees>.

detention have tested positive for COVID-19 across 126 facilities, an increase of over 1,700 positive cases since November, despite decreasing numbers of people in detention during this time. At any point between March 14, 2020 and January 2, 2021, a total of 110,141 people have been detained by ICE. Estimates published by Vera suggest ICE is severely underreporting the prevalence of COVID-19 in detention. At the time our epidemiological model was published, we estimated the true number of people in ICE detention with COVID-19 to be as much as 15 times higher than official numbers.⁵ The threat to the health of detained immigrants, detention staff, and surrounding communities continues to compound, deepening the crisis and thwarting communities' efforts to stem the spread of the virus.⁶

Winning freedom from detention has never been more critical. Lawyers provided as part of universal representation programs have been fighting tirelessly on behalf of those detained, even as ICE continued to irresponsibly arrest community members and resist public calls for humanitarian release. Attorneys in Maryland, including the Capital Area Immigrant Rights (CAIR) Coalition, work in coordination with CASA and as part of the emergency response network for immigrant communities, fighting for the health, safety, and dignity of their clients amid COVID-19. While the new federal administration is taking steps to ameliorate some of the harms inflicted on immigrant communities, the prior administration instituted more than 400 anti-immigrant policies and appointed hundreds of immigration judges. Reversing that harm will only be possible with dedicated legal advocacy. Ensuring that immigrants can benefit from new opportunities to obtain release from detention and lawful status to remain in the United States will also require legal representation to understand and exercise any new legal options.

Although the need is particularly acute during a pandemic, universal representation is critical so long as community members face the detention and deportation machinery. The consequences of deportation proceedings – exile from family and community and possible harm or death in the country of origin – are dire; without representation, detained immigrants languish in detention and are only likely to win their cases – and the opportunity to remain lawfully in the United States – two percent of the time.⁷ And yet, less than half of detained individuals appearing at the two local Immigration Courts (Baltimore and Arlington) are represented, reflecting only slightly higher representation rates than those seen nationwide, where nearly 70 percent go unrepresented.⁸

⁵ Dennis Kuo, Noelle Smart, Zachary Lawrence, and Adam Garcia, *The Hidden Curve: Estimating the Spread of COVID-19 among People in ICE Detention* (New York: Vera Institute of Justice, 2020), 3, <https://perma.cc/2TT2-32GA>.

⁶ For additional information see Gregory Hooks, *The Early Arrival of COVID-19 in Counties and Regions with Large Prison and Jail Populations*, (Northampton, MA: Prison Policy Institute, 2020), https://www.prisonpolicy.org/reports/covidspread_timing.html

⁷ Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court (Special Report)*, (Washington, DC: American Immigration Counsel, 2016), 19, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

⁸ The representation rate in immigration court fluctuates slightly over time. Historically, 81 percent of detained immigrants have lacked representation— between October 2000 and November 2019, 81

Representation makes a significant difference. Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United States.⁹ Despite increasingly steep odds in immigration court proceedings, 35 percent of SAFE clients whose cases have been completed thus far have won the right to remain in the United States.¹⁰

In addition, representation returns dignity to an otherwise cruel and unjust process, and it helps keep families, businesses, and communities together. People helped through universal representation programs like those of the SAFE Initiative are deeply entrenched members of our workplaces and communities. SAFE clients have lived in the United States for an average of 14 years.¹¹ Seventy-seven percent of SAFE clients and 92 percent of SAFE Maryland clients are the primary breadwinners for their families.¹² The impact of SAFE in its first three years make clear the stark reality: without counsel, many SAFE clients who have a right to remain in the United States would instead have been deported, separated from their families and homes, or forced to return to the very conditions from which they fled to seek protection.

By ensuring equal access to due process for all, SB0317 is also critical to necessary state efforts to address systemic racial injustice. The racial biases and inequities that plague our criminal legal system pervade the immigration system. Black immigrants, who are more likely to be stopped, arrested, and incarcerated, are disproportionately funneled into the immigration enforcement system as a result of that contact with the criminal justice system.¹³ Publicly funded deportation defense programs keep together families and serve communities who are criminalized and targeted by over-policing and increased immigration enforcement. They help secure the release of people from detention, seek to disrupt the pipeline between the criminal and immigration systems, restore due process, and build community trust.

Universal representation is also widely supported by the public. A recent national poll conducted by the Vera Institute in partnership with Lucid found an overwhelming 67 percent of people in the United States support government-funded lawyers for immigrants facing

percent of all people in detention had never been represented (1,237,252 of 1,526,419 cases). The rate has improved slightly over the past two decades, with approximately 70 percent unrepresented in recent years—between October 2012 and November 2019, 70 percent of all people in detention had never been represented (327,828 of 466,756 cases), with the exact percentage varying slightly from year to year. See Transactional Records Access Clearinghouse (TRAC), “Details on Deportation Proceedings in Immigration Court,” accessed January 13, 2020.

⁹ Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (2015), 9, <https://perma.cc/7J65-CZCM>.

¹⁰ Vera Institute of Justice, *Rising to the Moment: Advancing the National Movement for Universal Representation (Years 1-3 of the SAFE Initiative)* (New York: Vera Institute of Justice, 2020), 9, <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>

¹¹ *Id.* at 22

¹² *Ibid.*

¹³ Jeremy Raff, “The ‘Double Punishment’ for Black Undocumented Immigrants,” *Atlantic*, December 30, 2017, <https://perma.cc/R7UZMKF7>

deportation.¹⁴ Locally 71% of people in the Baltimore metropolitan area support government funded attorneys for immigrants facing deportation.¹⁵

Jurisdictions across the country this year have similarly moved forward and expanded funding for deportation defense, ensuring that vulnerable neighbors are not left behind when support is needed the most. Most recently, Governor Cuomo proposed full funding of New York State's immigrant legal services program, including the similar New York Family Unity Project (NYIFUP) project for FY22.¹⁶ New Jersey doubled its state deportation defense fund to \$6.2¹⁷ million; Harris County, TX¹⁸ invested \$2.5 million to establish a new program; and Denver, CO¹⁹ more than doubled its fund this year because of the increased need for legal services amid the pandemic.²⁰ These national efforts are a resounding affirmation of the success of universal representation pilot programs and the role of local and state government in ensuring protections of its communities. The state of Maryland has a critical opportunity now to expand and guarantee access to representation for immigrant residents, leading the growing national movement of universal representation.

SB0088:

Representation alone is not enough to address systemic issues and structural racism pervasive throughout the detention and deportation machinery. By limiting police partnership and collaboration with ICE and other federal immigration enforcement agencies, including through Section 287(g) agreements, SB0088 ("Trust Act") is crucial to limiting the number of people who are ensnared with detention in the first place. Limitations on police and ICE collaboration have the further benefit of ensuring local resources are not used for federal immigration enforcement.

The most insidious elements of the criminal legal system are amplified when immigrants come into contact with law enforcement. As the disparate racial impacts of policing, and the criminal legal system more generally, cascade into the immigration system, immigrants of color feel the

¹⁴ Lucila Figueroa and Nina Siulc, *It's Time to Provide Government Funded Lawyers to All Immigrants Facing Deportation*, Vera Institute of Justice, January 14, 2021, <https://www.vera.org/blog/its-time-to-provide-government-funded-lawyers-to-all-immigrants-facing-deportation>.

¹⁵ Based on a forthcoming report by the Vera Institute of Justice.

¹⁶ *Governor Cuomo Outlines FY2022 Executive Budget*, Press Release (January 19, 2021), available at <https://www.budget.ny.gov/pubs/press/2021/fy22-exec-budget.html>.

¹⁷ See NJ FY21 Appropriations Handook, Pg. B-1234; NJCFS Account No. 21--100--054--7500—536, available at <https://www.nj.gov/treasury/omb/publications/21approp/FY21FullAppropAct.pdf>

¹⁸ Zach Despart, "Harris County OKs \$2.5M to help poor immigrants fight deportations," *Houston Chronicle*, Nov. 10, 2020, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-OKs-2-5M-to-help-poor-immigrants-15717330.php>.

¹⁹ See Denver Mayor's City Budget Volume 1, pg. 266, 2020 Budget Impact of COVID-19 and Mid-year Reductions (An increase in services and supplies to increase funding for the Immigrant & Refugee Affairs Legal Services Fund), available at https://www.denvergov.org/content/dam/denvergov/Portals/344/documents/Budget/2020/2020BudgetBook_Vol1-2-3.pdf.

²⁰ To see a map of all publicly funded deportation defense programs nationwide, visit www.vera.org/safe-initiative.

double oppression that comes from over-policing from both law enforcement and immigration enforcement. Research suggests that just as Black people are more likely than white people to be targeted by police, Black immigrants are also disproportionately vulnerable to immigration enforcement and deportation.²¹

SB0088 would help to dismantle the harmful arrest to deportation pipeline by preventing law enforcement from inquiring about immigration status, detaining on behalf of ICE, and notifying and transferring an individual to federal immigration authorities for the purpose of enforcement without a judicial warrant. SB0088 also requires the Attorney General to create guidance on immigration enforcement on the premises of “sensitive” locations, like schools, hospitals, and courthouses.

Section 287(g) agreements and other efforts that deputize local authorities as ICE agents perpetuate dangerous structural racism intrinsic to the immigration and criminal legal systems. Since its inception, studies have shown 287(g) collaborations to lead to racial profiling, increased policing and enforcement of immigrant communities, and have undermined public safety.²² In a study on the effects of local jail expansion on immigration enforcement in Alamance County, North Carolina, for example, Vera found that after the county joined 287(g) in 2006, between 2008 and 2013, Latinx people were six times more likely to be pulled over by the Alamance County Sheriff’s Department than non-Latinx people. The same report highlights that an organizer with a local activist group “estimates that this new collaboration eventually resulted in 10 percent of the Latinx community being deported during that period.”²³

Local collaboration with immigration authorities has long been problematic, but amid the spread of COVID-19, enforcement and frequent movement and transfers of individuals in and out of jails and detention facilities especially carries dangerous public health consequences. Indeed, an Arkansas Sheriff recently ended a 287(g) agreement because of concerns of increased transmission of COVID-19.²⁴

In addition, studies show that 287(g) programs do not actually keep communities safe- rather, they undermine public safety by instilling fear in and distrust by immigrants, making them less

²¹ Juliana Morgan-Trostle and Kexin Zheng, *The State of Black Immigrants—Part II: Black Immigrants in the Mass Criminalization System* (New York: Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, 2016), 20, <https://perma.cc/NHM8-CFFZ>.

²² Randy Capps, Marc Rosenblum, Cristina Rodriguez and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*, (Washington, D.C.: Migration Policy Institute, 2011), <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

²³ Oliver Hinds and Jack Norton, *No Chance Alamance*, (New York: Vera Institute of Justice, 2020) <https://www.vera.org/in-our-backyards-stories/no-chance-alamance>.

²⁴ *Washington County Sheriff’s Office suspends the 287(g) Program due to coronavirus concerns*, 5News, Washington County, Arkansas (April 17, 2020), <https://www.5news.com/article/news/local/washington-county-sheriffs-department-suspends-287g-program-coronavirus/527-d3dcdd68-6421-4be7-97c0-5a54d45866f7>

likely to report crimes that they witnessed or experienced.²⁵ A 2011 study by the Migration Policy Institute found that about half of 287(g) activity involved noncitizens arrested for misdemeanors and traffic offenses.²⁶ In Frederick County, at least 80% of the 287(g) arrests were for low-level offenses and over 60% were for traffic offenses in FY10.²⁷

Finally, local collaboration with federal immigration enforcement is costly for communities. Budgets are moral documents, representing priorities of our communities' needs and values. State and local governments shoulder the majority of costs associated with 287(g) agreements, including training, salaries and overtime for policing work performed in furtherance of federal immigration enforcement, and detention.²⁸ Additional costs include legal liability common to 287(g) enforcement as well as the public health impacts.²⁹ Instead of diverting local resources for federal immigration enforcement that harms and criminalizes our communities, it is time for the state to ensure that state and local resources are invested in programs that protect and support communities, like universal representation.

When Vera's SAFE Initiative was launched in 2017, jurisdictions across the country like Denver and Philadelphia, stood up deportation defense programs as part of broader local efforts to stand up for immigrant rights, including sanctuary measures that ended Section 287g participation and local collaboration with ICE. We are now at another pivotal juncture for the future of immigrant justice and state efforts to provide for immigrant protections will continue to shape the course of our national movement for universal representation, racial equity, and an end to the criminalization of immigrants.

We urge your support of SB0088 and SB0317 so that the State of Maryland leads a roadmap for action for immigrant communities, public investment in its communities, and a new vision of justice.

Thank you for your consideration. Please feel free to reach out to me at clazar@vera.org or (917) 923 6847 for additional questions or information.

²⁵ Laura Muñoz Lopez, *How 287(g) Agreements Harm Public Safety*, (Washington, D.C.: Center for American Progress, 2018), <https://www.americanprogress.org/issues/immigration/news/2018/05/08/450439/287g-agreements-harm-public-safety>.

²⁶ Randy Capps, Marc Rosenblum, Cristina Rodriguez and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*, (Washington, D.C.: Migration Policy Institute, 2011), 2, <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

²⁷ *Id.* at 56.

²⁸ Laura J.W. Keppley, *287(g) Agreements: A Costly Choice for Localities* (Washington, D.C.: Niskanen Center, 2020), <https://www.niskanencenter.org/287g-agreements-a-costly-choice-for-localities/>.

²⁹ See for example, Dominique Maria Benessi, "ACLU Settles Discrimination Lawsuit with Frederick County Over Immigration Enforcement", *dcist*, Jan 21, 2021, <https://dcist.com/story/21/01/21/aclu-settles-lawsuit-frederick-county-sheriff-discrimination>

Sincerely,

Corey Lazar

Corey Lazar
Senior Program Associate
SAFE Initiative, Vera Institute of Justice

cc: Vice Chair Waldstreicher
Senator Bailey
Senator Carter
Senator Cassilly
Senator Hettelman
Senator Hough
Senator Jackson
Senator Lee
Senator Sydnor
Senator West

SB88 - Anita Lampel.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Anita Lampel
Bethesda, MD 20817
anitamishook46@gmail.com / 949-278-9216

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: Anita Lampel

My name is Anita Lampel. I live in Bethesda, in District 16. I am submitting testimony in favor of SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement.

Jewish tradition teaches that it is our responsibility to welcome migrants. Jews have had to flee in order to save our lives and the lives of our children many times in our history, and have been seen as foreigners in the places we have called home for centuries. We understand what drives migrants to come here, and the consequences of being targeted as outsiders and feeling unsafe in our own communities.

My mother came to the United States at the age of 12 as an undocumented immigrant, in the company of her parents and six siblings. She was deported back to Canada at the age of 17, along with her parents and five of her brothers and sisters, unable to complete her senior year of high school or even say goodbye to her older brother.

How much worse that would have been for her if her father had been arrested for selling rags and junk without a license, interrogated about his citizenship because he spoke with a thick Yiddish accent, and then handed over to the equivalent of ICE to be sent away? Imagine the heartbreak, the terror of the children and his wife.

State and local police should not ask about citizenship status or do the unjust work of ICE. This often leads to questioning of individuals based on social status, skin color, and accent - clear examples of discrimination. The job of Maryland law enforcement is to keep all people in Maryland safe, a job which is hard enough without layering onto it an inquiry into citizenship. This makes the person questioned even more distressed and likely to feel unfairly targeted, which erodes the trust between these individuals and their communities and law enforcement - even discouraging people from reporting crime to the police.

My own family was separated by unjust immigration policy after contributing positively to the development of our country. Maryland must stop participating in this cruel process.

Thank you for your attention. I **respectfully urge a favorable report on SB88/HB304.**

SB88 - Debra Band.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Debra Band
Potomac, MD 20854

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: Debra Band

My name is Debra Band and I live in Potomac, in District 15. I am providing this testimony in support of SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement.

Every citizen of this country, barring Native Americans, descends from immigrants. My own parents, British and Canadian, were proudly naturalized when I was a few years old.

Jewish text and law repeatedly urge us to be accepting and humane to the “stranger among us;” consider Abraham’s hospitality to the strangers who appeared at his tent, remember how the townspeople of Bethlehem received Ruth and Naomi, and taught Ruth how to support herself by gleaning among the crops.

I am close with a hard-working, church-going Latinx family, who long ago achieved U.S. citizenship, yet still often fear encountering authorities lest they be scooped up for deportation before questions are even asked. They speak of other family members, who are afraid of Census-takers, who avoid as much contact as they can with the government, because of the unfair treatment that, while always a risk, has been epidemic over recent years. No one should ever fear unfair treatment by any branch of the U.S. government.

My degree is in public policy and I know there are a complex set of considerations that are part of your decision making process. However, public policy must fuse ethical concerns with financial responsibility. We must create a trusting environment for immigrants, so that their children may remain in school, so that working-age adults feel secure reaching out for work and adult education, and feel safe contacting authorities when they encounter any kind of legal problem.

Maryland must not cooperate with unfair and damaging federal immigration laws, threatening vulnerable immigrants, denying our whole state the benefit of their energy and potential contributions to our economy. I want to know my friends and neighbors feel safe as they continue to contribute to the Maryland economy and community.

I respectfully urge a favorable report on SB88.

SB88 - Greg Winton.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Greg Winton
Bethesda, MD 20814

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: Greg Winton

My name is Greg Winton. I live in Bethesda, in District 16. I am testifying in favor of SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement, as a descendant of immigrants. My daughter's mother came to this country as a child, and I remember the stories of my immigrant ancestors, including those whose wrists bore faded tattoos.

In the Torah, there are more than fifty references to the resident stranger, exhorting us to treat them well, for we were strangers in the land of Egypt. Since that time, we Jews have been more often tolerated than accepted, our history full of forced conversions, expulsions and pogroms.

In SB88, we have an opportunity to extend our welcome to those who have come to our country in hope of a better life, whether escaping violence and oppression or simply seeking opportunities. We can debate the rights and wrongs of those who came to this country and how, but they are here now. We should welcome these strangers to our land.

In Genesis 18, G-d states his intention to destroy Sodom and Gomorrah. Their crime? That they do not welcome the stranger, but rather seek to abuse and exploit them. Abraham's nephew Lot, who not only welcomes the strangers but seeks to protect them at the expense of his own family, is saved from destruction. Sodom and Gomorrah are destroyed for their sins against the strangers. The Trust Act welcomes our strangers.

Many immigrants, documented or otherwise, worry about the consequences of encounters with law enforcement and other community services, such as schools and hospitals. Chief among these fears is that their existence might be reported to ICE, leading to possible deportation. The fear people have of interacting with police has larger implications: crimes are not reported, and also illnesses are not treated, children are not educated because people generalize their fears to all government agencies.

The community suffers when people are afraid of police. Effective policing requires a community engaged with the police, reporting crimes and dangers, acting as witnesses. Functional societies need to provide support to all members: educate the young, heal the sick, protect those at risk. This bill is a good step to begin to rebuild trust between state institutions and the immigrant community.

I respectfully urge you to support SB88.

SB88 - Ioana Stoica.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Ioana Stoica
Laurel, MD 20707

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: Ioana Stoica

My name is Ioana Stoica and I have been a Maryland resident for most of the time since immigrating to the United States at the age of 11. I have resided in Laurel, in District 21 for the past 5 years. This testimony is in support of SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement.

My father defected from the brutal dictatorship of Nicolae Ceausescu in Romania. Aided by a coalition of faith organizations, he escaped while at a conference in East Germany and was smuggled into West Germany. An engineer in our home country of Romania, in West Germany he worked for less than minimum wage in manual labor jobs as an undocumented immigrant. Determined to make it to the United States, he spent all his spare time filling out forms and waiting in line for an appointment at the U.S. Embassy. My father lived in fear every day that he would be rounded up and sent back to face prison or worse. Finally, he received an interview with the embassy; when asked why he wanted to come to the United States, my father replied that he would give anything to live in a place that afforded so many freedoms, including the freedom to not be afraid. As he tells the story, the interviewer then and there stamped his forms and congratulated him on a favorable interview and probable asylum. Months later, he was on a plane to Maryland, and, a couple years after that, my sister, mother and I were able to join him.

It has been my family's greatest privilege to be granted asylum and to be welcomed with open arms in our progressive, diverse state. However, our privilege now does not extend to so many others who are facing just as dire, and in many cases, much worse, situations. People today escaping civil war, drought and other natural hardships, extreme poverty, gang violence, and those simply seeking freedom to pursue happiness and better conditions for their children, deserve the same consideration. They, too, deserve the freedom to not be afraid.

Nobody in this country, a country that prides itself as standing as a beacon of liberty, should live in fear that they will be caged, jailed, separated from their families, or deported, simply for working hard and making a future for their children. SB88/HB304 will ensure that Maryland law enforcement cannot simply terrorize residents by stopping people to ask about their immigration status, and detaining people based on this status, or by cooperating with ICE without a warrant. Our great state of Maryland should do all it can to diminish the effect of the

federal government's brutal, inhumane immigration policies; the very least we can do is not cooperate with ICE, and certainly, we can help by not doing their job for them.

The Jewish holiday of Passover begins right before the end of this year's legislative session. During Passover, we tell stories of passage and focus on teachings about welcoming the stranger, a role we all have played in the past. Every single one of us, unless we are of indigenous American descent, was once an immigrant, and it was only unearned privilege related to circumstances at the time that allowed us present citizenship status. It would thus be unconscionable for Maryland to turn our current undocumented residents over to ICE or to harass citizens to determine their immigration status, especially as these individuals contribute productively to our economy and community.

Please stand up for the fundamental principle of liberty and dignity for all people, regardless of the privileges or lack thereof that they were born into, and support this important legislation. I **respectfully urge a favorable report on SB88.**

SB88 - Jeremy Kridel.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Rabbi Jeremy M. Kridel
Ellicott City, Maryland 21043

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: Rabbi Jeremy Kridel

My name is Jeremy Kridel. I am the Rabbi at Machar, The Washington Congregation for Secular Humanistic Judaism; about 60% of Machar's congregants live in Maryland. I am also a resident of Ellicott City, residing in District 12. I write today in support of SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement.

Coming from the Jewish tradition, I take seriously the Bible's instructions that we honor and not oppress the stranger. The book of Leviticus is clear: "The stranger who lives among you shall be like one of your own citizens, and you shall love them as yourself – for you were strangers in the land of Egypt" (Lev. 19:34).

Our fellow Marylanders who have come to this state from another country know a different reality. Many Maryland residents know that a seemingly routine question about immigration status can result in arrest, detention, and being handed over into the custody of the U.S. Immigration and Customs Enforcement agency. They know that different state agencies have different policies about whether immigration status can be raised during routine interactions. And because of that, they do not seek government services like health care and reporting a crime, even when it is desperately needed, because they fear that any contact with law enforcement or public services means that they may be turned over to federal immigration authorities.

In an emergency, fellow Marylanders have legitimate fears that asking for help comes with the risk that they will not be treated "like one of your own citizens." And this has collateral effects upon public safety: domestic abuse may go unaddressed and violent crime may go unreported, with victims remaining unsafe.

Whenever and however Marylanders may have come to our state, they deserve equal treatment under the law. They deserve, as well, the right to know that when they need their state or local government's help, they will not be profiled or detained because of their citizenship or immigration status.

For these reasons, **I respectfully urge this committee for a favorable report on SB88.**

SB88 - Jerry Kickenson.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

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.

SB88 - Joanna Silver.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Joanna Silver
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: Joanna Silver

My name is Joanna Silver and I live in District 18 in Silver Spring, Maryland. I write in support of Senate/House Bill SB88/HB304, State and Local Government- Participation in Federal Immigration Enforcement, from a variety of perspectives.

First, I am a parent of a school-aged child whose schools in Montgomery County have had significant populations of immigrant families. My child is fortunate to learn alongside children from diverse backgrounds with diverse experiences. The success of my child's school, and thus my child's own educational experience, depends on the safety, security, and well-being of all of the children in his community. Children cannot be successful if their families do not feel safe and secure. For this reason, I urge you to support SB88/HB304.

Second, I am a leader with Jews United for Justice and a member of the Community Social Action Council of Temple Emanuel in Kensington, Maryland. A cornerstone of my religious observance is Tikkun Olam, the idea that Jews have an obligation to repair the world. Jewish tradition is also rooted in the commandment that we welcome the stranger, for we were strangers in the land of Egypt. These core principles animate my fervent belief that our State has an obligation to welcome the stranger and to refuse to be complicit in the enforcement of policies based on fear, hatred, and distrust. For this reason, I urge you to support SB88/HB304.

Third, I am a member of the Takoma Park Mobilization Equal Justice Committee. Our members live throughout Montgomery County and we advocate for the safety and well-being of our immigrant neighbors throughout the county. We know that our immigrant neighbors live in fear and that this fear hampers their ability to access services to which they are entitled and to assist law enforcement in making our entire community safe. We also know that immigration enforcement at the state and local level diverts essential resources from the public safety needs of our community. And, we know that jurisdictions around the country that refuse to cooperate with ICE have lower crime rates and stronger economies than jurisdictions that assist ICE in its civil immigration enforcement activities. Trust between law enforcement and the community makes everyone safer. For this reason, I urge you to support SB88/HB304.

Finally, while I offer my testimony in my personal capacity, I have spent the past 17 years working as an Assistant Federal Public Defender in the District of Maryland and I specialize in the intersections between criminal and immigration law. From this experience I can share a few relevant observations.

The most populous jurisdictions in Maryland have already enacted policies prohibiting law enforcement from detaining an individual at the request of ICE without a judicial warrant or notifying ICE if they encounter someone who is suspected of being in violation of our federal immigration laws. Despite this, my office's caseload for the offense of illegal reentry into the United States – a criminal offense investigated by ICE -- has increased significantly over the past few years. This increase is not due to an increase in the number of illegal reentries into the United States, but rather to the fact that ICE has prioritized its own resources to identify, investigate, and detain individuals who are here unlawfully. Over the past two years, I have personally represented several individuals who were released from our local detention centers and then arrested by ICE in the community, placed in deportation proceedings, then charged with illegal reentry. ICE has demonstrated time and again that it does not need the assistance of our local law enforcement officers to do its job.

These community arrests arise because immigrants charged with or convicted of crimes in Montgomery County usually have the same strong ties to our community as US citizens; they are usually arrested by ICE at their homes, with their families, or on their way to work. In addition to using their civil arrest powers to execute administrative immigration warrants, it is not difficult for ICE to obtain a judicial warrant if there is probable cause to believe an individual has committed a federal criminal offense. ICE can alert the United States Attorney's Office (USAO) to the suspected presence of a suspect in the community, the USAO and the ICE agent can present a criminal complaint to a Federal Magistrate, who can in turn issue a warrant; there is a "duty" Assistant United State Attorney and a "duty" Magistrate judge on call at both federal courthouses in Maryland every business day. Similarly, the USAO can convene a grand jury to obtain an indictment, which can also be the basis of a judicial warrant. As with any suspected offense, once an arrest warrant is active, it will be apparent to any local law enforcement officer who runs an individual for open warrants.

If ICE has probable cause to believe an individual violated a criminal law, it can get a judicial warrant; if it does not, it should not be permitted to circumvent the Fourth Amendment by asking a local law enforcement or corrections officer to detain someone. Our state should not be complicit in this violation of a fundamental right that exists for the benefit of all of us and, thus, must be enforced for all of us, regardless of our immigration status. For this reason, I also urge you to support SB88/HB304.

As a parent, as a member of the Jewish community, as an activist, and as someone with professional knowledge of ICE's capacity to carry out federal policies without this State's assistance, **I respectfully urge you to support SB88/HB304.**

SB88 - Toby Ditz - JUFJ.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Toby Ditz
Baltimore, MD 21217
toby.ditz@jhu.edu / 410-669-0085



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: Toby Ditz, on behalf of Jews United for Justice

My name is Toby Ditz, and I live in Baltimore in District 40. I am providing this testimony on behalf of Jews United for Justice (JUFJ), in support of SB88/HB304, State and Local Government-Participation in Federal Immigration Enforcement. JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

I and my fellow JUFJers are deeply invested in this legislation partly because we are Jewish. Our tradition teaches that it is our responsibility to welcome migrants. Jews have had to flee in order to save our lives and the lives of our children many times in our history. In the case of my family, my grandmother emigrated in the company of her mother and younger sister in 1919 from Russia, which was then torn by civil war. They fled across the closing Polish border to Amsterdam and then entered the United States through Ellis Island. Had they tried to come here only ten years later, after US immigration policy choked off the flow of immigrants from Eastern Europe (and elsewhere around the world), I doubt I would be here today. I am profoundly grateful they made it and want to make new immigrants welcome.

SB88 provides that Maryland's state and local law enforcement and government agencies may not question people about immigration status, detain, transfer, or even supply information to ICE or other federal authorities about individuals who have been charged by federal agencies only with civil violations of federal immigration law, such as overstaying a visa. This bill does not prevent cooperation when federal authorities present a judicial warrant.

It comes down to this. For every "potential" bad actor one might accidentally detain by cooperating in the enforcement of civil violations of federal immigration law, we profoundly disrupt the lives of a hundred others. That is why several of our Maryland jurisdictions, like

Baltimore City, have already adopted the essentials of this bill as a matter of police department policy.

Why did they do it? They knew that the cost of cooperation was too high, not only for our immigrant neighbors, but for all of us. When enacted, SB88 will accomplish for all of Maryland's state and local government agencies what local law and policy already do in Baltimore City and several Maryland counties. It will reduce the deep in the bone fear of deportation that prevents our neighbors who are witnesses or victims of crime from cooperating with the police; it will free law enforcement resources to focus on effective local crime reduction strategies; it will lessen fear in immigrant communities to access healthcare; and it will reduce disruptions to our economy.

To enhance the prosperity and safety of all Marylanders, I respectfully urge a favorable report on SB88.

Gaurav Madan Testimony SB88HB304.docx.pdf

Uploaded by: Madan, Gaurav

Position: FAV

SB 088/HB 304 - SUPPORT

State and Local Government - Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee/House Judiciary Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

I write to you as a lifelong Maryland resident in support of SB 088/HB 304, the State and Local Government – Participation in Federal Immigration Enforcement Act, also known as the Maryland Trust Act, and urge this committee to support this legislation. Born and raised in Silver Spring, Maryland, I am proud to say I have been by the values instilled in me by our vibrant and diverse community. These values include the recognition that everyone in our state should live with fundamental dignity and safety, regardless of their immigration status or country of origin.

The Maryland Trust Act is an important law that upholds Maryland values by limiting cooperation between Maryland police and Immigration and Customs Enforcement (ICE). Over the past several years, we have seen how federal immigration enforcement has led to the cruel separation of families, erosion of public trust, and targeting of immigrant communities.

Importantly, the Maryland Trust Act would end the participation of local jurisdictions in 287(g) programs that operate through racial profiling and targeting of immigrant communities. Police-ICE collaboration can often lead to extended detention without proper due process, as police facilitate the transfer of residents into ICE custody. During a pandemic, we know the heightened risks of detention, where detainees receive subpar medical care and are unable to safely distance. Across the country, there are many reports of medical neglect and dangerous conditions where detainees are at greater risk of COVID-19. Interactions with Maryland police should not lead to federal detention centers, deportations, or worse, death.

The Maryland Trust Act would also provide clear guidance for police preventing Maryland police from inquiring about immigration status or place of birth, transferring people to ICE without a judicial warrant, notifying ICE about immigrants' location, and using local law enforcement resources for immigration enforcement.

As a Maryland resident and environmental and human rights campaigner, I can firmly say we do not want our police complicit in human rights violations that we have seen ICE perpetuate. Maryland values means protecting our neighbors from an inhumane and arbitrary immigration system that endangers the wellbeing of communities and our great state.

SB 088/HB 304 – SUPPORT

Gaurav Madan

240-850-9621 / masalajustice@gmail.com

Every Maryland resident deserves due process, dignity, and to life safely in our community. I hope the Judicial Proceedings Committee upholds Maryland values and returns a favorable report on SB 088/HB 304.

Sincerely,

A handwritten signature in blue ink that reads "Gaurav Madan". The signature is written in a cursive, flowing style.

Gaurav Madan

Claudia Ramos Ardon_FAV_SB88.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Claudia Ramos Ardon, Resident of Prince George's County
Testimony in SUPPORT of SB88

State and Local Government - Participation in Immigration Enforcement (Trust Act)
Judicial Proceedings Committee

January 27, 2021

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

My name is Claudia Ramos Ardon. I am writing to you to ask your support for SB88 to support families like mine.

Almost two years ago, in February of 2019, I was driving my young child to daycare in Hyattsville. I had two of my other children in the car with me as well. As I was driving to the daycare, I got in a small car accident that wasn't my fault. I was rear-ended from a car that was rear ended by another car. My car was barely damaged so I was disappointed that I had to stay until the police arrived before leaving. When the police arrived, they took all of our information. I was surprised when the police allowed the other cars that were there to leave, but not mine, even though the other cars were in worse condition.

The police held me there for an hour, and ICE showed up. After being a victim of a car accident, the police, instead of helping me, called ICE. ICE handcuffed me and drove me to Baltimore where I was detained for a day. All I could think about was my kids.

I have been living here with my family since 2005 and my family has no future in El Salvador. Here is our home. Although I was released from ICE custody, I am still fighting my deportation case to this day. I work as a housekeeper and I've spent every bit of my savings paying for my lawyer to help me stop my deportation. I have a court date scheduled in a few months and I am very nervous about what will happen.

This experience with the police has not only traumatized me, but has traumatized my children as well. I was so happy that last year, the Prince George's County Council unanimously passed their version of the Trust Act - so that stories like mine won't happen again. But, in order for us to truly be able to trust the police, we need to pass this bill in all of Maryland.

I continue to share my story, so that what happened to me will not happen to others. Legislators, you have the power to put an end to this family separation. I hope, with all of my heart, that you consider my story by supporting families like mine. Please support SB88.

Ismenia Bolivar_FAV_SB88.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

Ismenia Bolivar, Resident of Baltimore City, District 46

Testimony in SUPPORT of SB88

State and Local Government - Participation in Immigration Enforcement
Judicial Proceedings Committee

January 27, 2021

Dear Honorable Chairman Smith and the Judicial Proceedings Committee:

My name is Ismenia Bolivar and ask for your support in passing the Trust Act, SB88, this year. I am Venezuelan and I came to the City of Baltimore two years ago. I consider Baltimore City my home. In Venezuela, I practiced civil law for 20 years with a focus on the protection of women and adolescent children. I came to this county fleeing the political, economic, and humanitarian situation that Venezuela is going through. Currently, I work as a health promoter to help fight COVID-19 and I am a member of a multiracial group in the Lakeland Community in South Baltimore. I am also a member of a Brooklyn Beautification Volunteer Group.

Because I can't practice law in this country yet, I've joined CASA in the fight for social justice and community rights. I've been working a lot on the police reform campaign. During my experience working with CASA, I got to know so many immigrants in the city. There is one story that I will always remember that happened to my neighbors right here in South Baltimore.

The story is of a woman who was deported after reporting the theft of her vehicle to 911. The local police, instead of helping her, called ICE. She managed to escape until another day, her car caught on fire on the highway. She needed help, but instead, police officers arrived and she was arrested, detained and then eventually deported. She left two citizen children behind in the care of close relatives. It is stories like this that fuel immigrants mistrust of the state and local authorities.

The Trust Act has been introduced so many times. How much longer must we fight to make Maryland a safe place for immigrants? Members of the Committee, please vote in favor of the Trust Act, SB88. We are depending on you.

William Garcia Trejo_FAV_SB88.pdf

Uploaded by: Martinez, Ashanti

Position: FAV

William Garcia Trejo, Resident of Prince George's County

Testimony in SUPPORT of SB88

State and Local Government - Participation in Immigration Enforcement (Trust Act)

Judicial Proceedings Committee

January 27, 2021

To Chairman Smith and Members of the Judicial Proceedings Committee:

I left my home country of El Salvador to live in Maryland fleeing the violence there that I felt put my and my families life in danger. I've been living and working here for more than eight years now. Just a few months ago, I was stopped by the Howard County Police for holding my phone while driving - every immigrant's nightmare. The officer who stopped me, arrested me and took me to jail. He said that I had an arrest warrant for missing a previous court date, even though I have never missed a court date. I was able to prove to them that I attended my previous court date, and that I shouldn't be arrested for just using my phone on the road.

Nonetheless, the judge set me a bond for \$400. My mother pulled the money together on the same day so that I could get released - but after paying the money, they refused to release me. Next thing I know, an officer tells me that I have an arrest warrant from ICE and tells my mother that I'm going to be deported. This made no sense - as I have never had a deportation order.

The next day, ICE showed up, handcuffed my hands and feet, and took me to an ICE office in Baltimore. The ICE officer who spoke with me, also seemed to be confused as to why I was there considering I had no criminal background, gang involvement, etc. I was so scared. All I could do is tell the truth, that I have done everything right in the country including pay my taxes. The officer ultimately agreed that I shouldn't have been picked up for doing nothing. They released me with an ankle bracelet.

Those moments were the most terrifying moments of my life. The thought that flooded my mind then - and haunts me everyday - is the thought of being deported and separated from my heart, my three year old daughter, and leaving my family behind. I pray to God every day that I will not be separated from my family.

After having nothing on my record, I ultimately got picked up by ICE because the police continue to partner up with ICE to target people like me. Every day I, and so many others, live in fear. We won't ever be able to have trust in the police if they continue to do this. We can change this by passing the Trust Act in this legislative session. My life, and the lives of so many other immigrants in Maryland are depending on it. Please support SB88.

testimony.SB88.pdf

Uploaded by: Muhammad, Huzzaifa

Position: FAV



January 20, 2021

Honorable Senator William Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2E
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB88 – State and Local Government - Participation in Federal Immigration Enforcement

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 88 entitled State and Local Government - Participation in Federal Immigration Enforcement, and your leadership on this issue. CAIR is America's largest Muslim civil rights and advocacy organization. Its mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

The United States' immigration detention program, operated by Immigration and Customs Enforcement(ICE), is the largest of its kind in the world. Individuals in the ICE detention center are deprived of basic liberty, access to a lawyer, and access to loved ones. According to the CATO Institute, 21 people died while in ICE custody in 2020 alone. ICE detention facilities endanger lives and reinforce a system of oppression counter to the democratic principles in our country. ICE has contracts with many local governments that it uses to operate its detention centers, including three here in Maryland in Howard, Frederick and Worcester Counties.

This bill would signal to immigration authorities that our state does not support their inhumane policies. Prohibiting state agencies from enforcing federal immigration laws would inspire trust in law enforcement, help improve public safety for families across Maryland by improving reporting of crimes, , and encourage vulnerable families to apply for social services.

Passing this measure would send a clear message that the State of Maryland chooses to stand on the right side of history. On behalf of CAIR and the communities I serve, I respectfully urge a favorable report on SB88. Thank you for your consideration.

Sincerely,

Huzzaifa Muhammad
Government Affairs Intern, CAIR Office in Maryland
Council on American-Islamic Relations

Email: huzzaifamuhammad@gmail.com

References:

1. Nowrasteh, Alex. *21 People Died in Immigration Detention in 2020*.
<https://www.cato.org/blog/21-people-died-immigration-detention-2020>. Accessed January 22, 2021.

SB88 - Murray written testimony.pdf

Uploaded by: Murray, Kerriann

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I'm a licensed clinical social worker, a parent, and a citizen who cares deeply about justice and equal rights for immigrants. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,

Kerriann Eileen Murray

221 Northway Rd, Reisterstown, 21136

Showing Up for Racial Justice Baltimore

MOPD Position on SB0088.pdf

Uploaded by: of the Public Defender, Maryland Office

Position: FAV



POSITION ON PROPOSED LEGISLATION

BILL: SB0088 - State and Local Government – Participation in Federal Immigration Enforcement

POSITION: SUPPORT

DATE: January 25, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0088. This bill expresses the intent of the General Assembly to maintain community trust in Maryland governmental operations and law enforcement by clarifying the parameters of State and local participation in federal immigration enforcement efforts. The bill also provides that certain officials are immune from criminal and civil liability for refusing to provide information to the federal government or another state that will be used for a certain purpose; and prohibits law enforcement officials from taking certain actions consistent with these policies.

Among many other laudable achievements, this bill would ensure that local law enforcement resources are not used for civil immigration enforcement. The bill also will help ensure that immigrant members of our communities and Maryland residents of color are not victims of disproportionate policing or targets of racial profiling. This bill would help build trust of local police in immigrant communities and communities of residents of color.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 0088.

AAJC_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV



January 24, 2021

Re: Testimony in Support of the Maryland Trust Act

Dear Chair Smith, Vice-Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Asian Americans Advancing Justice | AAJC writes to express our strong support for the Maryland Trust Act (SB 88/HB304) and urge you to pass the bill out of committee. Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation's leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community including immigration and immigrants' rights, census, hate incidents, language access, technology, and telecommunications, and voting rights.

Immigration is an important issue to Asian Americans. 92% of Asian Americans are immigrants or the children of immigrants. Maryland is home to over 415,000 Asian Americans making up 7% of the population. Around 266,000 of them are immigrants and around 39% of Maryland's Asian American population are limited English proficient. Overall, 15 percent of Marylanders are immigrants, and nearly 275,000 Marylanders are undocumented.¹ The issues of legalization and immigration enforcement is often thought of only as a Latino issue. In fact, there are around 35,000 undocumented Asian immigrants living in Maryland.

Advancing Justice | AAJC supports legalization of the 11 million undocumented immigrants and does not support mass deportations. Nationally, an estimated 5 million undocumented people—are doing jobs deemed *essential* to the nation's critical infrastructure according to the U.S. Department of Homeland Security's Cybersecurity and International Security Agency's (DHS CISA) latest guidance. But regardless of where one stands on the issue of legalization, there is ample reason to disentangle local law enforcement from federal immigration enforcement.

Communities are safer when there is trust and cooperation between local law enforcement and residents. SB 88 would help restore community trust in our law enforcement and help our communities live without fear of racial or religious profiling and discrimination. In the last year we have seen a huge spike in hate incidents against Asian Americans likely due to former-

¹ All data in this testimony related to Asian Americans residing in Maryland can be found at aapidata.com.

President Trump's statements regarding the COVID-Pandemic.² After Trump was elected hate incidents against Muslims and those perceived to be Muslim shot up as well. This legislation is important to limit government employees from making statements or inquiries related to a persons race or religion.

Jurisdictions with community trust policies (also known as sanctuary policies) are safer than jurisdictions without them.³ Evidence demonstrates that victims and witnesses of crimes will not come forward if they are concerned about immigration enforcement against themselves or a household member.⁴ [Advocates for survivors of domestic violence](#) overwhelmingly agree that law enforcement should not be entangled with immigration enforcement.⁵ It is often very hard for victims to come forward and seek assistance.

Now more than ever, it is crucial that we ensure that Maryland's law enforcement and corrections resources are deployed in the best interest of Maryland residents. We thank you for holding a hearing on this important bill and urge you to vote for it. Please feel free to contact me with any questions at messahab@advancingjustice-aaajc.org.

Sincerely,

Megan Essaheb
Director of Immigration Advocacy
Asian Americans Advancing Justice | AAJC

² 2,120 hate incidents against Asian Americans reported during coronavirus pandemic <https://www.cbsnews.com/news/anti-asian-american-hate-incidents-up-racism/> (July 2, 2020).

³ See Wong, Tom K. *The Effects of Sanctuary Policies on Crime and the Economy* (January 26, 2017) available at <https://www.nilc.org/issues/immigration-enforcement/sanctuary-policies-effects-crime-economy/>.

⁴ A study conducted by the University of Illinois- Chicago found that increased involvement of local police and immigration enforcement eroded trust between the police and immigrants, undocumented and documented. 45% of documented immigrants were less likely to report a crime while 70% of undocumented immigrants responded similarly. <http://www.motherjones.com/politics/2015/07/sanctuary-cities-public-safety-kate-steinle-san-francisco>

⁵ See, eg. National Task Force to End Sexual and Domestic Violence Against Women's Letter to Congress in opposition to legislation that would outlaw community trust policies (July 21, 2015).

HCCIJ_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Tammy J. Spengler, Howard County Coalition for Immigrant Justice

Date: January 20, 2021

The Howard County Coalition for Immigrant Justice (HCCIJ) requests your support for bill SB88 (Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements and requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

The Howard County Coalition for Immigrant HCCIJ includes more than 20 organizations representing about 8,000 residents of Howard County. We believe all residents of Maryland deserve respect, justice, safety, and opportunities to thrive and prosper. The TRUST ACT will help achieve these goals for all Maryland residents, including immigrants. At our nation's capital we recently witnessed what happens when federal leaders promote terrorism; people listen. For years, Immigration and Customs Enforcement (ICE), a federal agency, has enacted state sponsored terrorism through its separation of families, caging children, forced sterilizations, mass detention policies, failing to comply with international and national laws, arrests made in unmarked vehicles with unmarked police officers, etc. These actions have terrorized our immigrant communities and have sent a message to right-wing extremists that xenophobia and hate crime are acceptable and lauded behaviors. Unlike our government officials who were able to call law enforcement for help, immigrants are terrified to call local police if they are targets of hate crime or any crime. They are afraid that local law enforcement will turn them over to ICE.

SB88 will prevent law enforcement agents from inquiring about immigration status, detaining immigrants on behalf of ICE and prohibiting agents from notifying ICE and transferring individuals to ICE custody. This bill will help Maryland police officers earn the trust of the immigrant community by clarifying that they are not participating in egregious behaviors on behalf of ICE. In the end, this bill will make all of our communities safer and it will ensure that our police officers are not asked to participate in an inhumane system.

The Howard County Coalition for Immigrant justice urges you to pass SB88 and create a safer, more inclusive Maryland. Thank you for all you do for justice.

Tammy J. Spengler, Howard County Coalition for Immigrant Justice
Columbia, MD 21045 (Tammy424@me.com)

Indivisible Hoco MD_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Testimony in Support of SB88(HB304) - State and Local Government - Participation in Federal Immigration Enforcement

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Indivisible Howard County, wordpress@indivisiblehocomd.org

Date: January 20, 2021

Indivisible Howard County, (<https://indivisiblehocomd.org>) requests your support of SB88(Trust Act) which limits the partnership between Maryland's local and state law enforcement agencies and the U.S. Immigration and Customs Enforcement (ICE), including 287g agreements. SB88 also requires the Attorney General to develop guidelines for schools, hospitals and courthouses to establish policies that limit civil immigration enforcement on their premises thus making these facilities safe and accessible to all.

Indivisible Howard County is a grassroots organization focused on building a fairer, more compassionate democracy. It represents over 700 members who encourage you to pass the TRUST ACT and support our immigrant communities in Maryland. These communities have endured an increase in racism, hate crime and xenophobia rhetoric in our society. For years we have let our immigrant neighbors, particularly those of Latinx origin or Muslim faith, to feel isolated, targeted, and alone. It is well documented that many are afraid to call the police because they are unsure whether or not they will be turned over to Immigration and Customs Enforcement (ICE). ICE's openly racist policies and tactics such as separating families, caging children, mass detention, forced sterilization, etc. have terrorized our immigrant communities. The practices of ICE and xenophobic rhetoric in our society have fueled hate crime in America causing immigrants to fear both their neighbors and law enforcement. Until ICE is significantly restructured, Maryland police officers should not be complicit with these practices. When local law enforcement inquires about an individual's immigration status, citizenship status, or place of birth or transfers an individual to federal immigration on behalf of ICE, they are complicit with the racist policies of ICE and their credibility and relationship with the entire community is undermined. Your support of this bill will send a message that racism and xenophobia are unacceptable in Maryland and will let immigrants know that they are safe to contact their local police departments.

It is time for the rest of America to stand up for all people, including immigrants. We need a true partnership between local law enforcement and the community to keep our neighborhoods safe. That partnership cannot exist if a sizable portion of the community is afraid to contact the police. This bill will help Maryland police officers earn the trust of the immigrant community by clarifying that they are not complicit in egregious behaviors on behalf of ICE. In the end, this bill will make all of our communities safer and it will ensure that our police officers are not asked to participate in an inhumane system.

Howard County Indivisible urges you to pass SB88 and create a safer, more inclusive Maryland. Thank you for all you do to reach those ends.

Tammy J. Spengler, on behalf of Howard County Indivisible
Columbia, MD 21045 (Tammy424@me.com)

Matt Hornbeck, Principal, HHA_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV

Testimony in SUPPORT of SB88

State and Local Government - Participation in Federal Immigration Enforcement
Matt Hornbeck, Principal, Hampstead Hill Academy
Judicial Proceedings Committee

January 27, 2021

Dear Honorable Chairman Smith and Members of the Judicial Proceedings Committee,

My name is Matt Hornbeck and I am principal of Hampstead Hill Academy (HHA), a neighborhood public charter school in Baltimore City. I am pleased to provide favorable testimony in support of SB88, commonly known as the Trust Act.

Hampstead Hill Academy, like many other schools, strives to be a safe and nurturing school catering to our growing diverse population of students. As we dedicate ourselves to challenging our students to succeed in a fair, consistent, just and joyful learning environment - our most vulnerable Black and Brown students continue to face barriers to achieving that goal. This has been especially apparent among our Latinx students at HHA. We serve 852 students ages 4-14, a majority of them being Latinx (approximately 42% Latino, 36% White, and 24% Black). We have hundreds of students who are first generation Americans and hundreds who will be first generation college bound when they attend.

Over the past ten years, I have witnessed unspeakable hardship faced by students whose parents or family members were deported as a result of our state's partnership with ICE. Both the emotional, economic, and educational impact that this has on students is immeasurable. We've seen many families detained by ICE and transferred to ICE for domestic issues that should have only resulted in a small fine or family support services being engaged. Instead, parents who provide for their family and have been in the U.S. for years are being deported.

I'm reminded of a brilliant 6th grade student and creative writer who has attended HHA since early elementary school. Three years ago, his father, after dropping him at school, was arrested by ICE. His father's eventual deportation has significantly disrupted his academic learning, as his housing situation has become more and more unstable. Unfortunately, this story is all too common.

Due to this lack of trust, we have members of our community who worry about being questioned by any law enforcement officer, including school police officers even though they do not share information about immigration status. Furthermore, we have parents who may use the threat of contacting the authorities to deal with an issue among students that should be handled by our school based clinicians and counselors.

Senate Bill 88 would take significant strides in repairing trust between enforcement agencies and the immigrant community - and in turn, allow for better educational and health outcomes for students in Baltimore City and across the state. In addition to limiting the state's partnership with

ICE, SB88 would ensure that the Attorney General creates policies to protect immigrants from sensitive locations like schools, courthouses, and hospitals. No parent should fear being separated from their child when dropping them off at school, volunteering, or participating in critical meetings for their children's education. Parent involvement is a crucial part of the success of any school.

For the reasons outlined above, I respectfully urge the Judicial Proceedings Committee to make a favorable report on SB88.

Matt Hornbeck, Principal
Hampstead Hill Academy, District 46
principalhornbeck@hha47.org
410-591-3911, Cell

MoCoPAAN_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Support for Maryland Trust Act SB88/HB304

Aryani Ong, Sandy Shan, Janelle Wong

Co-Directors

[Montgomery County Progressive Asian American Network](#)

January 24, 2021

We write as members of a new organization, the Montgomery County Progressive Asian American Network (MoCoPAAN), to strongly support the Maryland Trust Act (SB88/HB304).

The MoCoPAAN's mission is to raise the visibility of Asian Americans through lifting up progressive voices and strengthening allyship through strategic communications. In doing so, we wish to demonstrate that Asian Americans have a multitude of voices. We speak out on issues that affect people of diverse backgrounds: representation, equity and inclusion; immigrant rights; and, racial discrimination, racial and profiling, and anti-Black racism. As such, we believe that it is imperative to disentangle MD government services, including policing, from immigration enforcement and to forbid government employees from inquiring into people's immigration status.

Along with nearly one-third of all immigrants in Maryland, Asian American communities in our state are directly affected by this legislation.

Over 35,000 Marylanders are undocumented Asian immigrants, constituting more than 1 in 8 of undocumented immigrants in the state. These groups face multiple language barriers, lack of culturally competent legal services, and limited capacity among Asian immigrant-serving community organizations make undocumented Asians vulnerable to detention and deportation

We urge you to support SB88/HB304 to strengthen our communities.

NILC_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV

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/>.

Our Revolution_FAV_SB88.pdf

Uploaded by: Paul, Cathryn

Position: FAV



ORHoCo Testimony on the Maryland Trust Act – SB99/HB304

Dear Maryland State Delegation,

We are presenting this testimony on behalf of Our Revolution Howard County (ORHoCo), the county chapter of an organization inspired by the political and social messages of Senator Bernie Sanders (I-VT). We fight for values and policies covering climate-change, health care, and economic and racial justice that focus on the needs of our neighbors, co-workers, and working families, particularly in this time of Covid.

Along with our 20+ partners represented by the Howard County Coalition for Immigrant Justice (HCCIJ), we present this in support of the Maryland Trust Act SB99/HB304, which will end police partnership with ICE (U.S. Immigration and Customs Enforcement) and other federal agencies. We believe the passing of this bill will make Marylanders safer by improving relationships with law enforcement and other state agencies. Among other things, this would allow for undocumented immigrants – and their documented family members – to be more willing to report crimes.

Currently the following jurisdictions have passed TRUST policies: Anne Arundel County (cancelled its 287g and GSA programs), Baltimore City, Baltimore County, Montgomery County, Prince George's County, Annapolis, Berwyn Heights, Brentwood, Cheverly, Colmar Manor, Edmonston, Forest Heights, Greenbelt, Hyattsville, Mount Rainier, Rockville, Riverdale Park and Takoma Park.

It is clear from this that Maryland voters support a Trust Act and do not want our precious local dollars being expended on federal law enforcement that targets immigrants, Muslims, and many others. Let's send a clear message that the hateful policies of former President Trump are not welcome in the great state of Maryland.

Please support the bill SB99/HB304 as written.

Thank you.

- Kathleen Uy, ORHoCo steering committee member and representative to HCCIJ
- Paul J. Baicich, ORHoCo Chair

*Our Revolution Howard County
c/o Baicich
7237 Swan Point Way
Columbia, Md 21045*

TESTIMONY FOR SB0088 State and Local Government -

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0088
STATE AND LOCAL GOVERNMENT – PARTICIPATION IN FEDERAL IMMIGRATION
ENFORCEMENT

Bill Sponsor: Senator Smith

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0088 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Trust. In policing, trust is critically important in preventing and solving crime. We, as a state, have recognized the fact that we cannot have trust in police if they are also involved in deportation. Deportation is the purview of ICE.

As far as our state and local police, their mandate is to interact with residents in a manner that supports the laws of the state. That does not include asking any residents questions about their immigration status, country of origin, or nationality when they are stopped. What status a person has regarding immigration has no bearing on the laws that Maryland police and correctional officers are required to uphold. A person who is undocumented has committed a civil offense.

Likewise, officers should not be forced to provide information to ICE that will be used to help build a registry. This distracts the police from the job that we, as residents and taxpayers, are paying them to do. It also means that they have less time to do the job that we are paying them to do.

We must decouple this process whereby state and local police use their time and resources to do the job that federal enforcement officers are paid to do.

We support this bill and recommend a **FAVORABLE** report in committee.

Testimony in support of SB0088.pdf

Uploaded by: Ratnayake, Kushan

Position: FAV

Testimony in support of SB0088

I believe that the existence of ICE is a crime. The organization was formed in the paranoid days after 9-11 and has become an unaccountable force that terrorizes those whose only crimes were being born in the wrong place and seeking better lives for themselves. ICE has a documented history of warehousing people in deplorable conditions, denying detainees medical treatment, rampant sexual and physical abuse, deaths of people under their care, mass hysterectomies, separating thousands of children from their parents, and sending asylum-seekers -- many of whom were fleeing war, destitution, or persecution for their beliefs or identities -- back to the situations they were trying to escape.

I believe that no human is illegal. I believe in the radical idea that where you happen to be born should not affect your quality of life or freedom to cross arbitrary borders. This is especially true in the richest country in the history of all time. Research shows that immigration has a short-term and long-term positive effect on our economy. I welcome immigration and therefore support this bill. ICE should not be allowed to collaborate with any agency. It should be abolished.

SR testimony of SB 88 - Maryland Trust Act.docx.pdf

Uploaded by: Robson, Letitia

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

The state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,
Sandy Robson
2108 Erdman Ave
Showing Up for Racial Justice Baltimore

trust_act.pdf

Uploaded by: Rochkind, Jonathan

Position: FAV

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Dear Members of the Senate Judicial Proceedings Committee,

I am writing as Maryland resident of district 43, to testify in **support of Maryland Senate Bill 88, the Maryland Trust Act.**

The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities and civic institutions.

There is no reason for local law enforcement to be concerned with immigration violations. It is no crime to be born on the "wrong" side of a border, and seek a life in our country. Immigration violations are generally civil infractions, and those in violation do not in fact pose any kind of threat to public safety. So it is a misallocation of state and local law enforcement resources to spend any dollars at all on aiding with federal immigration enforcement.

Worse, by destroying trust between law enforcement and immigrants, law enforcement cooperation with federal immigration enforcement **makes all of us less safe.** All of us, wherever we were born and whatever our immigration status, deserve safety. When some people are afraid to report crimes or to interact with law enforcement and are forced into the shadows of society avoid interacting with authorities and institutions, we are **all** less safe. In fact, research has shown that in places that have laws like SB0088 in place, crime has gone down. This is the natural result of not forcing people into the shadows. It is past time that we ended this shameful and counter-productive collaboration.

I myself am a US citizen, but I am recognize that my own safety depends on the safety of all my neighbors. Please vote in support of the Maryland Trust Act (Senate Bill 88).

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

SB 88_MDCEP_FAV.pdf

Uploaded by: Schumitz, Kali

Position: FAV

JANUARY 28, 2021

Committing to Immigrant-Inclusive Policies Supports Safe, Just, and Thriving Communities

Position Statement in Support of Senate Bill 88

Given before the Senate Judicial Proceedings Committee

For years, Maryland has recognized the benefits of welcoming immigrants into its communities. It is beneficial to all Marylanders when immigrants are able to enroll their children in school, seek necessary medical treatment, and participate in our justice system without fear of unjust discrimination, detention, or separation from their families, regardless of their legal status.

In addition, jailing suspected undocumented immigrants at the request of federal officials costs Maryland and its localities hundreds of thousands of dollars each year, using scarce state and local resources that could be better spent on more pressing needs. The detentions, which are not required by federal law and overwhelmingly target non-violent offenders, also erode trust in local law enforcement within immigrant communities, which can hamper the prevention and investigation of more serious crimes.

The Maryland Center on Economic Policy supports Senate Bill 88 because it would support safe communities and increase trust in public institutions while ensuring public resources are used more effectively.

Adopting policies that afford all residents, regardless of their immigration status, the opportunity to thrive helps Maryland foster community well-being and strengthen its economy. Maryland is home to about 250,000 residents who are undocumented,ⁱ and these individuals make significant contributions to our communities and economy. More than half of Maryland's undocumented residents have lived in the U.S. for more than 10 years and about one in six have lived here for 20 years or more.ⁱⁱ Immigrants make up nearly 20 percent of Maryland's workforce, and immigrant-led households pay \$3 billion a year in state and local taxes.ⁱⁱⁱ It is critical that Maryland remain a welcoming place for immigrants to build their lives.

Fear of immigration enforcement can make it harder for Marylanders born outside the United States to participate fully in their communities, ultimately making all of us worse off:

- No parent should have to fear being separated from their family when they are taking a child to school, attending a parent-teacher meeting, or participating in the PTA. Schools with a high level of parental involvement tend to have more satisfied teachers, higher-quality programs, and better reputations in their communities,^{iv} so removing barriers that prevent some parents from fully participating in their child's education is beneficial to all students.

- Fear of immigration enforcement in courts can prevent immigrants from participating in our criminal justice system. An immigrant who is the victim of a crime or witnesses one is less likely to come forward if they don't trust law enforcement or the court system. As some jurisdictions in Maryland struggle with high crime rates, it benefits all Marylanders to ensure that immigrants don't fear discrimination or detention when they report a crime or are summoned to court.

Ending police participation in federal immigration enforcement statewide would also strengthen communities and reduce unnecessary costs. While some circumstances have changed since then, a 2014 analysis by the Maryland Center on Economic Policy found that enforcing federal immigration detainers cost Maryland at least \$1 million between 2010 and 2013^v. This does not account for the full social and economic costs, as those being detained miss work, lose pay, and are deprived of seeing their families. A Colorado study found that state lost millions in tax revenue and economic activity as a result of honoring federal immigration detainer requests^{vi}.

Maryland has a long history as a place where immigrants and refugees find safety, community, and opportunity. This history has helped to create the economically and culturally thriving community we have in Maryland today. Passing Senate Bill 88 would build on and strengthen our state's long legacy as a welcoming place and support safe communities.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judicial Proceedings Committee make a favorable report on Senate Bill 88.

Equity Impact Analysis: Senate Bill 88

Bill Summary

Senate Bill 88 would:

- End police partnership with ICE and other federal agencies, including 287g programs.
- Protect immigrants from ICE in sensitive locations such as schools, courthouses and hospitals.
- Protect immigrants against coercion to ensure that community members can interact with police without fear of harassment.
- Stop law enforcement agencies from inquiring to, transferring to, notifying for or detaining for ICE.

Background

Maryland is home to about 250,000 residents who are undocumented, and these individuals make significant contributions to our communities and economy. More than half of Maryland's undocumented residents have lived in the U.S. for more than 10 years and about one in six have lived here for 20 years or more. Immigrants make up nearly 20 percent of Maryland's workforce, and immigrant-led households pay \$3 billion a year in state and local taxes.

Maryland jurisdictions also spend hundreds of thousands of dollars each year to support detention of people who are suspected to be in violation of federal immigration laws. Research shows that these policies have significant social and economic costs, on top of the direct expenses.

Equity Implications

- Senate Bill 88 would remove barriers that keep many immigrants from accessing public facilities and services, regardless of their immigration status, because of fear of immigration enforcement.
- Senate Bill 88 would protect immigrants' safe access to schools, health care, and courts, which could have a range of long-term benefits – everything from improved educational outcomes for children whose parents are more involved in the school to being able to prevent an eviction because the family could safely participate in court proceedings.

Impact

Senate Bill 88 would likely **improve racial and economic equity in Maryland.**

ⁱ Pew Research Center. "Mexicans decline to less than half the U.S. unauthorized immigrant population for the first time." June 12, 2019. <https://www.pewresearch.org/fact-tank/2019/06/12/us-unauthorized-immigrant-population-2017/>

ⁱⁱ Center for Migration Studies. "State-Level Unauthorized Population and Eligible-to-Naturalize Estimates." <http://data.cmsny.org/state.html>

ⁱⁱⁱ American Immigration Council. "Immigrants in Maryland." 2017.

https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf

^{iv} Education.com. "The Benefits of Parent Involvement: What Research Has to Say." 2017.

<https://tx50000103.schoolwires.net/cms/lib/TX50000103/Centricity/Domain/21/Parent%20Liaison/benefits-parent-involvement-research.pdf>

^v This estimate is based on data provided to the American Civil Liberties Union of Maryland, obtained through a Freedom of Information Act request. The full report, included a description of the methodology employed, is available here: <http://www.mdeconomy.org/maryland-pays-high-costs-for-federal-immigration-enforcement/>

^{vi} Stiffler, Chris. "The High Cost of Immigration Enforcement in Colorado," The Color Fiscal Institute, March 26, 2013, http://www.coloradofiscal.org/wp-content/uploads/2013/03/2013-3-29_Community-Trust-Report.pdf

SB0088 Trust Act Testimony LG.pdf

Uploaded by: Sell, Jennifer

Position: FAV

To: Senators Smith, Waldstreicher, and members of the Senate Judicial Proceedings Committee

I am a resident of District 21 and a long time Maryland resident. As a member of Showing Up for Racial Justice Annapolis and Anne Arundel County and as a Christian who is called to love the immigrant and refugee, I feel I must speak up in support of the Maryland Trust Act (SB0088/HB0304).

This bill will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. Those who commit crimes of violence will still be held accountable.

There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities, and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants. Couldn't our state funds be better used elsewhere?

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

This bill will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. **Can you imagine being separated possibly forever from your family while you are in the hospital recovering from surgery? Or being a child afraid to go to school, because you worry your parent will be taken away when he or she comes to pick you up? Or being an abused woman, whose husband reports her as illegal to avoid the consequences of his behavior in a court of law?** It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody.

It is for all these reasons that I urge you to vote in support of the Maryland Trust Act (SB0088/HB0304).

Thank you for your time, service, and consideration.

Sincerely,
Linda Girdner
941 Fall Ridge Way
Gambrills, MD 21054

SB0088.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Bill #: SB0088
Bill Title: State and Local Government - Participation in Federal Immigration Enforcement
January 27, 2021

****SUPPORT****

Dear Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice Annapolis and Anne Arund County.

I am testifying in support of the Maryland Trust Act (SB0088/HB0304), which will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. Those who commit crimes of violence will still be held accountable.

There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities, and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in support of the Maryland Trust Act (SB0088/HB0304).

Thank you for your time, service, and consideration.

Sincerely,

Jennifer Sell
444 Lynwood Dr
Severna Park, MD 21146

SB88_MNADV_FAV.pdf

Uploaded by: Shapiro, Melanie

Position: FAV



BILL NO: Senate Bill 88
TITLE: State and Local Government - Participation in Federal Immigration Enforcement
COMMITTEE: Judicial Proceedings
HEARING DATE: January 27, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 88.**

Domestic violence against immigrant women is believed to be almost three times the national average.¹ In a 2015 survey, survivors of domestic violence state that they were afraid to call police because the police would contact immigrations authorities, that criminal charges related to the domestic violence could lead to deportation of themselves or the abuser and that they could lose custody of their children.² Abusers use the immigration status of their victim as another way to exert power and control.³

This legislation clarifies and limits the authority of state and local law enforcement and correctional agencies and employees to assist federal immigration authorities with civil immigration enforcement. It does not address criminal immigration enforcement. In so doing, this bill would help ensure that all Marylanders, regardless of immigration status, have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve. SB 88 does not alter the criminal legal system, but rather works to restore community trust in our law enforcement officials, improve public safety, and stop the expenditure of precious local dollars on federal enforcement efforts. Survivors of domestic violence must be able to safely report their abuse, and seek services, without fear of deportation.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 88.**

¹ Dutton, M., Molina, R. and Young, L. (2015). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases. [online] National Immigrant Women's Advocacy Project. Available at: <http://library.niwap.org/wp-content/uploads/Powerpoint-Evidence-ofCoercive-Control-Proof-of-Extreme-Cruelty-in-Immigration-Cases-and-Power-and-Control-Dynamics-in-FamilyLaw-Cases.pdf>

² Coker, Donna K. and Park, Sandra S. and Goldscheid, Julie and Neal, Tara and Halstead, Valerie, Responses from the Field: Sexual Assault, Domestic Violence, and Policing (October 1, 2015). University of Miami Legal Studies Research Paper No. 16-2, Available at SSRN: <https://ssrn.com/abstract=2709499> or <http://dx.doi.org/10.2139/ssrn.2709499>

³ Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." Georgetown Journal on Poverty Law and Policy. 7(2).

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org



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SB 88 - State and Local Government - Participation

Uploaded by: Siri, Michelle

Position: FAV

BILL NO: Senate Bill 88
TITLE: State and Local Government - Participation in Federal Immigration Enforcement
COMMITTEE: Judicial Proceedings
HEARING DATE: January 27, 2021
POSITION: **SUPPORT**

The Women's Law Center of Maryland (WLC) is a statewide nonprofit law firm that seeks to ensure the safety, economic security, and autonomy of women. Our mission is advanced through advocacy and also through direct legal representation of survivors of domestic violence. Among the free legal services we provide is our MEDOVI project, which serves foreign-born victims of domestic violence, sexual assault, and human trafficking who are seeking immigration status independent of their abusers who typically threaten our clients with deportation or refuse to provide the documentation necessary to obtain legal status in an attempt to maintain control over their relationship. These foreign-born victims face unique challenges; cultural differences, language barriers, and fear of deportation frequently prevent them from seeking help. As mentioned above, victims are often sponsored for their green cards by the very same abuser who threatens to have them deported. The vast majority of our clients (96%) are women, and their children face similar challenges, including abuse and forced separation from their mother. Deportation is a particularly acute concern for victims who as a result may be separated from U.S.-born children. Until she is assured she has the option of petitioning for legal immigration and work status, without the sponsorship of the abuser, she is unlikely to pursue the criminal and civil legal remedies that will protect her and promote safety for the community at-large.

Because of our clients' unique and vulnerable position in our society, the WLC strongly supports SB88. This legislation clarifies and limits the authority of state and local law enforcement and correctional agencies and employees to assist federal immigration authorities with civil immigration enforcement. It does not address criminal immigration enforcement. In so doing, this bill would help ensure that all Marylanders, regardless of immigration status, have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve. Amongst the many things SB88 specifically does are the following:

- Outlaw intergovernmental services agreements for purposes related to civil immigration enforcement. This would include the 287(g) program which deputizes state and local officers, with minimal training, to assist with federal immigration enforcement. It wastes limited local resources, exposes localities to increased rates of liability, and has a direct impact on victims of crime who will neither report the crimes against them, nor seek out resources in response, due to fear of deportation at the hands of those officers who have sworn to protect them.
- Express that it is the intent of the General Assembly to maintain community trust in governmental operations and law enforcement;
- Ensure that when an individual becomes eligible for release on state charges, and there is no existing judicial warrant, he or she will not be held solely on the basis of an immigration detainer request – a practice that the MD Attorney General has opined as likely unconstitutional;

- Outlaw the practice of local law enforcement officers making inquiries into immigration status or assisting the federal government in civil immigration enforcement. This provision would not impact criminal investigations or enforcement;
- Ensure that a state or local law enforcement official may not stop, arrest, search or detain anyone solely for the purpose of investigating a suspected immigration violation or solely because of an administrative warrant;
- Outlaw the spending of state fiscal resources to assist with federal immigration enforcement;
- Outlaw assisting with, maintaining, or creating state or federal registries for the purpose of discrimination against individuals on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origin;
- Ensure that the Attorney General, in consultation with stakeholders shall create and institute policies for public schools, hospitals, and courthouses to ensure accessibility to all regardless of immigration status.

Importantly, this legislation does not alter the criminal legal system, but rather works to restore community trust in our law enforcement officials, improve public safety, and stop the expenditure of precious local dollars on federal enforcement efforts. Survivors of domestic violence and sexual assault must be able to safely report their abuse, and seek services, without fear of deportation. When they are forced into silence it risks not only their lives and safety, but the safety and order of the entire community. For all the foregoing reasons, the WLC supports Senate Bill 88 and urges a favorable report.

The Women's Law Center operates two legal hotlines, and three direct legal services projects, the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.

SB 88 - Maryland Trust Act.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Smeton

3140 Ellerslie Avenue, Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

SB 88_FAV_ACLU_Spielberger.pdf

Uploaded by: Spielberger, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
January 27, 2021**

**SB 88 – State and Local Government – Participation in Federal
Immigration Enforcement**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

FAVORABLE

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The ACLU of Maryland supports SB 88, which would prevent state and local law enforcement agencies from partnering with ICE and assisting with federal immigration enforcement efforts.

Specifically, this bill would:

- (1) Prevent law enforcement from asking about an individual's immigration status during routine police encounters;
- (2) Prevent law enforcement from notifying ICE, detaining a person for ICE, or transferring a person to ICE without a judicial warrant;
- (3) Protect immigrations against coercion; and
- (4) Protect immigrants in sensitive locations including schools, hospitals, and courthouses.

In so doing, this bill would help ensure that all Marylanders have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve.

The 287(g) program leads to racial profiling, and furthers distrust between law enforcement and local communities.

Under federal immigration law, state and local law enforcement agencies may enter into an agreement with federal immigration authorities to enforce immigration law within their jurisdictions.¹ The 287(g) program turns local officers into immigration officers with minimal training, and virtually no oversight or accountability.² From the beginning, it has produced countless complaints of abusive police practices, racial profiling, and deteriorating relationships between police and local communities.

¹ 8 U.S.C. § 1357(g).

² See DHS, Officer of Inspector General, *The Performance of 287(g) Agreements: Report Update* (Sept. 2010), 10-11, available at http://www.oig.dhs.gov/assets/mgmt/oig_10-63_mar10.pdf



For instance, a Frederick County grandmother who was driving with her daughter and grandchildren in the car was pulled over. The officer lied about why he pulled her over (a broken taillight that was working just fine), proceeded to interrogate her about her immigration status, and detained her illegally, making her believe she would be separated permanently from her family.³ Although she was eventually released, this is just one of many examples of abusive police practices that terrify communities, and make residents view law enforcement as a threat, rather than protection.

Maryland's law enforcement agencies must serve all individuals equally and without discrimination. We also must ensure that public safety decisions are made and resources are spent to advance the interests of *Maryland's communities* first, not the federal government's anti-immigrant stance.

State and local law enforcement may not arrest individuals on the basis of civil immigration warrants alone.

The U.S. Supreme Court has held that state and local law enforcement do not have the authority to arrest or detain an individual based solely on a civil immigration warrant.⁴ It is not a crime for an undocumented immigrant to remain present in the United States. The Fourth Circuit also held that municipalities are liable for damages that arise from these unlawful arrests.⁵ By codifying these rulings, this bill would ensure uniform implementation across the state.

Detaining an individual on a federal immigration hold request is unconstitutional.

Federal immigration authorities routinely issue hold requests for state and local law enforcement to detain a person past their release date from custody. This constitutes a new arrest and detention that must meet the requirements under the Fourth Amendment. This hold request must either:

- (1) Be based on a warrant supported by probable cause and issued by a neutral judge, or
- (2) Meet the requirements for a warrantless arrest.

³ *Medrano et al v. Jenkins et al*, 1:19-cv-02038 (Maryland).

⁴ *Arizona v. United States*, 567 U.S. 387 (2012).

⁵ *Santos v. Frederick Cnty. Bd. Of Comm'rs*, 725 F.3d 451 (4th Cir. 2013).

However, several courts have held that it does not meet either requirement.⁶ There is neither a probable cause requirement, nor a process through which to find probable cause in order to issue a federal immigration hold request.⁷ This means they do not meet basic Fourth Amendment requirements for a valid warrant.⁸ They also do not meet the requirements for a warrantless arrest, which would require bringing the individual before a neutral judge, not an employee of the arresting agency which is the case of ICE hold requests. Therefore, by eliminating compliance with ICE hold requests, this bill would ensure that state and local law enforcement agencies uphold the constitutional rights of those in their custody.

Except in limited circumstances, state and local law enforcement are not required to share information with federal immigration authorities.

State and local agencies may restrict information-sharing with federal immigration authorities, and doing so is critical to rebuilding trust between law enforcement and community members. While federal law prohibits restrictions on communication about immigration or citizenship status of individuals, it does not prohibit limiting communications regarding release dates, custody status, or criminal case information for individuals in state or local custody. By preventing state and local law enforcement from sharing this type of information, this bill would help prevent the damaging pipeline that leads from routine police encounters to immigration detention and deportation.

Every day, Marylanders across our state live in fear of being unlawfully detained, separated from their families, and deported, because of draconian immigration laws and practices. These risks prevent even lawful residents and crime victims from interacting with local police. This bill would help protect Maryland residents from lifelong negative consequences, and rebuild trust between law enforcement and the communities they serve.

For the foregoing reasons, we urge a favorable report on SB 88.

⁶ See, e.g., *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Cir. 2013); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Jimenez-Moreno v. Napolitano*, __F.Supp.3d__, 2016 WL 572465 (N.D.Ill. Sept. 30, 2016).

⁷ See Form I-247 (issued by an ICE employee, which only requires an ICE employee's signature, no oath or affirmation of probable cause, and no review by a neutral judge), accessed at <http://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-form.pdf>

⁸ See *Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).

SB 88_FAV_Breiling.pdf

Uploaded by: Spielberger, Joe

Position: FAV

Testimony for the Senate Judiciary Proceedings Committee
January 27, 2021

SB 88 - State and Local Government - Participation in Federal Immigration Enforcement
FAVORABLE

1/25/21

Dear Senator Will Smith, and both chairs of the Judiciary Committee: Luke Clippinger and Vanessa Atterbeary,

I am hopeful that you will vote to support the Trust Act.

As an educator and resident of Frederick County who has devoted a career to advancing the well-being of children, I have been very concerned for a number of years with the adverse effect on children of deporting adults from their family network whose offenses have been minor, such as traffic violations, and whose impact on society has been no more harmful than comparable offenses by "legal" citizens.

Sincerely,

Annette Breiling
3300 Lowell Lane
Ijamsville, MD 21754

SB 88_FAV_Castillo.pdf

Uploaded by: Spielberg, Joe

Position: FAV

January 21, 2021

Senator Will Smith and Judicial Proceedings
End 287g Program in Maryland
Support the Trust Act (HB 304/SB88)
FAVORABLE

Dear Senator Smith and Committee members:

My name is Mayra R. Castillo and I work in Cecil County, Maryland. I have lived in Delaware and now in Pennsylvania and although I am impressed by the fact that Maryland offers drivers licenses to undocumented immigrants and an opportunity for some undocumented students to continue their education at the College/University level as in-state students, I am writing very concerned about Cecil County's cooperation with ICE in the 287g Program.

In 2020 I was involved in Census canvassing at the Fair Hill Training Center (<http://fairhilltrainingcenter.com/>) where a large majority of their workers is of Hispanic/Latinx background. We received special permission from management to visit the stables and speak to their workers in Spanish to give them information on the Census. In one day, we spoke to over 100 workers and dropped of information for over 150 workers. On a second visit we saw approximately 50 different workers and dropped off information for about 100 workers. While visiting, we were told at some of the stables there anywhere between 15 to 150 workers and there are over 17 stables. We were only able to visit about 10 stables in our two day visit because of their distanced locations.

We were amazed by the care that the workers put into their work. Their work hours are between 5am and about 1pm and some evening work, every day of the week, primarily during the summer and fall months. During winter and spring most of the horses and many of the workers travel to Maryland for the warmer weather. Some horses and workers do stay but not many.

While I spoke to many of the workers, some said they were permanent residents, some had temporary work visas, some were even U.S. citizens, but many who did not want to speak to us we anticipated was due to the fact that they were undocumented. We are aware that Maryland, Pennsylvania, and Delaware have a large number of mixed families of documented and undocumented members, including some DACA beneficiaries. We also have many recent immigrants from Guatemala and Venezuela. At one point I spoke to a worker who asked if it was true that Maryland was reporting private information from the Maryland Department of Transportation to Immigration from those that had applied for a driver license and I had to notify him that as far as I was aware that was not the case.

At that point, in late September, I was just beginning to be aware that Cecil County participated in the 287g Program and I was horrified. I wondered if the Fair Hill workers knew of this but since I was just beginning to learn about this since the program would be in effect in October, many of the workers probably did not know yet. I knew if they found out that the Cecil County police participates with Immigration/ICE in 287g they would panic and probably stop going to Fair Hill. In past years while I lived in Delaware there were issues where the local police often profiled black and brown drivers and many more black and brown drivers paid higher penalties for small infractions like going 5 miles over local limits, running yellow lights, or having broken lights on their cars. Local black and brown communities often hate and fear police when they

know they are being profiled and they refuse to corroborate with local police when they feel threatened and unsafe. They also often don't report violence in the home or in the community due to fear of the police and fear of being deported for reporting such crimes.

Cecil County's participation in 287g has that potential in Cecil County, to create fear and hostility between the police and the black/brown communities. We are grateful that Trump is no longer President, and that Biden has indicated he will help so that those that qualify to receive permanent residency can receive it, rather than to continue to put applications on hold or to deport and separate families outright.

I am asking that you please continue to fight so that 287g is removed from Cecil County so that our communities can continue to feel safe and protected and that they can continue to go to work. Many of the families that work in Fair Hill come from Delaware and Pennsylvania and if there were to be stopped in Maryland as they come to work, they could face being sent to immigration proceedings instead of making it back home to their families.

We know Cecil County has a history of discrimination and racism against communities of color and a history of some white individuals participating in KKK, White Supremacist Organizations and many were Trump supporters, and some were even at last week's insurrection at The Nation's Capital.

We need to stop 287g because we know it's another tactic to scare black and brown communities that already live in fear and in hiding because they don't want to be separated from their families by being deported or incarcerated in a cold cell while they await immigration proceedings.

We need to pass HB 304/SB88 (the Trust Act) to stop law enforcement from cooperating with ICE and to send a clear message that immigrants are safe here, and that their rights are protected.

For years now, Marylanders from across the state have shared with the General Assembly why we should not continue to partner with ICE. We need your commitment right now to get the Trust Act over the finish line, I'm looking forward to your support.

Please let me know if you have any questions or concerns on this issue and I thank you for your time and effort to support HB 304/SB88. I can be reached at mayrarc@gmail.com

Attentively,

Mayra R. Castillo
Cecil County Employee

SB 88_FAV_Contreras.pdf

Uploaded by: Spielberg, Joe

Position: FAV

Testimony for the Senate Judiciary Proceedings Committee
January 27, 2021

SB 88 - State and Local Government - Participation in Federal Immigration Enforcement
FAVORABLE

1/19/21

Dear Senator Will Smith, and both chairs of the Judiciary Committee: Luke Clippinger and Vanessa Atterbeary,

My name is Danielle L Contreras US Citizen and small business owner in Elkton, MD. I own a Hispanic grocery store and a restaurant. My restaurant has been open for 3 years now and my grocery store has been open for 15 years now. I have been an active member in the Hispanic community in Elkton and the surrounding areas for over 15 years as my husband is from Mexico and we have been married for 24 years now. My normal day is not the grocery store or the restaurant, it is translating and helping customers with tax letters, legal issues, MVA forms, immigration issues, school forms, church forms, notary letters, and even medical issues. As I speak both languages many of my customers trust me to help translate and fill out forms for many different issues. I do not only help Hispanic (Mexico, Guatemala, Honduras, El Salvador, etc...) I have helped people from Jamaica, Italia, Turkey, even some people that are US citizens that just do not know their way around forms or applications.

When Cecil County entered the 287g contract with USCIS and added immigration to their job duties fear came across the county. Some people have moved out of the area in fear of what could happen. I personally know of a few men who have been picked up with this new law. One had a DUI and was processed through the Cecil County Detention Center, while in the center he was transferred to Immigration in Frederick MD and has since been deported. He leaves behind his wife and 2 kids. Another, gentlemen accepted a niece from who came from central America into his house. A few months after she came the Police knocked on his door and arrested him for not having papers. He was processed through the Cecil Detention Center and then sent to Frederick MD through immigration. He has a wife and 3 kids. Thank God he has been released with a bond and is home now; however, he is in deportation processes at this time. Both cases are things that would have never happened before this new law allowing Cecil County to act as immigration officers.

This new law is not helping the county, it is hurting us. Many of my customers do not go to the courts now in fear of being processed through immigration. I have many people who are victims and would rather not say anything to the police in fear they will be asked if they have papers. One of my customers was in a car accident (not his fault) and he did not call the police, he only took a picture of the other persons information and it turns out that his insurance was expired, and he has no way to contact the person now. Had he called the police they would have taken information and he would have contact information. A friend of my son was threatened by his neighbor that they are going to contact the police and turn them into immigration because they are Hispanic. The son has DACA; however, the parents do not. They are great additions to our economy and have a genuinely nice house in Patriots Glenn. It is a shame they must live in this kind of community that does not protect all members.

Due to this policies, Hispanic and other immigrants are living in fear every day. I can not imagine living in this kind of fear daily or feeling that you are not equal to others. Personally, I feel 287g is just a law that allows for Hispanic racism. The police have the right to ask my kids, husband, and friends if they have legal status in the USA just because of their complexion. My 2nd daughter goes to school in Frederick MD and I have told her not to go into the city due to the extreme Hispanic racism they have caused due to the police singling out Hispanics. She was born in the USA; however, she looks very Hispanic as she has very olive skin tone with long black hair and dark eyes. It is not fair to her, however; I would prefer to protect her from this stereotyping that has become a racial discrimination issue in our area.

If you need to contact me feel free to write me at 143 Continental Dr. Elkton, MD 21921. Or you can call me on my cell at 410-920-6828 or home 410-398-9660. I thank you for your time and consideration in this matter.

Danielle Contreras

SB 88_FAV_Garay.pdf

Uploaded by: Spielberg, Joe

Position: FAV

Testimony for the Senate Judiciary Proceedings Committee
January 27, 2021

SB 88 - State and Local Government - Participation in Federal Immigration Enforcement
FAVORABLE

1/25/21

Dear Senator Will Smith, and both chairs of the Judiciary Committee: Luke Clippinger and Vanessa Atterbeary,

Good afternoon,

My name is Flor Garay, and I write to urge your support of Bill SB 88, on behalf of the RISE immigrant justice coalition in Frederick Maryland.

To get a sense of the damage caused by 287g on our community, please see below for my recent press statement in response to the successful settlement of the racial profiling lawsuit against our Sheriff Jenkins, on behalf of plaintiffs Sara Medrano and RISE. We won this case, but still we know this behavior represents a pattern that has impacted hundreds and even thousands of county residents who don't feel safe or welcome here.

I thank you for your time and consideration in this matter.

Attentively,

RISE Coalition MD

January 21, 2021

My name is Flor Garay. thank you for the opportunity to speak on behalf the members of the RISE Coalition of Western Maryland known as "La Coalicion"

I am here today to denounce the numerous civil violations that members of the immigrant community in Frederick County have been subjected while under Sheriff Jenkins control and administration of the 287g program. We have seen a pattern and practice by the Frederick County Sheriff's Office that deliberately discriminates against immigrants of color.

What happened to Roxanna Orellana Santos in 2008 was unwarranted! Roxanna was simply eating her lunch during her work break when a Frederick County sheriff illegally detained and placed her in handcuffs while they investigated her immigration status.

What regularly happens to Mr. A. G, another member of the immigrant community, is simply an act of racism by the Frederick County Sheriff's Office. Over the last two years, Mr. A. G has been stopped at least 7 times and questioned about his immigration status because of the color of his skin. This is unfair and must stop. The racial profiling of immigrants of color is illegal.

I really wished that we did not have to be here today. I wish that Ms. Medrano had never been subjected to an illegal seizure by Frederick County Sheriff's Office deputies. Ms. Medrano did nothing wrong on afternoon of July 7, 2018. Ms. Medrano was simply driving to a friend's house when she was detained with her children in the car for more than 1 hour while deputies unsuccessfully contacted ICE.

There are no words to comfort and repair the fear, humiliation, and emotional distress suffered by Ms. Medrano and her children. Because of the illegal administration of the 287g program in Frederick County, many undocumented immigrants live in constant fear of deportation and the ultimate separation from their families. The trauma suffered as consequence of the illegal acts committed by Frederick County Sheriff's Office deputies, are scarring our children mental and emotional wellbeing. No children in Frederick County should have to live under fear of their parent's deportation---not by the institution that promises to protect and serve all residents in Frederick County.

It is disturbing to know that Sheriff Jenkins anti-immigrant rhetoric has translated into the practice anti-immigrant policing in Frederick. No resident of Frederick county should have to fear reporting crimes because they fear police retaliation. The immigrant communities like all other communities deserve the equal protection of the law.

I commend nuestra compañera Ms. Medrano for standing up for her rights and for the rights of other community members who have been profiled and discriminated against by the Frederick County Sheriff's Office.

Ms. Medrano--today is a significant day for the entire immigrant community because you are setting the record clear that racial profiling and discrimination by Frederick County Sheriff's Office will NOT be tolerated.

Thank you, Ms. Medrano, for your "**ganas**" to keep going despite all adversity. Thank you for all of your tears and your courage to stand up for yourself and your family.

Thank you to ACLU attorneys, Nicholas T. Steiner and Brian Whittaker, for your legal advocacy and hard work defending the individual rights and liberties of the people.

We are the RISE Coalition of Western Maryland and will continue to fight for the equal and fair treatment of our community members.

Thank you.

SB 88_FAV_Raven.pdf

Uploaded by: Spielberg, Joe

Position: FAV

Testimony for the Senate Judiciary Proceedings Committee
January 27, 2021

SB 88 - State and Local Government - Participation in Federal Immigration Enforcement
FAVORABLE

1/25/21

Dear Senator Will Smith, and both chairs of the Judiciary Committee: Luke Clippinger and Vanessa Atterbeary,

We support Bill SB88 (The TRUST Act).

We are allies in the continuing work to assure that members of our Frederick County immigrant communities have full equal protection under the law as provided in Amendments 4, 5, and 14 of the U.S. Constitution. We have heard stories, and have ourselves observed a questionable police traffic stop on U.S. Alt 40 in front of our house. These incidents confirm racial motivation and disregard on the part of the police of the principle of probable cause suffered by people of color, specifically those that appear to be of Hispanic race. These kinds of stops have resulted in questionable detentions in order to facilitate questionable deportations under the 287(g) program.

This injustice must stop. Passage of this Bill will bring the State of Maryland one step closer to the demand and expectation of racial equity at a national level in President Biden's Executive Order Advancing Racial Equity and Support for Underserved Communities through the Federal Government (January 20, 2021).

Attentively,

Sea Raven, D.Min.
Rev. M. Michael Morse
5512 Old National Pike
Frederick, MD 21702

Sea Raven cell: 304-433-5949
Mike Morse cell: 301-367-7640

D4CC - Support Trust Act SB 088.pdf

Uploaded by: Sugarman, Kate

Position: FAV



SB 088/HB 304 – SUPPORT

Kate Sugarman
Doctors for Camp Closures, Maryland
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301-343-5724

SB 088/HB 304 - SUPPORT

State and Local Government - Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee/House Judiciary Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Chapter of Doctors for Camp Closure strongly supports SB 088/HB 304, the State and Local Government - Participation in Federal Immigration Enforcement Act (the Maryland Trust Act). We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

As health care professionals we know all too well the importance of our patients coming into hospitals and clinics for care, both when they are sick and for preventive care to keep them from getting sick.

During this crisis of Covid 19, there is nothing more important than getting timely medical care. This includes getting covid tested so that someone can quarantine and not infect others. This also means getting hospital care soon enough so that one does not die from Covid pneumonia. Delaying this care due to fear of being picked up by an ICE agent will mean the difference between life and death for the covid infected patient as well as his household and co workers.

We do everything in our power to encourage our patients to come in on a regular basis, from having a friendly front desk staff, to having appropriate interpretation services and providing multi specialty care.

It is critical that patients feel safe in their health care settings and not have to fear that ICE agents may enter and detain and deport them.

We know how important preventive care is. Without vaccines people die from preventable diseases like measles and the flu. When people are not screened for diabetes, high blood pressure and colon cancer they then die from those diseases as well as complications like strokes and heart attacks. When women are not provided mammograms or PAP smears they later die from breast and cervical cancer.

Hospitals and health centers routinely treat simple disease like strep throat and ear infections but those infections left untreated can be deadly. Our medical centers have to provide complicated and ongoing care for chronic conditions like diabetes, high blood pressure and cancer. Again, without close attention and frequent follow up these conditions are also deadly.

If patients fear that by seeking care they could risk detention and deportation due to ICE agents entering their hospitals and clinics, they will choose the safer path of foregoing their medical care and staying home but then ultimately getting sicker and dying from conditions that could have been prevented or treated.

The Maryland Chapter of Doctors for Camp Closure urges a favorable report on SB 088/HB 304.

MDAID - Support Trust Act SB 088.pdf

Uploaded by: Sugarman, Kate

Position: FAV



SB 088/HB 304 – SUPPORT

Kate Sugarman
Maryland Against ICE Detention
katesugarman@hotmail.com
301-343-5724

SB 088/HB 304 - SUPPORT

State and Local Government - Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee/House Judiciary Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

Maryland Against ICE Detention (MDAID) strongly supports SB88/HB 304, the State and Local Government - Participation in Federal Immigration Enforcement Act (the Maryland Trust Act), and urge this committee to report favorably on this legislation.

MDAID is a statewide coalition of organizations and individuals striving to stop immigration detention as well as systems that contribute to detention and deportation. We are made up of over 60 organizations and over 200,000 individual members and members of those organizations.

The Trust Act will end police partnership with ICE. The Trust Act will prevent ICE from entering sensitive locations like schools and hospitals.

The Trust Act will prohibit corrections officers from detaining people beyond their release date, unless presented with a valid judicial warrant, and also prohibit police from inquiring about immigration status during stops.

We know all too well the importance of patients coming into hospitals and clinics for care, both when they are sick and for preventive care to keep them from getting sick. It is critical that ICE not be able to enter these places.

During this crisis of Covid 19, there is nothing more important than getting timely medical care. This includes getting covid tested so that someone can quarantine and not infect others. This also means getting hospital care soon enough so that one does not die from Covid pneumonia. Delaying this care due to fear of being picked up by an ICE agent will mean the difference between life and death for the covid infected patient as well as his household and co workers. Now that there is a covid vaccine, it is critical that undocumented immigrants feel safe in medical settings so that they can be vaccinated.

If immigrants fear that by seeking care they could risk detention and deportation due to ICE agents entering their hospitals and clinics, they will choose the safer path of foregoing their medical care and staying home but then ultimately getting sicker and dying from conditions that could have been prevented or treated.

The Trust Act ends police partnership with ICE. This means that crime victims will no longer fear and face deportation if they report crimes to the police. Communities with acts like the Trust Act find that their crime rates decrease since they know that by reporting crimes to the police they do not risk detention and deportation.

Passing the Trust Act will make our communities safer and healthier.

MDAID urges a favorable report on SB 088/HB 304.

SB 88 - Maryland Trust Act.docx.pdf

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD 21136

Showing Up for Racial Justice Baltimore

Esperanza Center -SB88-TRUST Act.pdf

Uploaded by: Vaughan, Regan

Position: FAV

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 88

State and Local Government – Participation in Federal Immigration Enforcement

January 27, 2021

Position: Support

The Esperanza Center, a program of Catholic Charities, is a comprehensive immigrant resource center located in Fells Point. Our staff and volunteers provide services and referrals, ESL education, healthcare and low-cost immigration legal services to thousands of immigrants each year. **We support SB 88.**

Trust between immigrant communities and law enforcement is critical to law enforcement's ability to investigate and prosecute crime. SB 88 would clarify the parameters of local participation in federal immigration enforcement efforts.

The law would prohibit law enforcement officials from detaining, searching, stopping, or arresting anyone for the purpose of investigating a suspected immigration violation or to inquire about citizenship, or country of birth of any arrestee or victim of crime. The fear of deportation often prevents victims and witnesses from contacting or cooperating with law enforcement. This provision would help law enforcement do its job by curtailing racial profiling and reinforcing trust between officers and the immigrant communities they serve.

When an individual becomes eligible for release from State or local custody, the law would prohibit the government from continuing to detain the individual for the purpose of immigration enforcement, with exceptions. The law also requires schools, hospitals, and courthouses to have policies that ensure their safety and accessibility to all, regardless of immigration status. Indeed, these policies will help build trust between law enforcement and communities.

Every day, the Esperanza Center sees clients in-person and virtually during the COVID-19 pandemic. These clients fear that any contact with law enforcement will lead to certain deportation, and even persecution or torture in their countries of origin. Our immigration legal services program serves asylees and refugees, as well as survivors of domestic violence, sexual assault, human trafficking and other crime in the United States. These communities must trust that they can report important information to law enforcement. Fear of law enforcement keeps lines of communication and reporting closed, while trust opens them.

We urge you to build trust between law enforcement and immigrants throughout Maryland by giving a favorable report for SB 88. Thank you for your consideration of our views.

Submitted by: Mikhael H. Borgonos, Managing Attorney

Viqueira - Testimony SUPPORTING SB0088.pdf

Uploaded by: Viqueira, Rachel

Position: FAV

Testimony SUPPORTING SB0088

January 24, 2021

Dear members of the Judicial Proceedings Committee,

My name is Rachel Viqueira and I am a resident of Baltimore City in District 43 and a strong supporter of SB0088. I am submitting this testimony to urge you to SUPPORT SB0088, *State and Local Government - Participation in Federal Immigration Enforcement*.

In Maryland, multiple counties have partnerships with U.S. Immigration & Customs Enforcement for the purported purpose of stopping immigration “crime”, but the truth is that the existence of ICE itself is the crime. Formed in the paranoid days after the 9-11 attack, when an enormous increase in government force and reach was seen as necessary, the agency has only become less accountable and more insidious in recent years. Its documented activities include warehousing people in deplorable conditions for long periods of time, denying detainees medical treatment, physical and sexual abuse, scores of deaths of people in their “care”, separating thousands of children from their parents, sterilizing dozens of people without their consent, making a mockery of the right to representation, and sending asylum-seekers back to situations where they face persecution and death for their beliefs or identities.

In contrast, what “crime” is it to seek a new life in a new country? So-called “illegal” immigrants have committed only paperwork violations necessitated by a byzantine and broken system; by simply coming here they have harmed no one at all. Immigration in fact has been shown time and again to makes our communities stronger, more vibrant, and more prosperous. It is only xenophobia and the convenience of scapegoating the powerless that make us act as if the opposite were true. In Baltimore City, where population decline and the corresponding decline in tax revenue has made it difficult to keep the lights on, more immigration would be especially welcome!

By working with ICE to question, hold, and transfer Maryland residents into their custody, local law enforcement agencies lose even more of their thin credibility. Research has shown that in places that have laws like SB0088 in place, crime has gone down. This is the natural result of not forcing people into the shadows. It is past time that we ended this shameful and counter-productive collaboration.

Thank you for your attention and for doing the right thing.

Sincerely,

Rachel Viqueira

ADL Testimony SB88 - FINAL.pdf

Uploaded by: Weisel, Meredith

Position: FAV



**Maryland General Assembly
Senate Judicial Proceedings Committee
January 27, 2021**

Testimony of Meredith R. Weisel
ADL Washington D.C. Senior Associate Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony in **strong support of SB88, State and Local Governments – Participation in Federal Immigration Enforcement**, which will allow state and local law enforcement to prioritize public safety, rather than civil immigration enforcement, helping to build trust and ensure critical protections for all who call Maryland home.

ADL is a leading anti-hate organization committed to stopping the defamation of the Jewish people and securing justice and fair treatment for all. Representing a community that has experienced the plight of living as refugees throughout its history, ADL has advocated for fair and humane immigration policies since its founding, and has been at the forefront of exposing anti-immigrant and anti-refugee hate that has poisoned our nation's debate. As a leading non-governmental trainer of law enforcement, we remain steadfast in our support of policies that keep immigration enforcement at the federal level, allowing local law enforcement to put the needs of the communities they serve first.

The Trust Act is commonsense and urgent legislation that prioritizes community safety and the efficient use of limited public resources here in Maryland. Specifically, the bill will prevent local law enforcement from inquiring about an individual's citizenship, immigration status, or place of birth during routine police functions, transferring persons to ICE without a judicial warrant, detaining persons for the purpose of immigration enforcement without a judicial warrant, or notifying ICE about immigrants' whereabouts. These are bare minimum protections that must be in place to help restore faith and confidence that our state government is here to protect all Marylanders equally, regardless of immigration status.

Unfortunately, under existing law, many residents in our state, including survivors of domestic violence and victims of other violent crimes, including hate crimes, are increasingly unwilling to avail themselves of court or police protection for fear that they or their family members will be

reported to ICE. When immigrants fear that their interactions with law enforcement could lead to unlawful detention, family separation, or even deportation, they will not come forward when they have been the victims of a crime or have valuable information as witnesses. These dangerous effects are not limited to those who are undocumented: U.S. citizens and lawful permanent residents who have family members who are undocumented, live in communities where people are undocumented, or belong to ethnic groups that include many immigrants, similarly hesitate to report crimes or assist in the investigation of crimes.

These trends are particularly concerning at a time when members of immigrant communities are uniquely vulnerable to hate crimes, and the Latinx community is especially at risk—in 2019, for example, the FBI documented a 9% increase in “anti-Hispanic” hate crimes across the country, the fourth straight year of escalating numbers. Compounding the issue even further is the fact that, in recent years, there has been a notable decline in reporting of crime by members of the Latinx community,¹ and a corresponding decrease in reporting of hate crimes by law enforcement agencies across the state of Maryland.²

Crime only increases when members of the community fear turning to authorities for protection. One recent study by the Center for American Progress, for example, compared counties with policies that do not assist federal immigration enforcement officials by holding people in custody beyond their release date with counties that were similar on a broad range of demographic characteristics but had no such policy. The study concluded that “[t]here are, on average, 35.5 fewer crimes committed per 10,000 people in ‘sanctuary’ counties compared to ‘non-sanctuary’ counties.”³

¹ See, e.g., Sefano Camino, Giovanni Mastrobuoni, & Antonio Nicolo, *Silence of the Innocents: Illegal Immigrants’ Underreporting of Crime and Their Victimization*, IZA (Oct. 2016), <https://ssrn.com/abstract=2861091>; James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. TIMES (Oct. 9, 2017), <http://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>.

² For example, in 2019, of the 153 Maryland law enforcement agencies that participated in FBI hate crime reporting, only 9 (less than 6%) reported one or more hate crimes to the FBI.

³ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Ctr. for Am. Progress (Jan. 26, 2017), <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy>.

While some local jurisdictions in Maryland have passed ordinances and policies ensuring that local resources are not used for immigration enforcement, these patchwork protections are not enough. By drawing a bright line between Maryland law enforcement officials and federal immigration enforcement agents, this bill will help protect fundamental rights to which all Marylanders are entitled, and ensure that public safety decisions are made and resources are spent to advance the interests of Maryland's communities—not the interests of federal immigration authorities. This, in turn, will help send a clear and unequivocal message—that Maryland is a state that strives to be safe and welcoming for all.

We urge the Senate Judicial Proceedings Committee to give SB 88 a favorable report.

testimony on Trust Act 2021.pdf

Uploaded by: Wilson, Lorraine

Position: FAV

Lorraine Wilson
8719 62nd AVE
Berwyn Heights
Maryland
301 474-5221

Testimony Concerning: SB088/HB304 TRUST ACT

January 27, 2021

Judiciary Committee Hearing

Position: SUPPORT

Honorable Judiciary Committee Members

I am writing as an individual Marylander who has lived here for more than 30 years, who has been a Public-School Teacher for most of that time, and also as an advocate for Immigrant Rights (without any particular allegiance to an Organization), and having worked on past Legislation regarding the same and other human rights issues.

As a Teacher, I have come to know and regard many of my immigrant children and their families with high regard. For the most part I have found that they are particularly eager to work hard, do well in school, and have strong family ties and values (the same ones we often hear of people wanting to aspire to). I have also found the immigrant people in my work with them and as my neighbors and friends to be especially compassionate people and willing to help others, as they have been through many hardships themselves. I believe and hope you share my

views that they deserve to be treated with dignity no matter their status as a citizen.

Immigration issues are complicated and while these things are being sorted out in the Courts and through the regular process of Government, I believe we should leave it out of the hands of the Police and other agencies not especially equipped to oversee these matters. Therefore, I would like to see the Trust Act be passed for the following reasons:

It would restore trust in law enforcement, making it easier to report crimes against immigrants and the general public, making it safer for everyone.

It would stop the expenditure of time and money without the burden on resources without endangering anyone because those who commit crimes would still be held accountable.

It would reduce human suffering by making sure that those who are innocent of any crime (other than merely seeking asylum) would not needlessly be afraid.

It would show that in all of Maryland we are a People who believe that certain people in society should not be targeted because of Race, Ethnicity, or unfortunate circumstance.

It is very easy to see by the many jurisdictions that have already passed similar legislation that the people of Maryland heartily agree that this is the right thing to do and the right time to do it.

Lorraine Wilson

barranw@comcast.net

SB 88 - Maryland Trust Act.pdf

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 12. I am testifying **in support of Senate Bill 88, the Maryland Trust Act.**



The MD Trust Act will limit the state's cooperation and partnership with ICE and other federal agencies that enforce immigration laws. If passed, the Trust Act will make our communities safer by improving residents' relationships with law enforcement and other state entities.

Trust between communities and law enforcement is essential to public safety. Community members are more likely to engage with law enforcement when they do not fear harassment. And several studies show that jurisdictions with laws like the Trust Act have lower crime rates and stronger economies, and that such policies can actually encourage immigrants to report crimes.

Under the Trust Act, Maryland's criminal justice system will continue to operate normally. In no way does it limit the state's ability to arrest or prosecute individuals it believes committed crime. There is also nothing in the Trust Act that prevents the federal government from enforcing federal immigration law. It will simply halt the use of state resources and Maryland taxpayer dollars toward that end. As you know, the state is under no obligation to assist with federal responsibilities and passing the Trust Act would be sending a clear message that Maryland will not contribute to attacking and targeting immigrants.

The Supreme Court and the Fourth Circuit Court of Appeals have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation. Not only does it infringe on Fourth Amendment rights, but it is quite literally not in their job description. And doing so damages the relationship between communities and law enforcement.

Passing the Trust Act will increase the safety of Marylanders by preventing law enforcement from inquiring about immigration status, detaining people on behalf of ICE, and notifying/transferring individuals to ICE custody. It will also require the state Attorney General to create guidance on ICE enforcement on the premises of hospitals, courthouses, and schools. It is imperative that all people feel safe using these resources as they are essential to enjoying the inalienable rights to life, liberty, and the pursuit of happiness.

It is for all these reasons that I urge you to vote in **support of the Maryland Trust Act (Senate Bill 88).**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB 88 State Sanctuary 2021 (1) (1).pdf

Uploaded by: Botwin, Brad

Position: UNF

STATEMENT BY BRAD BOTWIN, DIRECTOR, HELP SAVE MARYLAND.ORG

BEFORE THE SENATE JUDICIAL PROCEEDING COMMITTEE

**SB88 "STATE AND LOCAL GOVERNMENT – PARTICIPATION IN FEDERAL
IMMIGRATION ENFORCEMENT"**

JANUARY 27, 2021

"Criticism may not be agreeable, but it is necessary. It fulfills the same function as pain in the human body. It calls attention to an unhealthy state of things."

- Sir Winston Churchill

MY NAME IS BRAD BOTWIN AND I'M THE DIRECTOR OF HELP SAVE MARYLAND.ORG, A STATE-WIDE, 501(C)3 NONPROFIT ORGANIZATION WHICH EDUCATES MARYLAND CITIZENS (INCLUDING OUR LEGISLATORS) ON THE FINANCIAL, SOCIAL AND ECONOMIC COSTS OF ILLEGAL IMMIGRATION.

I'M HERE TODAY TO EXPRESS MY SERIOUS CONCERNS WITH SB88, A SEEMINGLY RACIST, POLITICIALLY MOTIVATED BILL PROMOTING STATE SANCTUARY, INTRODUCED FOR THE SOLE BENEFIT OF MARYLAND'S GROWING ILLEGAL ALIEN POPULATION AND THEIR LOCAL ENABLERS. THIS IS THE 6TH TIME SINCE 2014 THAT THIS ELECTED BODY HAS SUBJECTED THE CITIZENS OF MARYLAND TO THIS UNNECESSARY, AND IF IMPLEMENTED, QUITE DANGEROUS LEGISLATION.

SB88 WILL INTERFERE WITH FEDERAL LAW ENFORCEMENT ACTIONS TO REMOVE ILLEGAL ALIEN CRIMINALS FROM OUR JAILS, SCHOOLS, HOSPITALS, COURTHOUSES AND MOST IMPORTANTLY OUR COMMUNITIES. SPECIFICALLY, THE BILL WILL:

- PROHIBIT STATE AND LOCAL LAW ENFORCEMENT FROM HONORING ALL U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINER REQUESTS FOR ANY ILLEGAL ALIEN OTHERWISE ELIGIBLE FOR RELEASE FROM CUSTODY;

-ALLOW ILLEGALS TO USE ID NOT NORMALLY ACCEPTABLE IN MOST APPLICATIONS WITHOUT BEING SUBJECT TO FURTHER SCRUTINY;

- PROHIBIT STATE AND LOCAL LAW ENFORCEMENT FROM ASKING ABOUT THE IMMIGRATION STATUS OR PLACE OF BIRTH OF ANY ARRESTED INDIVIDUAL, OR STOPPING, ARRESTING, SEARCHING OR DETAINING AN INDIVIDUAL FOR THE PURPOSE OF INVESTIGATING IMMIGRATION VIOLATIONS OR EXECUTING ICE WARRANTS;

-REQUIRE PUBLIC SCHOOLS, HOSPITALS AND COURTHOUSES TO LIMIT FEDERAL IMMIGRATION ENFORCEMENT ACTIVITIES ON THEIR PREMISES;

-REQUIRE MARYLAND COUNTIES (FREDERICK, CECIL AND HARFORD) THAT ARE PARTNERED WITH ICE THROUGH THE FEDERAL 287G PROGRAM TO END THEIR SUCCESSFUL FORCE-MULTIPLIER LAW ENFORCEMENT COOPERATION;

THESE ARE JUST A FEW OF THE LAWLESS SECTIONS OF SB88. WE, AS TAXPAYING CITIZENS, ARE AT A LOSS AS TO HOW PASSAGE OF THIS BILL WILL ENHANCE PUBLIC HEALTH AND SAFETY AND THE QUALITY OF LIFE FOR ALL MARYLAND RESIDENTS?

AS WE HAVE SEEN IN OTHER SANCTUARY JURISDICTIONS NATION-WIDE, SUCH AS THE STATE OF CALIFORNIA AND EVEN OUR OWN BALTIMORE CITY, REFUSAL TO ALLOW STATE AND LOCAL LAW ENFORCEMENT TO COOPERATE WITH FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DOES LITTLE TO HELP THOSE HERE ILLEGALLY (NOT COMMITTING CRIMES).

INSTEAD, SANCTUARY JURISDICTIONS ENDANGER LAW-ABIDING CITIZENS AND LEGAL IMMIGRANTS WHO ARE SUBJECT TO INCREASED LEVELS OF CRIME, MURDER, RAPE, DRUGS, PROSTITUTION, AND MS-13 GANG VIOLENCE BY BRAZEN, OFTEN REPEAT, OFFENDERS WELL AWARE THAT SANCTUARY STATUS IS NOTHING MORE THAN A GET OUT OF JAIL FREE CARD FOR THEIR ALIEN CRIMINAL STATUS.

MY OWN JURISDICTION, MONTGOMERY COUNTY MARYLAND, IS ANOTHER PERFECT EXAMPLE OF SANCTUARY POLICY GONE WRONG. IN 2019, THERE WERE HUNDREDS AND HUNDREDS OF SEXUAL ASSAULTS AND RAPES IN THE COUNTY, A MASSIVE INCREASE OVER 2018, MANY COMMITTED BY ILLEGAL ALIENS. ALIENS THAT IN MOST CASES WERE KNOWN TO COUNTY LAW ENFORCEMENT OFFICIALS. I'M SURE THIS COMMITTEE IS WELL AWARE OF THE CARNAGE THAT TOOK PLACE IN MONTGOMEY LATE SUMMER 2019 WHERE NO LESS THAN 10 YOUNG GIRLS, 15 AND UNDER, WERE ASSAULTED AND RAPED IN A THREE MONTH PERIOD BY THESE LAW-BREAKING ALIENS.

OUR COUNTY OFFICIALS ACTUALLY PUBLICALLY DEFENDED THESE ALIENS AND SANCTUARY (ARM AND ARM WITH GROUPS LIKE CASA OF MARYLAND AND IDENTITY INC.) AND THUS THEIR HORRIFIC CRIMES AGAINST CHILDREN. MONTGOMERY COUNTY STILL REFUSES ENHANCED COOPERATION WITH ICE.

I AM PROUD TO SAY HELP SAVE MARYLAND AND OTHER ORGANIZATIONS ALONG WITH MANY HUNDREDS OF CONCERNED LOCAL CITIZENS PROTESTED THESE NEEDLESS RAPES AND COUNTY EXECUTIVE MARK ELRICH'S PITIFUL OFFER OF RAPE COUNSELING FOR THESE

UNDERAGE VICTIMS. FEMALE VICTIMS THAT WERE, IN FACT, PRIMARILY HISPANIC IMMIGRANTS TO OUR COUNTY.

ARE THE MEMBERS OF THIS COMMITTEE PREPARED FOR THE SAME HORRIBLE OUTCOMES AND THE SAME CITIZEN PROTESTS AND MORE FROM YOUR CONSTITUTENTS ACROSS THE STATE? EVEN NOW, CITIZENS IN HOWARD COUNTY ARE RISING UP AGAINST THE SANCTUARY THAT WAS RECENTLY FORCED UPON THEM BY THEIR ENLIGHTENED AND QUITE LAWLESS HOWARD COUNCILMEMBERS AND EXECUTIVE. EXPECT TO SEE THE HOWARD SANCTUARY ON THE BALLOT IN 2022.

AND IF YOU CHALLENGE THE WILL OF MARYLAND CITIZENS OPPOSED TO SANCTUARY, EXPECT TO SEE SB88, SHOULD IT BECOME LAW, ON THE MARYLAND BALLOT IN 2022!

YEAR AFTER YEAR, I FIND MYSELF REMINDING THIS COMMITTEE THAT CITIZENS AND LEGAL IMMIGRANTS, RATHER THAN ILLEGAL ALIENS, ARE YOUR CONSTITUENTS. I ALSO CONTINUE TO BE SHOCKED THAT OUR LEGISLATORS REPRESENTING MARYLAND'S BLACK COMMUNITIES READILY CO-SPONSOR TOXIC LEGISLATION LIKE SB88. THE BRUNT OF THE CRIME, DECLINE IN PUBLIC SCHOOLS, SOCIAL SERVICES AND HEALTHCARE, AND THE LOSS OF EMPLOYMENT OPPORTUNITIES FALLS MOST HEAVILY ON YOUR BLACK (AND LEGAL HISPANIC) CONSTITUENTS. THE "OUTSTANDING" SCHOOL SYSTEMS IN BALTIMORE AND PRINCE GEORGE'S COUNTY ARE A TESTIMENT TO THE PRIORITIES OF OUR ELECTED OFFICIALS.

THIS BILL HAS THE IMPRIMATUR OF CASA OF MARYLAND, THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), THE ACLU AND OTHER ANTI-CITIZEN GROUPS. AMNESTY AND SANCTUARY ARE NOT PRIORITIES FOR MARYLAND CITIZENS, STRUGGLING WITH COVID 19 AND HIGH UNEMPLOYMENT.

WHY IS THIS BILL A BAD IDEA FOR MARYLAND?

CREATES AN UNWANTED SAFE HAVEN - OTHER STATES AND CITIES THAT HAVE SIMILAR LAWS IN PLACE HAVE BECOME MAJOR MAGNETS FOR INCREASED ILLEGAL IMMIGRATION, CRIME, PROSTITUTION, AND DRUG TRAFFICKING. MORE ILLEGAL ALIENS = MORE K-12 EDUCATION, HEALTHCARE AND SOCIAL WELFARE COSTS WHICH RESULTS IN A DECLINING STANDARD OF LIVING FOR MARYLANDERS. OUR OVERALL QUALITY OF LIFE IN MARYLAND IS ALREADY ON THE DECLINE DUE TO HIGH TAXES, DEBT, ERODING SERVICES AND COVID 19 UNEMPLOYMENT. HOW MANY MORE MARYLANDERS HAVE TO LEAVE THE STATE BEFORE ANNAPOLIS GETS THE MESSAGE?

WASTE OF TAX DOLLARS - LAST TIME I CHECKED MARYLAND WAS STILL PART OF THE UNITED STATES. THIS BILL WILL FORCE THE FEDERAL GOVERNMENT TO EXPEND MANPOWER AND TAX DOLLARS TO TRACK DOWN AND ARREST DEPORTABLE CRIMINALS ALREADY ARRESTED

AND HELD IN MARYLAND JAILS. AT THE END OF THE DAY WE ALL PAY THE TAX TAB FOR THIS IF IT BECOMES LAW.

UNDERMINES TRUST BETWEEN LAW ENFORCEMENT AND "IMMIGRANTS" - WE HAVE HEARD A LOT OF NONSENSE FROM CASA AND THE ACLU, AND THE LAWLESS MONTOMERY, PRINCE GEORGE'S AND BALTIMORE CITY OFFICIALS THAT ILLEGAL ALIENS WON'T REPORT CRIMES IF POLICE WORK WITH ICE. THE FACTS ARE THAT POLICE DO NOT INQUIRE ABOUT IMMIGRATION STATUS OF WITNESSES OR VICTIMS OF CRIME. ALL CITIZENS, LEGAL IMMIGRANTS, AND YES EVEN ILLEGAL ALIENS, DESERVE TO BE SAFE FROM CRIMINALS WANTED BY ICE.

LEGISLATORS WHO PROMOTE OR SPONSOR BILLS LIKE SB88 DESERVE OUR DISDAIN RATHER THAN OUR RESPECT OR VOTES. JEOPARDIZING THE SAFETY AND WELL BEING OF MARYLAND CITIZENS, SIMILAR TO WHAT IS HAPPENING IN SANCTUARY CITIES AROUND THE COUNTRY IS JUST WRONG. WE SHOULD BE STRENGTHENING RATHER THEN CUTTING TIES WITH FEDERAL IMMIGRATION AUTHORITIES.

MR. CHAIRMAN, I REQUEST THIS COMMITTEE TABLE SB88 AND INSTEAD WORK ACROSS THE AISLE TO PROMOTE MARYLAND'S ECONOMY AND JOB OPPORTUNITIES FOR ALL CITIZENS AND LEGAL IMMIGRANTS. ILLEGAL ALIENS ARE STEALING OUR EMPLOYMENT OPPORTUNITIES AND SOCIAL SERVICES, AND OVERWHELMING OUR PUBLIC SCHOOL SYSTEMS. UNCONTESTED ILLEGAL IMMIGRATION IS THE PROBLEM IN MARYLAND, NOT FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT DEPORTATION ACTIVITIES OF WANTED CRIMINAL ALIENS.

THANK YOU.

BRAD BOTWIN, DIRECTOR

HELP SAVE MARYLAND.ORG

PO BOX 5742 ROCKVILLE, MD 20855

BB67CHEV@AOL.COM , 240-447-1884

MD Judiciary - Testimony SB 88.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 88
State and Local Government – Participation in Federal
Immigration Enforcement
DATE: January 20, 2021
(1/27)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 88. This bill requires the Attorney General to develop guidelines to assist courthouses in drafting policies that limit civil immigration enforcement activities on courthouse premises. This bill also allows courthouses to establish and publish policies that limit immigration enforcement on the courthouse premises consistent with federal and state law based on the guidelines developed by the Attorney General.

Article IV, §18 of the Maryland Constitution dictates that the “Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State.” Although it is discretionary for the court to adopt and implement policies based on the guidelines established by the Attorney General, any state guidelines that could serve to impede Federal law enforcement personnel from carrying out activities that are lawful under Federal law may well be unconstitutional under the Supremacy clauses in both the U.S. and Maryland Constitutions. This bill also instructs the legislative and executive branches to develop guidelines for court operations, which is inconsistent with judicial independence.

In addition, this bill directs the courts to limit access to court buildings, and among other things, may direct the Judiciary to contravene federal law. This bill goes beyond and is quite different from policies that prohibit state personnel from actively cooperating with or assisting Federal officials in enforcing federal law. This bill could have the consequence of barring federal officials from public courthouses because an employee believes that the guidelines drafted by the Attorney General permit such a restriction.

cc. Hon. William Smith, Jr.

Judicial Council
Legislative Committee
Kelley O'Connor

SB88 Sanctuary State Bill Unfavorable.pdf

Uploaded by: Gahler, Sheriff Jeff

Position: UNF



JEFFREY R. GAHLER
SHERIFF

HARFORD COUNTY SHERIFF'S OFFICE

Senate Bill 088 - Oppose

45 S Main Street PO Box 150 Bel Air, MD 21014

www.harfordsheriff.org

State and Local Government- Participation in Federal Immigration Enforcement

Letter of Opposition to the Senate Judicial Proceedings

January 27, 2021

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 planed 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

Testimony SB0088 Sanctuary bill.pdf

Uploaded by: Halverson, Laurie

Position: UNF

SB0088- **Oppose**

January 25, 2021

Laurie Halverson
Potomac, MD
LD-15

Member of the Judiciary Committee. I am asking you to submit an unfavorable report for SB088.

#1. It makes residents less safe: Not cooperating with ICE, a federal agency means you are proposing an important federal tool, funded with our tax dollars, to help residents be safe. ICE is there for our safety, to help enforce immigration law and keep dangerous illegal immigrants off the streets.

#2. Circumventing Citizens' Rights: In Article 2 of your Maryland Constitution, it says that the US Constitution is the Supreme Law of the State. In Article 45, it states that the rights shall not be construed to impair or deny others retained by the people. It seems pretty clear that you are circumventing the rights of U.S. citizens by preventing local jurisdictions from protecting their citizens, all in the name of "dignity" for serious law breakers who threaten the lives of others. This means, members of the Judiciary Committee, that you are placing illegal immigrant feelings above federal law and the safety of Maryland residents.

#3. The bill's own language predicts unconstitutionality: Attempting to pass a bill that is similar to laws that are being contested in court is a risky move. Montgomery County, which is a petri dish for Maryland, is on its way to looking like California and is already experiencing negative consequences from its sanctuary policies.

MCPA-MSA_SB 88 Fed Immigration Enforcement _Oppose

Uploaded by: Mansfield, Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 27, 2021

RE: **SB 88-State and Local Government-Participation in Federal Immigration
Enforcement**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 88. This bill would prohibit a law enforcement agent from inquiring about an individual's immigration status, citizenship status, or place of birth during a stop, a search, or an arrest conducted in the performance of regular police functions. In addition, the bill would prohibit a law enforcement agent from transferring an individual to federal immigration authorities, detaining an individual, notifying federal immigration authorities of individual's release date, location, or address, or use law enforcement resources to further civil immigration enforcement without a federal judicial warrant.

MCPA and MSA's main objection to this bill is the federal judicial warrant requirement. Judicial warrants are only issued for federal prosecution purposes. The majority of matters are handled through a Department of Homeland Security (DHS) Immigration Detainer Form. DHS requests that they be notified of an individual's release date for a number of circumstances including:

- Engaged in suspected terrorism or espionage, or otherwise poses a danger to national security;
- Has been convicted of an offense of which an element was active participation in a criminal street gang;
- Has been convicted of an offense classified as a felony;
- Has been convicted of an aggravated felony;
- Has been convicted of a "significant misdemeanor" as defined under DHS policy;
- Has been convicted of 3 or more misdemeanors, not including minor traffic offenses; and, state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

Under this bill, a local correctional facility would be prohibited from providing release dates to DHS without a judicial warrant although individuals may have committed serious crimes.

Law enforcement does not inquire about immigration status, citizenship status, or place of birth during a stop or search, but they may have reason to do so during an arrest. Under the 1963 Vienna Convention on Consular Relations (VCCR), a multilateral treaty to which the United States and more than 170 other countries are party, law enforcement may be required to notify an embassy or consular official for a foreign country, when involved with a foreign national. This obligation arises when taking official actions relating to a foreign national with regard to (1) the arrest and detention of foreign nationals; (2) the appointment of guardians for foreign nationals who are minors or incompetent adults; (3) deaths of or serious injuries to foreign nationals in the United States; and (4) crashes of foreign aircraft or wrecks of foreign ships in U.S. territory. These *reciprocal* obligations are intended to ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments. If law enforcement is not able to inquire about citizenship status, they will not be able to extend these services.

For these reasons, MCPA and MSA OPPOSE SB 88 and URGE an UNFAVORABLE committee report.

Maryland Sanctuary Testimony Opposing SB 88 - Fina

Uploaded by: Rendall, Shari

Position: UNF

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*Board of Directors Emeritus

FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



January 25, 2021

The Honorable William Smith, Jr., Chairman
 Maryland Senate Judicial Proceedings Committee
 2 East
 Miller Senate Office Building
 Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has two million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR's strong opposition to Senate Bill (SB) 88. FAIR opposes the reckless lawlessness of sanctuary policies like those imposed by this bill.

Sanctuary policies place a greater emphasis on the welfare of illegal aliens than the well-being and safety of citizens and legal immigrants in their own communities by impeding the enforcement of federal immigration laws and blocking free communication between state and local officials and federal immigration officials.

SB 88 expresses that state and local officials should have no real involvement in immigration enforcement or detention matters. In practical terms, this bill would not only forbid local sheriffs from cooperating with federal agents in enforcing immigration laws, but more importantly, would prevent them from alerting U.S. Immigration and Customs Enforcement (ICE) if they become aware of that a suspected criminal in custody at the local jail might also be in this country illegally and thus removable by law. Instead of handing these convicted criminals over to ICE for removal, they are simply released back onto our streets, many to recommit more crimes.

After Montgomery County expanded its sanctuary policies, it experienced an illegal alien crime wave tied directly to its sanctuary policies. In just a little



over a month, eight illegal aliens were charged with committing sex crimes in Montgomery County.

This is similar to what happened in California. California's sanctuary policies have led to more crimes and more innocent victims. In Orange County, California, two years after the state passed its sanctuary law, the Orange County sheriff's office was forced to release more than 1,500 aliens with ICE detainers back onto the streets. More than 400 of those aliens were rearrested with charges including rape, assault with a deadly weapon, child sex offenses, domestic violence and driving under the influence. Every single one of those crimes was preventable because none of those criminals should have still been in the U.S. State and local officials cooperate with the federal law enforcement in every other aspect, such as gun control and drug laws, and immigration enforcement should not be an exception.

Additionally, SB 88 conflicts with federal law. Specifically, Title 8 U.S.C. §1357(g)(10) states that a formal agreement with the federal government is *not* necessary for any officer or employee of a state or local agency to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States, or to cooperate with the Attorney General in the identification, apprehension, *detention*, or removal of aliens not lawfully present in the United States. shielding criminal aliens needlessly endangers innocent lives. There are roughly three million criminal aliens living in the United States, and nearly one million of these aliens have final orders of removal.¹ These criminals should not be able to continue to live in communities and engage in further criminal activity.

Many jurisdictions are bullied into adopting sanctuary policies by open-borders advocates who claim that honoring or complying with immigration detainers would be unconstitutional, primarily as a violation of the Fourth Amendment. Detainers are written requests issued on behalf of the U.S. Department of Homeland Security to another law enforcement agency to hold an individual based on an inquiry into their immigration status or an alleged violation of civil immigration law for up to 48 hours. Simply put, detainers constitute a reasonable request for state/local assistance in effectuating a civil arrest based on an administrative warrant, which ICE may issue, pursuant to explicit statutory authority.

Neither the U.S. Supreme Court nor the U.S. Court of Appeals for the 4th Circuit, which governs Maryland, has ever determined that honoring or complying with detainers is unconstitutional. The only federal appellate court that has ever directly ruled on the constitutionality of detainers, the Fifth Circuit in *El Cenizo v. Texas*² in 2018, held not only that detainers are

¹ The Washington Examiner, "ICE: 950,000 Illegals With 'Removal Orders', Raids Get Just A Sliver, Feb 20, 2017

² No. 17-50762 (5th Cir. May 8, 2018).

constitutional, but that Texas in its 2017 anti-sanctuary law, SB 4, could constitutionally require its cities and counties to honor them.

SB 88 claims it will allow officials to comply with immigration detainer requests if they are accompanied by judicial warrants; however, this is simply not possible, since such warrants do not exist. The Immigration and Nationality Act provides authority for immigration officers to detain individuals. However, there is no provision whatsoever for judicial warrants or other court orders in that federal statute or any other. If judicial warrants were required, it would place an untenable workload upon U.S. District Court judges and magistrates who are already burdened by tremendous caseloads.

Moreover, it is no secret that Americans face serious threats from terrorist organizations. With the FBI pursuing hundreds of active extremist investigations, federal agents are stretched thin and depend heavily on intelligence provided by state and local law enforcement. By impeding cooperation with federal immigration officials, sanctuary policies create an environment where terrorists and other criminal aliens can go undetected and uninterrupted.

A recent report issued by the Departments of Justice and Homeland Security showed three out of every four individuals convicted of international terrorism-related charges in U.S. federal courts between September 11, 2001 and December 31, 2016 were foreign born.³

ICE has just 20,000 employees, only half of whom are dedicated to the apprehension and removal of illegal aliens. The cooperation of state and local law enforcement, which number about 900,000 strong, is a force multiplier vital to ferreting out those among us who wish to cause us harm. At least five of the 9/11 hijackers were illegal aliens, four of whom came into contact with state and local law enforcement several times before the attacks, in some cases just days prior to the attack.⁴ If those state and local law enforcement officers had worked with federal immigration officials, the 9/11 terrorist plot might have been thwarted.

Sanctuary policies tell individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

³ Department of Justice Press Release, DOJ/DHS Report: Three Out of Four Individuals Convicted of International Terrorism and Terrorism-Related Offenses Were Foreign Born, January 16, 2018

⁴⁴ CNN, "Another Hijacker Was Stopped for Traffic Violation, January 9, 2002

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials.

To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. For these reasons, FAIR opposes SB 88.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shari Rendall

doc02915220210125141320.pdf

Uploaded by: Ristaino, Tony

Position: UNF

House Judiciary Committee

House Building, Room 101

6 Bladen St.

Annapolis, MD 21401

Delegates,

I am writing in opposition to House Bills HB 15 and HB 23.

My premise is that our laws should be written to do what is best for our Maryland and US citizens. Our citizens should be treated equally under the law and there should not be special exceptions, especially special exceptions favoring illegal non-citizens.

If Maryland directs tax dollars and laws favorable to illegal aliens, we will get more illegal aliens coming to Maryland.

More workers willing to work for lower wages will put downward pressure on the wages on American Citizens and Legal immigrants.

Right now, schools are overcrowded. Servicing students remotely and in person put strain on school systems.

More people needing housing jacks up the cost of rents.

Most importantly, there is the safety issue. There have been high profile brutal murders in Baltimore, Prince Georges and Montgomery Counties. Whatever the crime rates by illegals, however low you may believe the crime rates to be, there are too many!

Special services like the services provided by the Governor's Office of Immigrant Affairs are unavailable to long standing US Citizens. Maryland taxpayers must have their taxes go to help Maryland citizens, not people who should not be here without going through the proper process.

HB 23 also gives special rights to illegal aliens. The Bill prohibits Immigration Officers from using databases containing Facial Recognition and other bio-metric data. Other law enforcement can still use these databases, including investigations involving US Citizens. There is no good reason to prohibit immigration officers from doing their duty using these tools.

Thank you,

Tony Ristaino

11350 McCormick Rd

Suite 907 EP III

Hunt Valley, MD 21031

SB88 Testmony Against.pdf

Uploaded by: Tu, Chengbiao

Position: UNF

Jan 25, 2021

Mr. Chairman and respectful committee members,

Good afternoon. My name is Cheng Tu and I am a legal immigrant and US citizen residing in Rockville.

I am here to **testify against SB88** based on two reasons.

First, each level of governments should work together to protect my safety. If state agency detains a suspect, it should work with the federal government to prevent suspect from potential committing more crimes in the state. This bill is to block such cooperation and essentially tell my right hand to beat my left hand. It's wasting my tax dollars!

Illegal aliens should NOT be entitled to the State government's protection. They simply don't have right to live here. This type of protection is the form of encouragement of illegal border crossing or visa overstaying.

This bill is shaking the Rule of Law, which the foundation of this country.

Second, the delegates initiated and cosponsored this bill work actively against the interest of minority communities by flooding the labor market with illegal aliens and drive down the income. This bill benefits big business and nonprofit organization who feed on government dollars. I urge you to be a true representative of the minority community, stop damaging their interest and default their trust.

I am AGAINST this bill.

Thank you!

Cheng Tu

Dear Sir or Madam.pdf

Uploaded by: Walton, Robert

Position: UNF

Dear Sir or Madam:

As a Maryland resident I'm disappointed by the constant attempt to modify the law to support those who are not following the law. We have a path to citizenship in the United States that has made new citizens of over 7.4 million people. I applaud them for doing so.

However, just because the path to citizenship is lengthy and may be cost prohibitive for some, does not mean that we should legislate around it. Those who are here illegally (that is to say, who are here intentionally not following our laws), are more likely to break other laws. They pose a public safety risk, as we have seen in the media across the country, and unfortunately, locally.

Law enforcement exists to ensure that your public, the ones who voted for you, are safe and able to live our lives without being impacted by those who are not following the law of the land. This bill would conflict with federal law.

If Maryland continues working towards sanctuary policies, we will become more attractive to more illegal immigration which will only result in higher costs of living, reduced job availability, lower wages, and even higher crime rates. Something Maryland can ill afford.

I am following our processes in the state of Maryland to object to this bill, and any like it. I will not vote for anyone who supports legislation like this now, or ever.

Sincerely,

R. Aaron Walton

SB 0088-immigration - MFRW - Opposed.pdf

Uploaded by: Waterman, Diana

Position: UNF



MARYLAND FEDERATION *of* Republican Women

The Honorable William C. Smith, Jr., Chairman
And Members of the Senate Judicial Proceedings Committee

Re: SB 88 – State & Local Gov't. Participation in Federal Immigration Enforcement – MFRW-
OPPOSED

Dear Senators:

The more than 1300 members of the Maryland Federation of Republican Women oppose SB-88. This is a very restrictive and punitive anti-immigration enforcement proposal.

It will prohibit, not just law enforcement, but any unit of state or local government or their agent or employee from inquiring about immigration status or coordinating with federal immigration authorities in any way related to civil immigration enforcement. An individual's immigration status is material when prosecutors, magistrates, or judges are making decisions on whether to release or hold for trial a person charged with a serious crime, or if they are a flight risk or a danger to the community. The bill forbids Federal Immigration officials to have access to persons, here illegally, as they are released from prison thereby forcing the Federal officials to have to take the person into custody in public or in the community. This increases danger to the illegal immigrant, the community, and the Federal officials.

SB 88 requires state and local law enforcement and corrections personnel to notify an individual that Federal Immigration officials have made an inquiry or requested information on them and to furnish the individual with a copy of any written request within 48 hours. How much jeopardy are Federal Immigration officers likely to be subject to when their names and perhaps telephone numbers are listed on documents distributed to illegal immigrants who have been arrested, charged with a crime, incarcerated or otherwise in contact with state or local government and law enforcement officials?

Under this legislation, State and local law enforcement & corrections officers, agents and employees will be Indemnified by state taxpayers for any costs of a judgement against them for refusing to provide information on illegals to Federal Immigration officials or conversely, they will be subject to penalties, fines and firing if they cooperate with or are perceived as cooperating with Federal immigration authorities. Maryland taxpayers are also United States Taxpayers and this provision requires Maryland citizens to pay for not obeying Federal law.

SB 88 does not allow for sharing of information on persons convicted of serious and harmful crimes including: drug smuggling, drug production or drug selling; embezzlement; theft; or firearm smuggling or sales—all of which pose grave danger to citizens and immigrants alike. And member of criminal gangs – do they get a pass too?

The bill's total disrespect and disregard for the safety of Federal immigration officers and immigration law is irresponsible. SB 88 is very destructive to the future of our nation as a country of laws; and to the safety of our citizens in a national emergency where cooperation and trust between levels of government is vital.

Please do not pass SB 88 or any of the anti-immigration enforcement bills before this Committee. Instead, propose positive solutions for an orderly immigration process to members of Congress and the President. It is time to end the hostile rhetoric and actions on all sides for the benefit of all – citizens and immigrants alike.

Please give SB 88 an Unfavorable Report.

Sincerely,



Diana Waterman
President, Maryland Federation of Republican Women
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SB 088 Written Testimony 1_27_2021.pdf

Uploaded by: Waychoff, Amy

Position: UNF

Amy Waychoff
SB 088
Judicial Proceedings Committee
Opposed

January 27, 2021

My name is Amy Waychoff, and I have lived in Montgomery County for over 33 years. Thank you for giving me the opportunity to provide testimony on SB 088. I am opposed to this bill because it would prevent cooperation and information-sharing between local officials and federal immigration authorities. It would prohibit agreements such as the 287g program, which provides a safe method of detaining *criminal* illegal aliens in local jails until ICE officers can secure the individuals for deportation. Such sanctuary policies conflict with federal law, including the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. This bill would turn Maryland into one of the most egregious sanctuary states in the country.

Sanctuary policies cost lives, cost billions of dollars, and are patently unfair to citizens and legal immigrants. Sanctuary states become magnets for more illegal immigration. In Montgomery County, which expanded its sanctuary policies in 2019, at least eight illegal aliens were charged with committing sex crimes in just over a month. The number one priority of government is to keep its citizens safe. SB 088 would do just the opposite.

Sincerely,

Amy Waychoff
4511 Amherst Lane
Bethesda, MD 20814
LD 18
waychoff@comcast.net

SB0088 - MVA - State and Local Govt - Federal Immi

Uploaded by: Westervelt, Patricia

Position: UNF

January 27, 2021

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

***Re: Letter of Opposition – Senate Bill 88 – State and Local Government – Participation in
Federal Immigration Enforcement***

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 88 and offers the following information for the Committee's consideration.

Senate Bill 88 sets out numerous provisions guiding and restricting the actions of state and local law enforcement; corrections agents; and units of state and local governments, or agents of governments relative to immigration and citizenship, and interaction with federal immigration authorities.

In particular, Senate Bill 88 would prohibit a unit of state government from providing information to federal immigration authorities in any matter related to civil immigration enforcement. Currently, law enforcement access to MDOT Motor Vehicle Administration (MDOT MVA) records occurs via the Department of Public Safety and Correctional Services (DPSCS), through either the Local Law Enforcement Dashboard (Dashboard) or the Maryland Electronic Telecommunications Enforcement Dashboard (METERS). Law enforcement access to these databases is certified by the Maryland State Police for state and local agencies, and by the Federal Bureau of Investigations for federal agencies. MDOT MVA does not control or monitor the access of approved end-users in the law enforcement systems.

Senate Bill 88 further specifies that a unit of state government may not "require an individual to prove the individual's citizenship or immigration status" (page 7, lines 9-10), but later (page 9, lines 9-11, 13) provides that a unit of state government is not precluded from complying with a requirement of state or federal law. The federal REAL ID Act requires that applicants for a federally compliant driver's license or identification card provide proof of lawful status. Under Maryland law, customers who do not qualify for a REAL ID are eligible for a driver's license or identification card marked "not for federal purposes." In 2019, Maryland was the first state to have its Real ID program re-certified by DHS. MDOT MVA's preeminent concern is ensuring the REAL ID status of over 3.3 million compliant Marylanders is not adversely impacted, and we would not want the potentially conflicting provisions in this bill to call into question the Maryland's compliance with Real ID.

Additionally, federal law requires all interstate commercial drivers to establish that applicants are either citizens or lawfully present in the United States before they are issued a Commercial Driver's License (CDL). Failure to verify lawful status for CDL drivers would put the Maryland CDL program out of compliance with federal law which could ultimately result in decertification of Maryland's CDL program.

At the Port of Baltimore, the MDOT Maryland Port Administration (MDOT MPA) works hard to accomplish its mission to increase waterborne commerce through the State of Maryland. For 12 consecutive years, the state-owned, public marine terminals at the Port of Baltimore have received a top rating on an annual security assessment from the U.S. Coast Guard, the latest coming in 2020. The Coast Guard conducts annual and thorough examinations of the Port's six public marine terminals: Dundalk, Seagirt, North Locust Point, South Locust Point (including the Maryland Cruise Passenger Terminal), Fairfield, and Masonville. For the MDOT MPA to continue its success as one of the most secure ports in the nation, the MDOT MPA needs to be able to communicate quickly and efficiently with its federal partners through information sharing.

Senate Bill 88 raises significant issues related to the MDOT MPA's ability to enforce and comply with federal security regulations on its terminals related to its interactions with U.S. Customs and Border Protection (CBP), the U.S. Transportation Security Administration (TSA), the U.S. Department of Homeland Security (DHS), and the U.S. Coast Guard. While the MDOT MPA does not inquire about immigration status, the MDOT MPA shares information with its federal partners for security purposes unrelated to immigration status. Most significantly, Senate Bill 88 would prohibit the MDOT MPA from providing U.S. Customs and Border Protection with space or access to the Maryland Cruise Terminal. This would directly and negatively impact the MDOT MPA's ability to carry out its security obligations related to Cruise and interfere with contractual agreements with the Customs and Border Protection for space at the Maryland Cruise Passenger Terminal.

Senate Bill 88 would also adversely impact security at the Baltimore/Washington International Thurgood Marshall (BWI Marshall) Airport. The MDOT Maryland Aviation Administration (MDOT MAA) partners with the TSA and CBP to ensure a secure environment at BWI Marshall. Senate Bill 88 explicitly prohibits coordination with federal authorities in any manner related to civil immigration enforcement. The MDOT MAA coordinates regularly with TSA and CBP to conduct security threat assessments and vet individuals at the airport which may require federal agencies to check databases for terrorism concerns, criminal history records, and immigration statuses to confirm lawful presence. The security of BWI Marshall is strengthened through coordination with our federal partners. Senate Bill 88 will hinder the MDOT MAA's ability to maximize security at BWI Marshall.

The Honorable William C. Smith, Jr.
Page Three

Additionally, Senate Bill 88 prohibits the MDOT MAA from providing federal authorities with access to BWI Marshall facilities, equipment, and secure areas of the airport. The TSA and CPB cannot successfully fulfill their security obligations at BWI Marshall without appropriate access to terminal facilities and equipment. Prohibiting the space and equipment agreements between the MDOT MAA and our federal partners will impinge on the security of BWI Marshall and the national air transportation system.

The Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 88 an unfavorable report.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
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William P. Doyle
Executive Director
Maryland Port Administration
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Ricky D. Smith, Sr.
Executive Director
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Director of Government Affairs
Maryland Department of Transportation
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MSP Position Paper SB 88.pdf

Uploaded by: Williams, Thomas

Position: UNF



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: January 27, 2021

BILL NUMBER: Senate Bill 88

POSITION: Oppose

BILL TITLE: State and Local Government – Participation in Federal Immigration Enforcement

REVIEW AND ANALYSIS:

This legislation seeks to prohibit a police officer from inquiring about the immigration status, citizenship status, or place of birth during a stop, search or arrest conducted in the normal performance of regular police functions. The legislation also limits a law enforcement agency from contacting federal immigration authorities except in certain circumstances and prohibits the use of law enforcement facilities by federal immigration authorities except under a certain circumstance.

The Immigration and Customs Enforcement (ICE) conducts a number of criminal investigations including gangs, identity theft, human trafficking and drugs, just to name a few. Immigration violations are not their primary focus. As part of these investigations local and state law enforcement may allow the use of resources for these criminal investigation purposes. Senate Bill 88 prohibits the use of the secure side of the law enforcement agency building, except to pick up a person convicted of a crime of violence who is or may be subject to civil immigration enforcement, and prohibits access to or use of any facility, information, or equipment owned or controlled by law enforcement for a purpose related to civil immigration enforcement. If local and state law enforcement are investigating another MS-13 related crime, the investigation may end up with a civil immigration issue in addition to other serious crimes.

Upon a criminal arrest, a law enforcement officer is required to ask for identifying information including place of birth and country of citizenship. For example, the F.B.I. requires place of birth and country of citizenship to be identified when fingerprint cards are submitted. This is important for determining the true identity of the individual being processed. Citizenship or immigration status is never a concern for a law enforcement officer during a criminal arrest or routine traffic stop. But if the person is arrested other rights are to be available to the arrestee.

More importantly, every citizen of a foreign country has the right for the consulate of her natural citizenship to be notified if they are detained by law enforcement. However, if law enforcement is not permitted to ask questions regarding the individual's country of citizenship and the person does not know they have legal backing from their home country, the consul cannot provide the person with the assistance they may be afforded.

The Maryland Department of State Police does not enforce immigration laws. However, there are any number of reasons why a police officer may ask for information about a person such as their name and date of birth. To further assist in identifying a person an officer may ask about a place of birth. This is all designed to help further identify the correct person for a license or other valid public safety reason.

For these reasons, the Maryland State Police urges the Committee to give Senate Bill 88 an unfavorable report.

AgainstSB0088.pdf

Uploaded by: Zeng, Jianning

Position: UNF

Dear Senators,

My name is Jianning Zeng, a PhD in astrophysics, a proud, legal immigrant, a resident in Maryland for about 20 years, and I am here against the Sanctuary bill SB0088 in Maryland. SB0088 will label our state as a Sanctuary County and hence a destination of choice for illegals to come, impacting our public safety.

Yes, my biggest concern is public safety. Now those politicians want to remove SROs from our public schools, cancel county contracts of detention centers with ICE, even don't allow our local police officers working cooperatively with ICE, but welcome those illegal aliens to our state. It's not acceptable. The senators who support SB0088, What do you really want to do to our county? If you welcome those illegal aliens, you are breaking our immigration laws, you are betraying your own state citizens by putting illegal aliens FIRST and county citizens LAST! This is called treason! I heard so many tragedies happened in Montgomery County. You will be fully responsible for all lives lost in those angel families.

Law enforcement officers are on the front lines, dealing with crime associated with illegal ALIENS, including drug- and gang- related crimes. Sanctuary practices result in dangerous criminal aliens being released back onto the streets instead of being removed.

Sanctuary practices pose a public safety and national security threat. By impeding cooperation with federal immigration officials, sanctuary cities create an environment where would-be terrorists and other criminal aliens can go undetected and uninterrupted.

Sanctuary county, providing a "safe haven" for illegal aliens, is unfair to legal immigrants who respect our nation's laws.

Again, Senators should not put Howard County residence personal life and properties under danger and threat by harboring illegal alien criminals.

If Any of our county residents become a victim like one of the angel families, you should feel Guilty and ashamed because you pass this terrible bill.

So dear councilmen and councilwomen, please vote NO to SB0088.

Jianning Zeng

Maryland Resident