

March 3, 2021

Chairman Luke H. Clippinger
Chair, Judiciary Committee
Maryland House of Delegates
Annapolis, MD 21401

**RE: Testimony in support of HB 16 –
“Correctional Services -- Immigration Detention -- Prohibition (Dignity Not Detention Act)”**

Dear Chairman Smith and Members of the Committee,

The National Immigration Law Center submits this testimony in support of HB 16, which ends the expansion of unaccountable and inhumane immigration detention centers in Maryland. HB 16 achieves this by prohibiting new contracts and phasing out existing contracts with public and private immigration detention facilities (affecting only intergovernmental service agreements, *not* agreements under 8 U.S.C. 1357(g), commonly known as “287g agreements”). The legislation also requires the government to give notice to the public before authorizing zoning for private detention facilities.

Established in 1979, NILC is one of the leading organizations in the United States dedicated exclusively to defending and advancing the rights and opportunities of low-income immigrants and their families. We have decades of experience providing technical assistance, training and publications to government agencies, legal services, and non-profit organizations across the country, as well as advancing pro-immigrant policies at the local, state, and national levels.

We urge you to support HB 16 for the following reasons:

Abuse and Inhumane Conditions Run Rampant in Immigration Detention Centers.

Reports across the country and in Maryland reveal an inhumane and dangerous environment in immigration detention centers that includes physical, sexual, and psychological abuse as well as lack of adequate medical care.¹ At the expense of life, immigration detention facilities cut costs by rationing basic supplies and medical care for people in detention. At the immigration

¹ See Gregory Hooks & Bob Lidal, *Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States*, Detention Watch Network, 3 (Dec. 2020).

detention center in Howard County, Maryland, the Department of Homeland Security found abundant violations of DHS' own standards that "threatened the health, safety and rights of detainees."²

The Dignity Not Detention Act creates safer communities by reuniting family members with their loved ones, strengthening social networks, and stabilizing household incomes that are stripped away when someone is detained. In most cases, Immigration and Customs Enforcement has discretion about who to detain. Closing detention facilities in Maryland can push ICE to use their discretion and limiting ICE's options is a step toward more humane communities.

The stated purpose of civil immigration detention is to ensure that immigrants show up for their court hearings. In reality, most immigrants who are not detained show up to court dates with fidelity. This demonstrates that in addition to being inhumane, costly, and disruptive to the community, immigration detention is unnecessary. If there are existing immigration detention beds, financial incentives and xenophobic political pressures drive ICE to fill them. In most cases, ICE has broad discretion over who to detain or who to keep in the community. Ending immigration detention in Maryland will push ICE to use their discretion to not jail immigrants who pose no public safety threat or flight risk.

There is a better way. This Act not only starts to reduce the harms and traumas of immigration detention centers, but also reinvigorates safer communities by recognizing that no one should be detained for civil immigration violations.

COVID Outbreaks at Detention Centers Are an Immediate Threat to Maryland Communities.

People in detention face an increased risk of COVID-19 infection. Unhealthy and crowded conditions make detention centers especially dangerous for transmission of the virus. Even so, federal judges in Maryland have repeatedly denied release even to the populations most vulnerable to COVID-19.

Making matters worse, COVID outbreaks inside detention jails can easily spread beyond the facilities, putting all Marylanders at greater risk of infection. A recent report by Detention Watch Network found that the presence of immigration detention facilities significantly increases the net additional cases of COVID-19 in the surrounding community, putting lives at risk.³ This immediate danger shows that now is not the time to increase the prison population or build new detention centers because they presents risks to Marylanders both inside and outside the facilities.

² Joseph V. Cuffari. *ICE Needs to Address Concerns about Detainee Care and Treatment at the Howard County Detention Center*. Dept. of Homeland Security: Office of Inspector General, 1 (Oct. 28, 2020) available at <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-03-Oct20.pdf>

³ See Hooks & Lidal, *supra* note 1 at 22.

HB 16 Increases Transparency and Accountability Surrounding Immigration Detention.

It is difficult for the public to know what goes on behind the walls of immigration detention centers. Private detention centers limit media access to their facilities and often refuse to answer public records requests about their conditions and practices. Lack of transparency is also compounded by scarce government oversight, where private detention centers are only inspected once a year to see if they meet the National Detention Standards (ICE's standards for safety, security, order, and care at all its facilities.) In a January 2019 report, the Office of the Inspector General found that immigrant detention facilities had violated national standards thousands of times between 2015 and 2018 but had only been fined for violations twice.⁴ Moreover, inspections are often contracted out to other private contractors, undermining oversight, transparency and accountability.

Furthermore, contracts with ICE and private corporations shield immigration detention centers from accountability while putting the blame for public health risk and human rights abuses on Maryland state and local officials. Ending contracts with immigration detention centers ensures ICE and private corporations are held accountable. This Act also ensures Marylanders are adequately informed before new private detention facilities are built, increasing accountability to Maryland community members as well as state and local governments. In sum, this Act keeps Maryland fair and safe.

HB 16 Upholds Maryland Values by Ending the Expansion of Inhumane Immigration Detention

Human caging goes against the values of the Maryland General Assembly and the core of what it means to be a Marylander: fairness, putting families first and upholding human dignity. By ending the expansion of unaccountable, inhumane immigration detention centers, the Dignity Not Detention Act sends a clear message that the state of Maryland values all its constituents. Leading to fewer Marylanders in detention, this Act protects people in detention and other community members from increased exposure to COVID-19 and ends Maryland's relationship with private detention centers that promulgates the aforementioned inhumane conditions and abuse of people in detention. As the author of this Act has stated, "no one... should profit from human misery."⁵

Conclusion

For the reasons described above, we urge you to provide a favorable report on HB 16.

⁴ Office of Inspector General, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, Dept. of Homeland Security (Jan. 29, 2019) OIG-19-18.

⁵ Delegate Vaughn Stewart, author of Dignity not Detention Act *as quoted in* Lillian Reed, *Maryland lawmaker aims to ban private immigration detention centers in the state as ICE seeks facility here*, Baltimore Sun (Dec. 19, 2019) available at <https://www.baltimoresun.com/politics/bs-md-ci-sudlersville-ica-ice-20191217-20191218-2zexe7cgybcmndc3jtksoqgiye-story.html>.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, connected strokes that form a stylized representation of the name Shiu-Ming Cheer.

Shiu-Ming Cheer
Director of Movement Building & Strategic Partnerships