

Statement of Gabriela Viera, Advocacy Manager, on behalf of Detention Watch Network

Maryland House Judicial Proceeding Committee HB 0016 – Support Correctional Services - Immigration Detention – Prohibition (Dignity Not Detention Act)

Dear Chair Smith and Members of the Judicial Proceedings Committee:

My name is Gabriela Viera and I am the Advocacy Manager at Detention Watch Network (DWN), a national organization that has been working at the intersection of immigration and mass incarceration for the last two decades. On behalf of my organization and the more than 200 organizational and individual members we represent, I am writing to express strong support for Maryland HB 0016, the Dignity Not Detention Act of 2021.

Immigration and Customs Enforcement (ICE) detains thousands of people every day in a sprawling network of about over 200 immigration jails across the country.¹ Private prison corporations now operate over 80% of ICE’s detention system,² motivated by profit and politics over human dignity and due process. For years, these private companies as well as those that contract with the government for other services such as food, transportation and guards have further entrenched their profits by negotiating guaranteed minimums, or local quotas, into their contracts, cutting corners on health and safety standards, and endangering the lives of people both in its custody and in surrounding communities.

The Dignity Not Detention Act is urgently necessary to prevent the dangerous expansion of ICE detention in Maryland.

In Maryland, ICE currently detains immigrants in Howard County, Worcester County, and Frederick County, all of which have a record of abuse and impunity. The Howard County facility was cited in October 2020 for violations including excessive strip-searching in the center and failing to provide two hot meals a day.^{3,4} Worcester was the subject of Congressional investigations in September 2020 concerning ICE’s failure to meet basic standards of care.⁵ And Frederick County’s collaboration with ICE through a 287(g) agreement that incentivizes local

¹ Detention Watch Network, *Detention 101* (2020), <https://www.detentionwatchnetwork.org/issues/detention-101>.

² National Immigrant Justice Center, American Civil Liberties Union, and Human Rights Watch, *Justice-Free Zones: US Immigration Detention Under the Trump Administration* (2020), https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2020-04/Justice-Free%20Zones_Immigrant_Detention_Report_ACLU-HRW-NIJC_April-2020.pdf.

³ U.S. Department of Homeland Security Office of the Inspector General, *ICE Needs to Address Concerns about Detainee Care and Treatment at the Howard County Detention Center*, OIG-21-03, October 28, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-03-Oct20.pdf>.

⁴ Ana Faguy, “ICE violations found at Howard County Detention Center, Department of Homeland Security report says,” Baltimore Sun, November 6, 2020, <https://www.baltimoresun.com/maryland/howard/cng-ho-ice-dhs-violations-20201106-xysr52tirfg2j1qh6g6j4pghxu-story.html>.

⁵ U.S. House of Representatives, Committee on Homeland Security, “ICE detention facilities Failing to Meet Basic Standards of Care,” Majority Staff Report, September 21, 2020, <https://homeland.house.gov/imo/media/doc/Homeland%20ICE%20facility%20staff%20report.pdf>.

police to fill their jails has cost Maryland taxpayers hundreds of thousands of dollars in lawsuit settlements over discriminatory policing practices.⁶

Meanwhile, ICE has been pursuing the construction of a new detention center in the state since April 2019, when they submitted a Request for Information (RFI) to identify one or more immigration detention facility sites within a desired 50-mile radius of the ICE Baltimore Field Office.⁷ Immigration Centers of America (ICA), which operates the Farmville Detention Center in Virginia infamous as the site of the worst COVID-19 outbreak in the system, submitted a plan for an 800-bed facility and poured money into private lobbyists to champion its cause.⁸

The Dignity Not Detention Act is urgently necessary for the protection of all Maryland residents.

It is important to note that no local governments in Maryland responded to the RFI expressing interest in hosting the new ICE facility. ICE, and the companies that benefit from ICE contracts, exploit towns in order to maximize profits at the expense of the human dignity of immigrants and communities of color. Moreover, we've found that local enforcement ramps up when immigration jails are opened, tearing local communities apart as loved ones are jailed and often eventually deported.

The COVID-19 pandemic further unveiled ICE's callous disregard for the lives of those it detains and the public health of surrounding communities. Throughout the pandemic, ICE has been neglecting basic safety precautions, as well as unnecessarily transferring people between facilities,⁹ leading to new outbreaks inside jails and in surrounding communities.¹⁰ As noted, ICA's Farmville facility is a prime example—at the height of the pandemic, the agency transferred 74 people to Farmville from facilities in states that were epicenters for the virus. By mid-July last year, 93% of the people inside Farmville had tested positive for COVID-19.¹¹ These actions have contributed to “super spreader” events across the country, particularly in rural areas with already limited healthcare infrastructure, putting entire communities at risk. A recent

⁶ See, i.e., Dominique Maria Bonessi, “ACLU Settles Discrimination Lawsuit Against Frederick County’s Sheriff Over Immigration Enforcement,” DCist, January 21, 2021, <https://dcist.com/story/21/01/21/aclu-settles-lawsuit-frederick-county-sheriff-discrimination>.

⁷ Request for Information (RFI), Immigration and Customs Enforcement (ICE), *Immigration Detention Services – Maryland Detention Capability*, April 2019, https://imlive.s3.amazonaws.com/Federal%20Government/ID121921523859301742746883126658677079061/Request_for_Information_Immigration_Detention_Services_MD.pdf.

⁸ Lillian Reed, “An Eastern Shore town was awash in debt. Then a private immigrant detention contractor for ICE called,” *The Baltimore Sun*, December 19, 2019, <https://www.baltimoresun.com/politics/bs-md-ci-sudlersville-detention-20191213-20191216-cbczujqxsjeczb2v47uy7lzqri-story.html>.

⁹ Mica Rosenberg, Kristina Cooke, Reade Levinson, “U.S. immigration officials spread coronavirus with detainee transfers,” *Reuters*, July 17, 2020, <https://www.reuters.com/article/us-health-coronavirus-immigration-detent/u-s-immigration-officials-spread-coronavirus-with-detainee-transfers-idUSKCN24I1G0>.

¹⁰ Hamed Aleaziz, “ICE Moved Dozens Of Detainees Across The Country During The Coronavirus Pandemic. Now Many Have COVID-19,” *BuzzFeed News*, April 29, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>.

¹¹ La Colectiva, “Brutality, Abuse, and Neglect at ICA-Farmville Detention Center” (2020), <https://lacolectiva.org/icafarmville>.

DWN report found that ICE detention facilities have contributed about 245,000 additional COVID-19 cases in communities throughout the country.¹²

The Dignity Not Detention Act is urgently necessary to save immigrant lives.

Getting caught in the immigration detention machine can be a death sentence. Since 2003, over 210 people have died in ICE detention centers, and last fiscal year was the deadliest since 2005. Medical experts have found that approximately half of all deaths in ICE custody are attributable to medical negligence by ICE.¹³ Sexual assault,¹⁴ violent abuse,¹⁵ medical neglect,¹⁶ unsanitary conditions,¹⁷ and lockdowns¹⁸ are endemic in the system and the opaque web of intentionally corrupt contracts¹⁹ and sham inspections²⁰ allow ICE and its contractors to act with impunity.²¹ Despite the oversight efforts of advocates, elected officials, and offices within the agency itself, these same abuses persist.²² ICE's detention system is fatally flawed beyond repair. Through this bill, Maryland has the opportunity to protect immigrants from its cruelty and to

¹² Gregory Hooks and Bob Libal, *Hotbeds of infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States*, Detention Watch Network (2020), https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf

¹³ Detention Watch Network and National Immigrant Justice Center, *Code Red: The Fatal Consequences Of Dangerously Substandard Medical Care In Immigration Detention*, June 20, 2018, <https://immigrantjustice.org/research-items/report-code-red-fatal-consequences-dangerously-substandard-medical-care-immigration>.

¹⁴ Lomi Kriel, ICE Guards "'Systematically' Sexually Assault Detainees in an El Paso Detention Center, Lawyers Say," ProPublica, August 4, 2020, <https://www.propublica.org/article/ice-guards-systematically-sexually-assault-detainees-in-an-el-paso-detention-center-lawyers-say>.

¹⁵ Monsy Alvarado *et. al.*, "Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US," USA Today, December 19, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002>.

¹⁶ Katherine Hawkins, "Medical Neglect at a Denver Immigration Jail," Project On Government Oversight, May 21, 2019, <https://www.pogo.org/investigation/2019/05/medical-neglect-at-a-denver-immigration-jail>.

¹⁷ U.S. Department of Homeland Security, Office of the Inspector General, *Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*, OIG-17-43-MA, March 6, 2017, <http://www.endisolation.org/blog/wp-content/uploads/2017/05/Management-Alert-on-Issues-Requiring-Immediate.pdf>.

¹⁸ *Id.* See also, *e.g.*, Southern Poverty Law Center and National Immigration Project, *Shadow Prisons: Immigrant Detention in the South* (2016), https://www.splcenter.org/sites/default/files/ijp_shadow_prisons_immigrant_detention_report.pdf.

¹⁹ U.S. Department of Homeland Security, Office of the Inspector General, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, OIG-19-18, January 29, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

²⁰ U.S. Department of Homeland Security, Office of the Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, OIG-18-67, June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

²¹ See Detention Watch Network and National Immigrant Justice Center, *Lives in Peril, How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse* (2015), <http://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse-0>.

²² See, *e.g.*, Eunice Cho, Tara Tidwell Cullen, and Clara Long, *Justice-Free Zones: U.S. Immigration Detention Under The Trump Administration*, National Immigrant Justice Center, ACLU, & HRW, April 30, 2020, <https://immigrantjustice.org/research-items/report-justice-free-zones-us-immigration-detention-under-trump-administration>.

make sure that no town, county, or corporation profits from family separation or incarceration in the state.

The Dignity not Detention Act of 2021 a pivotal step towards ending the use of federal immigration detention. People navigating their immigration case should be able to do so with their loved ones and in community--not behind bars in immigration detention. The state of Maryland has a moral imperative to help shrink ICE's punitive system of incarceration and enforcement that perpetuates and profits from racism against Black and brown immigrants.²³

Detention Watch Network applauds the introduction of the Dignity Not Detention Act and urges the legislature to move forward with its passage.

Please direct any response or inquiries to:

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Setareh Ghandehari, DWN Advocacy Director, sghandehari@detentionwatchnetwork.org

²³ See Azadeh Erfani, "Beyond Solidarity: 3 Reasons Why Why The Fight Against White Supremacy Is An Immigrant Rights Priority" National Immigrant Justice Center, June 17, 2020, <https://immigrantjustice.org/staff/blog/beyond-solidarity-3-reasons-why-fight-against-white-supremacy-immigrant-rights-priority>.