



March 1, 2021

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

RE: HB0304 - State and Local Government - Participation in Federal Immigration Enforcement

Dear Chairman Clippinger and Members of the Committee,

On behalf of the Vera Institute of Justice (Vera), we are writing in strong support of HB0304, which would limit police collaboration with ICE. By ending local collaborations with ICE, HB0304 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 this bill 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 HB0304.

HB0304 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. HB0304 also requires the Attorney General to create guidance on immigration enforcement on the premises of "sensitive" locations, like schools, hospitals, and courthouses.

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 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.<sup>1</sup>

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.<sup>2</sup> 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."<sup>3</sup>

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.<sup>4</sup>

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 likely to report crimes that they witnessed or experienced.<sup>5</sup> A 2011 study by the Migration Policy Institute found that about half of 287(g) activity involved noncitizens arrested for

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<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> 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>.

<sup>4</sup> *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-287-g-program-coronavirus/527-d3dcdd68-6421-4be7-97c0-5a54d45866f7>

<sup>5</sup> 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>.

misdeemeanors and traffic offenses.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> Additional costs include legal liability common to 287(g) enforcement as well as the public health impacts.<sup>9</sup> 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<sup>10</sup> 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 HB0304 so that the State of Maryland leads a roadmap for action for immigrant communities and a new vision of justice.

Thank you for your consideration. Please feel free to reach out to me at [clazar@vera.org](mailto:clazar@vera.org) for additional questions or information.

Sincerely,



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

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<sup>6</sup> 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>.

<sup>7</sup> *Id.* at 56.

<sup>8</sup> 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/>.

<sup>9</sup> 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>

<sup>10</sup> Vera's SAFE Initiative is a growing movement of communities advancing publicly funded, universal representation for immigrants facing detention and deportation. For more information and additional resources, visit <https://www.vera.org/initiatives/safe-initiative>.

cc: Vice Chair Atterbeary  
Delegate Anderson  
Delegate Arian  
Delegate Bartlett  
Delegate Cardin  
Delegate Conoway  
Delegate Cox  
Delegate Crutchfield  
Delegate Davis  
Delegate Fisher  
Delegate Grammar  
Delegate Griffith  
Delegate Jones  
Delegate Lopez  
Delegate Malone  
Delegate McComas  
Delegate Moon  
Delegate Shetty  
Delegate Thiam  
Delegate Watson  
Delegate Williams