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**TESTIMONY ON TESTIMONY ON  
HB 1222 – Public Safety - Immigration Enforcement (Maryland Values Act)  
POSITION: FAVORABLE**

To: Chair Delegate Luke Clippinger, Vice Chair Delegate David Moon, and Members of the Judiciary Committee

From: Gabriel Maximilian Moreno, Esq.

My name is Gabriel Maximilian Moreno, Esq., and I am the CEO of Luminus Network, headquartered in Columbia, Maryland. I am also a resident of District 13. For over 40 years, Luminus Network has empowered immigrants by providing legal and social services to help them achieve self-sufficiency and success. I am submitting this **testimony in strong support of HB 1222**, the Maryland Values Act, which will ensure that **our state does not waste local resources on federal immigration enforcement**—a responsibility that **belongs to the federal government, not local law enforcement**.

**287(g) Makes Us All Less Safe by Undermining Public Trust in Law Enforcement**

Public safety depends on **trust between law enforcement and the communities they serve**. However, **287(g) agreements break this trust** by creating fear among immigrant residents—both documented and undocumented—who may hesitate to report crimes, serve as witnesses, or seek police assistance.

- **A 2010 study by the Police Executive Research Forum** found that when local police enforce immigration laws, **Latino communities are significantly less likely to report crimes** out of fear of deportation.<sup>1</sup>
- **The Major Cities Chiefs Association (MCCA)** concluded that without clear separation between local policing and immigration enforcement, the **“hard-won trust, communication, and cooperation from the immigrant community would disappear.”**<sup>2</sup>
- The **International Association of Chiefs of Police (IACP)** has stated that when immigrants fear **any contact with police**, they are **less likely to report crimes, even serious ones.**<sup>3</sup>

If Maryland truly values public safety, we must prioritize community policing strategies that encourage victims and witnesses to come forward, rather than policies that push entire communities into the shadows.

### **287(g) Primarily Targets Low-Level Offenders, Not Serious Criminals**

Despite claims that **287(g) improves public safety**, research shows that the program **overwhelmingly targets individuals arrested for minor infractions rather than serious crimes.**

- Since 2008, **80% of detainees in Frederick County, Maryland** under 287(g) have been for **Level 3 misdemeanors**, and **60% for traffic violations**, not violent offenses.
- A 2011 Migration Policy Institute (MPI) analysis found that half of all detainees issued under 287(g) were for misdemeanors and traffic offenses.<sup>4</sup>

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<sup>1</sup> Debra A. Hoffmaster, et al., “Police and Immigration: How Chiefs are Leading Their Communities through the Challenges” (Washington, DC: Police Executive Research Forum, 2010), 39, <http://www.immigrationresearch-info.org/report/other/police-and-immigration-how-chiefs-are-leading-their-communities-through-challenges>.

<sup>2</sup> M.C.C. Immigration Committee, “M.C.C. Immigration Committee Recommendations for Enforcement of Immigration Laws By Local Police Agencies,” Major Cities Chiefs Association, June 2006, 6, <https://images.procon.org/wp-content/uploads/sites/40/recommendationsforenforcementofimmigrationlawsbylocalpoliceagencies.pdf>.

<sup>3</sup> International Association of Chiefs of Police, “Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement,” Police Chief 72, no. 4 (2005): 5, <http://www.markwynn.com/trafficking/enforcing-immigration-law-the-role-of-state-tribal-and-local-le-2004.pdf>.

<sup>4</sup> Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, “Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement” (Washington, DC: Migration Policy Institute, 2011), 13-14, <http://www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement>.

- A University of North Carolina study found that 57% of those detained under 287(g) in Gaston County, NC were charged only with traffic violations, confirming that 287(g) is not a tool for targeting serious criminals but instead a broad deportation mechanism.<sup>5</sup>

The data is clear: **287(g) is not about addressing violent crime—it is about deporting individuals, many of whom pose no threat to public safety.**

### **287(g) is Jail-Based but Still Encourages Racial Profiling**

While some argue that **287(g) only applies to individuals already in jail**, the program **still enables racial profiling** because local officers use pretextual traffic stops to funnel people into ICE's deportation pipeline.

- Sheriffs and police departments have been documented using traffic stops to disproportionately arrest Latino and Black drivers for minor infractions in order to initiate immigration checks.
- **Case in point: Sara Medrano**, a Latina resident of Frederick County who successfully **challenged her wrongful detention and racial profiling in federal court and won.**

Medrano was driving with her daughter and grandchildren when she was pulled over by Frederick County sheriff's deputies, allegedly for a broken tail light. Instead of handling a routine traffic stop, the deputies immediately questioned her about where she was from and her immigration status, even though there was no legitimate reason to suspect an immigration violation.

When she was finally allowed to leave, Medrano discovered that her tail light was never broken, confirming that she had been stopped solely because she was Latina. The officers then attempted to hold her for U.S. Immigration and Customs Enforcement (ICE), an action that violated her Fourth Amendment rights.

- A **2011 Department of Justice (DOJ) investigation** into the Maricopa County, Arizona Sheriff's Office found that Latino drivers were **up to nine times more likely** to be stopped than non-Latino drivers under 287(g). The investigation led to the termination of the county's 287(g) agreement due to civil rights violations.

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<sup>5</sup> Mai T Nguyen and Hannah Gill, "The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities" (Chapel Hill: University of North Carolina, 2010), [https://www.academia.edu/31571070/The\\_Costs\\_and\\_Consequences\\_of\\_Local\\_Immigration\\_Enforcement\\_in\\_North\\_Carolina\\_Communities\\_The\\_287\\_g\\_Program\\_The\\_Latino\\_Migration\\_Project](https://www.academia.edu/31571070/The_Costs_and_Consequences_of_Local_Immigration_Enforcement_in_North_Carolina_Communities_The_287_g_Program_The_Latino_Migration_Project).

- Similarly, a **2012 DOJ investigation** into Alamance County, North Carolina found that **Latino drivers were up to ten times more likely to be stopped and often arrested for minor violations** while non-Latino drivers received only citations. This led to DOJ litigation and DHS terminating the county’s 287(g) agreement.<sup>6</sup>

This well-documented history of racial profiling shows that **287(g) is not just a jail-based program—it encourages discriminatory policing that disproportionately harms Latino and Black communities.**

### **287(g) is an Unfunded Mandate That Wastes Local Resources**

Maryland’s law enforcement agencies already face staffing shortages and challenges recruiting officers.<sup>7</sup> Yet, 287(g) forces them to take on immigration enforcement duties instead of focusing on real public safety priorities.

- Harris County, Texas ended its 287(g) agreement in 2017 after realizing that \$675,000 in annual costs could be better spent solving violent crimes.<sup>8</sup>
- Prince William County, Virginia, had to raise property taxes and cut funding for other public safety measures to cover the \$6.4 million cost of 287(g) in its first year.<sup>9</sup>
- North Carolina’s Alamance County spent \$4.8 million in its first year under 287(g)—a major financial burden for local taxpayers.<sup>10</sup>
- ICE does not reimburse local jurisdictions for these expenses, making 287(g) an unfunded federal mandate that diverts local resources away from real policing.

Given Maryland’s **budget constraints**, we **cannot afford** to waste our law enforcement budget on **an ineffective and costly program.**

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<sup>6</sup> Isaac Groves, “Alamance Sheriff won’t rejoin 287(g), but could still hold ICE detainees,” The Times-News, November 16, 2018, <https://www.thetimesnews.com/news/20181116/alamance-sheriff-wont-rejoin-287g-but-could-still-hold-ice-detainees>.

<sup>7</sup> Henry J. Brown, “It’s police recruitment season, but filling vacancies is a struggle across Maryland,” Maryland Matters, May 22, 2024, <https://marylandmatters.org/2024/05/22/its-police-recruitment-season-but-filling-vacancies-is-a-struggle-across-maryland/>.

<sup>8</sup> James Pinkerton and St. John Barned-Smith, “Sheriff Cuts Ties with ICE Program Over Immigrant Detention,” Houston Chronicle, February 21, 2017, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Sheriff-cuts-ties-with-ICE-program-over-immigrant-10949617.php>.

<sup>9</sup> Audrey Singer, Jill H. Wilson, and Brooke DeRenzi, “Immigrants, Politics, and Local Response in Suburban Washington” (Washington, DC: Brookings Institution, February 2009), 16, [https://www.brookings.edu/wp-content/uploads/2016/06/0225\\_immigration\\_singer.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0225_immigration_singer.pdf).

<sup>10</sup> Nguyen and Gill, *The 287(g) Program*, 2010.

## **ICE Fails to Provide Proper Training or Oversight**

A 2021 Government Accountability Office (GAO) report found that ICE does not adequately oversee or evaluate the effectiveness of 287(g).<sup>11</sup> Similarly, a 2010 DHS Inspector General report concluded that ICE fails to ensure proper supervision of local law enforcement partners, leading to racial profiling and unconstitutional policing.<sup>12</sup>

Further, a 2018 DHS OIG report found that ICE failed to provide sufficient training to deputized officers, allowing widespread misapplications of immigration law.<sup>13</sup>

## **Maryland Must Reject 287(g) and Pass HB 1222**

**The 287(g) program does not make us safer—it makes us less safe.** It erodes public trust in law enforcement, fuels racial profiling, wastes taxpayer money, and diverts resources from real public safety priorities.

Local law enforcement should not be responsible for enforcing federal immigration law, especially at the expense of community policing and public safety.

For these reasons, **I strongly urge the Members of the Judiciary Committee to issue a favorable report on HB 1222.**

Thank you for your time and consideration.

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<sup>11</sup> U.S. Government Accountability Office, “Immigration Enforcement: ICE Can Further Enhance Its Planning and Oversight of State and Local Agreements,” January 27, 2021, <https://www.gao.gov/products/gao-21-186>.

<sup>12</sup> U.S. Department of Homeland Security, Office of Inspector General, “The Performance of 287(g) Agreements: FY 2013 Update,” September 6, 2013, <https://www.oig.dhs.gov/reports/2013-09/performance-287g-agreements-fy-2013-update/oig13-116sep13>.

<sup>13</sup> U.S. Department of Homeland Security, Office of Inspector General, “Lack of Planning Hinders Effective Oversight and Management of ICE’s Expanding 287(g) Program,” September 2018, <https://www.oversight.gov/sites/default/files/oig-reports/OIG-18-77-Sep18.pdf>.