



**Testimony for the House Judiciary Committee  
February 27, 2025**

**HB 1222 - Public Safety - Immigration Enforcement  
(Maryland Values Act)**

**FAVORABLE with Amendments**

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The ACLU of Maryland supports HB 1222, which seeks to prohibit state or local entities from entering into a contractual agreement with federal immigration enforcement under the 287(g) program and terminate existing agreements. We believe this legislation is both necessary and urgent. Evidence shows that participation in 287(g) programs encourage racial profiling, disproportionately impacts Black and Latine people, historically targets individuals with little to no criminal history and creates a climate of fear that harms the relationship between law enforcement and local communities. Given that state and local resources are limited, they should be dedicated to proven, constitutional public safety strategies rather than to programs that compromise civil rights.

**287(g) agreements have resulted in widespread constitutional violations and racially disparate treatment of residents.**

Recent studies and investigations document how the 287(g) program fosters unconstitutional practices.<sup>1</sup> Since 2012, street enforcement models were phased out and all current 287(g) programs nationwide are exclusively jail based. However, data shows that it incentivizes racially disparate pretextual stops in order to funnel Black and Latine residents into the deportation pipeline. In Maricopa County, Arizona, for instance, the Department of Justice found that local law enforcement routinely conducted sweeps in Latine communities and that Latine drivers were up to nine times more likely to be stopped than other drivers.<sup>2</sup> This led to the termination of the 287(g) program in Maricopa County in 2011.

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<sup>1</sup> American Immigration Council. (2025) *The 287(g) Program: An Overview*. (Fact Sheet)

<https://www.americanimmigrationcouncil.org/research/287g-program-immigration#:~:text=Researchers%20have%20found%20that%20287,Latino%20and%20Black%20community%20residents.>

<sup>2</sup> Letter from Thomas E. Perez, Asst. U.S. Attorney General, to Bill Montgomery, Maricopa County Attorney, Re: United States' Investigation of the Maricopa County Sheriff's Office, December 15, 2011, [http://www.justice.gov/crt/about/spl/documents/mcso\\_findletter\\_12-15-11.pdf](http://www.justice.gov/crt/about/spl/documents/mcso_findletter_12-15-11.pdf).

The experience in Frederick County, Maryland, further illustrates the problem. In a notable case, deputies unlawfully stopped Sara Medrano in 2018 while she was driving with her daughter and two grandchildren. 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.<sup>3</sup> In *Medrano vs Jenkins*, the court ruled in favor of Ms. Medrano, which resulted in a \$25,000 award in damages, and a formal apology from Sheriff Jenkins for the misconduct of his officers.<sup>4</sup>

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 politics.

**The Values Act will improve public safety by ending 287(g) programs, which waste local resources and erode public trust.**

In addition to widespread constitutional violations, studies have found that 287(g) programs make communities less safe.<sup>5</sup> 287(g) makes certain residents afraid of reporting crime, whether as witnesses or as victims, and they are less likely to cooperate in police investigations. A 2017 study makes clear: "Research has shown that immigrants may be less likely to report victimization to the police in the United States for a variety of reasons: language barriers, fear of the police, and fear of deportation."<sup>6</sup>

In Maryland, neither Montgomery County nor Prince George's County have entered into 287(g) agreements, despite each having a higher immigrant population than Frederick County. Remarkably, both

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<sup>4</sup> *Medrano vs. Jenkins*. (2021). Settlement Agreement and Release. [https://www.aclu-md.org/sites/default/files/field\\_documents/final\\_settlement\\_agreement\\_and\\_release\\_signatures.pdf](https://www.aclu-md.org/sites/default/files/field_documents/final_settlement_agreement_and_release_signatures.pdf)

<sup>5</sup> Police and Immigration: How Chiefs Are Leading their Communities through the Challenges. (2010). Police Executive Research Forum.

[https://www.immigrationresearch.org/system/files/police\\_and\\_immigration\\_-\\_how\\_chiefs\\_are\\_leading\\_their\\_communities\\_through\\_the\\_challenges\\_2010.pdf](https://www.immigrationresearch.org/system/files/police_and_immigration_-_how_chiefs_are_leading_their_communities_through_the_challenges_2010.pdf)

<sup>6</sup> Gutierrez, C. M., & Kirk, D. S. (2017). Silence speaks: The relationship between immigration and the underreporting of crime. *Crime & Delinquency*, 63(8), 926–950. and <https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-93>.

counties have achieved more significant reductions in crime rates in recent years than Frederick County has under Sheriff Jenkins' oversight of the 287(g) program.<sup>7</sup>

Proponents of 287(g) programs claim that it reduces crime by prioritizing those offenders who present the greatest risk to public safety. However, data shows unequivocally that historically it disproportionately impacts those with low level offenses. This is a result both of increased racial profiling as mentioned above, and of the fact that 287(g) programs are based in County jails where a vast majority of those booked are for lower-level offenses, serving sentences of less than a year. According to the Frederick County 2012 Annual Report, 88 percent of civil immigration detainees issued by ICE were for misdemeanors—and 60% for minor traffic violations.<sup>8</sup>

### **Detaining an individual past their release on a federal immigration hold request is likely unconstitutional.**

As part of the Maryland Immigrant Justice Table, we urge the removal of Sections 9-309(A) and (B) and 5-104(5). These provisions mandate detention and transfer, which courts and the Maryland Attorney General have flagged as likely unconstitutional, exposing local governments to legal risk. Holding individuals past their release for civil immigration matters is unlawful, and transfer often results in wrongful detention and wasted state resources. Maryland must uphold due process and disentangle immigration enforcement from the criminal justice system.

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

However, several courts have held that it does not meet either requirement.<sup>9</sup> There is neither a probable cause requirement, nor a process through which to find probable cause in order to issue a federal

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<sup>7</sup> Seven truths surrounding the 287(g) program. 2020. ACLU of Maryland. <https://www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs>

<sup>8</sup> *i.d.*

<sup>9</sup> 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).

immigration hold request.<sup>10</sup> This means they do not meet basic Fourth Amendment requirements for a valid warrant.<sup>11</sup> 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.

It is clear that the 287(g) program fosters unconstitutional and racist policing practices, and erodes community trust and public safety.

For the foregoing reasons, the ACLU of Maryland urges for a favorable report on HB 1222 with the aforementioned amendments.

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<sup>10</sup> 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>

<sup>11</sup> See *Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).