



**Testimony in SUPPORT of SB791**  
Correctional Services and Public Safety – Immigration Enforcement – Prohibitions  
Community Trust Act

Senate Judicial Proceedings Committee

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

**We Are CASA supports Senate Bill 791.** We Are CASA is a national organization building power and improving the quality of life in working-class Black, Latino/a/e, Afro-descendent, Indigenous, and Immigrant communities.

With a membership of over 189,000 members, We Are CASA creates change with its power-building model blending human services, community organizing, and advocacy to serve the full spectrum of the needs, dreams, and aspirations of members. For nearly forty years, We Are CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing vital services to communities across the state and beyond. As Maryland’s largest immigrant community-based organization, we are uniquely positioned to witness the consequences of local cooperation with ICE. We write in strong support of SB0791 and urge the Senate to adopt the basic protections it affords residents.

**A. SB0791 establishes uniform standards for state and local participation in civil immigration enforcement.**

The Community Trust Act establishes uniform rules so that state and local correctional facilities and law enforcement agencies know the limits of when and how they may engage with ICE absent a judicial warrant or legal mandate. While Maryland has taken the commendable step of ending 287(g) agreements in our State, immigrant Marylanders still face the harmful consequences of other forms of local cooperation, which in fact have been an even greater cause of ICE arrests and detention than 287(g) agreements.

In 2025, nearly 29% of the more than 3,300 Maryland residents arrested by ICE were transferred directly from local jails. Critically, 82% of those transfers were not connected to 287(g) agreements. This demonstrates that informal jail-based transfers - not formal agreements - are the primary pathway from Maryland custody into ICE custody.<sup>1</sup>

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<sup>1</sup> Based on ICE data retrieved through FOIA and analyzed by Prison Policy Initiative: “New ICE arrest data show the power of state and local governments to curtail mass deportations.”  
<https://www.prisonpolicy.org/blog/2025/12/11/ice-jails-update/#:~:text=They%20are%20heavily%20reliant%20on,into%20the%20hands%20of%20ICE.>

Voluntary notifications and transfers, information sharing, handoffs, and extended detentions facilitate ICE's detention of residents without due process. SB0791 creates statewide protections against federal overreach by limiting cooperation unless required by a judicial warrant or a legal mandate, and by preventing unlawful detention of residents who come into contact with State or local agencies.

Additionally, this bill closes a significant loophole in the Dignity Not Detention Act by clarifying that officers may not notify ICE during street-level enforcement. The intent of the legislature at the time of the Act's passage was to prevent local encounters from becoming gateways into civil immigration enforcement. While the law restricted transfers and questioning about immigration status during stops or arrests, it did not explicitly prohibit notification to ICE. Clarifying that limitation is necessary to ensure the statute operates as originally intended.

This bill does not obstruct federal enforcement. It simply ensures Maryland does not use its own resources to carry out federal civil immigration enforcement without constitutional safeguards.

**B. Local cooperation allows ICE to bypass Maryland's legal system and undermine due process.**

Under current informal collaboration practices, individuals may be transferred into ICE custody while criminal charges are still pending, before their cases are adjudicated and guilt is determined. A person presumed innocent under the Constitution can effectively disappear into federal immigration custody before a Maryland court ever resolves their case. This has serious consequences:

- Victims lose an opportunity for justice. They may lose access to restitution or closure if prosecutions are disrupted.
- Families may be permanently separated before a case is resolved - leaving lasting impacts on children and all involved.
- Judicial oversight of police or prosecutorial conduct is eliminated if a person is removed before review.

Immigration detainers are administrative requests, not judicial warrants. Federal courts across the country have held that honoring detainers without judicial authorization may violate the Fourth Amendment. Holding someone beyond their lawful release date based solely on a detainer constitutes a new seizure that requires probable cause and judicial review. By requiring a judicial warrant, SB0791 affirms basic constitutional protections and reduces Maryland's exposure to costly civil liability.

**C. The impact on We Are CASA membership and the immigrant community at large is real and immediate.**

The federal government's aggressive immigration enforcement policies have devastated our immigrant community over the past year. Through our role as a community-based organization

and running Maryland's largest Raid Response Hotline, We Are CASA receives hundreds of reports of residents arrested and detained across Maryland, including with the support of local law enforcement.

We have heard from members who were held beyond their lawful release date based solely on administrative ICE requests that were never reviewed by a judge. Others were transferred into federal custody while criminal charges were still pending, preventing their cases from being resolved in Maryland courts. Some reported being pressured to sign documents they did not understand, without meaningful access to legal counsel or interpretation.

We Are CASA members, and the immigrant community at large has been subjected to serious abuses in the course of mass enforcement operations, including violent arrests, excessive use of force, prolonged shackling, and detention in overcrowded and unsanitary conditions. Individuals have reported denial of necessary medical care, restricted access to communication with family members, and rapid deportation despite pending legal claims or protections. This is the reality waiting for them after

When residents come into contact with State or local law enforcement, the risk of these harms increases if agencies are permitted to freely extend detentions or facilitate transfers to ICE without judicial oversight.

#### **D. Allowing state and local law enforcement to cooperate with ICE undermines public safety.**

Public safety depends on trust between law enforcement and the communities they serve. When immigrants believe that interactions with State and local agencies could result in immigration detention, that trust erodes.

When immigrants know that contact with State or local law enforcement could lead to ICE involvement, they are less likely to report crimes, cooperate with investigations, serve as witnesses, or call 911 in emergencies. Latinos are 44% less likely to contact the police if they are victims of a crime due to fear that officers will question their immigration status or that of loved ones.<sup>2</sup> Crimes go unreported. Victims remain silent. Witnesses disappear. That harms entire communities.

But the chilling effect does not stop at policing. Collaboration with local law enforcement has a ripple effect through all trust in government and government services. For We Are CASA members, this is not theoretical. We see the consequences every day through the direct services we provide to thousands of Marylanders.

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<sup>2</sup> <https://www.americanprogress.org/wp-content/uploads/sites/2/2018/03/287gJurisdictions-report.pdf>

We operate Employment Centers in Silver Spring, Wheaton, Rockville, and Baltimore, where workers seek day labor opportunities and stable employment. We provide vocational training in electrical work, HVAC, building maintenance, and computer skills. We assist small business owners with licensing and compliance. We offer immigration and housing legal consultations, English classes, citizenship and green card renewal assistance, tax preparation including ITIN applications, a health hotline, and support accessing food and health benefits. Across Maryland alone, We Are CASA handles approximately 1,800 cases per month.

Immigrant workers hesitate before applying for licenses or certifications. Parents are afraid to update their address with state agencies. Families question whether filing taxes, applying for health insurance, renewing a green card, or even pursuing citizenship could expose them to immigration enforcement.

When Maryland residents reasonably believe their personal information may be accessed or used to facilitate immigration enforcement, they withdraw. They avoid schools, hospitals, stable employment, banks, courthouses, and government offices. They delay seeking medical care. They decline workforce training opportunities. They forgo legal remedies. They disengage from civic participation.

This chilling effect undermines not only public safety but also public health, workforce development, and equal access to services. It impacts undocumented residents, mixed-status families, and even U.S. citizens who fear their data could be misused. Maryland courts already have the authority to detain individuals who pose a threat to public safety through bail determinations. Judges, not ICE detainers, determine who should be held.

Separating civil immigration enforcement from State and local institutions strengthens community trust. And community trust strengthens public safety.

**E. SB0791 ensures taxpayer dollars and local resources are not wasted on activities that solely support federal immigration enforcement efforts.**

SB0791 ensures Maryland agencies focus their time on enhancing public safety rather than investing resources in immigration enforcement. When staff are engaged in tasks like secretive information sharing, unconstitutionally extending detentions, facilitating transfers to squalid, inhumane detention conditions, or simply investigating immigration status, this means that scarce state resources are diverted to support the already federally funded work of ICE – now the most highly funded law enforcement agency in the country. State and local employees should not be strong-armed into ICE’s mass deportation machine, but instead should be able to focus on the true safety needs of the community they serve.

**F. SB0791 ensures all Marylanders receive basic protections regardless of where they live.**

Several counties across Maryland have already adopted versions of the Community Trust Act to protect their residents. Prince George's County adopted its Trust Act in 2019.<sup>3</sup> Howard County, Baltimore County, and Montgomery County have all passed similar local laws.<sup>4</sup> Baltimore City is in the process of approving its own Trust Act.<sup>5</sup> Although these local Trust Acts are an important advancement, Marylanders should not be vulnerable to due-process violations or federal overreach depending on where they live. Maryland must be unified in the protections offered to residents.

This is especially important given local law enforcement agencies need clear instructions on what the legislature will not allow them to do. Recent public statements from some sheriffs underscore the need for legislative guidance. After the passage of legislation ending 287(g) agreements, Carroll County Sheriff Jim Dewees stated he would continue working with ICE and would create a policy within his office to do so.<sup>6</sup> Frederick County Sheriff Chuck Jenkins similarly indicated his intention to continue cooperating with ICE to the extent possible.<sup>7</sup>

These statements demonstrate why clear, consistent statutory direction is necessary. SB0791 establishes uniform parameters so that all jurisdictions operate under the same standards and expectations.

**For all of the reasons above, We Are CASA urges a favorable report on SB0791.**

*Contact: Cathryn Jackson, [cjackson@wearecasa.org](mailto:cjackson@wearecasa.org)*

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<sup>3</sup> Prince George's, MD, CB-62 2019 (2019);

<sup>4</sup> Howard, MD, 17-2026 (2026); Montgomery, MD, 35-25 (2026); Baltimore, MD, 98-25 (2026).

<sup>5</sup> <https://www.cbsnews.com/baltimore/news/baltimore-leaders-introduce-legislation-limit-ices-access/>

<sup>6</sup> <https://foxbaltimore.com/news/local/maryland-sheriffs-vow-fight-bill-banning-287g-agreements-ice>

<sup>7</sup> <https://www.thebanner.com/politics-power/local-government/maryland-sheriff-chuck-jenkins-ice-frederick-county-CFDY4JS33ZEWHINHCJPWRNCGHQ/>