

Senator William Smith, Chair, Senator Jeff Waldstreicher, Vice Chair and Members of the Judicial Proceedings Committee,

I submit this testimony in strong support of SB 791, the Community Trust Act, which is urgently needed to protect public safety, constitutional rights, and community trust by limiting non-mandatory cooperation with federal civil immigration enforcement.

The recent 287(g) ban was a critical first step, ending formal deputization of local correctional officers as ICE agents. However, it left gaping loopholes that ICE-cooperating counties like Frederick and Harford are already exploiting through informal workarounds.

- In Frederick County, Sheriff Jenkins has publicly stated post-ban that they will continue 48-hour detainer holds, share daily arrestee lists with ICE, and maintain "partnership" without formal agreements.
- Harford Sheriff Gahler has vowed to "continue sharing information" on arrestees so ICE can file detainers, and to "allow immigration detainers" for releases.

The Community Trust Act closes these gaps by:

- Explicitly prohibiting correctional facilities from holding, transferring, or providing non-public information/access to ICE absent a judicial warrant or court order thereby directly targeting the "courtesy holds," data feeds, and jail access promised to persist post-287(g).
- Barring law enforcement agents from using agency resources for civil immigration enforcement or routine notifications, eliminating ad hoc "partnerships."
- Unlike the 287(g) ban (which only blocks MOUs), this statute creates a statewide floor, ensuring uniform compliance and preventing patchwork practices that undermine community trust.

Without this bill, counties can, and will, continue diverting resources from core public safety to federal civil enforcement, eroding trust in law enforcement among immigrant communities who then hesitate to report crimes or access services.

SB 791 equips residents with powerful tools to ensure compliance:

- Private right of action: Affected individuals can sue for actual damages, punitive damages, and injunctive relief. This is a direct deterrent for counties ignoring the law, unlike Attorney General only enforcement in weaker statutes.
- Clear prohibitions with narrow exceptions: Ties all cooperation to judicial warrants, court orders, or victim-protection carveouts (e.g., U/T visas), making violations easy to prove in court.
- Statewide uniformity: Applies to all correctional facilities and law-enforcement agencies, with no opt-out for counties, and is enforceable through a private right of action for individuals harmed by violations. This mirrors successful models in Oregon and Illinois,

where private suits have driven compliance without reliance on resources of the Office of the Attorney General.

Opposition: Sheriffs in Frederick, Harford, and similar counties argue:

1. "Public safety threat": They claim limits will release "dangerous criminals" and increase ICE street arrests.  
Rebuttal: The bills only block civil enforcement cooperation; criminal warrants and judicial processes remain untouched. Data from CA (SB 54) and NY show sanctuary policies increase crime reporting by immigrants (+10-20% in some studies) without crime spikes. Frederick/Harford's own 287(g) data shows most referrals were low-level/no criminal history i.e. true civil enforcement, not public safety.
2. "ICE will flood communities": More street operations if jails are off-limits.  
Rebuttal: Ending jail cooperation in Maryland won't *cause* flooding – it just won't *facilitate* it through local resources. ICE surges based on federal will and capacity, not local opt-ins.
3. "Violates sheriff authority/polls show support": Legislators overreach; 52% of Marylanders back cooperation.  
Rebuttal: States have plenary authority over local law enforcement. Recent Maryland surveys show majority support for warrants before holds. Sheriffs serve state law and this bill codifies constitutional baselines they already skirt.
4. "No alternative provided": Annapolis pulls programs without solutions.  
Rebuttal: The alternative is constitutional policing: focus on Maryland crimes, not federal civil status. Resources saved from ICE cooperation can go to understaffed jails and violent crime.

SB 791 builds logically on the 287(g) ban, delivering enforceable statewide protections that prioritize Maryland public safety over federal civil priorities. As a Frederick resident who has witnessed diverted resources and eroded trust, I urge a favorable report. All Maryland families deserve law enforcement focused on real threats, not immigration status.

Thank you.

Eileen Benecke, Frederick Maryland

Testimony drafted with assistance from Perplexity AI