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Local Law Enforcement Must Focus on Keeping Marylanders Safe, Not on Immigration Enforcement

Position Statement Supporting Senate Bill 791

Given Before the Senate Judicial Proceedings Committee

The safety of all Marylanders is the key function of state and local law enforcement agencies and to ensure this, community trust and cooperation is vital. When local law enforcement agents collaborate with Immigration and Customs Enforcement (ICE), it erodes trust within immigrant communities, discouraging individuals from reporting crimes, seeking assistance and cooperating with law enforcement. This creates a chilling effect that makes our communities less safe for everyone.

The Maryland Center on Economic Policy supports Senate Bill 791 because it will prohibit local law enforcement agencies from using other non-287(g) related avenues to aid in federal immigration enforcement. It prohibits officers from asking about citizenship or place of birth during routine stops or arrests, ensures that individuals are not held beyond their release date solely on the basis of a federal immigration detainer without a judicial warrant, and restricts the sharing of personal information with federal authorities unless required by state or federal law.

Outside of 287(g) agreements that formally deputize local law enforcement as ICE agents, local law enforcement and jails can still notify or hold and transfer individuals to ICE. Currently 23 of 24 Maryland counties informally assist ICE in this way. In 2025, over four times more Marylanders – most of whom had no criminal convictions -- were transferred to ICE custody through informal local collaboration than through a formal 287(g) program.¹

The Community Trust Act is about drawing a clear line between Maryland law enforcement and federal immigration enforcement. Right now, local jails and police across nearly every Maryland county voluntarily hold and transfer individuals to ICE without a judicial warrant. Many of these individuals have not been convicted of any crime. This informal collaboration turns local agencies into extensions of ICE's deportation machine, undermines the presumption of innocence, and erodes the community trust that keeps all Marylanders safe.

- Nearly 1 in 3 (29%) of the more than 3,300 Marylanders arrested by ICE in 2025 were transferred from local jails and other lock-ups². 82% of these transfers were non-287(g) related.
- Most people in local jails have not been convicted of any crime at all, and many are accused only of low-level offenses like trespassing or disorderly conduct.
- Nationally, over 80% of people held in jails have not been convicted.³ They have only been accused, not proven guilty of any crime, and many ultimately are found not guilty or have their charges dismissed. This means local jails are voluntarily holding and helping transfer innocent people to ICE. This practice not only undermines the presumption of innocence, but also harms

public safety by eroding trust and discouraging community members from engaging with local law enforcement.

- When local law enforcement aids ICE, ICE agents are freed up to perform even more community arrests, bringing more of ICE's violence into the streets.⁴

Immigration detainers, or "holds," are a key tool federal authorities use to drag local law enforcement agencies into civil immigration enforcement efforts. A detainer isn't signed by a judge and is simply an ICE administrative document requesting localities to notify ICE before an individual is released from jail and hold them up to an additional 48 hours at state or local expense. The Attorney General and extensive case law have found that honoring ICE detainers without a judicial warrant is illegal and could lead to civil lawsuits.

Immigration enforcement is a federal responsibility, funded by federal tax dollars. When Maryland jurisdictions voluntarily assist in these operations, they divert local personnel, time, and taxpayer funds away from local priorities. Senate Bill 791 ensures that Marylanders' tax dollars are spent on Maryland's needs—such as community policing, education, and infrastructure—rather than on the administrative tasks of a federal agency.

Marylanders benefit from state policies that make our state a welcoming place for immigrants. Just over 1 million immigrants reside in Maryland, working sectors across our state's economy⁵. About 36 percent of Main Street business owners in Maryland are immigrants, operating storefront shops that help keep downtown areas vibrant. About 21 percent of Maryland's workers are immigrants including 33 percent of child care workers, 29 percent of registered nurses and 27 percent of software developers. Immigrant workers and business owners generate \$85 billion of economic output in Maryland. In fact, when immigrants move to Maryland the economy grows and this doesn't mean fewer jobs, it means more jobs, more consumers, more workers and more business owners.

Economic Impact of Immigration Enforcement

When local law enforcement and correctional facilities act as agents of federal immigration authorities, it creates a "chilling effect" that ripples through our economy:

- **Reduced Workforce Participation:** Fear of detention prevents immigrant workers—who contribute billions to Maryland's GDP—from safely commuting to jobs or seeking employment.
- **Barriers to Essential Services:** Families often avoid seeking healthcare, enrolling children in school, or accessing earned benefits, leading to long-term costs in public health and crisis interventions.
- **Erosion of Consumer Confidence:** When community members fear public interaction, local businesses suffer from reduced foot traffic and spending

This bill simply requires a judicial warrant before anyone is held for ICE and stops local officers from proactively contacting ICE about people in their custody. It does not prevent the federal government from enforcing immigration laws; it just ensures that Maryland is not doing ICE's job for them.

The Maryland Center on Economic Policy urges the committee to provide a favorable report on Senate Bill 791.

¹ Prison Policy Initiative analysis of ICE data retrieved thru FOIA by the Deportation Data Project

² 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.>

³ Ibid

⁴ See chart in written testimony of Stephanie Wolf, the Immigration Services Director for Maryland’s OPD, submitted to JPR for SB 245, 1/22/26.

⁵ Immigration Research Institute, Immigrants Are A Vital Part of Maryland’s Future.