



**Testimony for the House Judiciary Committee**  
**January 27, 2026**

**HB 444 - Public Safety - Immigration Enforcement Agreements  
- Prohibition**

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**FAVORABLE**

The ACLU of Maryland urges a favorable report on HB 444, 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. 287(g) is a voluntary agreement between ICE and localities to deputize local law enforcement to act as ICE agents after minimal training. As opposed to other forms of local cooperation with ICE, 287(g) turns local jails and police into extensions of ICE--eroding public trust, diverting resources, and fueling racial profiling. Added to the Immigration and Nationality Act in 1996 under the “tough on crime” agenda, 287(g) was designed to harm Black and Brown communities.

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. Every day in Maryland, at least ten immigrant families are violently separated, leaving thousands of children without a parent and shredding the social fabric of our communities. Despite President Trump’s rhetoric, the majority of them did not have criminal charges. From September 1 to October 15 alone, two-thirds of the 700 Marylanders arrested by Immigration and Customs Enforcement (ICE) were never even charged with a crime let alone convicted.<sup>1</sup>

Given that state and local resources are limited, they should be dedicated to proven, constitutional public safety strategies rather than

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<sup>1</sup> Conarck, Ben, et al. “Immigrant Arrests in Maryland Hit New High. Most Have No Criminal Record.” The Baltimore Banner, 17 Dec. 2025, [www.thebanner.com/politics-power/national-politics/immigration-enforcement-maryland-numbers-ice-arrests-criminal-MKPPI2LGXJDXJD3RHC2FNNR2AE/](http://www.thebanner.com/politics-power/national-politics/immigration-enforcement-maryland-numbers-ice-arrests-criminal-MKPPI2LGXJDXJD3RHC2FNNR2AE/).

to programs that compromise civil rights and tears families apart. Maryland must bravely choose courage and refuse to aid and abet the federal campaign of terror against immigrants and an assault on the rights of all Marylanders.

### **287(g) programs make communities less safe.**

According to Mike Hilliard, retired major of the Baltimore Police Department, “When trust erodes, crimes go unreported, victims stay silent, and dangerous offenders remain on the streets.”<sup>2</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 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>3</sup> In 2024, Montgomery County experienced a 7% drop in overall crime in 2024 compared to Frederick’s 4% drop. Two other 287(g) counties, Cecil and Harford, saw no drop in crime at all.<sup>4</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. Nationally, in 2024 more than three-quarters of people deported through 287(g) had no criminal convictions. In Maryland, from 2016 to 2023, 92% of the 287(g) detainees were for people with no criminal conviction or only the least serious "level 3" conviction.<sup>5</sup> This rise is driven by increased racial profiling as noted above, and by the structure of 287(g) programs themselves. Because these programs operate out county jails, where most people are booked on lower-level offenses, held on charges alone, or serving sentences of less than a year, the funnel people with minor cases into the immigration system. For example, in Frederick County

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<sup>2</sup> HB 1222 – Public Safety – Immigration Enforcement (Maryland Values Act). Written Testimony of Mike Hilliard. House Judiciary Committee. 447th Maryland General Assembly Session. 28 Mar. 2025.

[https://mgaleg.maryland.gov/cmte\\_testimony/2025/jpr/1SF7OtfaSCU0o2NzG4iZNwhzPEn5tWXEa.pdf](https://mgaleg.maryland.gov/cmte_testimony/2025/jpr/1SF7OtfaSCU0o2NzG4iZNwhzPEn5tWXEa.pdf)

<sup>3</sup> <https://www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs>

<sup>4</sup> National Incident-Based Reporting System data for 2024

<sup>5</sup> Transactional Records Access Clearinghouse’s Immigration and Customs Enforcement Detainers Tool, available at <https://tracreports.org/phptools/> immigration/newdetain/about\_data.html. These numbers were obtained by filtered by State: Maryland; Apprehension Method: 287(g) Program; and Seriousness Level of MSCC (Most Serious Criminal Conviction).

from 2008-2025, 80% of the 2,069 total 287(g) detainees were lodged on individuals with a misdemeanor charge alone.<sup>6</sup>

Additionally, in many cases of those who have been detained in local jails, a judicial officer may determine that the defendant can be released on their own recognizance, or the criminal charge for which a defendant has been arrested, has been dismissed. However, in counties with 287g programs, many defendants are handed to ICE before their day in court.

Also, recent data suggests that having 287(g) partnerships actually lead to an increase in ICE's overall enforcement in communities. This results in more community members, citizen and non-citizen alike, being exposed to the violence of ICE's aggressive and sometimes fatal tactics.

### **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>7</sup> As a result of passing Dignity Not Detention in 2021, Maryland has only jail-based models of the program and not the Task Force street enforcement model. However, data shows that it still 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>8</sup> This led to the termination of the 287(g) program in Maricopa County in 2011.

State and local agencies that join this enforcement spree risk lawsuits that could cost municipalities millions in damages. As the Maryland Attorney General noted in a 2025 guidance for the state's agencies: "Compared to their federal counterparts, [state and local] officers face more significant exposure to civil lawsuits for violations of federal or state law." The experience in Frederick County, Maryland, further illustrates the problem. In a notable case, deputies unlawfully stopped

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<sup>6</sup> "Over 100 Residents Rally before Sheriff's Annual 287(g) Presentation, Call for End to Program." Wearecasa.Org, CASA, 18 June 2025, <https://wearecasa.org/over-100-residents-rally-before-sheriffs-annual-287g-presentation-call-for-end-to-program/>

<sup>7</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>8</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/mcsq\\_findletter\\_12-15-11.pdf](http://www.justice.gov/crt/about/spl/documents/mcsq_findletter_12-15-11.pdf).

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. In *Medrano vs Jenkins*, the court ruled in favor of Ms. Medrano, which <sup>910</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.

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 444.

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<sup>10</sup>[https://www.aclumd.org/sites/default/files/field\\_documents/final\\_settlement\\_agreement\\_and\\_release\\_signatures.pdf](https://www.aclumd.org/sites/default/files/field_documents/final_settlement_agreement_and_release_signatures.pdf)