

HB444

Public Safety - Immigration Enforcement Agreements - Prohibition

House Judiciary Committee

FAVORABLE

The Maryland Access to Justice Commission (A2JC) is an independent entity that unites leaders to drive reforms and innovations to make the civil justice system accessible, equitable and fair for all Marylanders. A2JC is composed of prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary. A2JC is a proud partner of the Maryland State Bar Association (MSBA).

We urge a favorable report on HB444. The legal and practical realities of 287(g) agreements fundamentally erode the rule of law and access to justice.

I. Access to Justice is a Pillar of the Rule of Law

The rule of law depends entirely on the ability of the populace to access the legal system without fear or prejudice. It requires equal access to justice for everyone to seek help when needed, regardless of immigration status. When individuals opt out of the legal system because they view law enforcement as a threat, rather than a means of help, it erodes the very foundation of our democracy and the promise of equal justice under the law.

II. The Harms of 287(g) to the Rule of Law and Access to Justice

The operation of 287(g) in Maryland has demonstrably harmed the integrity of our legal system and the safety of our communities.

- **The Chilling Effect and Public Safety:** 287(g) agreements dissolve the distinction between local police and federal deportation agents, causing immigrant residents to fear any contact with law enforcement. Data indicates that 287(g) jurisdictions experience a "chilling effect" where residents are 43% less likely to report being the victim of a crime. This results in witnesses avoiding testimony and victims failing to seek protection, which compromises public safety for all Marylanders.

- **Exploitation of Vulnerable Victims:** The entanglement of local police with ICE is weaponized by abusers in domestic violence cases. Abusers frequently use the threat of deportation to silence victims, knowing that if the police are called, the victim may be the one detained under 287(g) protocols. Reports indicate hundreds of domestic violence cases have gone unfiled in Maryland due to fears of ICE presence at courthouses.
- **Racial Profiling and Pretextual Stops:** The 287(g) program incentivizes racial profiling, encouraging officers to conduct pretextual stops for minor infractions to screen for immigration status. In Frederick County, 60% of 287(g) arrests involved minor traffic violations, and data suggests Hispanic drivers were arrested at rates higher than expected without the program. Furthermore, 95% of people detained under 287(g) are from Latin America or the Caribbean, indicating a system that targets people based on appearance rather than criminal threat.

III. The Necessity of Distancing Maryland from 287(g)

The Committee should favor distancing Maryland from 287(g) agreements to protect state sovereignty, taxpayer resources, and constitutional rights.

- **Liability and State Sovereignty:** Maryland Attorney General Anthony Brown has issued guidance clarifying that Maryland officers are bound by state standards regarding use of force and civil rights, which 287(g) operations often violate. Continued participation exposes local governments to significant liability for unconstitutional detentions.
- **Misallocation of Resources:** Local jurisdictions bear the financial burden of these federal enforcement activities, including salaries and legal defense costs. These resources should be dedicated to local public safety priorities rather than a federal deportation agenda that has failed to reduce violent crime.

For the reasons stated above, we urge the Committee for a favorable report on HB444.