



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 913/SB 817 - Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals - Policies

TO: Chairman Zirkin and members of the Judicial Proceedings Committee

FROM: Jim Caldiero, Co-Chair, Immigration Task Force,

Unitarian Universalist Legislative Ministry of Maryland

DATE: February 27, 2019

As a Unitarian Universalist whose faith calls me to respect the inherent worth and dignity of every person, I urge the members of the Committee to vote in favor of HB 913/SB 817 that will prohibit Maryland correctional and police officers from detaining incarcerated persons beyond their state law release date or notifying Federal immigration officials of such without a judicial warrant.

As you are aware, U.S. Immigration and Customs Enforcement (ICE) routinely issues “administrative” warrants and detainer requests to local law enforcement agencies signed by ICE agents, not judges, and cannot serve as the basis for state and local agencies to arrest or detain a person for 48 hours beyond the end of their lawful release date. Unless my reading of the Constitution and the Fourth Amendment is wrong (and while a graduate student in Public Administration and American History, I studied Constitutional Law and Constitutional History), no one can be deprived of her liberty without due process of law. And that means a warrant signed by a judge.

Despite the obvious constitutional prohibition, despite Federal District Court rulings, the current ICE policy is to continue “to issue detainers and requests for notification to law enforcement agencies to provide notice of its intent to assume custody of an individual detained in federal, state, or local custody. Detainers are placed on aliens arrested on criminal charges for whom ICE possesses probable cause to believe that they are removable from the United States.”

Maryland Attorney General Brian Frosh in 2017 concluded that compliance by state and local law enforcement agencies with ICE is voluntary and potentially exposes law enforcement officials to liability if they hold someone beyond her release date.

Yet, in Maryland, ICE and local law enforcement agencies who have signed 287g agreements continue to arrest and detain individuals despite court rulings allowing individuals to remain in the United States. Consider, for example, the Maryland case of Roxana Orellanos Santos, who won a civil rights lawsuit against Frederick County for a Fourth Amendment violation and,

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despite a 2017 court order allowing her to remain, was subsequently detained by ICE in Baltimore.

The Baltimore Sun reports that ICE has made innumerable detainer requests to Maryland state and local law enforcement agencies and Governor Hogan appears, by his silence, to accept the detention beyond the legal release date, thus continuing an inhumane and constitutionally questionable practice that makes our own police and correctional officers liable.

A Goucher public opinion poll in 2017 reported that only 11 percent of Marylanders favor identifying and deporting undocumented immigrants. Obviously, Marylanders, like most Americans, find ICE practices to be out of step with our values.

Please vote in favor of HB 913/SB 817.

As the co-chair of the Immigration Task Force of the Unitarian Universalist (UU) Legislative Ministry of Maryland, a faith-based advocacy group based in Annapolis that helps the 24 UU congregations and thousands of UU's in Maryland to influence public policies in concert with our values, please let me know if there is any way that we can help.

Thank you.

Very Truly Yours,

Jim Caldiero

Sources:

Santos: <https://www.baltimoresun.com/news/maryland/bs-md-roxana-santos-20190108-story.html>

ICE Detainer Policy: <https://www.ice.gov/detainers>

Analysis of ICE Warrants by Immigrant Legal Resource Center:

https://www.ilrc.org/sites/default/files/resources/ice_warrants_summary.pdf

https://www.ilrc.org/sites/default/files/resources/ice_warrants_may_2017.pdf

Analysis by Massachusetts Use of ICE Warrants: <https://www.publiccounsel.net/iiu/wp-content/uploads/sites/15/2014/07/ICE-Warrants-Practice-Advisory>

Abuse of ICE Detainers: <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/florida-sheriff-worked-ice-illegally-jail-and>

<https://www.aclu.org/cases/peter-sean-brown-v-richard-ramsay>

Baltimore Sun ICE Detainer Requests: <https://www.baltimoresun.com/news/maryland/politics/blog/bs-md-ice-requests-20171016-story.html>

AG Frosh Legal Conclusion: <http://www.marylandattorneygeneral.gov/press/2017/050417.pdf>

Goucher Poll: https://www.goucher.edu/hughes-center/documents/GP_Fall_2017_Release_1.pdf