

# END STATE & LOCAL COLLABORATION WITH ICE

**SB 791/HB TBD**

## Pass the Community Trust Act

Maryland enables President Trump's cruel and lawless mass deportations by allowing localities to voluntarily funnel immigrants into ICE custody. Outside of 287(g) agreements that formally deputize local law enforcement as ICE agents, local law enforcement and jails still notify or hold and transfer individuals to ICE. Shockingly, 23 of 24 Maryland counties informally assist ICE in this way. In 2015, over 4X 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.<sup>1</sup>

To protect as many immigrant Marylanders as possible from this administration's campaign of terror, we must stop colluding with ICE's paramilitary force altogether. Maryland doesn't have a legal obligation to assist ICE in immigration enforcement, which is a federal responsibility and already funded at an unprecedented level. Continued voluntary collaboration is a political choice that wastes Maryland taxpayer dollars and makes our communities less safe.

## Maryland can be a firewall for the rule of law by ending unconstitutional detentions.

The Community Trust Act is needed to:

- 1) affirm that correctional facilities must have a judicial warrant to detain, or prolong a person's detention, in order to transfer them to ICE.
- 2) stop police and correctional officers from facilitating immigration arrests by reaching out to ICE directly with information about people who encounter law enforcement.

Nothing in the legislation prevents the Federal government from enforcing immigration laws or hides any information from ICE, now the most highly funded law enforcement agency in the world. ICE already has access to the FBI's National Crime Information Center ("NCIC") database, and anyone booked in a Maryland correctional facility will still have their fingerprints taken and uploaded to NCIC.

## Local jails have quietly become central to Trump's mass arrest and deportation agenda.

- Nearly 1 in 3 (29%) of the 3300+ Marylanders arrested by ICE in 2015 were transferred from local jails and other lock-ups.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>



## **This is a critical next step after banning 287(g) agreements.**

We can learn from New Jersey's cautionary tale of banning formal 287(g) agreements while leaving in place informal collaboration. As a result of Sheriffs exploiting this loophole, ICE arrests in NJ have simultaneously spiked in both jails and in the community at a significantly higher rate than in states like Illinois and Oregon that have ended all voluntary collaboration.

Multiple Sheriffs in Maryland have publicly suggested that they'll find new ways to funnel individuals to ICE even if 287(g) is banned. Maryland's best tool to curb overall ICE arrests of the innocent and to keep more families together is to end all forms of collusion with ICE.

## **Holding individuals past their scheduled release is unconstitutional.**

Immigration detainees, 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 1) notify ICE before an individual is released from jail and 2) 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.

**By drawing a line between Maryland law enforcement officials and federal immigration enforcement agents, the bill would affirmatively ensure that Maryland will not help Trump funnel immigrants into the deportation pipeline.**



### **Endnotes**

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.