

THE MARYLAND RESTORE TRUST CAMPAIGN

Support the Maryland TRUST Act to disentangle our local law enforcement agencies from federal immigration enforcement efforts.

Background

Since 2008, over 43% of persons deported from Maryland under the Secure Communities program (S-Comm) had no criminal convictions of any kind. An additional 33% had convictions only for minor offenses.¹ These deportations have a negative impact on Maryland's working families and children, targeting individuals who are living and working peacefully in our communities, sometimes for years or even decades.

More and more jurisdictions across the country are refusing to act as surrogates for the federal government in these overzealous immigration enforcement efforts. In particular, they are refusing to detain individuals who should otherwise be released for the sole purpose of helping route them into deportation proceedings. To date, 19 jurisdictions have enacted policies declining to comply with or strictly limiting their compliance with immigration detainer requests. It is time for Maryland to do the same.

What Are Immigration Detainers?

Immigration detainers are a key tool federal authorities use to drag local law enforcement agencies into civil immigration enforcement efforts. They are notices sent from Immigration and Customs Enforcement (ICE) to local jurisdictions requesting the detention of individuals who are eligible for release for an additional 48 hours exclusive of weekends and holidays—i.e. for up to 5 days, at state or local expense.

Immigration detainers are purely voluntary requests, as ICE has stated on numerous occasions (including most recently in federal court²), and as the Maryland Attorney General recently concluded in a letter of advice to Senator Victor Ramirez.

The federal government does not reimburse local jurisdictions for most of the costs associated with the additional detention time it requests.

In Maryland, most immigration detainers are lodged against individuals charged only with traffic or misdemeanor offenses, and the overwhelming majority target individuals of color, especially Latinos.³

Negative Impacts

¹ ICE Interoperability Statistics through May 31, 2013, http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf.

² Defendants' Memorandum in Support of Motion for Partial Judgment on the Pleadings, Dkt #107, *Jimenez v Morales*, No. 11-cv-05452 (N.D. Ill.).

³ See ACLU of Maryland Report, *Restoring Trust: How Immigration Detainers in Maryland Undermine Public Safety Through Unnecessary Enforcement* (November 2013), available at http://www.aclu-md.org/uploaded_files/0000/0472/immigration_detainer_report.pdf.

Immigration detainers create a direct pipeline from local law enforcement to federal deportation proceedings, which destroys community trust in police and undermines public safety. Victims and witnesses are afraid to talk to the police when they know that any interaction with local authorities can result in jail time and deportation. As the Major Cities Chiefs Association has stated, “[s]uch a divide between the local police and immigrant groups . . . result[s] in increased crimes against immigrants and in the broader community, creating a class of silent victims and eliminat[ing] the potential for assistance from immigrants in solving crimes.”⁴

Immigration detainers also waste local resources and impose needless costs that are not reimbursed by the federal government. They basically shift the burden of federal immigration enforcement efforts onto our local agencies.

Finally, immigration detainer requests raise serious civil liberties concerns. They are not warrants, are not reviewed by a judge or neutral magistrate, and do not necessarily indicate anything about a person’s immigration status. They are regularly lodged against lawful permanent residents who may not be deportable, and even sometimes against U.S. citizens. As a result, local jurisdictions risk significant liability for wrongful detention when they comply without scrutiny with these requests.

The Maryland TRUST Act

The Maryland TRUST Act provides that when an individual is eligible for release from state custody, local authorities will not continue to detain that individual for no reason other than to assist with federal immigration enforcement efforts.

The purpose of the TRUST Act is to rebuild trust between communities and local law enforcement agencies and to ensure that local resources and tax dollars are well spent. The TRUST Act focuses on local law enforcement’s voluntary cooperation with immigration authorities at local expense.

The TRUST Act would not stop the operation of S-Comm. Instead, it would simply place common-sense limits on when local authorities will voluntarily spend local resources solely to cooperate with federal deportation efforts.

Passage of the TRUST Act would make our families and communities safer, would save valuable law enforcement resources, and would address the significant civil liberties and due process concerns that this kind of detention raises.

Sponsoring organizations include the ACLU of Maryland, CASA de Maryland, and SEIU.

For more information please contact Sirine Shebaya at shebaya@aclu-md.org, Kim Propeack at kpropeack@casamd.org, or Jessica Semachko at jsemachko@seiumddc.org.

⁴ Major Cities Chiefs Immigration Committee Recommendations For Enforcement of Immigration Laws By Local Police Agencies, Adopted by: Major Cities Chiefs Association, June 2006, http://www.houstontx.gov/police/pdfs/mcc_position.pdf, p. 6.