



Dignity Not Detention Act: 2021 MD Legislative Session



Thursday, November 4th, 2020 @ 6PM via Zoom



Welcome!

Please introduce yourself in the chat by sharing:

- 1. Your name*
- 2. Where you are from*
- 3. What brings you to this teach-in*



About Us: CASA



- 100K members and growing across Maryland, Virginia and Pennsylvania.
- To create a more just society by building power and improving the quality of life in working class and immigrant communities.
- We envision a future where we stand in our own power and our families live free of discrimination in fear.
- Advocacy for and led by our membership.



What is the Dignity Not Detention Act?

- Bill that bans any new contracts or renewals of existing contracts with detention facilities operated wholly (or in part by) private corporations.
- Ensures that the public is adequately informed in any plans for a new private detention facility to take place.
- Requires local entities that already have an existing immigration detention agreement (IGSAs) to terminate the contract by June 2021.
- Last session, introduced as [SB850](#)/[HB677](#)





What is an IGSA?

- An Intergovernmental Service Agreement (IGSA) is a contract between the federal government and state or local governments
- Through this contract, **local agencies agree to provide space in their jails and prisons for the detention of immigrants who are facing deportation.**
- The detention centers are paid by the federal government for each person they hold on immigration charges (which financially incentivizes signing on to the program).
- IGSA's allow ICE to expand their prison infrastructure - widening the federal government's ability to detain immigrants.





IGSA Programs in Maryland



Frederick County Adult Detention Center – Between 35–52 detainees, Sheriff's Office earns \$378K to 561K a year through the IGSA ([according to Sheriff Jenkins in 2018](#))



Howard County Detention Center – Between 65–95 detainees, ICE pays Howard County about \$110 per inmate per day, brought it nearly \$20M since the IGSA was signed in 2013 ([according to Dir. of HCDC, Jack Kavanagh Dec. 2019](#))



Worcester County Detention Center – 141 detainees, Worcester County earns approx \$4.5M a year through the IGSA ([according to Warden Donna Bounds Dec 2018](#))

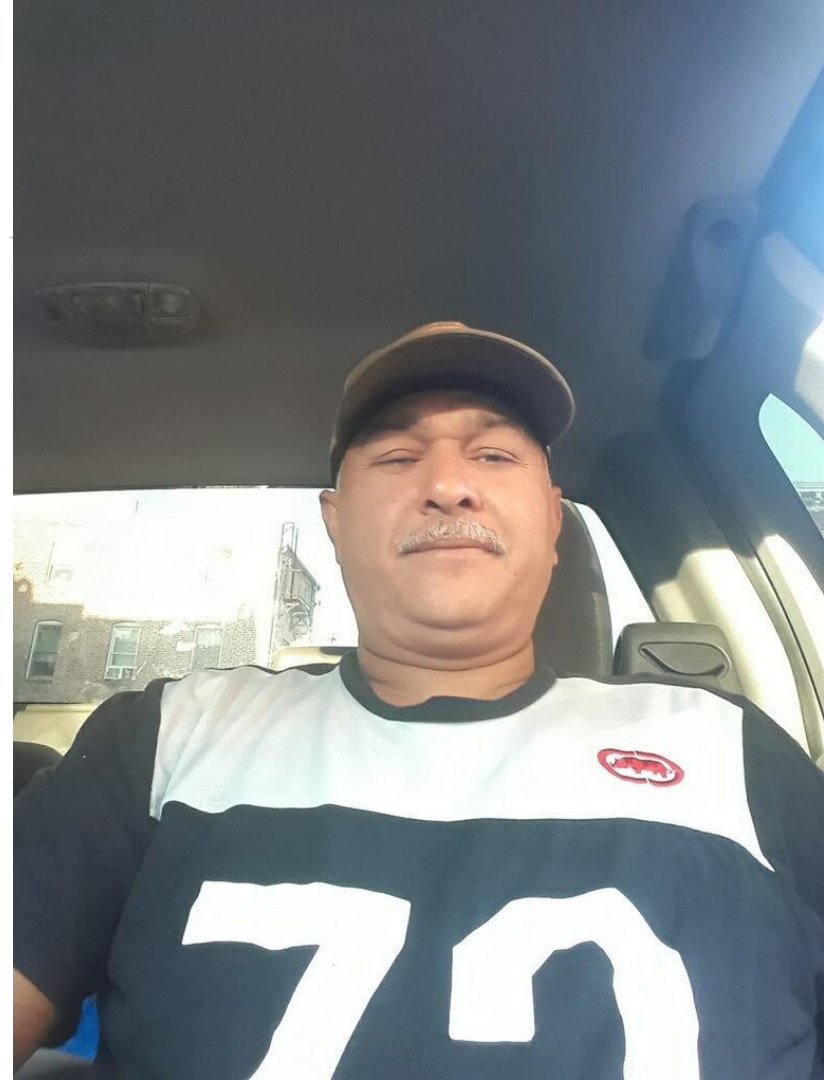
** As of today, the detained population has significantly decreased due to COVID but large numbers of beds still remain for future detainment of immigrants for profit.*





Member Story: Miguel

- Miguel was stopped for speeding and given a ticket to show up for court for driving without a license.
- Because this wasn't his first violation of driving without a license, he was tried and sentenced to 15 days in Anne Arundel County.
- On this 13th day he was held in that jail, ICE picked him and he was moved to the Howard County Detention Center as an ICE detainee.
- Spent over a month in detention before finally getting out on \$10K bond.
- Now he is awaiting his court date in December 2020 to find out whether he can stay in the country.





Member Story: Jose T.

- Jose T. was detained by ICE in June 2019 while doing renovation work in front of a house in Baltimore County.
- Detained in the Howard County Detention Center where he was held for an entire week, then released.
- Upon his release, officers disclosed to him that they were looking for someone else that also shared the vehicle that he was using for work.
- Jose had been in the country for 15 years and has a three children of 7, 5 and 1 year old.
- He has not committed any crimes and he has had no prior deportations. Now he reports to regular ICE check-ins.





Member Story: Kevin

- Kevin was detained in June 2019 after being stopped while driving his car.
- Was initially detained in Frederick and then in July, they moved him to the Howard County Detention Center. His only “crime” was returning to the US after being deported.
- He had legal representation but was denied bond, so he was detained until November when he finally won the ability to stay in the country. He was willing to accept being detained because he knew if he were to return to his country he would be in grave danger.
- He has since won his case and is no longer at risk of being deported.





Member Story: Eddy

- Eddy was a passenger in a car that had a flat tire in Columbia, MD in 2017.
- A Howard County police officer saw them on the side of the road and stop. He took both of their IDs and held them for an hour until ICE came.
- Eddy had an order of removal (civil immigration violation). Based on this, he was taken to the Jessup Detention Center where he was held for a week (with a short trip to Baltimore for ICE to call the Guatemalan embassy).
- He was then transferred to Pennsylvania for a week, Louisiana for a week – and then deported.
- He left behind a 3 year old daughter and wife. He never had a chance to meet with a lawyer.





What's so bad about privately run detention facilities?

- ◉ **In private detention centers, people are profit.** Due to the inherent profit-motive, private companies cut expenses in medical staffing and other contracted operations in order to maximize their profits.
- ◉ Immigration detention is based on alleged civil, not criminal, violations. Yet detainees are held in similar, and often worse, conditions than those facing criminal charges.
- ◉ Immigrants in detention face huge obstacles to accessing justice, including significant barriers to finding legal representation as Eddy's story demonstrates.
- ◉ ICE only runs 5 out of their over 200+ facilities. The rest are direct contracts with private prison companies, or contracts with local governments (who then subcontract with private prison companies).
- ◉ We've seen countless lawsuits across the country of companies that run private detention centers violate labor law, [exploiting immigrants and using forced labor](#).





Immigrant Detention is Deadly

- 26 immigrant detainees have died while in ICE custody under the Trump administration, 56 have died during the Obama administration. (before COVID)
 - [*Fatal Neglect. How ICE Ignores Deaths in Detention*](#) report from ACLU, DWN and NIJC
- Death toll has only been rising during the pandemic with reports from all over the country of substandard medical care and more.
 - Despite ICE's mean daily detained population decreasing significantly, COVID case rate among detainees was on average more than 13 times the rate of the US population.
 - ICE data shows total of [7,292 confirmed coronavirus cases](#) among detainees.
 - Outbreaks happening in detention centers all of the country. The [outbreak in Farmville](#) has led to the death of at least one person, with more than 250 people infected with COVID-19.





Why do we need this NOW?

- ◉ In the summer of 2019, we were informed that federal immigration enforcement were exploring opening a [detention center near Baltimore County](#).
- ◉ Immigrant advocates across the country are rising up to demand that this end. Grassroots movements happening in many states including:
 - ◉ Illinois: [Private Detention Facility Moratorium Act](#) (2019)
 - ◉ California: [AB32 Bill](#) (2019)
 - ◉ Washington state, Washington DC - the threat is constant!
 - ◉ It's time for Maryland to join in.
- ◉ The threat of a new center in Maryland (the fight in Sudlersville): [Queen Anne's County](#)





Is this a risk to public safety?

- The criminal justice system prosecutes and sentences people who commit criminal offenses regardless of immigration status. The bill does not prevent this.
 - Immigration detention is handled as a civil issue (not criminal).
 - The bill address the horrific treatment of immigrant detainees in private prisons – and says that Maryland will not participate in it.
- National data confirms that the majority of individuals held in immigration detention facilities do NOT have criminal histories.



We will not promote policies, strategies, messaging and other advocacy that furthers the false “good immigrant/bad immigrant” narrative that pits those with criminal histories against those without. **Such narratives further the criminalization and dehumanization of those vulnerable to harm and worsens systemic racial disparities.**



“



Does this bill affect 287g programs in any way?

- It does not. (Amendment put in that explicitly clarifies that)
- The bill only affects contracts between local governments and private prison companies that operate detention facilities with ICE (IGSAs).
- *Learn more about ending 287g through the Trust Act.





Does this violate federal law?

- ◉ No. This bill is directed to state and local governments and does not seek to regulate federal activity.
- ◉ Does not prevent the federal government from entering into agreements with private entities.
- ◉ Although federal law authorizes intergovernmental service agreements with states and localities, it does not require states and localities to do so. (“Federal law provides states and localities the *option*, not the *requirement*, of assisting federal immigration authorities.” [United States v. California, 921 F.3d 865, 889 \(9th Cir. 2019\).](#))
- ◉ According to the AG’s office, this bill is not preempted by federal law and is a lawful exercise of the State’s own legislative authority.





Where will detainees go if it's not here in the state?

- Less bed space/no bed space = less likely that local residents are detained.
- More bed space means more financial incentive to detain people.
- If not detained, likely that most will be released with ankle bracelets and have to do ICE check-ins. Possible that they may be transferred out of state.
- CASA members from all over the state support shutting down the IGSA's. Four immigrants who had been detained in the Howard County detention center came out in support of shutting down the beds.
- We are fighting for universal representation for all detainees that are residents of Maryland (regardless of where they are detained).





House Bill Champion: Vaughn Stewart



- Montgomery County legislator from District 19
- Second time sponsoring Dignity Not Detention. Introduced for the first time last session.
- Strong supporter of immigrant reform in MD – co-sponsoring a number of immigrant justice bills
- Associate Member of the Latino Caucus
- Member of the Environment & Transportation Committee, leading on protecting tenants in Maryland – and supporting on MVA/ICE bill



Senate Bill Sponsor: Chairman Will Smith



- Montgomery County legislator from District 20 representing Silver Spring, Takoma Park, White Oak, Colesville, Fairland, Calverton, Four Corners, Hillandale.
- Proud sponsor of the Trust Act last/and this session. Has co-sponsored several other immigrant justice bills
- Chairman of the Judicial Proceedings committee in the Senate
- Strong ally to the immigrant community



Getting the Dignity Not Detention Act passed in the General Assembly

- This is second year that the bill is being introduced. Significant amount of education on the bill was done last session.
- Judicial Proceedings committee has had major changes in leadership (including our bill sponsor Sen. Smith).
- New leadership (Senate President Ferguson and Speaker Adrienne Jones)
- Last session, it was on the voting list in JPR committee (the day that Annapolis shut down due to COVID)
- **THE TIME IS NOW!**





Upcoming Events & Teach-Ins

Learn about other policy reforms!

- Maryland Trust Act
 - ~~November 5 @ 6PM.~~
- Limiting MVA Data Sharing with ICE
 - ~~November 12 @ 6PM.~~
- Dignity Not Detention Act
 - November 19 @ 6PM, Register [here](#).
- Universal Representation
 - December 3 @ 6PM, Register [here](#).
- Annapolis 101: Passing Immigration Reform
 - December 10 @ 6PM, Register [here](#).
- **Can't make a teach-in? Missed one? Email cpaul@wearecasa.org for a copy of the slides and more information to get involved.*

Advocate with us!

- Immigrant Lobby Night
 - January 25 @ 6PM -
Registration coming soon.
- Stay posted for upcoming town halls in Anne Arundel, Baltimore County, and more.
- *More information coming soon about how to get involved!*





Thanks!

Any questions ?

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