



Passing the **TRUST 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 Trust Act?

- **Limits police partnership with ICE and other federal agencies** (including 287(g) programs). Specifically, it prevents law enforcement from:
 - Inquiring about immigration status
 - Detaining on behalf of ICE
 - Notifying/transferring to ICE
- Protects immigrants from coercion, so that community members can call on police without being harrassed.
- Requires the Attorney General to create guidance on ICE enforcement on the premises of schools, hospitals and courthouses.

Member Story:

Roxana Orellana Santos



- Roxana came to the US from El Salvador more than 13 years ago, fleeing violence in El Salvador and domestic violence at home. Mother of three US citizen children, and one legal permanent resident teen son who also fled El Salvador. For the past 10 years, she has been a community organizer and activist leader for immigrants rights in Maryland.
- In 2008, she was racially profiled by two deputies from the Frederick County Sheriff's Office while sitting outside of her work eating lunch. They questioned her, claiming that she acted suspiciously.
- She was arrested by the deputies on a civil immigration warrant in violation of her Fourth Amendment Constitutional right to be free from unlawful seizure.
- Roxana was transferred to immigration custody and incarcerated for 35 days away from her then one-year old infant son.
- Still subject to deportation and forced to attend regular ICE check-ins since her 2008 release despite winning a federal civil rights lawsuit against Frederick Sheriff's office



Member Story:

Jose Ricardo Villalta



- Jose is a Rockville resident from El Salvador who came to the US as an unaccompanied minor more than 13 years ago after the death of a parent.
- Last year, he was helping his uncle cut down a tree on his property when he was arrested by the Dept. of Natural Resources Police. The officers wrote him a ticket for \$320 for cutting down the tree without a license - then held him for 2 hours as ICE agents traveled to pick him up.
 - DNR police is an agency that manages natural resource preservation and hunting and fishing violations.
- Jose had no criminal record - and lived a quiet life in Montgomery County, working in roofing to support his partner's children and several nieces and nephews.



Member Story:

Coach Fofo



- Coach Fofo (Agbegnigan Amouzou) came to US from Togo seeking asylum, fearing he would be attacked for his political beliefs if he returned to Togo – but it was denied.
- Beloved community leader from Silver Spring who founded the Elite Academy, a soccer program for kids from traditionally disadvantaged backgrounds.
- Pillar of the community who outside of teaching soccer, leads a mentoring program and has supported students and their families all over Maryland
- Randomly targeted at his home in Montgomery County by ICE in 2013 – and has been attending check-ins ever since.





These localities have already passed TRUST legislation. **Now we need it on the state level.**

Counties

- Montgomery
- Baltimore County
- Baltimore City
- Prince George's
- **Anne Arundel cancelled it's 287(g) and IGSA programs*

Cities

- Hyattsville
- Rockville
- Annapolis
- Brentwood
- Cheverly
- Greenbelt
- Mount Rainier
- Berwyn Heights
- Colmar Manor
- Takoma Park
- Forest Heights
- Edmonston
- Riverdale Park



What are 287g programs and why are they bad?

- ◉ Established after 9/11 in response to fear and paranoia of future terrorism.
- ◉ Allow for ICE to enter into agreements with state/local law enforcement to deputize police as federal agents.
- ◉ Local officers become immigration officers with minimal training, and virtually no oversight or accountability
- ◉ 287(g) has led to racial profiling and abusive police practices. The partnership famously enabled former Sheriff Joe Arpaio to terrorize Latinos in Maricopa County, AZ.





Which counties have 287(g) programs?

Counties

- Frederick County
- Harford County
- Cecil County

**Note that in Frederick County:
80+% of the 287(g) arrest were for
low level offenses and 60+
percent where for traffic offenses
([2011 MPI report](#))*



The Trust Act Increases Public Safety

- Research on state and localities that already have Trust policies show that **these policies actually INCREASE public safety**.
- Counties that do not comply with ICE detainer requests have [lower crime rates and stronger economies](#) than counties that do.
- A study in San Diego showed that [sanctuary policies actually can encourage people to report crime](#).
- A 2012 survey showed that 44% of Latinos – regardless of immigration status – were less likely to contact police if they were victims of a crime (out of fear that they would ask about their own or other's immigration status). For undocumented immigrants, it's 70%.





Is the state required to cooperate with the federal government?

- Maryland has NO obligation to assist in immigration enforcement.
- Local jurisdictions have no legal obligation to assist with civil immigration enforcement, which is a federal responsibility.
- **A local decision to offer resources to federal immigration enforcement is COMPLETELY VOLUNTARY, not mandatory.** And when they do so, they are using state or local resources for federal responsibilities.
- There is nothing in the Trust Act that prevents the federal government from enforcing federal immigration law.





Criminal Justice vs. Immigration Enforcement

- Immigration enforcement should be operated distinct from the criminal justice system.
- The Fourth Amendment prohibits state/local law enforcement detaining someone solely for a civil immigration violation. The Supreme Court and the Fourth Circuit have both found that state and local law enforcement officers do not have the independent authority to arrest based solely on a civil immigration violation.
 - [Santos v. Frederick County, 725 F.2d 451 \(4th Cir. 2013\); Arizona v. US, 132 S. Ct. 2492, 2506 \(2012\).](#)
- The criminal justice system will still operate NORMALLY. **This bill does NOT prevent the federal government in any way from performing its functions with federal resources.**



What about “violent criminals”?

- ◉ The **criminal justice system would still operate that same way**, regardless of immigration status. Those who commit crimes of violence will still be held accountable.
- ◉ Using the good immigrant/bad immigrant argument only furthers the racist stereotyping and criminalization of immigrants.
- ◉ Law enforcement would be able to transfer to, detain for, and notify ICE if ICE takes the easy step of obtaining a judicial warrant (warrant based on probable cause issued by state or federal judge).



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.**



“



Is the Trust Act consistent with federal law?

- The Fourth Circuit held in Santos that state and local law enforcement do not have that authority to arrest or detain based solely on a civil immigration warrant and that municipalities are liable for damages that arise from these unlawful arrests.
- **This bill codifies these rulings to ensure uniform implementation across Maryland.**
- Detaining individuals on a federal immigration detainer is unconstitutional, because it is a new arrest that must be based on a warrant supporting probable cause, issued by a neutral magistrate, or meet the requirements for a warrantless arrest. Several courts have held that civil immigration detainers and prior deportation orders do not meet these requirements.
- Except in limited circumstances, state and local law enforcement are not required to share information with federal immigration authorities. (See 8 U.S. Code 1373.)





Does ICE have policies in place already on entering sensitive locations?

- ICE already has a policy against enforcement and removal in “sensitive locations” (schools, medical treatment facilities, healthcare facilities, places of worship, religious or civil ceremonies – in addition to removal when participating in a public demonstration.
- HOWEVER, since the new administration, ICE has chipped away at following their own policies on sensitive locations. For example:
 - [Two parents detained while taking their baby to the hospital in TX](#)
 - [Six men detained after they left a church homeless shelter in VA](#)
 - [Father after he dropped his daughter off at school in LA](#)
- We must STOP this from happening in Maryland. Unfortunately, ICE is commonly engaged in taking people at Maryland courthouses into custody and recently a Silver Spring man was apprehended at a church.



Getting the Trust Act passed in the General Assembly

- ◉ Different versions of the Trust Act have been introduced in the General Assembly for many many years - with the main obstacle being the Senate.
- ◉ Judicial Proceedings Committee has drastically changed opening the door for the Trust Act to move through the committee. New leadership (Senate President Ferguson and Speaker Adrienne Jones).
- ◉ House was able to pass a version of the Trust Act in 2017.
- ◉ Last session, it was introduced by Sen. Smith (Annapolis shut down due to COVID the day it was on the committee voting list)
- ◉ *Two other bills moving last session (Sensitive Locations Bill & Inquire/Transfer/Notify/Detain Bill) - will not be introduced this session.
- ◉ **Our families can't wait any longer! The time is now!!**





House Bill Champion: Wanika Fisher



- Fierce Prince George's County legislator of Nigerian and South African heritage
- Representing District 47B (Langley Park, Chillum, Lewisdale, Adelphi, parts of Hyattsville) - with large immigrant communities.
- Former prosecutor in Prince George's County
- Member of the Judiciary Committee
- Assistant Majority Leader
- Member of the Work Group to Address Police Reform and Accountability in Maryland



Senate Bill Champion: 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 session (ended early due to COVID)
- Chairman of the Judicial Proceedings committee in the Senate
- *Also our lead sponsor of the Dignity Not Detention Act
- Former Director of the Homeland Security Advisory Council



Upcoming Events & Teach-Ins

Learn about other policy reforms!

- **Limiting MVA Data Sharing with ICE**
 - November 12 @ 6PM, Register [here](#).
- **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? 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 ?

Contact: Cathryn Paul
Research & Policy Analyst, CASA
cpaul@wearecasa.org
301-807-0788