

February 10, 2021

Chairman William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Maryland Senate
Annapolis, MD 21401

RE: Testimony in support of SB 478 -- “Correctional Services -- Immigration Detention -- Prohibition (Dignity Not Detention Act)”

Dear Chairman Smith and Members of the Committee,

The National Immigration Law Center submits this testimony in support of SB 478, which ends the expansion of unaccountable and inhumane private immigration detention centers. The legislation does so by prohibiting new contracts with private detention facilities, phasing out existing contracts, and giving notice to the public if the state authorizes zoning for private detention facilities.

Established in 1979, NILC is one of the leading organizations in the United States dedicated exclusively to defending and advancing the rights and opportunities of low-income immigrants and their families. We have decades of experience providing technical assistance, training and publications to government agencies, legal services, and non-profit organizations across the country.

We urge you to support SB 478 for the following reasons:

Abuse and Inhumane Conditions Run Rampant in Immigration Detention Centers.

Reports across the country and in Maryland reveal an inhumane and dangerous environment in immigration detention centers that includes physical, sexual, and psychological abuse as well as lack of adequate medical care.¹ Private detention facilities are designed to maximize profit at the expense of life, leading private companies to cut costs by rationing basic supplies and medical care for detainees. At the private detention center in Howard County, Maryland, the Department

¹ See Gregory Hooks & Bob Lidal, *Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States*, Detention Watch Network, 3 (Dec. 2020).

of Homeland Security found many violations of DHS' own standards that "threatened the health, safety and rights of detainees."²

In defiance to these inhumane conditions, the Dignity Not Detention Act creates safer communities by reuniting family members with their loved ones, strengthening social networks, and stabilizing household incomes that are stripped away when someone is detained. In sum, this Act not only starts to reduce the harms and traumas of private detention centers, but also reinvigorates safer communities by recognizing that no one should be detained for civil immigration violations.

COVID Outbreaks at Detention Centers Are an Immediate Threat to Maryland Communities.

Detainees face an increased risk of COVID-19 infection. Unhealthy and crowded conditions make detention centers especially dangerous for transmission of the virus. Even so, federal judges in Maryland have repeatedly denied release even to the most vulnerable populations facing COVID-19.

Making matters worse, COVID outbreaks inside detention facilities can easily spread beyond the facilities, putting all Marylanders at greater risk of infection. A recent report by Detention Watch Network found that the presence of immigration detention facilities significantly increases the net additional cases of COVID-19 in the surrounding community due to spread from private detention facilities to the outside community.³ These dangers make it clear that now is not the time to increase the prison population or build new detention centers because it presents risks to Marylanders both inside and outside the facilities.

SB 478 Increases Transparency and Accountability Surrounding Immigration Detention.

It is difficult for the public to know what goes on behind the walls of private detention centers. As private contractors, they limit media access to their facilities and often refuse to answer public records requests about their conditions and practices. Lack of transparency is also compounded by scarce government oversight, where private detention centers are only inspected once a year to see if they meet the National Detention Standards (Immigration and Custom Enforcement's standards for safety, security, order, and care at all its facilities.) In a January 2019 report, the Office of the Inspector General found that immigrant detention facilities had violated national standards thousands of times between 2015 and 2018 but had only been fined for violations twice.⁴ Moreover, inspections are often contracted out to other private contractors, increasing the lack of oversight, transparency and accountability.

² Joseph V. Cuffari. *ICE Needs to Address Concerns about Detainee Care and Treatment at the Howard County Detention Center*. Dept. of Homeland Security: Office of Inspector General, 1 (Oct. 28, 2020) available at <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-03-Oct20.pdf>

³ See Hooks & Lidal, *supra* note 1 at 22.

⁴ Office of Inspector General, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, Dept. of Homeland Security (Jan. 29, 2019) OIG-19-18.

This lack of transparency shields private corporations from accountability and protects their profits. Once corporations have contracts for detention centers, these entities lobby to fill beds and keep their profits up. Decisions about who should be detained and why should not be influenced by a bottom line, but through our representative democracy.

These contracts with ICE and private corporations shield those entities from accountability while putting the blame for public health risk and human rights abuses on Maryland state and local officials. Ending contracts with private companies holds them accountable for dangerous detention conditions and prevents future abuses. SB 478 will keep Maryland fair and safe. This Act ensures Marylanders are adequately informed before new private detention facilities are built, increasing accountability to Maryland community members as well as state and local governments.

SB 478 Upholds Maryland Values by Ending the Expansion of Inhumane Immigration Detention

Human caging goes against the values of the Maryland General Assembly and the core of what it means to be a Marylander: fairness, putting families first and upholding human dignity. By ending the expansion of unaccountable, inhumane private immigration detention centers, the Dignity Not Detention Act sends a clear message that the state of Maryland values all of its constituents. Leading to fewer Marylanders in detention, this Act protects detainees and other community members from increased exposure to COVID-19 and ends Maryland's relationship with private detention centers that promulgates the aforementioned inhumane conditions and abuse of detainees. As the author of this Act state, "no one... should profit from human misery."⁵

Conclusion

For the reasons described above, we urge you to provide a favorable report on SB 478.

Sincerely,



Shiu-Ming Cheer
Director of Movement Building & Strategic Partnerships

⁵ Delegate Vaughn Stewart, author of Dignity not Detention Act *as quoted in* Lillian Reed, *Maryland lawmaker aims to ban private immigration detention centers in the state as ICE seeks facility here*, Baltimore Sun (Dec. 19, 2019) *available at* <https://www.baltimoresun.com/politics/bs-md-ci-sudlersville-ica-ice-20191217-20191218-2zexe7cgybcmndc3jtksoqgiye-story.html>.