

Testimony in Support of SB478(HB16) - Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act)

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Nelly Waribe, (nellywaribe@gmail.com)

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Thank you for the opportunity to provide written testimony in support of SB478 which 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 (Intergovernmental Service Agreement (IGSA) to terminate the contract by June 2021.

I'm writing this testimony as an immigrant on behalf of my brothers and sisters. I was born in Kenya, Africa in 1992, but immigrated here in early 2002 to join my parents. I did not fully understand the intersections of immigration and incarceration until my friend's involvement with the criminal justice system beginning in 2016. Chris served two years for a theft charge at the Roxbury Correctional institution (RCI). Upon completing his sentence, he could not be released because the prison was holding him as they waited for the Immigration and Customs Enforcement (ICE) to pick him up. He was then transferred to the Frederick County Adult Detention Center (FCADC).

This jail is among the three, including Howard and Worcester, that have immigration detention agreements with ICE that allow counties to profit off the incarceration of detained immigrants. Their profit was at the expense of my friend's dignity, personhood, livelihood, and sanity. The longer his stay went on, the more it affected him. The uncertainty of his immigration hearing coupled with the conditions at the jail drained his will to fight. He often remarked that he would rather had been at RCI rather than FCADC. There was absolutely nothing to do at FCADC. It did not provide the kind of programming that RCI did. Additionally, it was expensive to maintain himself there because there were charges associated with daily living. This is a direct result of the privatization of our jails, not only in their functioning, but through the services offered. Eventually, Chris became so desperate that he started using the funds that friends had raised for him to obtain an attorney.

Soon afterwards, Chris decided it was no longer in his best interest to stay in jail under such conditions while awaiting his elusive court date. Even though he had an attorney willing to work on his case, financial contributions from his friends, and three children, all born in the United States and under ten years of age, he opted for self-deportation. It weighed heavily on his heart that he would not be able to see his children again in the foreseeable future, but he felt like he did not have a choice. What do you think? Did he have a choice? Had you been in his shoes, would you had made the same decision?

I'm also writing this testimony as a social work student and a member of the National Association of Social Workers (NASW). Having attained a Bachelor's degree in Social Work and graduating with a Master's degree in Social Work in May, I feel strongly drawn to the profession's values, beliefs, knowledge, and skills. Social workers have an obligation to challenge social injustice, especially with and on behalf of vulnerable and oppressed individuals and groups of people. This includes immigrants, documented and undocumented immigrants. The old and the young. The DACA recipient as well as the detained immigrant. The dignity and worth of a person is rooted in their humanity, not citizenship. The Dignity Not Detention Act is one step toward ending mass incarceration and dismantling the private prison industry in Maryland. This bill will keep ICE from detaining immigrants in Maryland - and ensure that no local governments or corporations are profiting off of the incarceration and suffering of immigrants. Remember that their profit is at the expense of immigrants' dignity, personhood, families, livelihood, and sanity.

I urge you to challenge the grave injustice of profit over people by voting favorably for SB478. Thank you for your consideration.

Nelly Waribe