

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. **12**

### Bill No. 51 -2020

Introduced by: Liz Walsh

AN ACT prohibiting the Howard County Department of Corrections from accepting into its custody persons detained by federal immigration law enforcement agencies and housing those persons as they await disposition of exclusively immigration-related proceedings.

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Introduced and read first time \_\_\_\_\_, 2020. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved by the County Executive \_\_\_\_\_, 2020

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

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1 WHEREAS, long faulted by human rights advocates for its over-policing and discriminatory  
2 methodologies and tactics, federal immigration law enforcement has for many years been  
3 the most heavily funded agency in federal law enforcement, by a lot; in 2012, Congress  
4 appropriated to that singular purpose \$4 billion more than was received by all of the other  
5 major criminal law enforcement agencies combined, a total of \$18 billion;

6 WHEREAS, by 2018—and invigorated by a United States President who openly and repeatedly  
7 dehumanizes, devalues and vilifies immigrants—that federal investment had risen to \$24  
8 billion;

9 WHEREAS, acting on the explicit racial animus of its Executive in Chief, the present  
10 Administration has furthered policies and practices intended to isolate, exclude and instill  
11 fear in Black and Brown immigrants specifically, their families and communities at large:  
12 banning travel from several majority-Muslim countries, suspending refugee admissions to  
13 the United States; terminating special protections from removal for migrants from nations  
14 experiencing war and natural disasters, including Nicaragua, Honduras, Haiti and El  
15 Salvador; increasing actual and threatened raids and deportations of undocumented  
16 migrants; and, most universally condemned, separating children from their parents and  
17 families as they enter the United States from Mexico, and detaining those children in  
18 unconscionable conditions.

19 WHEREAS, United States Immigration and Customs Enforcement (“ICE”) plays a central role in  
20 this cruel and immoral regime;

21 WHEREAS, according to Pew Research, in the year between 2016 and 2017, ICE arrests of  
22 persons with no prior criminal convictions in the Baltimore area increased by 206%; over  
23 that same year, the number of persons ICE detained nationally without any known  
24 convictions increased 146% (up more than 22,000 arrests), compared with a 12% rise  
25 among those with past criminal convictions (up nearly 11,000); and those ICE detainees  
26 with pending criminal charges were overwhelmingly non-violent crime offenders; Pew  
27 Research reported that general traffic offenses topped the list of most common charges  
28 (24,438, or 17% of all charges);

29 WHEREAS, Howard County is one of only three counties remaining in the State of Maryland  
30 that continue to receive and house detainees presented by ICE pursuant to their existing

1 agreements with federal immigration authorities; in Howard County, the existing  
2 agreement with ICE dates back to 1995;

3 WHEREAS, on January 30, 2020, sixty-seven Maryland State Delegates co-sponsored The  
4 Dignity Not Detention Act, HB677—cross-filed with SB50, itself co-sponsored by  
5 another eight State Senators—which legislation mandated the termination of any existing  
6 immigrant detention agreements within the State, including Howard County’s; three of  
7 HB677’s Delegate-sponsors represent Howard County;

8 WHEREAS, the COVID-19 global pandemic and the risks it presents has only exacerbated ICE’s  
9 penchant and potential for cruelty;

10 WHEREAS, on March 24, 2020, the National Immigration Project of the National Lawyers  
11 Guild, the Capital Area Immigrants’ Rights Coalition (CAIR Coalition), the American  
12 Civil Liberties Union and ACLU of Maryland sued ICE on behalf of immigrants then  
13 detained in and by Howard and Worcester counties; those human rights groups sought  
14 release of civil detainees being held who were at highest risk for serious illness or death if  
15 infected with COVID-19;

16 WHEREAS, eight days earlier, as of March 16, 2020, Howard County had determined to suspend  
17 all new ICE intakes due to the pandemic;

18 WHEREAS, on March 27, 2020, Howard County held sixty immigration-related detainees in its  
19 Jessup facility; by April 3, 2020, that count had dwindled to thirty-eight; as of June 29,  
20 2020, Howard County reports, its ICE detainees numbered only twenty-nine;

21 WHEREAS, for some time now, the ICE contract imposes costs on Howard County’s own local  
22 taxpayers and diverts funds from the county’s own local needs: ICE’s agreed  
23 compensation to the County for housing each detainee, per day, is \$110; the actual costs  
24 associated with housing each ICE detainee, Howard County reports, is \$8 more; at  
25 present, Howard County is effectively subsidizing ICE;

26 WHEREAS, the independent, nonpartisan and nonprofit news site Maryland Matters recently  
27 recounted the stories of four detainees ICE presented to Howard County for immigration-  
28 related detention (August 19, 2020 *Ex-Inmates Tell Their Stories as Criticism of Howard*  
29 *Co. ICE Contract Intensifies*, by Horus Alas); two of the four men interviewed had no  
30 criminal record, no apparent records of arrest even; both described ICE agents arriving

1 promptly on the heels of local law enforcement, at a 6:30am traffic stop in Prince  
2 George’s County or along a Howard County roadside, waiting on a tow;

3 WHEREAS, the recent Maryland Matters report followed others detailing the mounting  
4 opposition to Howard County’s contract with ICE (*see, e.g.,* July 18, 2020: *Hundreds*  
5 *March in Ellicott City to Protest Howard County’s Relationship with ICE*, by Ana Faguy,  
6 *Baltimore Sun*; June 22, 2020: *Protest at Howard’s Detention Center Calls Out County’s*  
7 *Contract with ICE Amid Coronavirus*, by Ana Faguy, *Baltimore Sun*; *Howard Coalition*  
8 *Calls on County Officials to End ICE Contract*, by Jess Nocera, *Baltimore Sun*; January  
9 31, 2020: *How Outraged Activists in Maryland Counties are Pressuring Officials to Cut*  
10 *Ties with ICE*, by Alison Knezevich, *Washington Post*; October 17, 2019: *Howard*  
11 *Coalition Calls on County Officials to End Contract*, by Jess Nocera, *Baltimore Sun*;  
12 August 11, 2019: *“We Are All Accountable;” Maryland’s Jewish Community Protests*  
13 *ICE in Howard County*, by Phil Davis, *Baltimore Sun*).

14 WHEREAS, Howard County has a strong tradition of leadership on issues of human rights,  
15 respecting the rights and dignity of all human beings, regardless of their race, religion,  
16 ethnicity, country of origin or immigration status;

17 WHEREAS, Howard County is comprised of immigrants from throughout the world who  
18 contribute not only to that strong tradition of human rights leadership, but also to our  
19 community’s social vitality, cultural richness and economic strength;

20 WHEREAS, the Howard County Coalition for Immigrant Justice—whose membership includes  
21 the Columbia Jewish Congregation, Howard County Indivisible Immigration Action  
22 Team, Our Revolution Howard County, ACLU of Maryland, CASA in Action, Friends  
23 Committee on Immigration and Refugees, Indian Cultural Association of Howard  
24 County, Friends of Latin America, Jews United for Justice, Unitarian Universalist  
25 Congregation of Columbia, Asian Americans Advancing Justice and the Chinese-  
26 American Network for Diversity and Opportunity—has for years advocated for an end to  
27 the County’s practice of housing detainees presented by ICE. More recently those  
28 organizations have been joined by scores of younger leaders, like HoCo for Justice, who  
29 have added their voices to the clarion call: end Howard County’s contract with ICE, now.

30 ***Section 1. Now, Therefore, Be It Enacted*** by the County Council of Howard County, Maryland,  
31 *that the Howard County Code is amended as follows:*

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*By amending:*

*Title 7 – Courts.*

*Subtitle 5. – Department of Corrections.*

*Section 7.501. - Department of Corrections.*

**Title 7 – Courts.**

**Subtitle 5. – Department of Corrections.**

Sec. 7.501. - Department of Corrections.

(a) *Head.* The Director of Corrections shall head the Department of Corrections.

(b) *Qualifications of Director of Corrections.* The Director of Corrections shall be thoroughly trained and experienced in the principles and practices of correctional institutional management. The Director shall have had at least ten years of increasingly responsible experience maintaining security and discipline in a public or military correctional institution or system, including a minimum of five years in a managerial position.

(c) *Duties and Responsibilities.* The Department of Corrections shall be responsible for:

(1) The detention of persons awaiting trial.

(2) The safekeeping, care and custody of all inmates in the County Detention Center from the time of their lawful commitment until their lawful discharge.

(3) Other duties and responsibilities. The Department of Corrections shall perform such other functions as may be prescribed by directive of the County Executive or by law.

(D) *PROHIBITIONS:*

NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE CONTRARY, THE DEPARTMENT OF CORRECTIONS SHALL NOT DETAIN OR KEEP IN CUSTODY ANY PERSON DETAINED IN FEDERAL CUSTODY FOR A FEDERAL IMMIGRATION VIOLATION, EXCEPT TO THE EXTENT REQUIRED FOR AN UNRELATED STATE LAW PURPOSE.

1 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that  
2 *this Act shall become effective 61 days after its enactment.*