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Carrying out federal immigration detention requests costs money that can be better used elsewhere

Given before the House Judiciary Committee

The Maryland Center on Economic Policy supports House Bill 29

Jailing suspected undocumented immigrants at the request of federal officials costs Maryland and its localities hundreds of thousands of dollars each year, using scarce state and local resources that could be better spent on more pressing law enforcement needs. The detentions, which are not required by federal law and overwhelmingly target non-violent offenders, also erode trust in local law enforcement among both documented and undocumented immigrants, which can hamper the prevention and investigation of more serious crimes.

Immigration detainers are triggered when someone is arrested for what often is a traffic offense or other misdemeanor. Fingerprints obtained by local police are sent to a database maintained by the federal government. If an administrator at the Department of Homeland Security suspects the individual may be in violation of federal immigration law, they can issue a request that a local agency hold the individual for up to 48 hours (exclusive of weekends and holidays) past the time they would otherwise be eligible for release, until Immigration and Customs Enforcement comes to pick him or her up. The result may be the deportation of someone arrested for something as little as a traffic violation, potentially breaking apart a family.

Enforcing federal immigration detainers is costly. The Maryland Center on Economic Policy recently conducted a study on the cost of enforcing federal immigration detainers over the past few years. We estimate that immigration detainers cost Maryland at least \$1 million between 2010 and 2013.¹ This is not a smart use of resources, as the money spent on immigration detainers deprives the state and localities of resources that could be better spent elsewhere.

But the cost of immigration detainers is likely much higher when the full social cost is taken into account. There are social and economic costs too. Those being detained miss work, lose pay, and are deprived of seeing their families. A Colorado study found that state lost millions in tax revenue and economic activity as a result of honoring federal immigration detainer requests.²

¹ This estimate is based on data provided to the American Civil Liberties Union of Maryland, obtained through a Freedom of Information Act request. The full report, included a description of the methodology employed, is available here: <https://mdeconomy.box.com/s/vy6i1vk6370enlxj2n8o>

² Stiffler, Chris. "The High Cost of Immigration Enforcement in Colorado," The Color Fiscal Institute, March 26, 2013, http://www.coloradofiscal.org/wp-content/uploads/2013/03/2013-3-29_Community-Trust-Report.pdf

Compliance with immigration detainers is voluntary; local law enforcement cannot be compelled to honor them. Still, most local jurisdictions in Maryland automatically enforce every immigration detainer request they receive. Only Talbot County puts a limit on the practice, refusing to enforce detention requests against violators of traffic laws.

Blanket compliance with immigration detainers is also counterproductive for law enforcement because it diminishes the ability of police to work effectively in their community. For example, Latinos are less willing to cooperate with law enforcement in criminal investigations due to fears of racial profiling or jeopardizing the immigration status of themselves or their family, a University of Illinois study found.³ This erodes the ability of local law enforcement to do the important work of responding to and preventing crime, which has economic consequences as well.

Most people held under immigration detainers are charged with low-level crimes. The ACLU of Maryland found that 77 percent of all immigration detainers are issued for individuals accused of traffic offenses and other misdemeanors; only 15 percent target suspected felons.⁴ Worse, more than 40 percent of those deported from Maryland had no prior criminal record, compared with 20 percent nationwide.⁵

In light of the need to invest in such improvements to law enforcement, treatment, and public services more generally, Maryland cannot afford to spend money needlessly. Local law enforcement officials in Maryland should reevaluate their role in enforcing federal policies they are not required to enforce. State policymakers can follow the lead of lawmakers in Connecticut and California by enacting the Law Enforcement Trust Act, establishing narrower parameters for how local law enforcement responds to federal immigration detainers.⁶

Finally, our report documents the difficulty of determining the true cost of immigration detainers because so little data is kept or made available on their enforcement. The Trust Act would also require local facilities to collect and release data on their enforcement of immigration, which will better inform decisions regarding the use of state and local resources in federal immigration enforcement and better account for the costs associated with it.

These reforms will help to provide a better understanding of the extent to which immigration detainers are enforced and their true cost, as well as reduce this practice. Maryland cannot afford to bear the significant social and economic costs of federal immigration enforcement at the expense of valuable members of its communities.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judiciary Committee give a favorable report to House Bill 29.

³ Theodore, Nik. "Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement," University of Illinois at Chicago, May 2013 http://www.uic.edu/cuppa/gci/documents/1213/Insecure_Communities_Report_FINAL.pdf

⁴ American Civil Liberties Union, "Restoring Trust: How Immigration Detainers in Maryland Undermine Public Safety Through Unnecessary Enforcement," Issue Brief, November 2013.

⁵ Fritze, John. "Groups Target Inconsistencies in Immigration Enforcement," *The Baltimore Sun*, February 16, 2014, <http://www.baltimoresun.com/news/maryland/politics/bs-md-secure-communities-follow-20140216,0,6759321,full.story>

⁶ For more information on Trust acts in California and Connecticut, see Vock, Daniel C., "Capping String of Victories for Immigrants, Brown Signs California Trust Act, Pew Charitable Trusts, October 7, 2013, <http://www.pewstates.org/projects/stateline/headlines/capping-string-of-victories-for-immigrants-brown-signs-california-trust-act-85899510189>; as well as Nalpathanchil, Lucy, "Connecticut Leads Way on Immigration Trust Act as California Considers It," WNPR News, September 16, 2013, <http://wnpr.org/post/connecticut-leads-way-immigration-trust-act-california-considers-it>