

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 1

Resolution No. 1-19

Introduced by Mr. Volke

By the County Council, January 7, 2019

1 RESOLUTION requesting the County Executive to enter into an agreement with the
2 U.S. Immigration and Customs Enforcement on behalf of Anne Arundel County to perform
3 certain immigration enforcement functions pursuant to Section 287(g) of the Immigration
4 and Nationality Act

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6 WHEREAS, Section 287(g) of the Immigration and Nationality Act, codified at 8
7 U.S.C. § 1357(g), allows, among other things, a political subdivision of a state to
8 become qualified to perform certain functions of federal immigration officers
9 during the investigation, apprehension, or detention of criminal aliens within its
10 jails and correctional facilities; and

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12 WHEREAS, on June 19, 2017, Anne Arundel County and the U.S. Immigration
13 and Customs Enforcement, a component of the Department of Homeland Security,
14 (“ICE”) entered into a Memorandum of Agreement under Section 287(g) (the
15 “MOA”) to authorize County detention officers who complete ICE training to
16 identify and process for removal, criminal aliens detained in County jails and
17 correctional facilities who fall within ICE’s civil immigration enforcement
18 priorities; and

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20 WHEREAS, a Section 287(g) program became operational in the County on
21 December 20, 2017 after detention officers completed training and ICE equipment
22 was installed at the Jennifer Road Detention Center; and

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24 WHEREAS, since the 2017 launch of the program, 193 foreign-born individuals
25 detained as a result of allegedly committing a crime have been questioned about
26 their immigration status while being processed by County detention officers; and

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28 WHEREAS, 69 of these foreign-born individuals were found to have either
29 overstayed their visas or entered the country without documentation and, of those
30 69 individuals, approximately half of the charged offenses were classified as violent
31 offenses, including the crimes of assault and murder; and

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33 WHEREAS, not one individual was turned over to ICE custody until the crime for
34 which they were arrested was adjudicated, no matter the crime; and

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36 WHEREAS, on December 4, 2018, the County informally ceased participation in
37 the 287(g) program; and

1 WHEREAS, on December 27, 2018 the County Executive issued a ‘Report on the
2 Impacts of the Federal 287g Program and ICE Detention Center in Anne Arundel
3 County’ (the “Report”); and

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5 WHEREAS, despite the fact that the Report did not describe any instances of abuse,
6 mistreatment, or misapplication of Section 287(g) of the Immigration and
7 Nationality Act, the County Executive, pursuant to Section XXI of the MOA,
8 ceased participation in the MOA and the 287(g) Program on December 27, 2018;
9 now, therefore, be it

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11 *Resolved by the County Council of Anne Arundel County, Maryland*, That it hereby
12 requests that the County Executive, on behalf of Anne Arundel County, Maryland,
13 immediately undertake actions to enter into a Memorandum of Agreement with the U.S.
14 Immigration and Customs Enforcement to perform certain immigration enforcement
15 functions pursuant to Section 287(g) of the Immigration and Nationality Act; and be it
16 further

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18 *Resolved*, That a copy of this Resolution be forwarded to County Executive Stuart
19 Pittman; County Chief of Police Timothy Altomare; and the County Superintendent of
20 Detention Facilities.