



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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October 7, 2020

Deb Jung, County Council Chairperson
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Dear Council Chairperson Jung:

Today, by the authority granted by Section 209 of the Howard County Charter, I have vetoed Council Bill No. 51-2020 (CB-51).

Four years ago, I co-sponsored CB-9, a bill that would designate Howard County as a “sanctuary jurisdiction” for undocumented immigrants. This legislation was important to me to help protect many of our residents who lived in constant fear of being detained and deported as they worked hard to support their families and children. That legislation was unfortunately vetoed by the previous County Executive. Despite this setback, I have never given up on being an ally to our immigrant communities.

The CB-9 legislation did not address or include ending the long-standing ICE contract with the Howard County Department of Corrections. The intent of the legislation was to help protect innocent, undocumented residents from being persecuted. Individuals are never detained at the Howard County Detention Center solely because of their immigration status, and no women or children in ICE custody have ever been detained there.

In the wake of national news about the conditions and treatment of ICE detainees under the Trump Administration, it is understandable that our concerned and compassionate residents do not support ICE’s actions toward immigrant communities. Advocates have focused their response on denying the Trump Administration access to the Howard County Detention Center as retaliation toward his aggressive rhetoric and actions; however, this reaction is short-sighted.

Council Member David Yungmann noted during the vote on CB-51, that: “The misinformation being fed to people and their willingness to believe it on this issue has been sad and frustrating. Any moderate thinker who reads the recitals in this bill or tuned into our work session will recognize this as nothing more than a knee jerk response to national politics, national immigration policies at a tremendous cost to Howard County taxpayers.”

If the goal is to ensure that all ICE detainees are treated humanely and with dignity in the Trump Administration era, we should want them housed at the Howard County Detention Center. Even the sponsor of CB-51, Council Vice Chair Liz Walsh, noted during a council work session that, after touring and witnessing the daily operations of the Detention Center, she was “not alleging human rights violations within our own walls.”



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Our Department of Corrections has ensured that our Detention Center exceeds extensive state and federal standards, for which they are audited annually, and has never been cited for inadequate conditions. In the wake of the COVID-19 pandemic, our corrections facility has not only instituted the recommended safety protocols but have gone beyond the required measures to ensure the health and safety of inmates. To date, after seven rounds of COVID-19 testing, not one ICE detainee has tested positive for the virus. The Howard County Detention Center's medical providers must also meet the community standard of care and provide medical and mental health care to all our inmates within 24 hours of a request. And if inmates believe they are not properly treated, which has been extremely rare, there is an urgent review and oversight process.

Over the past year, advocates have come to us with recommended changes to the Detention Center's policies relating to housing detainees in ICE custody. Weeks ago, after a year of meetings and discussions with immigrant advocates, we announced that the Howard County Department of Corrections has updated its policy and will only hold ICE detainees at the Howard County Detention Center who been convicted of a crime of violence as defined in section 14-101 of the Criminal Law Article of the Annotated Code of Maryland. Under the previous policy, the Department of Corrections housed ICE detainees who were charged with or convicted of jailable offenses. The updated policy was supported and endorsed by CASA, CAIR, and other immigration advocates and attorneys who represent ICE detainees.

Throughout our discussions with CASA and other stakeholders, our goal was to ensure that the policies regarding the County's contract with ICE addressed community concerns about justice and fairness while balancing the safety of our community. We believe that our policy revision will preserve public safety by ensuring that the contract between ICE and the Howard County Department of Corrections clearly protects our community from convicted violent offenders while maintaining our commitment to fair treatment for all members of our community. By revising the Detention Center's policy for housing ICE detainees under the contract, we have provided a practical long-term solution.

The Council's passing of CB-51 would end a 25-year contract that has helped make Howard County and the State of Maryland safer. By prohibiting housing ICE detainees in the Detention Center, the bill would result in ICE detainees being moved to other facilities in other states, so making it tougher for ICE detainees to access legal representation and their families. Additionally, I agree with the Foreign-Born Information and Referral Network (FIRN) who strongly opposed CB-51 because it "fails to provide a comprehensive plan and solution for detainees who would be transferred if the ICE contract were to be canceled."

Council Member Opel Jones noted during the CB-51 vote that the majority of ICE detainees housed in the Howard County Detention Center are from the Baltimore/Washington Metropolitan area will likely be moved into less desirable facilities, and specifically, "they could end up far from support networks of family and friends, in rural detention centers in Georgia,



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Virginia, Louisiana, or North Carolina; with some of the worst reputations in the country for unsanitary, unsafe and abusive conditions.”

As Council Member Christiana Mercer Rigby recognized during the CB-51 vote: “Every resident of the United States, documented or undocumented, deserves legal representation and due process.” Even while voting in favor of CB-51, Council Member Mercer Rigby stated that her vote came with the “knowledge on my conscience that this legislation will not help current detainees who will likely be transferred to a worse ICE facility in the short term.”

These points from Council Members Jones and Mercer Rigby, as well as comments from FIRN and recommendations from other advocates begs the questions: if we shut out ICE detainees from our facility, what happens to them? Where will they end up? And do we have the faith, trust and knowledge about the conditions and treatment in federal detention facilities like we have in our Detention Center?

I remain confident that our updated Detention Center policy strikes the right balance of ensuring safety for County residents and businesses while allowing for fair treatment for those who have been convicted of serious crimes by the criminal justice system.

Therefore, and for the above reasons, I am vetoing CB-51.

Sincerely,

Calvin Ball
County Executive

cc: Howard County Council
Diane Schwartz Jones, Council Administrator
Gary W. Kuc, County Solicitor