



THE PRINCE GEORGE'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

December 6, 2019

The Honorable Todd M. Turner, Chair
Prince George's County Council Members
14741 Governor Oden Bowie Drive
County Council, 2nd Floor
Upper Marlboro, Maryland 20772

Re: CB-62-2019

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CLERK OF THE COUNCIL
PRINCE GEORGE'S COUNTY MARYLAND

Dear Councilman Turner:

Thank you for this opportunity to share some thoughts and concerns regarding the above-referenced legislation. At the outset, let me make clear that I support the goal of providing a safe community for all persons, where an individual's legal rights are respected and preserved.

It must be kept in mind, however, that this goal must be met with adherence to applicable law. I am unaware if the Council had knowledge of the significant financial impact this legislation could have on government services due to the passage of a 2017 Executive Order by the Executive Branch of the United States government. As such, I would like to share some concerns regarding this legislation.

The central federal statute at issue is 8 U.S.C §1373. This federal statute prohibits a governmental entity, or its officials, from prohibiting or restricting any person from sending, requesting or receiving information regarding the immigration status of an individual with the Immigration and Naturalization Service ("INS"), maintaining the information, or exchanging the information with another governmental entity. *See* 8 U.S.C. §1373 (a) and (b). However, as an example, CB-62 directly prohibits contact to be made with immigration officials by County officials/employees. *See* CB-62, Sections 2-524(4) and (5). Such a direct prohibition poses a large risk of running afoul of federal law. As a result, our federal funding may be jeopardized.

For this current fiscal year, the County received approximately \$170 million in direct federal funding and many more millions from the State, which acts as a pass through for federal funding. At least one Executive order has been issued by the Executive Branch of the United States threatening to withdraw federal funding for failure to cooperate with federal laws pertaining to immigration enforcement. While some jurisdictions have challenged these executive orders, it is still too early in the litigation process to know with certainty how these matters will be resolved.

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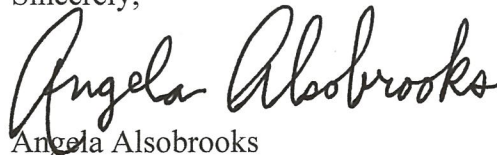
Until the legal landscape surrounding this issue is clearer, the County cannot put the resources of many governmental agencies at risk and thereby jeopardize essential services to County residents. As an example, the County's Health Department receives almost \$48.5 million and the Department of Housing and Community Development receives almost \$96.2 million. The loss of this federal funding would mean significant cuts to programs such as re-entry services, mental health services for children and efforts to address diabetes, heart disease and stroke, to name a few. Without these critical funds, it would be almost impossible to continue offering essential services to our community.

Additionally, I believe that many of the administrative regulations in place by the Police Department and the Department of Corrections already address many of the same issues included in the legislation. For example, Police Department regulations make clear that the enforcement of civil federal immigration laws are completely within the authority federal law enforcement and therefore police officers are not allowed to stop, detain, search, or arrest an individual solely based upon an administrative warrant. The regulations also make clear that there is no intent to enter into cooperation agreements with federal agencies for the sole enforcement of immigration laws.

Similarly, the Department of Corrections has a policy of not accepting or maintaining custody of an individual solely based on an administrative immigration warrant. Both the regulations of the Police Department and the Department of Corrections make exceptions for contact with immigrations officials and maintaining custody where a judicial warrant has been issued or there is probable cause to believe that the individual has committed a serious crime. These regulations strike a proper balance of respecting personal rights and maintaining the safety and security of our community.

We are committed to ensuring that the civil rights of residents and visitors to the County are respected while simultaneously abiding by relevant laws. Continual review and updates of our administrative policies will occur to meet this goal. I therefore respectfully request that you work with my office in developing legislation that cures the concerns noted herein. The Executive Branch will work expeditiously and prioritize resolving this matter in a manner that is satisfactory to both branches, meets the needs of our citizens, and protects essential government operations.

Sincerely,



Angela Alsobrooks
County Executive

cc: Major F. Riddick, Jr., Chief Administrative Officer
Joy A. Russell, Chief of Staff
The Honorable Calvin S. Hawkins, Vice Chair, Prince George's County Council