



**TESTIMONY OF MICHAEL KEBEDE, ESQ.
LD 1259 - Ought to Pass**

**An Act to Enhance Public Safety in Maine by Defining the
Relationship Between Local and Federal Law Enforcement**

Joint Standing Committee on Judiciary
May 19, 2025

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Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, good afternoon. My name is Michael Kebede and I am policy director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 1259 because it would improve public safety, protect local taxpayers, and strengthen the civil liberties of all Maine visitors and residents.

LD 1259 proposes to prohibit all Maine law enforcement agencies from entering into so-called 287(g) agreements.¹ If Maine passes this bill, it will join Washington, Oregon, California, Illinois, New Jersey, Vermont, and Connecticut in banning these agreements.²

¹ *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, U.S. Immigration and Customs Enforcement (ICE), *available at* <https://www.ice.gov/identify-and-arrest/287g>.

² Keep Washington Working Act, RCW 10.93.160(11), *available at* <https://app.leg.wa.gov/RCW/default.aspx?cite=10.93.160>; Oregon Sanctuary Promise Act, ORS 181A.829(1), *available at* https://oregon.public.law/statutes/ors_181a.829; California Values Act, California Code, GOV § 7284.6(a)(1)(F)-(G) *available at* https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=7284.6; Keep Illinois Families Together Act, 5 ILCS 835/5(a)(b), *available at* <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3989&ChapterID=2>; New Jersey Directive Strengthening Trust Between Law Enforcement and Immigrant Communities, AG Directive No. 2018-6 v.20, Sec. III, *available at* https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6_v2.pdf; Connecticut Trust Act, Conn. Gen. Stat. § 54-192h(b)(1)(E), *available at* <https://codes.findlaw.com/ct/title-54-criminal-procedure/ct-gen-st-sect-54-192h/>; 20 VT Stats § 4652, *available at* <https://law.justia.com/codes/vermont/title-20/chapter-207/section-4652/>; California Values Act, California Code, GOV § 7284.6(a)(1)(F)-(G) *available at* https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=7284.6; Keep Illinois Families Together Act, 5 ILCS 835/5(a)(b), *available at* <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3989&ChapterID=2>; New Jersey Directive Strengthening Trust Between Law Enforcement and Immigrant Communities, AG Directive No. 2018-6 v.20, Sec. III, *available at* https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6_v2.pdf; Connecticut Trust Act, Conn. Gen. Stat. § 54-192h(b)(1)(E), *available at* <https://codes.findlaw.com/ct/title-54-criminal-procedure/ct-gen-st-sect-54-192h/>; 20 VT Stats § 4652, *available at* <https://law.justia.com/codes/vermont/title-20/chapter-207/section-4652/>.



Under the most expansive (and most common) version of these agreements, Immigration and Customs Enforcement (“ICE”) delegates its day-to-day immigration enforcement capabilities to local law enforcement agencies. That means that officers in agencies with 287(g) agreements are essentially deputy immigration officers and can arrest and detain someone based solely on that person’s immigration status, regardless of whether that person has engaged in any criminal conduct. 287(g) agreements do not provide new money for law enforcement agencies. On the contrary, once officers in a 287(g) agency complete their training, Maine taxpayers pay them to enforce federal law.

This bill will make Maine safer. 287(g) agreements divert law enforcement resources away from investigating and solving crimes and toward arresting undocumented people. A police officer only has so much time in their day; every minute they spend enforcing immigration law is a minute they do not spend responding to other calls for service. Some might believe that immigrants commit more crimes than native-born Americans and, therefore, enforcing immigration law itself helps keep communities safe. That is the exact opposite of the truth. Study after study has shown that immigrants – including undocumented immigrants – are less likely to commit crimes than native-born Americans.³

This bill will also increase public safety because it will help build trust between law enforcement and immigrant communities. When immigrants fear that a 9-1-1 call might result in the deportation of a loved one, they are far less likely to call 9-1-1. Indeed, they are far less likely to voluntarily interact with any law enforcement officers. If police are investigating a fire, for example, or another public safety hazard, and if immigrants who fear deportation have information that could help save lives or property, the state should do all it can to encourage them to come forward to public authorities.

Moreover, immigrants who are afraid to confide in public officials present an attractive opportunity for predatory behavior. Unscrupulous actors who seek profit or pleasure through illegal means are far more likely to exploit immigrants if immigrants do not trust public officials. This bill will help ensure that immigrants are not afraid to complain to their prosecutor, their local police department, the Attorney General, or other public officials about predatory activity in their communities.

This bill will also save communities money. In towns and counties across the country, 287(g) agreements have exacted a serious economic cost. For example, in 2009, Prince William County in Virginia had to raise property taxes and take money from its rainy-day fund to implement its 287(g)

³ See e.g., Alex Nowrasteh et al, *Illegal Immigration and Crime in Texas*, CATO Institute, Oct 13, 2020, available at <https://www.cato.org/sites/cato.org/files/2020-10/working-paper-60.pdf>.



program.⁴ The program cost the county \$6.4 million in its first year and was projected to cost \$26 million over the next five years.⁵ The county had to cut \$3.1 million from its existing budget.⁶ Similarly, in 2007, Mecklenburg and Alamance counties in North Carolina spent \$5.3 million and \$4.8 million respectively to implement and maintain their 287(g) agreements.⁷

Finally, this bill will protect the civil rights and liberties of all people in Maine, regardless of their immigration status. Finding and deporting undocumented people, especially undocumented people with no criminal records, is an inherently bias-driven activity. It often starts with a traffic stop or some other interaction with law enforcement rooted in an officers' suspicion, based on someone's appearance or accent, that they are here illegally.

In 2011, the Department of Justice ("DOJ") found that the Maricopa County Sheriff's Office in Arizona, which had a 287(g) agreement, "engages in a pattern or practice of unconstitutional policing."⁸ The DOJ found that that sheriff's office "engages in racial profiling of Latinos [and] unlawfully stops, detains, and arrests Latinos."⁹ If 287(g) agreements spread in Maine, Maine police will similarly engage in discriminatory policing of residents and visitors. If anyone victimized by these policing practices sues a Maine law enforcement agency, litigation costs and any settlement amount will be passed onto taxpayers.

This bill is necessary to increase public safety, protect the integrity of Maine police, and save Mainers' money. We urge you to vote *ought to pass*.

⁴ Audrey Singer, *Immigrants, Politics, and Local Response in Suburban Washington*, Brookings, 2009, available at https://www.brookings.edu/wp-content/uploads/2016/06/0225_immigration_singer.pdf.

⁵ *Id.* at 16.

⁶ *Id.* The \$3.1 million would have gone toward installing cameras and monitoring footage in the county's 250 police cars to defend the police department against allegations of racial profiling.

⁷ Mai Thi Nguyen and Hannah Gill, *The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities*, University of North Carolina, Chapel Hill, Feb 2010, available at https://casdev.unc.edu/migration/wp-content/uploads/sites/2/2019/10/287g_report_final.pdf.

⁸ Thomas E. Perez, *Assistant Attorney General, United States' Investigation of the Maricopa County Sheriffs Office*, DOJ, Dec 15, 2011, at 2, available at https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf.

⁹ *Id.*