



Indivisible HoCo Immigration Questionnaire Response Deb Jung - County Council District 4 Candidate

Do you think all Howard County Departments should have a written, public policy on staff interactions with immigrants? If so, which languages would be your first priority for translating documents?

Yes, I strongly believe that the Howard County Government should have a language access policy that would require departments, programs, and offices providing direct public services to offer equal access to persons with limited English proficiency (LEP). Such a policy should use federal and state LEP guidelines as minimal baselines and could use the program currently in effect in Montgomery County as a workable framework for developing a policy here. Adequate resources also need to be allocated for this effort. As a local government, we need to do business with a mindset of inclusion and with a goal of reaching as many of our residents as possible.

At the recent fundraiser I attended for the non-profit organization FIRN (the Foreign-Born Information and Referral Network), hosted by an Indivisible HoCoMd member, a representative of County Government indicated that a such a policy exists. However, if that is the case, it is not visible on the Howard County website nor otherwise readily accessible to the public. Moreover, I am not aware of any substantial effort to develop and institutionalize a broad-based effort at the County government level aimed at language and cultural proficiency among County employees providing direct services to language minority communities. If it exists, it is well hidden.

Beyond a mandate by executive regulation or law, the real issue becomes how the County can best reach the most people in communicating its messages or delivering its services. The County should not have to be cajoled into translating and publicizing basic and important information such as the Department of Police General Order OPS-10, discussed later in response to another question. Not to take away from current well-intentioned County efforts, there needs to be much more than just a contract with FIRN or a You Tube video to reach immigrant populations. It requires an inventory of current Howard County Government efforts, a plan with the opportunity for public input, and a sustained and visible commitment by Howard County leaders, including the County Executive and County Council.

By way of background, under the Maryland Equal Access Act applicable to many state agencies since 2002, LEP individuals may be eligible for free interpretive or “oral language” services. Additionally, if a person is in need, covered state agencies must translate “vital documents” into the person’s language if the language is spoken by 3% or more of the population served by the agency. “Vital Documents” includes applications for benefits and services, licenses, and other services, informational materials, and notice and complaint forms provided by the agency.



Federal guidelines allow LEP communities to be defined as persons who speak languages frequently encountered by a department, program or activity. Quality translation and interpreter services often can be provided by multilingual staff, telephone interpreter lines, written language services, and community volunteers.

According to Data USA's 2015 profile of Howard County, 4.35% of the overall population of the County are native Spanish speakers, followed by Korean (3.05%), and Chinese (2.38%). Significant numbers of speakers of Urdu and other South Asian languages, as well as French, also reside in the County.

Thus, it appears that both Spanish and Korean speakers meet the 3% State test and would be priorities for translating vital documents. Inclusion of other languages (such as Chinese) would be dependent on a factual determination based on frequency of contact with county government offices, programs and activities. It is likely that Chinese also would be a priority language under this proposal.

In Montgomery County, County Executive Ike Leggett adopted Executive Order 046-10 "Access to Government Services for Individuals with limited English proficiency" ("the Montgomery LEP Program") applicable to all Executive Branch departments, offices and programs that provide direct public services regardless of whether they are recipients of federal financial support. It melds federal and state guidelines as minimal baselines in determining eligible language groups and establishes a reasonable on-going implementation process, including frontline employee LEP training and accountability measures. Its goal is to reduce or eliminate barriers over time.

I believe that the Montgomery County LEP Program provides a workable policy framework for advancing this issue in Howard County by legislation, executive order, or both. It is a good starting point and we can learn from their successes, difficulties, and continued challenges. Given the diversity of our community, a language access policy needs to transcend the moment and transcend County Administrations.

Fortunately, Howard County has existing local institutional capacity (such as FIRN and similar resources in the metropolitan areas) to help implement a language access policy. FIRN has a solid history of providing these language services, as well as an existing grant relationship with the County Government.

If elected, and in consultation with the community and stakeholders, I pledge to make this issue a priority and will introduce legislation that makes Howard County one of the leaders among local governments in Maryland with regard to equal access to public services for persons with limited English proficiency.



Under what circumstances should the HoCo police or sheriff's department cooperate with ICE?

Let me answer the question by first stating what the County **should not** do. Howard County should not enter into a Section 287(g) agreement that would delegate enforcement of federal immigration to local law enforcement, including at the County Detention Center. Howard County has its own law enforcement priorities and such an approach could have a negative effect on police community relations and undermine law enforcement's ability to solve crimes if immigrants become fearful of reporting crimes or participating as witnesses. At the local level, foremost, we need to develop and implement policies that will promote trust toward government among members of the immigrant community.

In May 2017, the Howard County Police Department adopted General Order OPS-10, dated May 12, 2017 ("OPS-10"). Under this Order, it is stated clearly that the Howard County Police Department (HCPD) has "no statutory authority to enforce civil violations of federal immigration laws." In addition, "Criminal investigations or enforcement shall never be initiated based solely upon an individual's citizenship or immigration status." This regulation is critical to creating a safe environment for our County's immigrants - one where immigrants do not feel threatened by the ongoing efforts of the Trump Administration to remove them from our community. It lays a foundation for establishing trust in local law enforcement.

OPS-10 specifies that if on a National Crime Information Center (NCIC) alert, there is information that the individual is a Deported Felon, the officer is required to confirm that status with ICE and then is authorized to make an arrest if the information is confirmed. Importantly, officers are prohibited from detaining an individual based solely on an immigration civil detainer or administrative order or warrant. These provisions are important and necessary. Consistent with the former Obama Administration Priority Enforcement Policy, I do think that the County should comply with ICE requests for custody, however, when a criminal alien in our custody has been convicted (rather than just arrested) of a felony or serious or multiple misdemeanors.

OPS-10 goes on to state that HCPD may participate in federal task forces when the investigation "does not involve the enforcement of federal civil immigration violations" but which may focus on "human trafficking, terrorist acts, narcotics, child pornography, money laundering, hate crimes, etc." While not clearly stated, some of these task forces may have participants from ICE or be ICE-created. I have no problem with such cooperation.

OPS-10 has the potential, if extensively and persuasively publicized in the immigrant community, to help build trust with law enforcement.



Would you like to see CB-9 (the Howard County “Sanctuary” Bill) come before the County Council again after the next election?

“Sanctuary” jurisdictions are generally considered as those towns, counties or communities that adopt policies, ordinances, resolutions, executive actions or initiatives that prohibit local officials from inquiring, acting on or reporting an individual’s immigration status, even when there is reasonable suspicion that an individual is in the country illegally. There is no actual hard and fast definition of this term.

I believe that at this time it is unnecessary for the County Council to revisit the issue since many of the key policy objectives of CB-9 are reflected in General Order OPS-10, which, as discussed above, among other things:

- specifies that HCPD officers do not have authority to enforce civil violations of federal immigration law;
- states that officers shall not ask about immigration status except under certain limited circumstances;
- states that criminal investigations and enforcement shall not be initiated based solely on a person’s citizenship or immigration status;
- prohibits officers from detaining a person based on an immigration civil detainer or an administrative order or warrant;
- delineates interactions with ICE, including Task Force participation. The procedure does allow the HCPD to respond to National Crime Information Center (NCIC) alerts related to previously Deported Felons who have been convicted of aggravated felonies such as drug or firearms trafficking; and
- includes a reporting requirement to document all contacts with ICE - which may prove useful as a monitoring and accountability mechanism in the future.

Moreover, police officers are more likely to correctly implement these policies if they are contained within an administrative framework that they are familiar with in the law enforcement environment.

However, if the immigrant community experiences instances where OPS-10 is not being observed by the police department, I would support a carefully drafted bill that protects the rights of our immigrant populations.

Should the County Council pass a measure prohibiting HoCo from entering into 287(g) agreements with ICE.

Section 287(g) of the Immigration and Nationality Act allows the Department of Homeland Security (DHS) to enter into formal written agreements with state or local police departments and deputize selected state and local law enforcement officers to perform the



functions of federal immigration agents. As discussed above, I do not believe that Howard County should enter into a Section 287(g) agreement with ICE and receive delegated authority to enforce federal immigration laws. Moreover, OPS-10 prohibits police officers from performing such a function. In addition to potential budgetary and staffing impacts, such an approach could have a negative effect on police community relations and undermine law enforcement's ability to solve crimes if immigrants become fearful of reporting crimes or participating as witnesses.

Frederick and Anne Arundel counties have executed Section 287(g) agreements for their jails. It is my understanding that the County Executive is not at this time contemplating a delegation of federal immigration enforcement authority. If such a proposal is currently, or in the future, under active consideration by the County Executive or introduced by the County Council, I would actively oppose it and introduce a measure to prohibit the Howard County Government from entering such agreements.

What could be done to improve HoCo services to immigrants?

From my perspective as a non-immigrant observer - but one who has lived in District 4 for 30 years and sent my daughter to public schools in the very diverse Wilde Lake area - I believe that Howard County needs to draw on its core values and be an even more welcoming jurisdiction to counter the very unwelcoming rhetoric and actions of the Trump Administration. This goal can be advanced by moving forward on the language access initiative discussed above and by providing greater visibility and focus on immigrant services in the County, including those pertaining to naturalization and citizenship. We need to ensure adequate budgetary resources and tie these initiatives and services together.

We are fortunate to have an organization like FIRN providing language, referral counseling and other direct services to immigrants and refugees, the Howard County Library System (HLS) adult literacy program, and the extensive ESL program at Howard Community College (HCC). HCC has also recently initiated a program to expand language access for health care settings. These programs must receive our continued support to grow and be successful.

But try googling "Howard County Immigrant Services" and you will find one link to the Office of Community Partnerships (7th link down) which then leads to a link to the Multi-Service Center in North Laurel which advises that immigration services (unspecified) are available at that location. By clicking on the Schedule link, you then learn that FIRN is available at the Service Center on Tuesday's from 11-4:30pm. The County's efforts can not exactly be described as welcoming to our immigrant community, or as extensive or accessible from a governmental perspective. True, one could contact FIRN directly but, in my view, County government has an outreach responsibility that it is not fully embracing. Even the Google Translate function on the County website can be easily missed if you are not literate in its icons or don't see its positioning on the home page.



Montgomery County and Baltimore City are examples of local governments that provide high level visibility (and liaison) for immigrant services and programs. Montgomery has a Welcoming Framework in its Office of Community Partnerships that focuses on Leadership and Communications, Equitable Access, Safe & Connected Communities, Economic Opportunity & Education, and Civic Engagement. This includes building relationships and fostering trust with County Government at the highest levels. It requires a focused plan and it requires a coordinated strategy for implementation. We need that type of visible effort in Howard County and should build on the existing “welcoming” grant relationship that exists with FIRM. Job counseling and placement are specific economic opportunity efforts that could be useful here.

In addition, Howard County should join Montgomery and Baltimore City in becoming members of Welcoming America. <http://welcomingamerica.org>. There are many ideas and programs in Maryland and other parts of the country that could have utility here. Likewise, Howard County should also follow Montgomery County and Baltimore City in joining Cities for Citizenship to promote naturalization and citizenship, including voting. <http://citiesforcitizenship.com>. County Executive Leggett joined with non-profit organizations in Montgomery County to launch a Citizenship Initiative in last May. We need to build on the efforts of the Howard County Library System and invest more in Citizenship programs here.

These issues go to my core and to my life experience. I am an attorney who represents nonprofit organizations; one of my clients is a direct provider of health care services to Spanish-speaking immigrants in Montgomery County. This clinic is funded through the Montgomery County government and no questions are asked regarding legal status when these residents are seeking health care. These are people not slogans. They should not be invisible or live in the shadows. Local government has a positive and affirming role to play in the immigrant community and Howard County can be doing more.

Like Indivisible HoCoMd, I believe in action to improve lives and community. If elected to the County Council, I will do everything I can in that leadership position to ensure that Howard County is a Welcoming Community and that its services are both language accessible and effective for our immigrant communities.