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Testimony of Sheriff Charles A. Jenkins

Frederick County Sheriff's Office

Frederick County, Maryland

TO: The U.S. House of Representatives, Judiciary Committee

Subcommittee on Immigration and Citizenship

Chairman Jerry Nadler

Ranking Member Doug Collins

Subcommittee Chairman Zoe Lofgren

Subcommittee Ranking Member Ken Buck

For a Hearing Titled:

The Expansion and Troubling Use of ICE Detention

September 26, 2019, 10:30 a.m.

Rayburn House Office Building, Room 2141

I am offering this testimony as Sheriff of Frederick County, Maryland from the perspective of local law enforcement on the importance of ICE Detention, honoring ICE detainees, local cooperation with ICE, and how local cooperation very effectively enhances and improves local public safety.

We are at a critical point in the United States where U.S. Congress needs to take serious measures in the enforcement of our immigration laws, both at the border and on the interior, and allow the Department of Homeland Security and Immigrations and Customs Enforcement

to carry out their mission. These two missions have overlapping impacts to public safety; the border wall has to be completed and interior enforcement must be strengthened right now. One of the measures necessary is ICE detention.

The primary mission of ICE is to promote strong Homeland Security and Public Safety through the criminal and civil enforcement of federal laws governing border control and immigration. ICE is a very effective law enforcement agency with men and women who are committed to enforcement. However, they have not been allowed to be as effective as they could be because of stalled politics. This has created crisis and chaos at the southern border, criminal and gang infiltration of every city, county, and community in the United States, and sanctuary jurisdictions that have placed their citizens at risk by failing to cooperate with or even recognize ICE. The hostility against ICE has to stop and the demonizing has to end.

Detention and expeditious removal of criminal illegal aliens are key components of the ICE mission and overall public safety. It is imperative that ICE has access to suitable detention facilities throughout the United States and enough funding to provide the beds needed so criminals that are held for removal are not released back on the streets of our communities to commit more crimes against Americans and immigrant communities.

From a local perspective, the infiltration of criminal illegal aliens and criminal gangs such as MS13 across our open borders and in our communities has severely impacted and endangered the public safety of cities and counties. There is a vital need to allow ICE to simply do their job. Americans are killed by illegal alien criminal homicide events or car crashes every single day across the country. Children are raped and sexually assaulted, human victims including children are trafficked across the borders into sex slavery and other trades, aggravated domestic assaults occur, as well as brutal gang violence, drug trafficking, assaults on law enforcement and every other imaginable crime is being committed by this illegal criminal element. This is a level of violence never experienced before. The situation would be much worse without ICE doing their job.

The heroin/opioid crisis is not the result of over prescribing and pharmaceutical companies. We have allowed the heroin/opioid trafficking networks to establish themselves across the entire country through open borders and sanctuary policies, with cartels continually infusing heroin, fentanyl, and other dangerous drugs into Americans.

Nowhere is that more evident than my home county of Frederick and the state of Maryland where heroin/opioid overdoses, both fatal and non-fatal are occurring and still rising in record numbers for the past 7 years.

In Frederick County, just one hour away from here I can point to a successful detention and removal partnership with ICE that has proved very effective in removing criminal aliens from our streets and reducing serious crime. For eleven years, the Frederick County Sheriff's Office has partnered with ICE in the 287g Delegation of Authority, and Inter-Governmental Services Agreement (IGSA) Housing Program. These programs are both examples of the

importance and effectiveness of adequate detention beds for ICE. Strategic location of detention facilities is also important.

The IGSA housing agreement provides detention space in the local jail (or a prison) and provides ICE with detention beds to keep criminal aliens in custody until ordered removed or deported. The detention facility receives reimbursement to cover the costs of detention. By identifying priorities in levels of criminal removals, it keeps more of the criminal element off the streets and local citizens safer.

The 287g Delegation of Authority Partnership assists ICE and facilitates a process solely within the confines of the detention center after an individual is arrested and brought into the facility in custody. No actions whatsoever are taken and no questions regarding immigration are asked by law enforcement on the street in the course of their duties. Trained correctional officers ask questions to investigate immigration status and prepare the proper detainer for the arrestee. I re-emphasize, everything occurs within the jail with close oversight and supervision by ICE agents or supervisors.

These local agreements are critical to provide ICE with detention beds and have the most direct impact on local public safety. They insure after criminals are adjudicated and sentences are served, that those criminal aliens with detainers are not released back onto the streets of Frederick County to re-offend and commit what are often more serious and more violent crimes. This is particularly true with criminal gang members as we have seen nationwide.

The 287g Program has been very effective over the past eleven years in removing criminal illegal aliens from Frederick County. There have been 1,692 detainers lodged, with 1,536 detainers served and those individuals placed in deportation/removal. Included in that number are 110 transnational criminal gang members, the majority being MS13.

The crimes committed by these criminal aliens include 1st Degree Murder, 2nd Degree Murder, Aggravated Assault, Rape, Rape of Minor Children, varying degrees of sexual assault, armed robbery, burglary, domestic assaults, drug trafficking and other serious crimes. In Frederick County, for five consecutive years we have experienced significant reductions in Part I or serious crimes.

Sanctuary policies across the country have to be stopped by you, the Congress. These policies are dangerous as we have seen and continue to see, and place citizens of those jurisdictions at risk of being violent crime victims. Not one single American should ever be a victim of a crime committed by an illegal alien, certainly not by an identified criminal released from local jail or prison when ICE already has a detainer or order of removal for that person.

Crimes that have shocked the conscience of this entire nation have been committed by criminal aliens, and have been allowed to continue, in particular those brutally violent crimes committed by gangs such as MS13. If we continue to tolerate this level of crime and violence in

our society, crime that can be avoided, our culture will soon erode and we will head towards a lawless society with no turning back. Without law and civil order, no one is safe and nothing else in this nation will thrive.

Jails, prisons, and law enforcement nationwide must simply cooperate with ICE to hold a criminal alien with a standing detainer or removal order for the allowable 48 hours, without the need for any formal agreement or housing contract. The safest transfer of custody for a criminal alien to ICE is within the detention setting, completely controlled for the safety of everyone. When ICE has to go out and search to locate and re-arrest a wanted individual, it creates risk for everyone to include ICE, local law enforcement, the wanted person, and the public.

There is no plausible or logical reason that every jurisdiction should not cooperate with ICE and hold an individual with a detainer or removal order for transfer to ICE. Law enforcement cooperates with every other federal law enforcement agency and honors detainers and fugitive warrants from state to state. This is simply the way our criminal justice system is structured. To not honor an ICE detainer simply breaks the chain in our effort to enforce the federal immigration laws that have been blatantly set aside and ignored for years.

Access to acceptable detention is a necessary priority for ICE. In addition to maintaining current ICE detention facilities, local jurisdictions and jails should be encouraged to participate through funding incentive programs, and the simple message that providing detention services will create safer communities. As an informational side note to this committee, federal detention standards for ICE inmates in any facility are much higher than most state or local jail standards. There can be no complaints by ICE detainees because they simply have it better in jail. I know because Frederick County undergoes Office of Detention Operations (ODO) inspections and does meet those higher federal standards.

As a Sheriff speaking to the United States Congress, I am appealing to you to uphold the law as we are all sworn to do and support ICE in carrying out their mission to enforce the immigration laws of this nation. You have an obligation to American citizens first and foremost, before any obligation you might feel you have to people in this country illegally. Americans are frustrated and tired of the open border issue and not enforcing the law. This is all about the rule of law and a civil society in this great nation. The justice system cannot sustain the numbers of criminal aliens entering the country. Start at securing our borders with a completed border wall as a starting point, and then structure for and consistent interior enforcement. Adequate and effective ICE detention will be the key to successful enforcement.