

# FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS  
FREDERICK COUNTY LAW  
ENFORCEMENT CENTER**

110 Airport Drive East  
Frederick, Md. 21701  
301-600-1046  
301-600-1527 (Fax)  
301-600-7655 (TTY)

**JUDICIAL OPERATIONS**

100 W. Patrick Street  
Frederick, Md. 21701  
301-600-2162  
301-600-3690 (Fax)



**CHARLES A. JENKINS**  
SHERIFF

**DETENTION CENTER/  
CENTRAL BOOKING**

7300 Marcie's Choice Lane  
Frederick, Md. 21704  
301-600-2550 (D.C.)  
301-600-2566 (D.C. Fax)  
301-600-1790 (C.B.)  
301-600-1791 (C.B. Fax)

**WORK RELEASE CENTER**

7281 Marcie's Choice Lane  
Frederick, Md. 21704  
301-600-1727  
301-600-3404 (Fax)

To: The Honorable William C. Smith, Jr. and Members of the Senate  
Judicial Proceedings Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 26, 2020

Re: **SB 901 State and Local Government – Participation in Federal  
Immigration Enforcement**

Position: **Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I am offering this written testimony to express my strong opposition to SB 901. I have worked very closely and effectively with the Department of Homeland Security (DHS) / Immigration and Customs Enforcement (ICE) for 12 years in the federally sponsored 287g Delegation of Authority Program. Public safety and national security rely on intergovernmental agency cooperation at every level. This is a crime and public safety issue.

Senate Bill 901 is simply another attempt to make Maryland a "Sanctuary State", a bill that grossly undermines public safety and place the public at great risk. This bill would prohibit any law enforcement or detention facility from providing or sharing information with ICE, honoring an ICE detainer, holding a detainee, or in any cooperating with DHS/ICE to identify criminal illegal aliens that are taken into custody for committing crimes. More importantly it will force the release of all criminal illegal aliens, including violent criminals from jails and prisons.

Notifying DHS to take custody of a known criminal alien before release from a detention facility adds a real measure of protection to the general public. There are absolute benefits and reduced risks by transferring custody of individuals to immigration authorities within a correctional facility. The transfer happens within a secure facility, which is safer for corrections personnel and the detainee with no risk of escape. The offender never has the opportunity to be free on the street to re-offend. Law enforcement does not have to expend the resources to investigate additional crimes that could be committed or the time and manpower to re-apprehend that individual and place him back in custody. This is a problem that occurs every day in cities and counties that declare themselves to be "sanctuaries".

If a criminal illegal alien with a standing immigration detainer is released, ICE will actively look for that person within the community (mostly within the immigrant communities). This creates situations where ICE will have collateral or unintended encounters with illegal immigrants within that community which do result in more arrests and deportations of individuals. This is always an increased risk for the public, law enforcement, and the wanted individual when searching for and making apprehensions on the street.

The Immigration Detainer – Notice of Action is a hold on an individual that DHS has determined that that probable cause does exist that the subject is a removable alien. DHS does not issue Judicial Warrants with the purview of immigration enforcement. DHS does issue a I-200 Warrant of Arrest with each detainer.

DHS simply requests cooperation by asking that a detention facility simply notify them at least 48 hours in advance of release and hold that individual until transfer can be arranged. This is a very seamless, risk-free, hold and safe transfer of a deportable alien.

The ICE Immigration Detainer or request to hold is no different than any other federal, state, or local law enforcement agency asking a detention facility to hold a person for transfer of custody. The only difference is the document used for the hold. Jails hold persons wanted by other agencies for up to 30 days on fugitive warrants, and most are held and detained solely on an NCIC wanted hit and confirmation from another police agency.

No Marylander, or any American in any city, county, or community should ever be the victim of a crime committed by or incident involving a criminal illegal alien. With respect to this legislation, no criminal illegal alien that is taken into custody should ever be released back into our communities to commit more crimes.

Moreover, with the increasingly violent criminal acts committed by transnational criminal gang members such as MS13 this legislation actually encourages the infusion of increased violent crime in our communities. This is evident by what we see every day across

America. The populations that are crossing our borders and entering illegally are from the most violent countries in the world. The fact is they do not leave that violence and brutality behind.

As elected State Senators representing your respective districts, you have an obligation to your constituents to pass and support laws that enhance public safety. This law absolutely jeopardizes and undermines public safety. Conversely, I do not believe it was intended for you as a body to have the authority or right to pass laws that dictate to a local authority, agency, government unit or Sheriff what lawful decisions can be made or agreements entered into that enhance public safety in a jurisdiction.

Protecting all Marylanders and providing for the most effective public safety measures possible is crucial to upholding your oath of office. I can't over emphasize enough what a terrible and tragic mistake it would be to pass this legislation, which will result in horrific unintended consequences. I strongly urge an unfavorable report from this committee on SB 901.

DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:  
Event #:

File No:  
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Alien: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).**

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).**

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

**IT IS THEREFORE REQUESTED THAT YOU:**

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
  - **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
  - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
  - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Name and title of Immigration Officer)

\_\_\_\_\_  
(Signature of Immigration Officer) (Sign in ink)

**Notice:** If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to \_\_\_\_\_

Local Booking/Inmate #: \_\_\_\_\_ Estimated release date/time: \_\_\_\_\_

Date of latest criminal charge/conviction: \_\_\_\_\_ Last offense charged/conviction: \_\_\_\_\_

This form was served upon the alien on \_\_\_\_\_, in the following manner:

- in person  by inmate mail delivery  other (please specify): \_\_\_\_\_

\_\_\_\_\_  
(Name and title of Officer)

\_\_\_\_\_  
(Signature of Officer) (Sign in ink)

**Jenkins, Chuck (Sheriff)**

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**From:** Green, David  
**Sent:** Friday, February 7, 2020 10:24 AM  
**To:** Jenkins, Chuck (Sheriff); Cronise, Michael  
**Subject:** 287g Weekly Report

Total Detainers: 1726

Total Served: 1563

Total Detainers 2020: 09

Total Gang: 110

Total Special Training: 21

Total Unaccompanied Juvenile (Gang/COV/Felonies): 41

Significant Incidents for the week:

There was one detainer dropped this week, but no significant incidents.

Miscellaneous: There has been one Detainer dropped on individuals that have overstayed their visas for 2020.

The Frederick County Sheriff's Office Corrections Bureau entered into the 287(g) Program in February 2008. The following is just a partial list of the crimes that illegal and removable aliens were charged with when they were encountered through the Program:

18 individuals charged with Murder / Attempted Murder

98 charged with Domestic Violence

133 charged with Assault

16 charged with Armed Robbery / Robbery

37 charged with Sex Offense against a Minor

39 charged with Rape / Sex Offense

22 charged with Possession with intent to distribute CDS

164 charged with Driving While Intoxicated

110 Gang members, in addition to the 110 gang members there has been 21 individuals that had some time of specialized training, i.e. (Commandos, Snipers, MMA & Pit Fighters, Police, Military, Guerrilla Warfare)

Two individuals were suspected cartel members (hitmen)

The Program has encountered 47 "Unaccompanied Juveniles" since 2015, 41 of these "Unaccompanied Juveniles" were gang members, charged with a felony and in some cases both, when they encountered by the 287(g) Program.

A total of 300 individuals have been charged with felonies.