

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 Luke H. Clippinger and Members of the House
Judiciary Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 11, 2020

Re: **HB 388 – Criminal Procedure – Civil Immigration Enforcement –
Restrictions**

Position - **Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer written and verbal testimony in opposition to HB 388. I have worked closely with the Department of Homeland Security (DHS)/ Immigration and Customs Enforcement (ICE) for 12 years in the 287g Delegation of Authority Program. I will positively attest that cooperation with ICE is a necessary layer of protection within public safety and law enforcement to keep Maryland and local jurisdictions safer from known criminals. Effective national security measures also require intergovernmental agency cooperation.

This is clearly "Sanctuary State" legislation that grossly undermines public safety and places the public at risk by restricting and prohibiting a law enforcement agency or agent from cooperating or interacting with immigration authorities to identify violent criminal aliens. This places a very dangerous restriction on law enforcement and corrections. Local public safety and homeland security depend on and function more effectively when information is shared and known violent criminals are prevented from being released.

Notifying the Department of Homeland Security to take custody of a known criminal alien before release from a facility adds a measure of protection to the public. In regard to the transfer of individuals to immigration authorities, there are many benefits and reduced risks by the safe transfer of a detainee within a correctional facility. The in-custody transfer is very

controlled in a secure facility and safer for prison/jail personnel and the detainee, with no risk of escape. The offender never has the opportunity to be free on the street or in the public to re-offend and commit additional crimes. Law enforcement does not have to expend the resources to investigate additional crimes that may be committed or the resources and manpower to re-apprehend the individual.

If custody is not transferred within the detention facility, ICE will actively look for the subject within the community (mostly within the immigrant communities). That causes ICE to have collateral or unintended encounters with illegal aliens in the community, which do result in more arrests and deportations of individuals. There are always increased risks to the public, law enforcement personnel, and the wanted individual when searching and making apprehensions on the street.

The Department of Homeland Security does not issue judicial warrants for the purpose of removing criminal aliens in the purview of immigration enforcement. The Immigration Detainer – Notice of Action is a hold on an individual that DHS has determined that probable cause does exist that the subject is a removable alien. ICE does however provide a system generated I-200 Warrant of Arrest along with each detainer.

DHS simply requests cooperation by asking that a detention facility simply notify at least 48 hours in advance of release and “hold” or maintain custody of the alien for a period not to exceed 48 hours beyond the time he/she would have otherwise been released to allow DHS to assume custody. This is a very seamless, risk-free, hold and safe transfer of an alien in accordance with existing federal law.

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 detain or hold an individual for transfer to that agency. The only difference is the vehicle or document used for the hold and transfer. In the case of other federal agencies such as the U.S. Marshall’s, the subject would be held solely on an NCIC wanted hit and confirmation prior to release. Jails hold persons wanted by other state and local law enforcement agencies for up to 30 days when detainers are lodged on fugitive warrants. Other “holds” or detainers which are not judicial warrants signed by judges include body attachments for child support, contempt, and Failure to Appear charges.

In considering fiscal impact of this bill, the cost of cooperation detaining to transfer an individual within a detention facility is much less than the real cost of investigating additional crimes and re-apprehension of the individual. No Marylander in any county or community, including those living in the immigrant communities, should ever be the victim of a crime committed by a criminal illegal alien. With respect to this legislation, no criminal illegal alien that is already in custody should ever be released back into our communities to commit more crimes.

Moreover, with the increasingly violent criminal acts committed by alien transnational gang members such as MS13, this legislation promotes and encourages the infusion of increased violent crime into communities. The populations that are illegally entering the United States are from the most violent countries and cultures in the world. The increasingly violent acts we are seeing almost every day demonstrate they do not leave the violence and brutality behind.

As elected Delegates for the State of Maryland representing your respective jurisdictions, you have an obligation to your constituents to support and pass laws that enhance, not jeopardize public safety. Conversely, I do not believe that as state delegates that it was intended for you to have the authority or the right to pass laws that dictate to a local jurisdiction, an agency, authority, or Sheriff what decisions can be made or agreements entered into that enhance public safety in a particular county.

Your oath requires that you support the Constitution of the United States and to support the Constitution and Laws of Maryland. Protecting Marylanders and providing for the most effective public safety possible is crucial to upholding your oath of office. I cannot over emphasize what a terrible and tragic mistake it would be to pass this legislation and make every county less safe from repeat violent crime. I strongly urge an unfavorable report on HB 388.

Jenkins, Chuck (Sheriff)

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.

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)