

FREDERICK COUNTY SHERIFF'S OFFICE

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

From: Sheriff Charles A. Jenkins, Frederick County

Date: January 30, 2020

Re: **SB 197 and SB 332– Correctional Facilities – Individuals Subject to Immigration
Detainer - Homeland Security Notification**

Position - **Support Both (Preference on SB 332)**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer written and verbal testimony in support of both SB 197 and SB 332. 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 can positively attest without any reservation that cooperation with ICE is a layer of protection in public safety and law enforcement to keep the State of Maryland and local jurisdictions safe from known criminals.

These bills are non-discriminating, non-targeting, and the common sense approach with specific parameters as to when and how a state or county correctional facility is required and able to contact the Department of Homeland Security, prior to the release of an individual that is subject to an immigration detainer. The underlying specific purpose of either bill is to prevent violent offenders from being released back into our communities to re-offend. There is no dispute of fact that this requirement to notify the Department of Homeland Security to take custody of a criminal before release from a facility adds a measure of protection to the residents of a jurisdiction. Public safety requires intergovernmental agency cooperation.

There are numerous benefits to public safety personnel and the general public by transferring custody 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. The ICE immigration detainer remains in place. If custody is not transferred within the detention facility, ICE will actively look for the subject within the community (often times within the immigrant community). That does result in collateral encounters with illegal aliens in the community that 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 rationale behind either bill is clear with the purpose being to enhance public safety by keeping our Maryland communities as safe as possible. In considering fiscal impact, the actual cost of detaining an individual within a detention facility is much less than the true 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 prevents the infusion of increased violent crime.

As elected Senators for the State of Maryland you have an obligation to your constituents to support and pass laws that enhance public safety. Your oath of office requires you to 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 that oath. I cannot over emphasize the importance of this legislation and I appeal to this committee for a favorable report on either or both bills, preferably SB 332.