

JUSTIN READY
Legislative District 5
Carroll County

Judicial Proceedings Committee



James Senate Office Building
11 Bladen Street, Room 414
Annapolis, Maryland 21401
410-841-3683 • 301-858-3683
800-492-7122 Ext. 3683
Fax 410-841-3729 • 301-858-3729
Justin.Ready@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 332 - Correctional Facilities - Individual Subject to Immigration Detainer - Homeland Security Notification

Chairman Smith, Vice Chairman Waldstreicher and members of the Judicial Proceedings Committee, before you today is Senate Bill 332 which seeks to address a major public safety problem that has developed in our state. A number of jurisdictions have declared themselves as “sanctuary counties/cities” as it relates to cooperating with the federal government in enforcing federal immigration laws.

When a county is holding a person who has a “detainer” placed on them by the Federal Department of Homeland Security, or that person is completing a sentence, the customary and common sense practice should be to ensure that deportation of the dangerous individual. Instead counties are doing the opposite, in many cases refusing to notify them or refusing to hold the individual for pickup or let ICE access their facilities.

In May 2019, Prince George’s County admitted it defied an ICE detainer and released an immigrant living in the U.S. illegally who had been accused of attempted murder, only to see the teen implicated in a horrific gang-related killing. Joel Ernesto Escobar had been charged with attempted murder in 2018, but was convicted only of conspiracy to commit robbery. A spokesman for the Prince George’s County sheriff’s department said that crime wasn’t serious enough to make him a priority for the county to turn over for deportation.

After Mr. Escobar was freed, he and two other perpetrators killed a 14-year-old girl who they feared would snitch about a gang robbery¹.

In August 2019 Montgomery County Police arrested Rodrigo A. Castro-Montejo, 25, of Orlando, on Saturday, August 10. They charged him with second-degree rape and second-degree assault. According to ICE, it lodged an immigration detainer against Castro-Montejo two days later, on

¹ <https://www.washingtontimes.com/news/2019/may/22/joel-ernesto-escobar-illegal-immigrant-murder-susp/>

Monday, August 12. Unfortunately, Montgomery County released the suspected rapist from jail on August 13th.²

Montgomery County has made clear it will not hold undocumented immigrants beyond the normal time it takes jailers to process their release. Depending on factors like corrections staffing, inmate population and address verifications, the release process can take one hour or an entire day. And so, it has become a race against the clock to keep these violent offenders off our streets and, for those that are eligible, process them for deportation.

These practices go far beyond simple “sanctuary” policies for undocumented but otherwise law-abiding people. By not holding those with an ICE detainer, by not cooperating with federal authorities, jurisdictions engaging in these policies shield dangerous individuals unlawfully residing in our state.

The two examples I’ve referenced are just two instances – I’ve attached a more comprehensive list to my testimony and encourage you to review it and ask if you think the current practice is safe and acceptable for our neighbors and families.

SB 322 simply requires local authorities to abide by DHS detainers as they would any other federal detainer, alert the DHS 72 hours prior to release, and allows local authorities to hold detainees up to 48 hours after scheduled release.

I respectfully request your support for Senate Bill 332 to keep the public safe and restore some common sense.

² <https://wjla.com/news/local/ice-montgomery-county-undocumented-immigrant-rape>

SB 332 Research/Examples

Six Illegal Immigrants/MS-13 related: <https://cis.org/Arthur/Six-Illegal-Aliens-Charged-Alleged-MS13Related-Killing-Baltimore-County>

- Baltimore County
- July, 2019: the six killed a man who appeared to be in a rival gang before escaping in a car
 - "On August 14, that car was stopped in Mississippi and everyone in the vehicle was taken into custody for reasons not related to the murder of Cuellar."
- These six were not arrested before, but highlights the need to cooperate with federal immigration officers
- ICE:
 - *Most of the MS-13 gang member releases were in Maryland, with five MS-13 members released by Montgomery County and four by Prince George's County. Our research has documented a significant MS-13 problem in Maryland, finding 84 MS-13 members arrested between 2012 and 2018 in Maryland, second only to the gang's birthplace in California.*
 - *"According to ICE statistics provided to the Senate Judiciary Committee, over a nine-month period in FY2017, 142 gang members that ICE was seeking to deport were released by the local law enforcement agency instead of transferred to ICE custody. Two-thirds of the releases occurred in California, which has had a strict sanctuary policy in effect since January 2014. Fifteen of the aliens were members of the MS-13 gang and 127 were members of other gangs."*

Josue Rafael Fuentes-Ponce, 16, and Joel Ernesto Escobar, 17:

<https://www.washingtontimes.com/news/2019/may/23/prince-georges-despicable-sanctuary-loving-leaders/>

- Prince George County:
- May 2019: Two M-S 13 related illegal male immigrants, along with a female, murdered at 14-year old girl.
- ICE:
 - The two males, Josue Rafael Fuentes-Ponce, 16, and Joel Ernesto Escobar, 17, were here illegally and released from custody in Prince George's county a year earlier ('18) after being held on attempted murder charges.
 - Were not notified of their release in 2018 despite having a detainer on file for each

Mauricio Berrera-Navidad, Carlos Palacios-Amaya: <https://wjla.com/news/local/men-rape-minor-md-girl>

- Montgomery County: each raped an 11, now 12-year old girl, on multiple occasions beginning in 2018.
- August, 2019: both arrested for 2nd degree rape
- ICE:
 - Palacios-Amaya was removed from the U.S. in 2014 and re-entered on an unknown date.
 - Barrera-Navidad received a “final order of removal” in 2016.

Mario Granados-Alvarado: <https://wjla.com/news/local/ice-arrests-moco-student-el-salvador-citizen-accused-of-bringing-rifle-to-school-grounds>

- Montgomery County: allegedly broke into a Rockville police car, snagging a shotgun, AR-15 rifle and ammunition from the vehicle's trunk.
- April, 2017 arrested by county police and posted \$2,000 bond
- ICE:
 - Filed a detainer with the County Department of corrections, but released him anyway

Castro-Montejo: <https://wjla.com/news/local/ice-montgomery-county-undocumented-immigrant-rape>

- Montgomery County: Raped female friend after a night of heavy drinking
- August, 2019 arrested and later released by police violating their own policy (must be a serious crime under MD law and a detainer must be in place prior to arrest)
- ICE:
 - Had a detainer on file , yet the county released him anyway
 - Not the first time ICE has blasted Montgomery county for releasing an accused felon with a detainer on file—High School AR-15 case

Kevin Mendoza: <https://wjla.com/news/local/horrid-details-rape-silver-spring-woman>

- Montgomery County/Silver Spring: followed woman to her apartment building, grabbed her from behind, beat her, strangled her, and raped her
- August, 2019 arrested and held without bond, faces one life sentence and an additional 55 years
- ICE:
 - Filed Detainer with Montgomery county, currently being held without bond

Carlos Sorto-Baires and a group of others: <https://wjla.com/news/local/ms-13-members-beat-md-man-with-bat-in-woods>

- Montgomery County/ Silver Spring: accused of kidnapping, first-degree assault and false imprisonment
- August, 2019 he and others kidnapped and beat a man to near death and ordered him to leave the city and never return or face worse punishment. Faces 90 years in prison
- ICE:

- “According to U.S. Immigration and Customs Enforcement, Sorto-Baires is a Salvadoran national who is living in the country illegally. On Thursday, ICE lodged an immigration detainer with Montgomery County authorities”
- Is being held without bond/bail

Josue Gomez-Gonzalez: <https://wjla.com/news/local/in-the-wake-of-protests-another-undocumented-immigrant-accused-of-rape-in-maryland>

- Montgomery County: faces 50 years in prison and charged with two counts of 2nd degree rape
- September 2019, sexually assaulted a female friend in the back of his car after the two drank a bottle of Hennessy and then again at his home
- ICE:
 - Filed a detainer with Montgomery County on sept. 12th after charged with rape. Judge set bail at \$100,000
- “This was not Gomez-Gonzalez's first encounter with the police, according to local ABC affiliate WJLA:

Court records further show Gomez-Gonzalez has received eight traffic citations in Maryland this year alone for infractions like operating a motor vehicle with an expired registration and driver's license, plus failure to safely secure a child under the age of eight.

Each of the appearances for those offenses was in Rockville District Court, which is in MoCo, suggesting that each of the citations (which appear to have arisen from two separate traffic stops) occurred in that county. Had ICE been notified following either of those stops, he likely would have been taken into immigration custody before the alleged assault occurred.”
<https://cis.org/Arthur/Nine-IllegalAlien-Sex-Assaults-Montgomery-County-Md-Sanctuary-Policy-Declared>