

FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS
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CHARLES A. JENKINS
SHERIFF

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CENTRAL BOOKING**

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WORK RELEASE CENTER

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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: February 26, 2020

Re: **SB 850 Correctional Services - Immigration Detention – Prohibition
(Dignity Not Detention Act)**

Position: **Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer both written and verbal testimony in opposition to Senate Bill 850. 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 and the IGSA Housing Program. Intergovernmental cooperation is key to public safety and national security to keep our communities safe. This is a crime and public safety issue.

SB 850 is yet another back door attempt by certain General Assembly members at making the state of Maryland a sanctuary state. This will place the citizens of all 23 counties at risk by forcing the release of known criminal illegal aliens from our county jails, detention centers, and prisons. This bill grossly undermines public safety by eliminating the detention and housing of criminal illegal aliens.

The enforcement of immigration laws is a function of the federal government, however federal law prohibits a state from interfering with federal law enforcement to include immigration enforcement. It is also clear under federal law that local law enforcement may assist the federal government agencies. Detention centers do not exercise “coercive police powers” (as stated in the bill language) over criminal aliens that are arrested for the commission of crimes. Everyone is processed, treated equally, and asked the same questions on intake.

This General Assembly should not intervene in local authority and allow local county jurisdictions to decide separately, if their jails and detention centers choose to cooperate with ICE in the enforcement of immigrations laws. County governments, detention centers, correctional facilities, and Sheriffs, should be the decision makers in regard to honoring ICE detainers, sharing information, and housing criminal illegal aliens. A unit of local government should be allowed to enter freely into an immigration detention agreement, provided that it complies with federal detention standards required for federal detainees.

The phrase “Dignity Not Detention Act” is inserted in this bill title simply to put emotion into the argument over immigration enforcement and detention. Criminal aliens jailed for state and local crimes or held on ICE detainers are not mistreated, devalued, or disrespected. As a matter of fact detention standards for criminal illegal aliens are much higher and more restrictive than those for American citizens being incarcerated. In effect we have already established that in our jails we will treat criminal illegal aliens better than our own citizens, creating a special class of inmate.

This legislation will allow criminal illegal aliens to be released back into our communities without any regard for the safety of the citizens. I can’t over emphasize what a terrible mistake it would be to pass this legislation, which would make every county and every Marylander less safe from repeat violent crime. I strongly urge an unfavorable report on SB 850.