

TO: House Committee on Homeland Security
The Honorable Bennie G. Thompson, Chairman

FROM: Charles A. Jenkins
Sheriff, Frederick County Maryland

SUBJ: Testimony on DHS / ICE 287g Program in Frederick County, Maryland

DATE: March 2, 2009

This memorandum, which includes the testimony I plan to present to your committee, is being forwarded to you in advance as requested in your letter of February 26, 2009, in compliance with Committee rules. In general, this is a synopsis of my testimony.

Introduction – Frederick County Sheriff Charles A. Jenkins

Frederick County, Maryland is located approximately 60 miles northwest of Washington, D.C., with a population of approximately 230,000. Frederick County has a very strong agricultural industry base, also bio-science, and light manufacturing industry. The Frederick County Sheriff's Office is a full-service law enforcement agency with primary law enforcement responsibility outside of the municipalities, also responsible for the operations of the courthouse and adult detention center.

The City of Frederick is currently the second largest city in the state of Maryland. As recent as late 2008, Frederick County has been identified as one of the top five counties in the United States in terms of seeing increases of immigrants moving into the community, a significant number here illegally.

Elected as Sheriff in November 2006, I had researched this program extensively and the reasons for seeking participation were two-fold.

- (1) National security, specifically the identification of individuals encountered through arrests and investigations, which may be a potential terrorist threat inside of our borders.
- (2) The enormous increase in crime throughout the United States, to include this region which can be tied directly to the unchecked flow of illegal immigrants through our southern borders with Mexico.

Federal, state, and local law enforcement agencies across the country know and have attributed much of the increase in violent crime and drug trafficking to the rapid

growth of trans-national gangs and organized crime tied to drug cartels outside of our borders.

General Overview of 287g Program in Frederick County

With executive authority as Sheriff, my agency applied for participation the DHS / ICE 287g Delegation of Authority Program in early 2007. The agreement for participation was signed in late 2007. ICE provided training for 26 Frederick County Sheriff Office personnel, 16 Correctional Officers and 10 sworn law enforcement deputies. The 4 weeks of intensive training was conducted by ICE in February 2008, hosted at the Frederick County Law Enforcement Center.

Frederick County currently participates with both arms of the 287g Program, the detention center program and the law enforcement / task force program. The detention center program was implemented on April 11, 2008, and the law enforcement / task force program was implemented on August 1, 2008.

Through the 287g Program, Frederick County Sheriff's Deputies and Correctional Officers are authorized to act as immigration officers in the enforcement of the United States Immigration Laws, in effect a force multiplier for DHS / ICE. I view this as critical that state/local law enforcement participate with DHS / ICE in accomplishing the overall mission of enforcing the immigration laws in accordance existing federal laws and the removal of criminal illegal aliens.

As a valuable tool to law enforcement in fighting crime, I would urge every law enforcement executive, both Police Chiefs and Sheriff's, to request participation into the program. In Frederick County, everyone arrested by all other local and state agencies, are screened and identified through the detention program, to determine their legal presence or status in the United States.

Persons arrested, charged and convicted for violent and serious crimes, crimes of moral turpitude, and serious driving offenses are not released back onto the streets of our community to commit even more serious crimes, or to cause the horrific crashes and driving events that have victimized our communities.

To dispute the detractors and arguments that many arrestees in driving offense arrests, are eventually identified, detained, and removed through the program, criminal background checks show criminal records of serious and violent crimes. Those identified as being in the U.S illegally are prosecuted locally; serve time on the state / local charges as appropriate, then placed into removal proceedings. The first arrest and detainer filed under the 287g Program was arrested for driving intoxicated, through a school zone, during school hours of operation.

Results of the Program / Statistics of Significant Interest

Since April 11, 2008, the following statistics on arrest reflect the effectiveness and significance of the 287g Program in Frederick County, Maryland:

- Frederick County has lodged detainers on 337 arrestees identified through the program as being in the U.S. illegally, with 309 of those placed into removal proceedings.
- The program has allowed us to identify and place into removal proceedings 9 members of the notoriously violent gangs MS-13 and 18th Street, originally out of El Salvador, now thriving across the U.S. Also, among those arrested and identified were a Nicaraguan military trained sniper and a Salvadorian guerilla fighter trained in knife fighting.
- Some of the most serious offenses in which criminal aliens have been arrested as offenders and identified include: Attempted 2nd Degree Murder, 2nd Degree Rape, Armed Robbery, 1st Degree Assault, Child Abuse, Burglary, and Possessing Counterfeit U.S. Currency.
- Over the past two years, all of the largest (multi-kilo) narcotics investigations and seizures by our Frederick County Narcotics Task Force, for both cocaine and marijuana, have involved the arrests of illegal criminal aliens and the trafficking of those illegal drugs in Frederick County. Several cases have involved drugs being trafficked directly from the southern Border States.

Crime and National Security

It can be strongly argued that national security is at risk by the increased organized street crimes we are seeing in our communities. It is in this light that the argument is made that national security and fighting that crime are one in the same, with the increases of violent crime spilling across our borders, controlled by the corruption and power of the Mexican drug cartels, driven by trans-national and organized street gangs. Human trafficking is yet another element of the organized crime we are seeing.

The bleeding of our borders and the crime associated is in fact terrorism. Terrorists and criminals are able to easily exploit our immigration system because of our vulnerable borders and by utilizing fraudulent identification. They seek to operate and remain in the U.S. under the radar of the Federal government.

The 287g Program in this regard is a strong and effective tool in safeguarding our national security at our borders. It is also recognized that the face of terrorism has changed dramatically across the globe and that it can no longer be identified by just one face, one profile, country of origin, or ethnic group.

This valuable program can be of enormous assistance to local law enforcement in the identification of suspects who may be looking to target soft targets and critical infrastructure on our soil.

Our law enforcement / task force deputies work within the authority of the 287g Program as an extension of their routine law enforcement duties. Those deputies include criminal investigators, narcotics investigators, and patrol deputies, now trained in the investigation and identification of fraudulent documents, now able to identify criminal aliens in the process of investigating street crimes. They have worked under the direct supervision of ICE on a gang surge effort.

Relationship with ICE

The working relationship between ICE and the Frederick County Sheriff's Office has been outstanding from day one. We have worked at the direction of ICE supervisors who trust our well trained personnel to effectively run the program with direct supervision when needed, and constant availability and response to assist and answer questions. This speaks well to the training program.

ICE special agents, supervisors, extending to the director level in both the investigations side and detention programs have worked to assure that this program and our participation have been effective and seamless. I am fortunate to have an ICE Special Agent working in house on a very routine basis.

I would be remiss if I did not acknowledge that at times, DHS / ICE is understaffed and in need of additional manpower.

Recognizing the magnitude of their mission in the 287g Immigration Enforcement Program, I would strongly encourage an expansion of the program and the appropriate increase in field agents and supervisory personnel to support the number of law enforcement agencies who want to participate.

As a Sheriff and as a participant in this program, I would fully support additional manpower and resources for the 287g Program, given that many agencies have shown the value and effectiveness of the program.

Community Education about the Program

In listening and hearing the frustrations and concerns of the citizens of Frederick County, I went forward in seeking this program. From the outset I made the public aware of my intentions to move the agency forward into this program. It was well publicized in the local media, to include local radio, the newspapers, and local television when interested.

In addition, I have attended many organizational and community meetings where this program has been brought up and discussed at length, to explain the facts and value of the program and to dispel rumors and false information. Again, I listened to the citizens of this county in moving forward with participation in this program.

In educating the public the focus has been to make people aware that everyone taken into the detention center is screened, asked the same questions to determine legal status, and are processed in the identical manner.

Dispelling the Negative Criticism of the 287g Program

Overall, public support of and comment about this program has been overwhelmingly positive. It is very clear by way of phone calls, emails, letters, letters to the local paper, and radio call-ins, that the vast majority of the citizens of this county are in favor of this illegal immigration enforcement initiative. Estimates of local public support are as high as 90%.

Many residents of neighboring counties also voice their approval of this effort in Frederick County.

I have received many calls from naturalized citizens and legal immigrants who are offended at those who violate the laws entering this country illegally and have been given a free pass while breaking state and local laws, to remain in this country illegally.

There are detractors that have criticized our involvement in the program, and have made false assertions and claims of discrimination and profiling. CASA de Maryland, the ACLU, and the local chapter of the NAACP has voiced opposition, citing profiling, discrimination, and creating distrust within the local immigrant communities. Those same organizations and detractors also cited the exorbitant costs of the program to the citizens of this county. These claims have been proven to be false.

- There have been absolutely **NO** complaints of profiling or discrimination based on ethnicity since the implementation of the 287g Program.
- The program has **NOT** harmed police / immigrant community relations, and has not created fear or distrust of law enforcement. This is all rhetorical, with no real basis. Any existing fear or distrust of law enforcement is generally cultural based, as most countries where immigrants originate from do have corrupt governments, corrupt and abusive law enforcement, which is all they have been exposed to in their lives. This is simply not true.
- This program has **NOT** been a huge cost to the citizens of Frederick County. The training was hosted at no cost, other than the normal salaries of those FCSO deputies and officers attending. The data base access, computers, hardware, IT

lines, and other tie in and technical expenses were paid for through ICE program funding, not local taxpayer dollars.

- Other program expenses such as travel, medical expenses for detainees, and detention housing expenses are covered by and reimbursement by DHS / ICE through program funding.
- There is **NO** special Immigration Enforcement Unit created in the FCSO as a result of this program. All of our enforcement efforts in the detention program and the law enforcement / task force program are an extension of the current duties of the personnel trained in the program.

Closing Statement

In the almost 10 months since the 287g Program was implemented in Frederick County, the results have clearly shown it to be an overwhelming success. The Frederick County Sheriff's Office has been cited as a model agency in this partnership with DHS / ICE. Clearly, the program has become an effective tool in fighting crime, keeping criminal aliens from being set free on the streets of our communities, and being placed into removal proceedings and returned to their home countries.

Testifying here today, I strongly believe I am representing the Voice of America. The citizens of United States clearly are frustrated with the problems associated with illegal immigration including the crime, national security risks, and the associated economic effects.

Detractors and opponents of the 287g Immigration Enforcement Program will say they want nothing done. With everything currently at stake, doing nothing is **NOT an option**. I would respectfully urge this committee to expand the resources for this program and to encourage law enforcement across the entire United States to participate in this partnership with DHS / ICE.