

FREDERICK COUNTY SHERIFF'S OFFICE

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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 403 – Immigration Enforcement –Public Schools, Hospitals, and
Courthouses – Policies**

Position - Oppose

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer written and verbal testimony in opposition to HB 403. 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 legislation that grossly undermines public safety and places the general public at risk by restricting and prohibiting a law enforcement agency or agent from cooperating or interacting with immigration authorities on specific premises. This places a very dangerous restriction on law enforcement if an action is necessary in an extreme case.

This legislation is totally unnecessary as it is currently NOT the practice of local law enforcement or Immigrations and Customs Enforcement (ICE) to enforce the immigration laws in schools, hospitals, and public courthouses. Most of those facilities already have internal policies in place that have already created safe zones from inquiring into a person's immigration status. It is also a fact that no law enforcement agency in the state of Maryland enters any of

these facilities during the course of their duties for the purpose of immigration enforcement or immigration status inquiry.

Law enforcement is in our schools every day to protect our schools, our courthouses every day for court and a variety of other reasons, and in and out of our hospitals. There are absolutely no actions taken that are remotely related to immigration enforcement or status. ICE does not enter our schools, courthouses, or hospitals for purposes of immigration enforcement or status inquiries.

It would be wholly inappropriate for the Attorney General of Maryland to consult with these public facilities, for the purpose of influencing policies that could under extreme circumstances prevent a law enforcement action from being taken that would impact the immediate safety of the public or national security. The Office of the Attorney General has made it very clear in previous opinions that state and local law enforcement should not be involved with immigration enforcement to any degree, provide any support to, or participate in any level of cooperation with ICE. I also raise the important question as to who the “appropriate stakeholders” would be that are consulted to establish the policy for these facilities.

I will attest that these facilities are currently accessible and safe for all persons, regardless of race, ethnicity, or immigration status. Anyone who would testify otherwise is being disingenuous to the facts and is not being honest with this committee. Further, I will emphasize that law enforcement personnel in the state of Maryland do not perform any functions of immigration enforcement or inquire about immigration status of an individual during the course of their law enforcement duties.

This is overreaching legislation that is intended to prohibit actions that are not occurring and solve a problem that does not currently exist. The possible risks and more dangerous ramifications by passing this law would far outweigh any meaningful benefit of passing this law in an extreme or extraordinary situation. I strongly urge an unfavorable report on HB 403.