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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 25, 2020

Re: **HB 677 Correctional Services - Immigration Detention – Prohibition
(Dignity Not Detention Act)**

Position: **Oppose**

As Sheriff for Frederick County, I respectfully offer both written and verbal testimony in opposition to House Bill 677. Having 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, I can speak to the positive impact of both. Intergovernmental cooperation is key to public safety and national security to keep our communities safe. The 287g Program is a corrections based program only. The program is an effective public safety tool and should not be falsely villainized.

HB 677 is yet another attempt by certain General Assembly members at making the state of Maryland a sanctuary state and with that, a dangerous place to live. 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. This is a crime and public safety issue.

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 a fact that under federal law a local law enforcement agency or detention facility may assist the federal government (DHS/ICE) in its mission. 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. That assertion is blatantly false. Everyone is processed, treated equally, and asked the same questions on intake. There is no profiling or discrimination whatsoever based on race, ethnicity, or country of origin. This bill unlawfully prohibits a local government agency from participating with the federal government, and actually interferes with the enforcement efforts of DHS/ICE.

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 immigration 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. In reality, DHS/ICE is simply looking for cooperation, no formal program involvement is necessary. Forcing local governmental agencies to terminate existing contracts for the detention of immigration related detainees would be detrimental to the public safety of those counties. Currently three counties participate in the 287g Program.

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. They are arrested for crimes and have been determined to be illegally in the United States, which makes them subject to arrest under United States Code.

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 unlawfully released back into our communities without any regard for rule of law or 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 violent crime committed by criminal illegal aliens. I strongly urge an unfavorable report by this committee on HB 677.