



# **SB 151 Prohibiting Sanctuary Cities in Wisconsin**

## **Testimony of Senator Steve Nass**

### **Senate Committee on Labor & Regulatory Reform**

#### **December 17, 2019 • 411 South, State Capitol**

Thank you committee members for allowing me to testify in support of Senate Bill 151. This legislation will protect the public by prohibiting sanctuary cities in Wisconsin.

Earlier this year, Milwaukee County Sheriff Earnell Lucas publicly announced that his department would cease all cooperation with federal immigration officials relating to criminal illegal aliens in the Milwaukee County jail, even those who have committed violent crimes. This includes refusing to honor U.S. Immigration and Customs Enforcement (ICE) detainers to remove serious criminal offenders. “There won’t be any communication with ICE,” Lucas said. That means the largest county in Wisconsin will now be releasing criminal illegal aliens that are serious public safety threats back into our communities to commit more crimes.

In response to the Sheriff’s decision, U.S. Immigration and Customs Enforcement (ICE) issued the following statement:

*“When law enforcement agencies fail to honor immigration detainers and release serious criminal offenders onto the streets, it undermines ICE’s ability to protect public safety and carry out its mission.”*

The City of Madison and Dane County have now gone even further. Madison Mayor Satya Rhodes-Conway has gone from refusing to follow federal law to actively impeding federal immigration officials. In June 2019, she proclaimed that she will stand with the illegal immigrant community and “keep the community informed” if local law enforcement is given advance information by ICE about future immigration enforcement actions in the state.<sup>1</sup> This puts law enforcement personnel and local residents at greater risk of being injured or killed in a violent confrontation with criminal aliens. As a result, ICE has been forced to stop providing advance information to local officials in Madison because of this threat to impede federal law enforcement officers from performing their job.

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<sup>1</sup> <https://www.channel3000.com/news/-we-stand-with-the-immigrant-community-madison-leaders-respond-to-potential-ice-arrests-next-week/1087409132>

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**11th Senate District**

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We have already seen instances where a local government's failure to comply with an ICE detainer has resulted in the death of innocent people.

On July 1, 2015, Kate Steinle, a 32 year old woman from California, was shot and killed while she was walking on a San Francisco pier with her father. The shooter was Jose Inez Garcia Zarate (known at the time by the alias Juan Francisco Lopez-Sanchez), an illegal alien and convicted felon who had been previously deported five times. In March 2015, U.S. Immigration and Customs Enforcement (ICE) had Garcia Zarate in custody after he completed a third prison term, but turned him over to the San Francisco sheriff's office on an outstanding drug charge.

ICE issued a detainer requesting notification prior to Garcia Zarate's release so they could take him into custody again. When the district attorney declined to prosecute Garcia Zarate on the drug charges, San Francisco did not honor the detainer because of their sanctuary city policy, and he was released from jail and set free. Less than four months later Garcia Zarate opened fire on the San Francisco pier, killing Ms. Steinle. This is just one of many examples of innocent Americans that have been harmed by the actions of illegal aliens.

In another terrible case in May 2019, two illegal aliens, Josue Rafael Fuentes-Ponce and Joel Ernesto Escobar, were arrested again and charged with first-degree murder, after being released from custody when a sanctuary jurisdiction in Maryland refused to honor an ICE detainer request in 2018. Upon release, they killed a 14-year-old girl, Ariana Funes-Diaz, and dumped her body in a creek.<sup>2</sup>

Fuentes-Ponce and Ernesto Escobar, both Salvadoran nationals, had been previously arrested in May 2018 for attempted first-degree murder, attempted second-degree murder, participation in gang activity, conspiracy to commit murder, attempted robbery, and other related charges. Both are members of the extremely violent gang MS-13. Despite this violent criminal history, officials in Prince George's County, Maryland, a sanctuary county, refused to honor an ICE detainer. Instead they released these two violent criminal illegal aliens, and enabled them to brutally murder an innocent 14-year-old girl less than a year later.

While many believe these stories only occur in other states, Wisconsin has seen similar crimes committed by illegal aliens. In May 2009, Raul Ponce-Rocha, an illegal alien from Mexico, brutally murdered Wausau high school senior Breanna Schneller.

Illegal alien Jorge Dominguez had at least 4 run-ins with law enforcement for serious crimes, including battery and drug possession, before killing a young mother in Kenosha County in 2010. Dominguez was released back into the community despite federal officials saying a detainer had been issued.

Christine Rathke, a 20-year-old star basketball player from Franklin, Wisconsin was struck and killed in February 2003 on her way home from a basketball team banquet. The driver was Victor Sanchez, an illegal immigrant. Sanchez was reported to police driving recklessly and erratically,

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<sup>2</sup> <https://www.ice.gov/news/releases/ice-seeks-custody-teen-murder-suspects-second-time>

and was charged with homicide by negligent use of a vehicle. He was speeding and driving on the wrong side of the road at the time of the fatal crash.

In 2013, in Marathon County, illegal alien Eduardo Organista-Temich was charged with sexually molesting a 7-year-old girl that he was babysitting.

Sadly, these violent attacks and tragedies could have been prevented if only local authorities had cooperated with federal immigration officials. These are only a small sample of the numerous innocent citizens, sometimes children, who have become victims of crime at the hands of illegal aliens because of the refusal of some local jurisdictions to cooperate with federal immigration officials. There are more than 300 cities, counties, and states across the country that are considered sanctuary governments, according to the Center for Immigration Studies (CIS).

Generally, a sanctuary government is a city, village, town, or county that by ordinance or policy prohibits their employees from cooperating with federal immigration authorities or inquiring into the immigration status of individuals who have been charged with a crime in their local jurisdiction.

SB 151 would prohibit any city, village, town, or county in Wisconsin from enacting or enforcing an ordinance or policy that prohibits the enforcement of a federal or state law relating to illegal aliens or determining whether an individual has satisfactory immigration status. The bill also requires a political subdivision to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement (ICE). The bill is directed specifically at illegal aliens that have committed a crime. It simply requires local municipalities to follow state and federal law.

The bill, as amended by Senate Amendment 1, authorizes the attorney general, district attorney, sheriff, or local resident within a jurisdiction to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if a political subdivision is failing to comply with the law.

If a court finds that the political subdivision has failed to comply with the law, it must notify the Department of Revenue. The Department must reduce the local government's shared revenue payments in the next year by \$500 to \$5,000 (depending on population) for each day of noncompliance. In addition, if the court makes such a finding, the local unit of government is liable for damages to an individual or property caused by an illegal alien.

The penalty is determined by population as follows:

0 – 9,999 population:	\$500 per day
10,000 – 99,999 population:	\$1,000 per day
100,000 – 249,999 population:	\$2,000 per day
250,000 or greater population:	\$5,000 per day

Contrary to claims of opponents, sanctuary cities do not make our communities safer. These politically correct policies actually increase the risk to public safety in order to make a political statement regarding federal immigration laws.

Up to 80 percent of criminal illegal aliens who are released by sanctuary jurisdictions across the United States go on to commit additional crimes and victimize more Americans, according to testimony presented by ICE officials during a United States Senate Judiciary Committee hearing in October 2019.

“When aliens walk out the front of the jail that could have been handed over to Immigration and Customs Enforcement for removal proceedings, they have the opportunity to commit additional crimes,” ICE official Timothy Robbins said. “What we’ve seen, and depending on the report you look at, anywhere from 40 to 80 percent of those who have committed crimes will re-offend.”

“What we’re seeing are crimes that could be preventable, the human cost who are being victimized and hurt by criminal aliens that ICE had the ability to remove from this country,” Robbins said.<sup>3</sup>

According to a recent study by the Center for Immigration Studies (CIS):

- Sanctuary city policies caused the release of more than 8,000 criminal illegal alien offenders sought by ICE over just an eight-month period in 2014.
- 63% of those freed by local sanctuary authorities had prior criminal histories or were labeled a public safety concern at the time of their release.
- 2,984 (37%) had a prior felony conviction or charge.
- 1,909 (23%) had a prior misdemeanor conviction or charge related to violence, assault, sexual abuse, DUI, weapons, or drug distribution or trafficking.
- Nearly 1,900 (23%) of those released were rearrested for another crime within an 8 month period.<sup>4</sup>

During a two-day operation conducted by ICE in January 2017, 16 illegal aliens with previous criminal convictions were arrested in the Milwaukee area. The arrests were made in Milwaukee, Waukesha, Greenfield, New Berlin, Oconomowoc, and Pewaukee. All 16 arrested had been convicted of crimes in the United States. Two were previously deported and two others had outstanding deportation orders. Their convictions included: assault with a deadly weapon,

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<sup>3</sup> United States Senate Judiciary Committee Hearing, October 22, 2019, testimony of Timothy Robbins, ICE Acting Associate Executive Director of Detention and Removal Operations, <https://www.judiciary.senate.gov/meetings/sanctuary-jurisdictions-the-impact-on-public-safety-and-victims>

<sup>4</sup> <http://cis.org/rejecting-detainers-endangering-communities>

receiving stolen property, battery, grand theft (auto), drug possession with intent to distribute, and drunk driving.<sup>5</sup>

In another ICE enforcement operation in Wisconsin and other Midwest states during the week of February 6, 2017, 235 illegal aliens were arrested. Of those arrested, 163 had previous criminal convictions in the United States. The operation was aimed at immigration fugitives, re-entrants, and at-large criminal aliens. It included the states of Wisconsin, Illinois, Indiana, Kentucky, Kansas, and Missouri.<sup>6</sup>

ICE arrested 83 criminal aliens and immigration violators in a 4-day enforcement action in Wisconsin from September 21-24, 2018. More than half, 44, had past serious criminal convictions. Their convictions included: indecent exposure to a minor (an aggravated felony), assault, sexual assault, sexual assault of a child, child abuse, domestic abuse, larceny, receiving stolen property, driving under the influence, identity theft, illegal re-entry after deportation, indecent liberty with a minor, obstructing police, theft, battery, and weapons offenses.<sup>7</sup>

According to U.S. Sentencing Commission data provided to a U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens.<sup>8</sup> Given that illegal aliens are an estimated 3.5 percent of the population<sup>9</sup> that means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

There are an estimated 3 million criminal aliens living in the United States, and nearly 1 million of these illegal aliens have final orders of removal.<sup>10</sup> These individuals should not be able to continue to live in our communities, engaging in further criminal activity and creating more crime victims.

In addition to the threat to public safety, sanctuary city policies are also expensive. The cost to taxpayers to provide education, health care, criminal justice, and other general services to illegal aliens is estimated by the Federation for American Immigration Reform (FAIR) to be \$116 billion per year, according to a 2017 study. That number is arrived at after subtracting the total estimated tax revenue paid by illegal aliens from the total impact of illegal migration. In other words, this cost estimate already factors in the net positive economic impact. Moreover, that amount represents an increase of \$3 billion per year in under 4 years.<sup>11</sup>

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<sup>5</sup> <http://fox6now.com/2017/01/27/ice-milwaukee-arrests-16-during-operation-targeting-criminal-aliens/>

<sup>6</sup> <http://www.tmj4.com/news/national/235-arrested-after-ice-raids-in-wisconsin-and-other-midwest-states>

<sup>7</sup> <https://www.ice.gov/news/releases/ice-arrests-83-criminal-aliens-and-immigration-violators-4-day-wisconsin-enforcement>

<sup>8</sup> United States Sentencing Commission Interactive Sourcebook.

<sup>9</sup> Pew Research Center, "5 facts about illegal immigration in the U.S.," November 3, 2016

<sup>10</sup> The Washington Examiner, "ICE: 950,000 Illegals with 'Removal Orders,'" February 20, 2017

<sup>11</sup> Federation for American Immigration Reform, "The Fiscal Burden of Illegal Immigration," 2017

In Wisconsin, taxpayers spend an estimated \$568 million annually for illegal aliens. These costs include education, healthcare, welfare benefits, law enforcement, and corrections expenditures related to illegal aliens and their families.<sup>12</sup>

Sanctuary policies create a magnet for illegal immigration, especially among those who have committed crimes in the U.S. In fact, Francisco Sanchez admitted that he came to San Francisco because of the city's strong sanctuary city policy. Accommodating those who violate our immigration laws encourages others to follow the same path. It harms prospective legal immigrants by providing little incentive to pursue legal paths to immigration.

These policies also conflict with federal law. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act prohibits state and local governments from preventing public employees from receiving or sharing information on illegal aliens with federal immigration officials.

Under federal law (8 U.S. Code, Section 1373), "A federal, state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."<sup>13</sup>

In April 2017, the U.S. Department of Justice (DOJ) notified Milwaukee County that they were at risk of losing federal grant money as a result of the county's sanctuary policies regarding illegal aliens that have committed crimes. Milwaukee County was also identified in a May 2016 report by the DOJ's Inspector General as having policies that potentially violate federal law (8 U.S. Code, Section 1373).<sup>14</sup> According to an April 21, 2017 Milwaukee Journal-Sentinel report, Milwaukee County could potentially lose more than \$900,000 from the U.S. DOJ Edward Byrne Memorial Justice Assistance Grant Program if they fail to comply with conditions of the grant award.<sup>15</sup>

In addition, Waukesha County Sheriff Eric Severson, who has lobbied on behalf of the Wisconsin Sheriffs & Deputy Sheriffs Association, acknowledged in a September 21, 2017 interview on the Mark Belling Show that his county and others in the state did not always honor all ICE detainer requests. Violation of these federal laws could result in the loss of federal funds for sanctuary city jurisdictions in Wisconsin. Loss of these funds could lead to state and local taxpayers having to fill this gap, as a result of the sanctuary city's failure to comply with federal regulations. This is another reason the state has an interest in ensuring local municipalities are following the law.

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<sup>12</sup> Federation for American Immigration Reform, "The Fiscal Burden of Illegal Immigration," 2017

<sup>13</sup> <http://uscode.house.gov/view.xhtml?path=/prelim@title8&edition=prelim>

<sup>14</sup> <https://www.justice.gov/opa/pr/departament-justice-sends-letter-nine-jurisdictions-requiring-proof-compliance-8-usc-1373>

<sup>15</sup> <http://www.jsonline.com/story/news/local/milwaukee/2017/04/21/us-justice-department-warns-milwaukee-follow-immigration-law/100753656/>

Some opponents of this bill may argue that creating sanctuary cities is designed only to help protect crime victims who are in the country illegally. However, this assertion is false. Law enforcement rarely, if ever, inquire about the immigration status of crime victims or witnesses, and have the discretion to grant immunity to victims and witnesses of crimes. As we've seen in San Francisco, Maryland, Madison, Milwaukee, and elsewhere, many of the sanctuary city policies are so extreme they are actually helping to shield dangerous convicted felons and putting law-abiding citizens in harm's way.

Now, because of the political actions of some municipalities, Wisconsin citizens are also being put at unnecessary risk of becoming victims of crime, repeating the same preventable tragedies we are seeing around the country. This bill is common sense legislation that protects public safety by requiring cooperation with federal law enforcement agencies. It provides protection for all Wisconsin residents, including legal immigrants.

SB 151 is targeted at individuals who are involved in criminal activity and are already in the custody of local law enforcement agencies. It is not directed at law-abiding immigrants in Wisconsin. The bill does not make local law enforcement officers act as immigration enforcement agents and it does not require local law enforcement to go out looking for people who entered the United States illegally.

Immigration policy is made and controlled at the federal level, by our federal officials; not by state and local governments. If changes to current laws on immigration are desired, they must be debated and acted on by Congress and the President. Each local municipality cannot pick and choose which state and federal laws to obey or ignore; otherwise we no longer have a government of laws. This bill simply requires local municipalities to comply with state and federal law.

December 17, 2019

10 A.M

Location: Capital (Madison, WI)

Testimony by Debra L. Guenterberg

SB151

Hello, my name is Debra Guenterberg. My husband Robert and I are residents of WI.

Thank you for the opportunity to testify on not only the public safety problems but also the financial security of WI residents when local governments adopt policies that obstruct immigration enforcement, commonly known as sanctuary cities.

Those that support illegal aliens working here claim that these foreigners do not commit most crimes. Their reasoning is that illegals just want to work here to better their lives and that American citizens commit crimes too. One crime that is seldom ever mentioned is when an illegal uses false documents for employment, especially using a SSN not theirs. Under Title 8 of our immigration law, it is a deportable felony for an illegal alien to use a SSN not theirs, falsely representing themselves as an American citizen. Too often democratic federal and state legislators, non-profit organizations, immigration attorneys, churches, and even our federal agencies like the IRS excuse or protect those illegals that are using a SSN to work here. An even greater problem develops when illegals use SSNs of real citizens not just to work here illegally but to obtain credit.

This is why I am here testifying today. My husband Robert is just one of the millions of American citizens who had their SSN used fraudulently by illegal aliens to commit employment fraud and financial fraud. According to the Tax Inspector General's Office 2017 July 17, 2017 Reference Number 2017-40-042 the number of individuals using no-name match SSNs but ITINS to file was about 1.2 million individuals. In 2011 according to TIGTA report found that claims for the IRS Additional Child Care Credit by illegals escalated sharply from \$924 million in 2005 to \$4.2 billion in 2010. Illegal aliens who live and work here illegally have been looked on as the "victims of racism" or that they actually contribute to our society because they work hard and pay taxes. WHY is it justified to break our immigration laws and employment laws just because illegals work hard and pay taxes?

The two illegals Cornelio Suarez and Enrique Jimerez both lived in sanctuary cities in IL. Law enforcement in Green Lake County would not investigate the fraudulent use of Robert's SSN. They sent us to law enforcement in Dupage and Cook county in IL. Local law enforcement would not help us and in fact just told us that there were just "too many" illegals fraudulently using SSN's and that wasn't a "serious enough crime" to spend their time and resources on.

Without local law enforcement help in WI or IL, we had to do all of the investigation and try to gather enough documents to prove where and how these illegals were fraudulently using Robert's SSN.



If I had not had training as a Bankruptcy and Tax paralegal years ago with a former IRS agent, there would be no way we could have gotten the documents to prove this fraud. At one point the IRS had even claimed that Robert owed over \$62,000 in taxes on underreported income of these illegals. We were exhausted fighting creditors and collection agencies and angry that we could not get credit together, or Robert by himself from different creditors and mortgage lenders. We were just plain tired of paying debts that were not ours.

I spent over 1400 hours getting these illegals credit reports, a Lexis Nexis report, their IL driving records (Cornelio Suarez had a valid IL driver's license with my husband's SSN), copies of their utility bills, and I also obtained these illegals IRS Earnings from the IRS Masterfiles. The IRS had coded these illegals with using an invalid SSN for employment since 1992 and identified it as Roberts.

The IRS contacted us after our story went public and they saw that I had obtained the IRS earning records of these illegals. We did not want to face tax warrants or tax liens on taxes Robert never owned. The IRS told me that I had violated the U.S. Privacy Rights and Tax Code 6103 by obtaining these illegals IRS earning records. We ended up being flown to Washington D.C. in 2008 to speak at an IRS International Identity Forum. You see, the IRS believes that our tax code prevents them from telling you someone is fraudulently using your SSN.

I don't have the time today to share with you the actual documents that we have with us today showing how much damage can be done when sanctuary cities and our own government fails to enforce our immigration laws to protect us citizens. Both Cornelio Suarez and Enrique Jimerez are still living the American Dream in IL at our expense. Since 2007 when we first found out that these two illegals were fraudulently using Robert's SSN, the fraudulent use of American citizens SSN by illegal aliens has more than tripled. When employers in WI fail to use e-verify and knowingly hire illegal aliens, this crime is not victimless. It's just that most victims of the fraudulent use of their SSN by illegals for employment or those who also obtain credit with it, are never prosecuted or if they are, they are not charged with any crime. Our dairy farmers hire illegal aliens. 4 illegals were just arrested in Green Lake County this last week for sex trafficking. The dairy farm they worked on is about 10 miles from where we live.

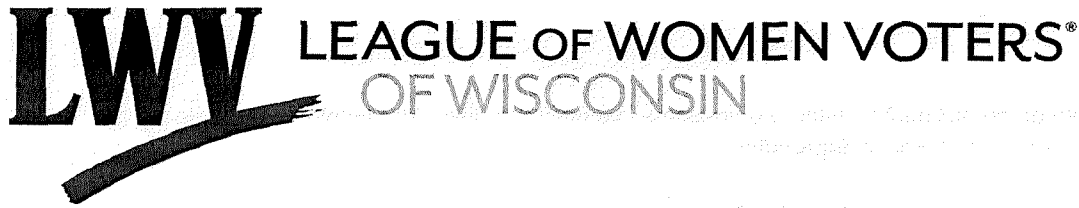
How can anyone justified sanctuary cities and protecting illegals from deportation from ICE, or not charging employers with a felony for hiring illegals? You employers who hire illegals know who you are. Governor Evers wants to give illegals driver's licenses. It's funny because in the 17 states that currently give illegals driver's licenses they allow the illegal to use a W2 as proof of income to apply for one. Isn't this sad? Giving driver's licenses to illegals so they can get a better job when they are not even working here in the first place?

SB151 will stop our cities in WI from protecting illegals who are committing these violent crimes and fraudulently working here using a SSN not theirs.

<https://www.treasury.gov/tigta/auditreports/2017reports/201740042fr.pdf>

[https://www.treasury.gov/tigta/press/press\\_tigta-2011-52.htm](https://www.treasury.gov/tigta/press/press_tigta-2011-52.htm)

<https://www.jsonline.com/in-depth/news/special-reports/dairy-crisis/2019/11/12/wisconsin-dairy-farms-rely-immigrant-workers-undocumented-laborers/2570288001/>



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December 17, 2019

To: Senate Committee on Labor and Regulatory Reform

Re: **Opposition to Senate Bill 151**

Relating to: prohibiting local ordinances, resolutions, and policies that prohibit the enforcement of federal or state law relating to illegal aliens or immigration status, authorizing certain elective officeholders to commence an enforcement action, providing a reduction in shared revenue payments, and creating governmental liability for damages caused by illegal aliens

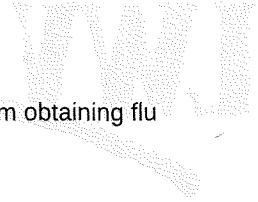
The League of Women Voters of Wisconsin opposes SB 151 based on our long-held positions supporting equality and strong communities. Of the many unambiguous reasons to oppose this bill, three stand out.

1. SB 151 assaults traditional values that permeate caring societies and are the bedrock of our nation's institutions.
2. The bill undermines public safety.
3. It will damage our economy.

**SB 151 is an assault on our shared value of community.** Wisconsin municipalities and counties wisely follow public policies to protect vulnerable members of their communities who have come here to invest in our society with dreams of a secure future for themselves and their families. Their ordinances, resolutions, and policies reflect the warm welcome of President George W. Bush in his 2001 inaugural address: "Americans are united across the generations by grand and enduring ideals. The grandest of these ideals is an unfolding promise that everyone belongs, that everyone deserves a chance, and that no insignificant person was ever born. Our country has never been united by blood or birth or soil. We are bound by principles that move us beyond our backgrounds."

Surely, that "unfolding promise that everyone belongs" has made our country benevolent, increasingly robust, and bound by democratic principles of diversity and inclusion. These are the very values that our local political subdivisions embrace in their ordinances, resolutions, and policies that prevent the fusion of local law enforcement and Immigration and Customs Enforcement (ICE) in detaining undocumented community members. Among us are undocumented Wisconsinites who have forged deep family and community connections. They work hard and pay taxes. Their daily lives--whether as formal citizens or not--are significant. Consequently, they should be treated fairly, so they can remain with their families, their places of worship, and their employers. We urge you not to penalize political subdivisions that are upholding vital American values and principles.

**SB 151 would undermine public safety.** This legislation strains community relationships with local law enforcement and public health agencies. Public trust and safety are undeniably bound together. Examples are rife of how the increased fear of deportation forces many to avoid reporting crimes. Domestic abuse referrals decline, leaving victims at the hands of abusers. Employees in unsafe working conditions are silenced from speaking up by the fear of deportation and fears of deportation prevent people from seeking



medical care, threatening our public health. For instance, we must not dissuade people from obtaining flu shots and vaccinations out of fear of deportation.

We are witnessing an unhealthy spiraling of racial intolerance, even among our children in school. If ours is a nation committed to fairness and equality, then President Bush was right that we are "bound by principles that move us beyond our backgrounds."

**SB 151 would damage our economy.** We currently have an extremely low unemployment rate, and there are many employers -- particularly in farming and food processing, as well as other low-wage industries -- finding it especially difficult to fill vacant positions. Forcibly removing undocumented workers will compel whole families to depart, including those legally present and employed. This will result in lost tax collections, lower social security payments and Medicaid contributions, and major business disruptions.

This legislation is punitive, and it violates a public order built on fairness, safety, and a strong economy. It is an affront to our common moral values, and we urge you to reject SB 151.



# JoCasta Zamarripa

## STATE REPRESENTATIVE

December 17, 2019

### Testimony on Senate Bill 151

Mr. Chair and Committee Members,

I am State Rep. JoCasta Zamarripa and want to thank you for the opportunity to testify before the committee today regarding Senate Bill 151.

Violent crime, no matter the immigration status of the perpetrator, is appalling and should not be tolerated. Combating crime takes a true community effort. Crime victims, their friends, family and neighbors, should be encouraged to contact, and fully cooperate with, law enforcement to help them apprehend suspected criminals. In immigrant communities, honest, hard-working men and women are the very first people who want any criminal element removed from their neighborhoods.

This bill will create a culture of fear for Latinos and immigrants living in Wisconsin. Victims and family members, neighbors and friends who are undocumented will hesitate to report criminal activity or provide witness statements if they believe there is a chance that they may be deported. Even victims who are here legally but have undocumented friends and family could be afraid of putting their loved ones at risk. This is often no small ask. We are talking about people who have likely built lives here, work hard and earn a paycheck, have children who may be citizens in school, and have family back home depending on remittances for survival. When so much is on the line, we need to make sure they feel safe working with police.

If the true goal is to promote cooperation with law enforcement and ask undocumented people to step forward to get dangerous criminals off of our streets, this bill will have the opposite effect. This bill is an overreach by the state over cities, towns and villages who value their relationship between the community and law enforcement.

We should focus on solutions that support law enforcement and build safer communities for all Wisconsinites. This is not that bill.

Thank you.

### 8TH ASSEMBLY DISTRICT



**Susan Tully**  
**Testimony before the Wisconsin Senate Committee on Labor and Regulatory Reform**  
**State House, Room 411 South**  
**December 17, 2019**

Senator Nass, other distinguished Members of the Committee on Labor and Regulatory Reform, thank you for inviting me here today to testify regarding Senate Bill (SB) 151.

If enacted, SB 151 would prohibit jurisdictions from employing dangerous policies that provide a safe-haven, or “sanctuary,” in which illegal aliens can work and live without fear of apprehension by federal immigration authorities. Such policies undoubtedly encourage illegal immigration; everyone is familiar with Kate Steinle’s story, the young woman walking with her father on the San Francisco pier who was gunned down by Juan Francisco Sanchez-Lopez, an illegal alien with seven prior criminal convictions and five previous deportations.

Sanchez-Lopez admitted that he chose to live in San Francisco because he knew he would be protected by its sanctuary policy.<sup>1</sup> His belief couldn’t have been truer—as law enforcement in San Francisco had him in custody just months before Kate Steinle’s death—but refused to turn him over to federal immigration authorities.

Many expect crimes like this to happen in big states like California, with huge illegal alien populations. However, most would be shocked to find out these incidents are not relegated to those states alone. Wisconsin has sheltered its share of criminal aliens. Raul Ponce-Rocha, an illegal alien from Mexico, brutally murdered Wausau high school senior Breanna Schneller in May 2009. In September 2019, in Shawano County, illegal alien Hobil Bravo Perez was charged with six felonies including child enticement, prostitution, child trafficking, and child sexual assault. The four alleged victims were 12-16 years-old. Officers say that Bravo-Perez had at least eight aliases and that he was in possession of two fake US Permanent Resident cards and a fake Social Security card. Just last week, law enforcement officers arrested six illegal aliens from Guatemala (Esler Hugo Rivera, Rolando Corado Gonzalez, Avelino Sarceno-Sarceno, Ember Rivera, Noe Bautista-Martinez, and Evis Amabilio Garcia-Rivera) in a sex-trafficking raid after a juvenile escaped their captivity.

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<sup>1</sup> Breitbart, “Murderer: I chose SF Because it is a ‘Sanctuary City,’” July 6, 2015.

Since the election of President Trump, hundreds of cities and municipalities nationwide, as well as a handful of states have declared themselves “welcoming or sanctuary cities.” These “welcoming or sanctuary cities” claim that they do not interfere with federal law enforcement but simply leave immigration enforcement to them. However, this is simply a matter of semantics as “welcoming or sanctuary cities” impede the enforcement of federal immigration laws and often attempt to block or to bar free communication between state and local officials and federal immigration officials. This is a clear and unambiguous violation of federal law. State and local officials cooperate with the federal law enforcement in every aspect, such as gun control and drug laws, and immigration should not be an exception.

Many who support sanctuary policies rely on the false premise that individuals in the country unlawfully are “law-abiding,” but simply lack “papers” or “documentation.” However, the average adult illegal alien routinely commits multiple crimes just to work. The Social Security Administration and New York Times report that approximately 75 percent of illegal aliens have fraudulently obtained Social Security numbers, which is a felony.<sup>2</sup> Furthermore, many falsify I-9 forms under penalty of perjury. It is improper for a state legislature to look the other way on sanctuary jurisdictions that enable these federal crimes while also ignoring someone living in the state under perhaps a false name and assumed identity. Could this person have a criminal record abroad or be a terrorist in hiding? Nobody knows.

Moreover, the assumption that illegal aliens commit crimes at a lower rate than American citizens is simply not true. FAIR’s recent study of data from the federal government’s State Criminal Alien Assistance Program (SCAAP) found that illegal aliens are more likely to be incarcerated in state prisons and county jails than U.S. citizens and legal immigrants.<sup>3</sup> In fact, this report finds that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants.<sup>4</sup> Additionally, the report found that states with the highest incarceration rates are also the states that boast numerous sanctuary jurisdictions.<sup>5</sup>

Many jurisdictions are bullied into adopting sanctuary policies by open-borders advocates claiming that honoring or complying with immigration detainers would be unconstitutional, primarily as a violation of the Fourth Amendment. Detainers are written requests issued on behalf of the U.S. Department of Homeland Security to another law enforcement agency to hold an individual based on an inquiry into immigration status or an alleged violation of civil immigration law for up to 48 hours. Simply put, detainers constitute a reasonable request for

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<sup>2</sup> The New York Times, “Illegal Aliens Are Bolstering Social Security With Billions”, April 2005

<sup>3</sup> Federation for American Immigration Reform, “SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants,” February 3, 2019.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

state/local assistance in effectuating a civil arrest based on an administrative warrant, which ICE may issue, pursuant to explicit statutory authority.

Neither the U.S. Supreme Court nor the U.S. Court of Appeals for the 7th Circuit, which governs Wisconsin, has ever determined that honoring or complying with detainers is unconstitutional. The only federal appellate court that has ever directly ruled on the constitutionality of detainers, the Fifth Circuit in *El Cenizo v. Texas*<sup>6</sup> last year, held not only that detainers are constitutional, but that Texas in its 2017 anti-sanctuary law, SB 4, could constitutionally require its cities and counties to honor them.

Likewise, sanctuary cities impede the enforcement of federal immigration laws and often attempt to block or to bar free communication between state and local officials and federal immigration officials. State and local officials cooperate with the federal law enforcement in every aspect like gun control and drug laws— immigration should not be an exception.

By blocking free communication and cooperation between state and local officials and federal immigration authorities, sanctuary policies endanger the nation as a whole. For example, days prior to the infamous 9-11 attacks, two of the hijackers, one of whom was one of the pilots, were stopped on separate occasions by police. If their backgrounds and immigration status been checked, their plot might have been uncovered before this tragedy occurred.

According to U.S. Sentencing Commission data provided at a recent U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens.<sup>7</sup> Given that illegal aliens are an estimated 3.5 percent of the population<sup>8</sup> that means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

Furthermore, shielding criminal aliens needlessly endangers innocent lives. There are roughly 3 million criminal aliens are living in the United States, and nearly 1 million of these aliens have final orders of removal.<sup>9</sup> These criminals should not be able to continue to live in communities and engage in further criminal activity.

While the cost of illegal immigration to public safety is incalculable, the fiscal cost of illegal immigration also bears a heavy price tag. Annually, U.S. taxpayers pay roughly \$116 billion in costs associated with illegal immigration. A significant majority of this price tag, \$88.9 billion, is absorbed by state and local governments.<sup>10</sup>

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<sup>6</sup> No. 17-50762 (5th Cir. May 8, 2018).

<sup>7</sup> United States Sentencing Commission Interactive Sourcebook.

<sup>8</sup> Pew Research Center, “5 facts about illegal immigration in the U.S.,” Nov. 3, 2016.

<sup>9</sup> The Washington Examiner, “ICE: 950,000 Illegals With ‘Removal Orders’, Raids Get Just A Sliver, Feb 20, 2017

<sup>10</sup> Federation for American Immigration Reform, “The Fiscal Burden of Illegal Immigration,” 2017.



In Wisconsin, taxpayers spend an estimated \$568,453,120 million each year for illegal aliens and their U.S.-born children.<sup>11</sup> 68.1 million of those expenditures are for Criminal Justice alone. These costs come in the form of educational, healthcare, welfare, and law enforcement expenditures to illegal aliens and their families.

Sanctuary policies contribute significantly to these costs by telling individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue, does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials.

To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. SB 151 provides a step toward that path. Thank you again for inviting me to testify today, and I welcome any questions you may have.

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<sup>11</sup> Ibid.

# ADMINISTRATION OF JUSTICE COSTS STATES \$8.7 BILLION ANNUALLY

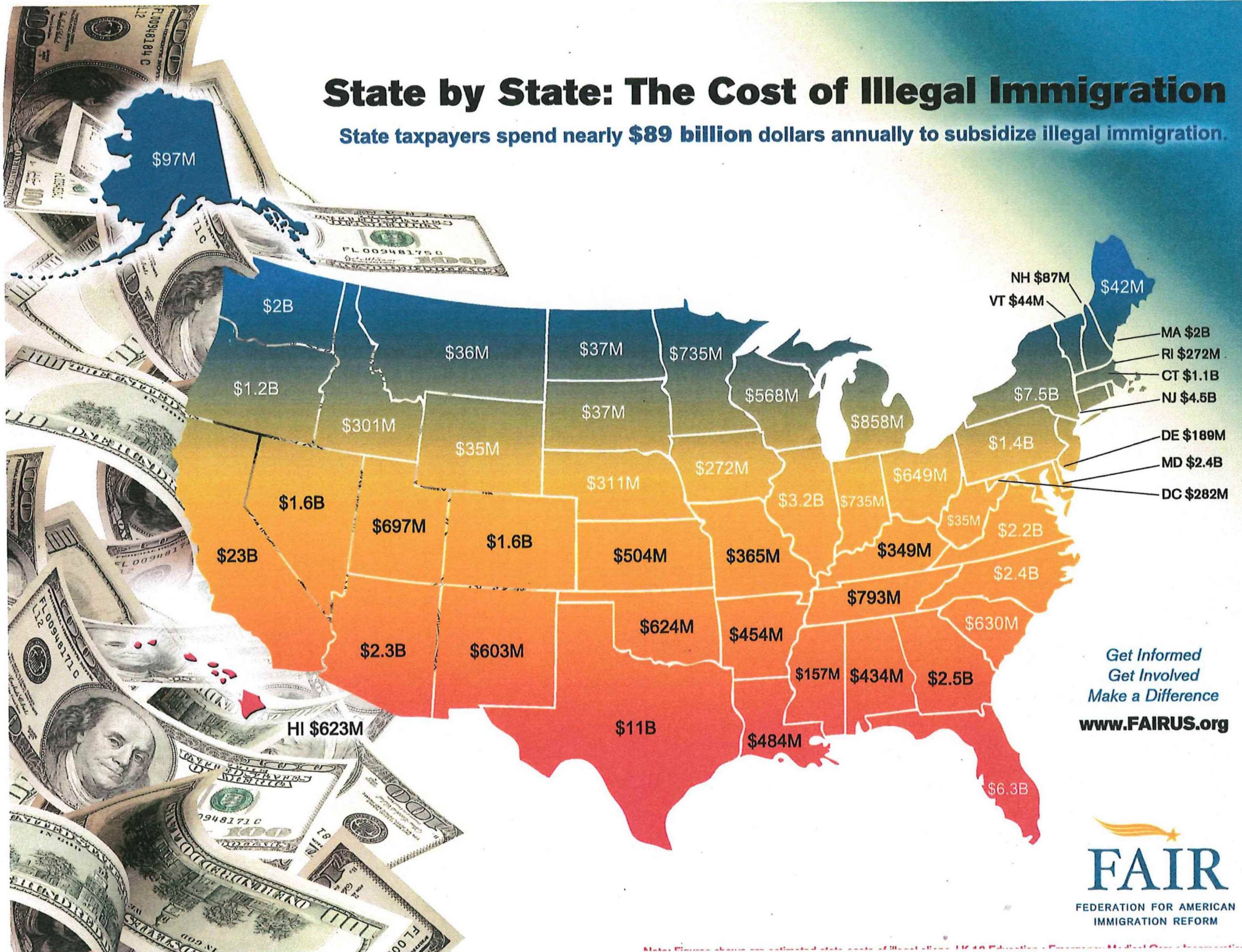


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Figures shown are estimated annual fiscal totals of law enforcement, incarceration and judicial costs incurred by policing illegal immigration.

# State by State: The Cost of Illegal Immigration

State taxpayers spend nearly **\$89 billion** dollars annually to subsidize illegal immigration.



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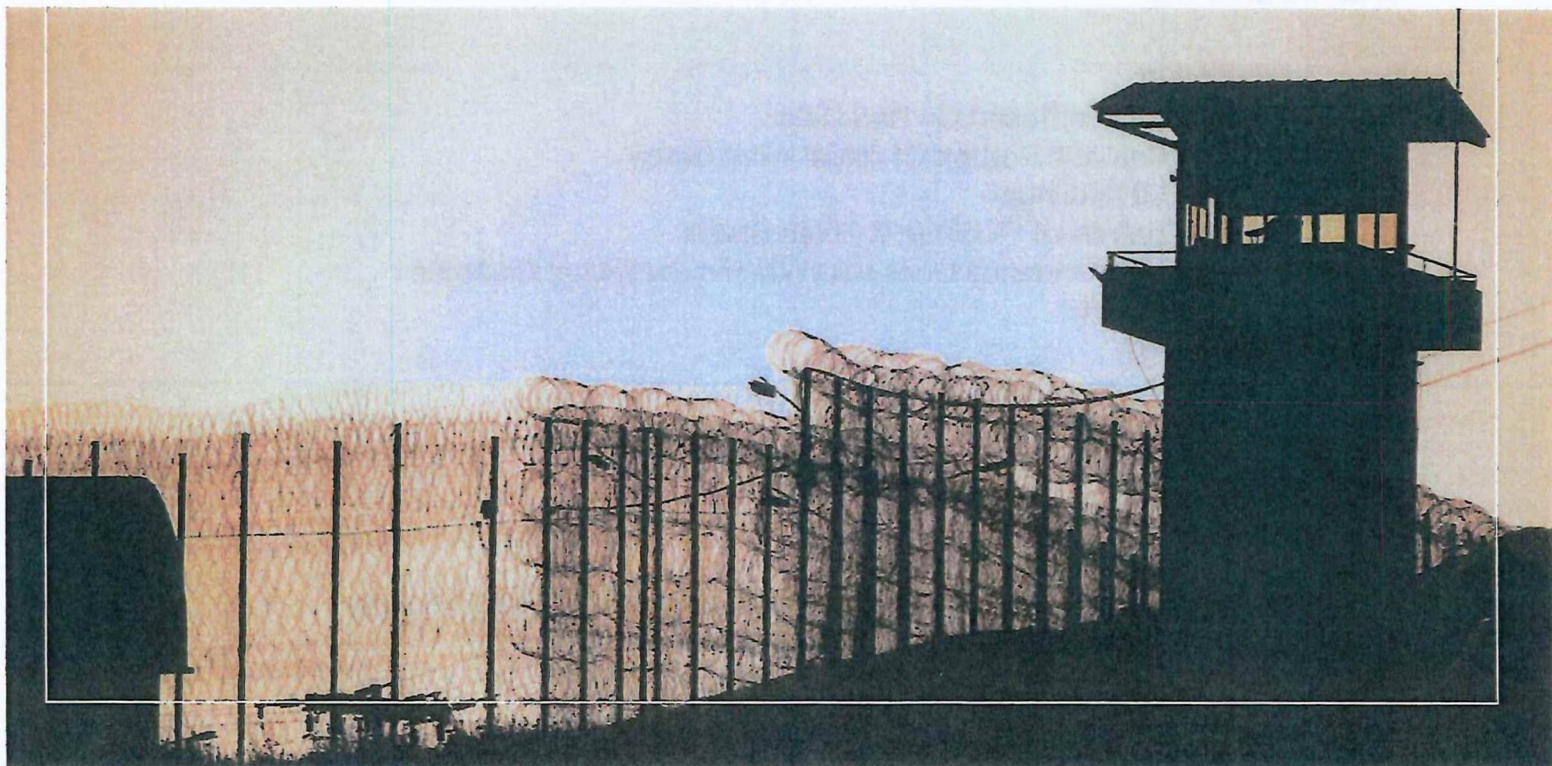
Note: Figures do not include state and federal law enforcement, K-12 education, prison, medical, and other costs.



THE FEDERATION FOR AMERICAN IMMIGRATION REFORM

# SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants

By Matt O'Brien, Spencer Raley and Casey Ryan



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## INTRODUCTION

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The election of Donald Trump as President of the United States has reignited a key debate about American immigration policy. Do illegal aliens commit crimes at a higher rate than native-born U.S. citizens and lawful immigrants? And, if so, how should that influence any proposed changes to our immigration system?

Advocates of open borders are fond of claiming that illegal aliens commit fewer crimes than native-born U.S. citizens. That makes perfect sense, they assert, because illegal aliens do not wish to be brought to the attention of law enforcement and risk deportation from the United States.

**In fact, this report finds that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants.**

In reality, however, this is a weak argument. Since the implementation of the 1965 version of the Immigration and Nationality Act, the enforcement of our immigration laws has been comparatively feeble. And the emergence of the “sanctuary city” movement in the 1980s meant that state and local police in many jurisdictions refused to cooperate with federal immigration authorities. As a result, for many decades, only those illegal aliens with particularly serious criminal convictions had any real fear of deportation.

While the Trump administration has taken unlawful migration seriously, most illegal aliens still have little to fear. The vast majority of recent enforcement efforts have been directed at narrow groups of individuals who fit a specific profile, e.g. gang members, those working without authorization, etc. And, as the protests following President Trump's rescission of the Deferred Action for Childhood Arrivals (DACA) program clearly demonstrate, many illegal aliens feel perfectly comfortable announcing their unlawful status and making demands of the United States government.<sup>1</sup> Hence, their motto, "Undocumented and unafraid!"

Nevertheless, despite evidence to the contrary, open-borders advocates have persisted in their claims that fear of deportation means illegal aliens are inherently pre-disposed to avoiding criminal behavior. (This argument conveniently ignores the fact that improper entry by an alien is, in and of itself, a federal crime). Are these assertions legitimate?

Hard data indicate that they are not. Research conducted by the Federation for American Immigration Reform (FAIR) strongly suggests all claims that illegal aliens commit crimes at a lower rate than native-born U.S. citizens, or lawfully-present immigrants, are a myth. In fact, this report finds that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants.

## A FALSE NARRATIVE, BASED ON BAD DATA

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As noted above, for decades, open-borders proponents have parroted the same narrative: "Illegal aliens commit less crime than native-born citizens." However, this claim typically rests on studies that manipulate data in order to support the fictitious "illegal aliens = less crime" narrative.

Why are the majority of studies of illegal alien criminality so flawed? First, as Peter Kirsanow, of National Review notes, "Illegal-immigrant crime calculations conveniently and invariably steal a base by leaving out the millions of crimes committed by illegal immigrants related to procuring fraudulent social security numbers, obtaining false drivers' licenses, using fraudulent green cards, and improperly accessing public benefits."<sup>2</sup> That error is then compounded when researchers intentionally elect to leave out broad classes of crimes — for example, drug offenses — as the Cato Institute frequently does.<sup>3</sup>

Secondly, most federal, state and local government agencies do not collect data on the rates at which illegal aliens are convicted of crimes. Most likely, this is due to political correctness, and a desire to keep the truth about the number of crimes committed by illegal aliens from

coming to light. Peter Kirsanow is one of the few who has commented openly on this tendency. He states, “Unfortunately, almost every public official not named Jeff Sessions guards against disclosure of illegal-immigrant crime data more tenaciously than disclosure of nuclear launch codes.”<sup>4</sup> Regardless of why this information is not collected, the end result is that there are a limited number of sources for obtaining data on crimes committed by known illegal aliens.

Finally, most researchers tend to ignore the few established sources that provide data on criminal acts by known illegal aliens. They point to all types of alleged, and typically baseless, “flaws” in this data, ranging from “limited sample size” to an inability to determine whether illegal aliens are being counted more than once. In actuality, however, the only real flaw, from the perspective of mainstream research organizations, is that examinations of data on criminal activity by known illegal aliens tend to establish that those who enter the U.S. in violation of our immigration laws also commit other crimes at a higher rate.

This should not be surprising to anyone. The simple fact that illegal aliens violated American immigration laws – and must continuously violate other federal, state and local laws in order to mask their ongoing illegal presence in this country – demonstrates a blatant lack of respect for the rule of law.

# GETTING A REALISTIC PORTRAIT OF ILLEGAL ALIEN CRIME

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## How FAIR Researched This Issue

This report examines the rate at which illegal aliens are incarcerated in state and local correctional facilities after being convicted of a crime. To determine that rate:

- We analyzed incarceration data from the federal government’s State Criminal Alien Assistance Program (SCAAP) and compared it to the public records of state and local prisons.<sup>5</sup>
- Via SCAAP, state entities apply to U.S. Immigration and Customs Enforcement (ICE) to obtain reimbursement for the costs associated with incarcerating illegal aliens.
- Accordingly, the rate at which a state seeks reimbursement provides a good snapshot of the number of illegal aliens in its criminal justice system.



- In order to estimate how many illegal aliens are currently incarcerated in a given state, we relied on data from the most recent SCAAP report published by the Department of Justice's (DOJ) Bureau of Justice Assistance (BJA).<sup>6</sup>
- Our other calculations are based on commonly available state corrections/criminal justice reports and other non-SCAPP federal data.

## The Data We Used

This report focuses on Arizona, California, Florida, Nevada, New Jersey, New Mexico, New York, Oregon, Texas and Washington because:



- The majority of the illegal population in the United States lives within these states.
- Individually, they all have significant, dense illegal alien populations.
- They consistently report to SCAAP, and therefore have the most reliable and complete data.
- The majority of the population in these states lives within a SCAAP-reporting district.
- There is little to suggest that our conclusions would be significantly different were we somehow able to obtain valid data for those jurisdictions that either do not participate in SCAAP or that do not produce enough SCAAP data to reliably estimate their total numbers of incarcerated illegal aliens.

Taken together, these ten reporting states represent a statistically significant sample. Although the calculations in this report are specific to those states, they include 65 percent of the total illegal alien population in the U.S. Therefore, even if the majority of unlawfully-present foreigners in the states not covered were never arrested, the rate at which illegal aliens are incarcerated would not change appreciably.

This report does not cover illegal aliens who have been convicted of federal criminal charges and are serving time in a Federal Bureau of Prisons (BOP) facility. Therefore, it does not include those illegal aliens incarcerated for committing immigration-related crimes such as illegal re-entry, welfare fraud, or identity theft.

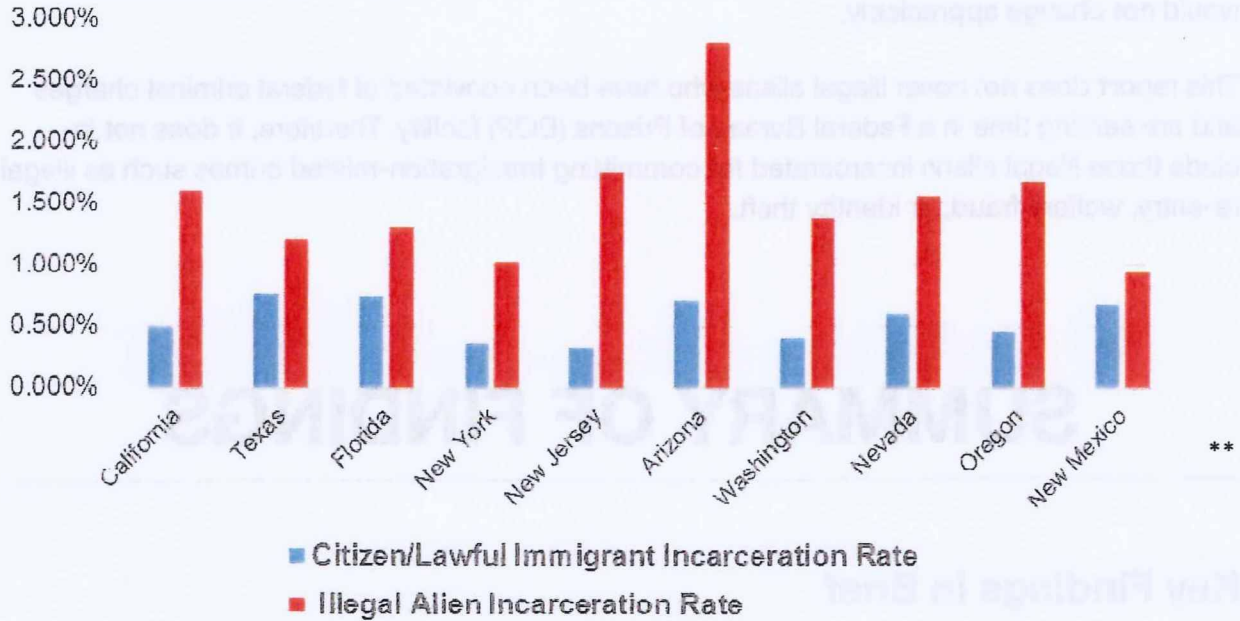
## SUMMARY OF FINDINGS

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### Key Findings in Brief

- FAIR found that in all SCAAP-reporting states along the Southern Border, and in SCAAP-reporting interior states that are preferred destinations for unlawful migrants, illegal aliens are incarcerated at a much higher rate than citizens and lawfully-present aliens.<sup>7</sup>
- SCAAP data indicate that illegal aliens are typically at least three times as likely to be incarcerated than citizens and lawfully-present aliens.
- Since the SCAAP program only includes those illegal aliens who have, at some point, been convicted of a crime, the only reasonable conclusion is that illegal aliens must commit crimes at a higher rate than citizens or lawfully-present aliens in order to be incarcerated at such high rates.
- These findings stand in stark contrast to the narrative pushed by the open-borders lobby that illegal aliens are less likely to commit crimes compared to citizens or lawfully-present aliens

## Incarceration Rates By States Covered In This Report



State	Percentage of Citizens/Lawful Immigrants Incarcerated	Percentage of Illegal Aliens Incarcerated	Percentage More Likely Than Citizens/Lawful Immigrants to be Incarcerated	Total Number of Illegal Aliens Incarcerated	Total Illegal Alien Population
California	0.482%	1.594%	231%	42,188	2,646,000
Texas	0.754%	1.210%	60%	22,477	1,858,000
Florida	0.732%	1.303%	78%	12,475	957,000
New York	0.354%	1.017%	187%	8,877	873,000
New Jersey	0.322%	1.738%	440%	9,783	563,000
Arizona	0.702%	2.815%	301%	10,300	366,000
Washington	0.395%	1.373%	248%	3,866	282,000
Nevada	0.595%	1.552%	161%	3,671	236,000
Oregon	0.454%	1.667%	267%	2,440	146,000
New Mexico	0.667%	0.948%	42%	907	96,000
		*		**	8,023,000**

\*Based on data reported by states to the State Criminal Alien Assistance Program

\*\*As reported by FAIR

# DETAILED ANALYSIS OF FINDINGS IN THREE STATES

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In Arizona, a state where drug trafficking across the long and sparsely-protected border is widespread, nearly 3 percent of all illegal aliens end up finding themselves incarcerated in a state or local facility at some point during the year. In comparison, roughly 0.7 percent of citizens and lawfully-present immigrants in Arizona are incarcerated – meaning illegal aliens are more than 4 times as likely to be incarcerated.

New Jersey is a state with relatively low incarceration rates, but illegal aliens are 5.5 times more likely than U.S. citizens or lawfully-present aliens to be incarcerated.

Even in Texas – a state with an allegedly “lower” number of illegal aliens committing crimes, unlawfully-present aliens remain 60 percent more likely to be incarcerated than citizens and lawfully-present immigrants. The slightly lower incarceration rate compared to other states is likely due to the increased federal law enforcement presence at and near the state’s border with Mexico, as well as a deterrent effect that stems from Texas’ willingness to prosecute illegal aliens and turn them over to federal law enforcement. As discussed in greater detail below, in recent years, the Lone Star State has dealt with more than 273,000 crimes committed by 175,000 illegal aliens.

As noted above, these alarming numbers do not include those illegal aliens currently serving sentences on federal criminal charges, as reported by the Federal Bureau of Prisons (BOP).<sup>8</sup> Offenses committed by illegal aliens that may result in a federal prison sentence include crimes ranging from document fraud to alien smuggling, drug trafficking and murder.

# THE ANECDOTAL EVIDENCE LINES UP WITH THE STATISTICAL EVIDENCE

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Most Americans do not wade into complex statistical data on a regular basis. But anyone who follows the evening news can see that there appears to be an unacceptably large number of illegal aliens committing serious crimes in the United States.

Listed below are several examples of particularly heinous crimes committed by illegal aliens over the past five years:

- In Tennessee, an illegal alien from Guatemala was sentenced to 50 years in prison for molesting a 6-year-old girl. Edwin Velasquez Curuchiche snuck into the girl's home twice in 2015 and recorded himself molesting her in her sleep. Curuchiche was originally apprehended in 2013 for illegally entering the United States. Due to "catch-and-release" policies at the time, he was released and subsequently never appeared for his immigration hearing.<sup>9</sup>
- On July 1, 2015, Jose Ines Garcia Zarate shot and killed Kate Steinle in San Francisco.<sup>10</sup> Zarate had been sentenced to prison on numerous occasions prior to killing Steinle, but San Francisco's "sanctuary city" status allowed him to be released back onto the streets despite ICE requesting that he be held until they could apprehend and ultimately deport him.<sup>11</sup>
- In 2016 in Kansas, an illegal alien from Mexico murdered a mother and kidnapped her 6-day-old baby. Yesenia Sesmas had recently suffered from a miscarriage and faked pregnancy for the following months.<sup>12</sup> Sesmas, who was living in Texas at the time, traveled to Wichita when she found out a friend she previously worked with just had a baby. She shot her friend in the head and kidnapped the child.<sup>13</sup>
- In 2017, several MS-13 members "stabbed [a man] more than 100 times, decapitated him, and then cut out his heart" in Maryland. One of the alleged attackers, Miguel Angel Lopez-Abrego, is an illegal alien who was later caught in North Carolina.<sup>14</sup>
- Yet another despicable act of violence occurred in Maryland as well when MS-13 members savagely beat a 15-year-old girl with a bat 28 times for "not doing a good job as an MS-13 prostitute." Miguel Angel Ayala-Rivera allegedly ordered the beating and also made large sums of money from prostituting other underage girls. Ayala-Rivera is an illegal alien.<sup>15</sup>
- In Iowa in August 2018, an illegal alien from Mexico was charged with killing Mollie Tibbetts. She had gone missing after going for a jog the month prior in a case that also received national attention.<sup>16</sup> Cristhian Bahena Rivera admitted to murdering Tibbetts after stalking her while she was jogging.<sup>17</sup>

The open-borders lobby maintains that sensational cases simply create a mistaken impression that illegal aliens are committing crimes at a higher rate than their lawfully-present peers or U.S. citizens. But the anecdotal evidence appears to line up with the statistical evidence provided by SCAAP.

These vignettes received the most media coverage, but they represent only a small fraction of the thousands of crimes committed by illegal aliens across the United States every year.

In Texas alone between June 2011 and July 2018, more than 175,000 illegal aliens were booked into state and local jails. Within this time period, they were charged with more than 273,000 criminal offenses. These crimes included 505 homicide charges, 30,408 assaults, 5,396 burglaries, 34,555 drug offenses, and 365 kidnapping charges.<sup>18</sup> By simply doing the math based on this data alone, then comparing it with the number of illegal aliens residing in the state of Texas, it becomes clear that illegal aliens are incarcerated at a higher rate than U.S. citizens or lawfully-present aliens.

# SCAAP IN DETAIL

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## Why We Used SCAAP Data for This Study

SCAAP is governed by Section 241(i) of the Immigration and Nationality Act, 8 U.S.C. 1231(i), as amended, and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

SCAAP provides federal cash assistance to states and localities that incurred correctional officer salary costs for incarcerating criminal illegal aliens.<sup>19</sup> The program will reimburse state and local correctional authorities for “Verified Illegal Aliens” — foreign nationals who have been determined by ICE to be in the United States illegally.

Illegal aliens for whom reimbursement is sought must have at least one felony or two misdemeanor convictions. And they must have been incarcerated for at least four consecutive days during the reporting period.

These requirements mean that SCAAP reporting provides the best data currently available on illegal alien rates of incarceration because it furnishes information on individuals who are both convicted criminals and known illegal aliens. As such, more accurate conclusions can be drawn from the analysis of SCAAP data than can be drawn from other available sources of information on illegal aliens and crime. Researchers using SCAAP data need not apply subjective criteria in an effort to make educated guesses about which foreign nationals in a given sample might be illegal aliens. Similarly, researchers examining SCAAP data do not need to rely on notoriously inaccurate self-reported information about an individual’s immigration status.



## Some Minor Limitations Inherent in SCAAP Reporting

Nevertheless, SCAAP data are subject to a few very minor limitations: There is a slim possibility that a small percentage of criminal illegal aliens may be counted twice in the same reporting period. However, this possibility is remote and would not appear to have a significant statistical impact on rates of incarceration in the illegal alien population. Here's why:

- Those who resist the usage of SCAAP reporting as a reliable data-set on illegal aliens and crime often claim that criminal aliens are counted twice or more in a single SCAAP report.
- Even if this was correct (and there is no evidence to suggest it is), that assertion would be nothing other than a convenient red herring, useful for distracting the public from the truth.
- The average illegal alien reported in SCAAP is incarcerated for a mean term of six-and-a-half months. (Note: Figure derived from SCAAP reporting data.)

As such, the math behind the “double-counting” claims simply does not add up: If illegal aliens did, indeed, commit crimes at a rate the same, or lower, than that of citizens and lawfully-present immigrants – and the same criminal aliens were simply being counted multiple times – then each reported offender would have to be incarcerated more than 3 times per year. (In addition, such an overly criminal sub-group of illegal aliens would still skew the overall illegal alien rate of criminality dramatically upward, a point never addressed by those who claim that conclusions based on SCAAP data are simply the result of over-counting errors.)

Our examination of SCAAP data strongly suggests that there is no reason to believe any statistically significant repeat counting of criminal illegal aliens [occurs].

It is possible that two separate agencies (e.g. a county sheriff's office and a state corrections department) in the same state may, on occasion, submit two claims for the same alien in a single reporting period. However, this circumstance would be limited to the very rare situations that involve the following:

- An illegal alien is arrested.
- He/she is found to have SCAAP-qualifying criminal convictions sustained in another jurisdiction.
- The pre-trial detention agency submits a SCAAP claim.



- The illegal alien sustains a new conviction in the jurisdiction where he/she is being detained and is sentenced to time in the state penitentiary.
- The state department of corrections files a post-trial SCAAP claim based on the new conviction.

Our examination of SCAAP data, and related information, strongly suggests that there is no reason to believe this overlap results in any statistically significant repeat counting of criminal illegal aliens. The cycle time from arrest to conviction and incarceration is generally six months or longer, making it highly unlikely that many illegal aliens are counted more than once in a given SCAAP reimbursement cycle. Furthermore, it is statistically impossible that this type of reporting discrepancy could be significant enough to leave open the possibility that illegal aliens are less likely to commit crimes than citizens or lawfully-present immigrants.<sup>20</sup>

## METHODOLOGY

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As previously noted, SCAAP reimbursement is provided only for those illegal aliens who have sustained “at least one felony or two misdemeanor convictions for violations of state or local law,” and who have been “incarcerated for at least 4 consecutive days during the reporting period.” Because the program covers only those illegal aliens who have had more than just a brief brush with the law, we believe that the SCAAP data provide the most accurate snapshot currently available of the rate at which illegal aliens commit crimes.

To determine the total number of citizens and lawfully-present aliens who are incarcerated, we took the overall population of each referenced state and subtracted the estimated total number of illegal alien residents.

We then took the number of incarcerated individuals and subtracted SCAAP-reported illegal aliens from that total. This allowed us to distinguish illegal aliens from citizens and those aliens who are lawfully present in the United States.

We then determined incarceration rates by comparing the total number of illegal aliens in each state to the total reported by SCAAP as incarcerated in that state. Using population data from the Census Bureau<sup>21</sup> and overall prison population data aggregated by the Prison Policy Initiative,<sup>22</sup> we then performed similar calculations to determine incarceration rates for U.S. citizens and lawfully-present aliens.



## CONCLUSION

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When making immigration policy, it is important that we be honest about the facts. In this case, the available facts appear to show that illegal aliens commit crimes at a much higher rate than the rest of the population. But, as noted above, much of the research on illegal aliens and crimes is marked by a deliberate attempt to ignore such data.

Uninformed or ideologically motivated critics may look at SCAAP data and claim that it includes both aliens who have been incarcerated pre-trial and those who have been incarcerated post-trial. Such critics insist that conclusions drawn from SCAAP data will inevitably be inaccurate because some illegal aliens detained pre-trial will inevitably be released prior to the filing of any criminal charges; successfully petition for criminal charges to be dismissed; or be acquitted of the crimes for which they were arrested.

However, participating jurisdictions may only submit SCAAP reimbursement requests for illegal aliens who have already been convicted of either a felony crime or multiple misdemeanor crimes. That means illegal aliens held in pre-trial detention, for whom SCAAP reimbursement is sought, were arrested with a pre-existing criminal history. Accordingly, the assertion that SCAAP data include individuals without criminal convictions is utterly false.

Other critics assert that any claims that illegal aliens commit crimes at a higher rate than lawfully-present immigrants or U.S. citizens are motivated solely by racism inherent in American law enforcement. However, data on conviction rates and plea bargains generally indicate that the correlation between arrest and subsequent conviction in the United States is high. Conviction rates in state jurisdictions vary but are typically over 50 percent. For example, 84 percent in Texas, 82 percent in California and 67 percent in New York.<sup>23</sup> Accordingly, courts appear to be regularly finding that police and prosecutors have sustained their burden in proving that charged illegal aliens have actually committed the crimes of which they are accused. There does not appear to be any indication that illegal alien incarceration rates are being artificially inflated by overly aggressive enforcement activity.

The simple fact of the matter is that an examination of SCAAP reporting that relies on tested methods of statistical analysis clearly demonstrates that:

- In states with significant illegal alien populations, illegal aliens are incarcerated at a much higher rate than citizens and lawfully-present aliens.
- Illegal aliens commit crimes at a higher rate than U.S. citizens and lawfully-present aliens.

Until lawmakers in the United States are able to review accurate, transparent data regarding the rate at which illegal aliens commit criminal offenses, they will, inevitably, continue making bad immigration policy. As a result, too many Americans will continue becoming victims of preventable crimes, and the terrible stories that occupy our news cycles all too often will remain a regular part of daily life in this country. Hopefully, this study represents a step in the right direction, and will encourage legislators, the media and academic researchers to demand better information on illegal aliens and crime.

# ENDNOTES

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4 Peter Kirsanow, "Illegal Immigration and Crime," National Review, January 20, 2018, <https://www.nationalreview.com/corner/crime-illegal-immigration/>.

5 SCAAP is governed by Section 241(i) of the Immigration and Nationality Act, 8 U.S.C. 1231(i), as amended, and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

6 Bureau of Justice Assistance, "State Criminal Alien Assistance Program (SCAAP)," Accessed July 2018, [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=86#horizontalTab1](https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab1).

7 The states for which data were analyzed were chosen because: 1) They are the jurisdictions for which the most complete data are currently available; 2) based on the conclusions drawn in FAIR's 2017 study The Fiscal Burden of Illegal Immigration on United States Taxpayers, these are among the states with the highest illegal alien populations in the United States; 3) many of the other states for which SCAAP data are available have too few illegal aliens, or too few reporting jurisdictions for reliable conclusions to be drawn.

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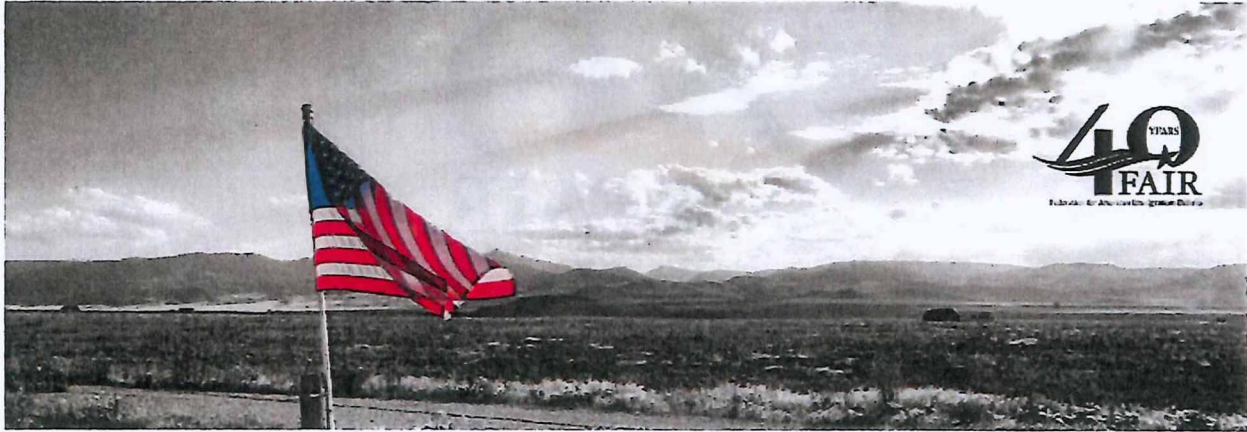
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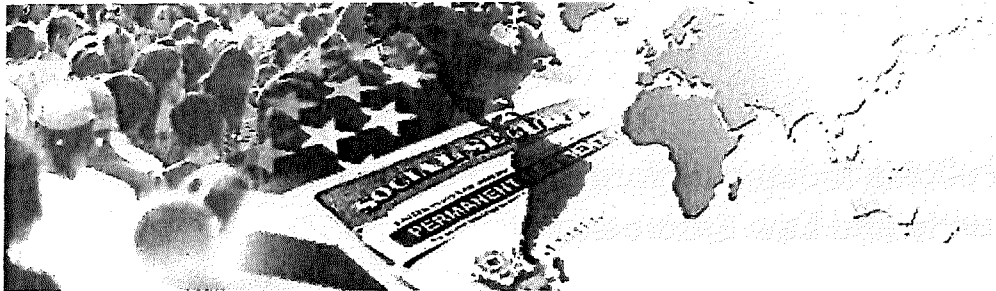
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# The Dangerous Myth: Sanctuary City Policies Encourage Victims And Witnesses To Cooperate With Local Law Enforcement

MARCH 2018

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## Introduction

Since the election of Donald J. Trump as President of the United States, hundreds of cities and municipalities across the country have declared themselves “sanctuary cities.” A sanctuary city is a municipality, or other state/local subdivision, that, by law or policy, prohibits local officials from cooperating with federal immigration authorities.<sup>1</sup> In other words, it’s a case of American cities blatantly violating federal statutes against harboring illegal aliens.<sup>2</sup>

Proponents of these policies claim that they do not interfere with federal law enforcement activities.<sup>3</sup> Rather, they claim, such policies simply leave immigration enforcement to the federal government. But that is semantic hairsplitting. Sanctuary policies are nothing other than a deliberate attempt by state and local entities to impede the enforcement of federal immigration laws.<sup>4</sup>

State and local law enforcement officers are far more likely to encounter criminal aliens during routine job activities than are federal agents.<sup>5</sup> As such, the ability of state and local law enforcement officers and government officials to freely cooperate and communicate with federal immigration authorities is not just important – but essential – to public safety.<sup>6</sup>



## **The Claim: Sanctuary Policies Enhance Information Sharing Between the “Immigrant” Community and Law Enforcement**

The current model of policing management preferred by most law enforcement agencies is called “community policing.”<sup>7</sup> It relies on the notion that police officers should be seen as part of the communities they serve and that they require the cooperation of victims and witnesses to solve crime and convict offenders.<sup>8</sup>

Sanctuary proponents claim that if state and local police officers are seen as “immigration agents,” then illegal aliens, who are the victims of crime, or witnesses to crime, will not come forward to aid police.<sup>9</sup> In effect, they are claiming that good immigration enforcement interferes with the ability of state and local law enforcement agencies to stop child predators, drug dealers, rapists or robbers.<sup>10</sup>

### **Why the Claim is False**

1. There’s no proof. There is simply no documented evidence indicating that any illegal alien has ever been deported solely as a result of reporting a crime or volunteering information to the police.<sup>11</sup> As a practical matter, when police are offered information about a crime, they do not inquire about the immigration status of the person volunteering it; they do not “bite the hand that feeds them.” Moreover, prosecutors have no interest in removing the witnesses they need to successfully obtain convictions against criminals.
2. Like everyone else in the United States, illegal aliens can offer information that may be valuable to police investigations on various anonymous “tip-lines.” Jurisdictions do not need sanctuary policies in order to acquire information this way.<sup>12</sup>
3. Sanctuary policies don’t provide illegal aliens with any permanent form of immigration relief. The administration of our immigration laws falls solely within the jurisdiction of the federal government. State and local authorities cannot provide illegal aliens with any type of immigration status.<sup>13</sup> They can only harbor illegal aliens and help them evade U.S. Immigration and Customs Enforcement – both of which are serious violations of federal law.<sup>14</sup>
4. The federal government administers a number of programs that allow state and local police to seek lawful status for illegal aliens who aid in the prosecution of criminals. Illegal aliens who have valuable information that they do want to share with law enforcement, but who feel nervous about doing so, have no legitimate

concerns about being deported. If illegals provide helpful information to police, they may qualify for a “S,” “T,” “U” or “VAWA” nonimmigrant visa, which, in-turn, would allow them to apply for permanent legal status in the U.S.<sup>15</sup> Where those visas are not appropriate, the federal government may also provide cooperating victims and witnesses with deferred action or parole.<sup>16</sup>

5. Most illegal aliens don't cooperate with police, even in sanctuary cities. The vast majority of illegal aliens come from countries where law enforcement authorities are either corrupt or serve as a tool of state oppression.<sup>17</sup> They don't suddenly begin trusting American police officers because of sanctuary policies.

And gangs – which are inextricably tied to crime in illegal alien neighborhoods – often exact retribution from anyone who is viewed as collaborating with law enforcement.<sup>18</sup> As a result, most illegal aliens have no interest in cooperating with policing authorities at all.<sup>19</sup> In most cases, they will only speak with investigators if they are likely to receive some form of immigration status in return for their testimony.

6. Sanctuary policies diminish trust in the integrity of law enforcement and may actually inhibit information-sharing. Community policing strategies were developed from a study called *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*.<sup>20</sup> The authors found communities that discourage all public safety violations, from low-level offenses such as vandalism to administrative building code violations, are most successful in reducing serious crimes because they promote a culture of compliance with the law.

Conversely, cities that ignore and promote illegal immigration – usually for political gain – erode civic trust in law enforcement. They send a clear message that law enforcement agencies in sanctuary jurisdictions are willing to tolerate a certain level of lawlessness.<sup>21</sup> The result is a chilling effect; fewer residents may be willing to approach police if they believe that officers are only willing to enforce certain laws against certain law-breakers under certain conditions. Uniformly enforcing all laws for all residents of a particular jurisdiction demonstrates integrity and fairness and fosters open dialogue.

7. Sanctuary policies increase criminal activity by illegal aliens. According to the Bureau of Justice Statistics, about 68 percent of released prisoners wind up being arrested for another criminal offense within three years and 76.6 percent end up being re-arrested within five years.<sup>22</sup> Sanctuary policies shield illegal alien criminals

from arrest and removal by ICE when they are released from local jails and state prisons. As a result, illegal alien criminals return to American communities, where they regularly commit new crimes.<sup>23</sup> Many criminal illegal aliens seek out sanctuary jurisdictions because they know living in one significantly reduces the chance that they will be deported if arrested by local police.<sup>24</sup> On the other hand, cooperating with ICE to identify and remove criminal aliens results in their removal from the United States, protecting Americans and lawfully present immigrants from further victimization.

## **How Many Criminal Aliens Are Allowed Back Onto Our Streets by Sanctuary Policies?**

According to ICE estimates, roughly 2.1 million criminal aliens are currently living in the United States, over 1.9 million of whom are subject to deportation.<sup>25</sup> It's tough to determine how many of those criminal aliens have evaded capture by immigration authorities because of sanctuary policies.

Most correctional institutions distinguish only between American-born and foreign-born inmates. The foreign-born category includes illegal aliens, nonimmigrant visa holders, lawful permanent residents and naturalized U.S. citizens. Virtually none of the policing and corrections agencies in the United States keep clear statistics on how many illegal aliens they process each year.

Here's what we do know:

- The San Francisco County Jail houses roughly 15,000 inmates during a typical year.<sup>26</sup>
- According to the Public Policy Institute of California, roughly 17 percent of inmates in the custody of the California Department of Corrections and Rehabilitation (CDCR) are foreign-born.<sup>27</sup>
- Assuming only half of those inmates are aliens (as opposed to naturalized citizens), and that only half of those aliens are unlawfully present, the CDCR illegal alien population would be roughly 4 percent.
- If the San Francisco County Jail population breaks down in a similar fashion that would mean that the County of San Francisco releases approximately 600 illegal alien criminals back into the community each year, without informing ICE.
- The actual number of criminal aliens turned loose is probably much higher.

Consider that, in addition to San Francisco, a number of huge American cities like New York, Chicago and Los Angeles have also declared themselves to be sanctuary cities.<sup>28</sup> That means that state and local governments are actively harboring *thousands* of illegal aliens each year and then releasing them into American communities, without so much as a nod to ICE.

## **Conclusion**

Sanctuary policies don't encourage information sharing between immigrant communities and local police. That's because they don't offer illegal aliens a path to any form of lawful status in exchange for their cooperation. State and local governments have no authority to confer any type of immigration status.

As such sanctuary policies just result in state and local agencies aiding and abetting illegal aliens as they continue to violate our immigration laws. And illegal aliens know this, that's why they flock to sanctuary jurisdictions.

Accordingly, there is no reliable evidence that sanctuary policies have ever encouraged a single illegal alien to cooperate with local law enforcement authorities. But there are numerous examples of law-abiding citizens who have become the victims of illegal alien crimes in sanctuary jurisdictions throughout the United States.

So – apart from buying into the sanctuary myth – what can a city do to foster information sharing and keep communities with large immigrant populations safe?

- Recognize that many immigrants, both legal and illegal, are generally hesitant to provide information to police. This may be the result of experiences in their home country or a desire not to be perceived as a “snitch.”
- Ensure that local policing agencies engage regularly with immigrant communities and consistently demonstrate that American police officers uniformly enforce all laws for all residents of their jurisdictions.
- Educate community members and law enforcement officers so they understand that, in certain circumstances, DHS may provide illegal alien crime witnesses or victims some form of relief from removal with an “S,” “T,” “U” or “VAWV” visa.
- Abolish sanctuary policies and let ICE do its job. If the governments in sanctuary jurisdictions were really concerned about fighting crime, they would cooperate with

ICE to permanently remove illegal alien criminals from their communities. Doing so would ultimately increase the number of resources available to deter crime because every dollar ICE spends removing a criminal alien from the United States is one that local communities don't have to expend on criminal justice costs.

Although the federal government is responsible for regulating immigration, state and local law enforcement play an important role in helping to ensure that immigration law is effectively enforced. Illegal and unconstitutional sanctuary city policies undermine the rule of law and prevent local, state and federal law enforcement agencies from working in conjunction with each other, as they should.

They put law-abiding members of our communities at risk. Kate Steinle was murdered by an illegal alien who was deported five times and had a lengthy felony record. Ms. Steinle is only the most recognizable of hundreds of Americans who have been killed by illegal aliens with extensive criminal records who should have been removed from the United States after their first conviction.

Tolerating illegal immigration and providing a "safe haven" for illegal aliens is unfair to immigrants who respect our nation's laws. In addition to waiting months or years to come here, legal immigrants abide by the entry, employment, health, and processing laws and regulations set by our government. Besides giving future prospective immigrants little incentive to follow the law, sanctuary policies are an affront to those who do it the right way.

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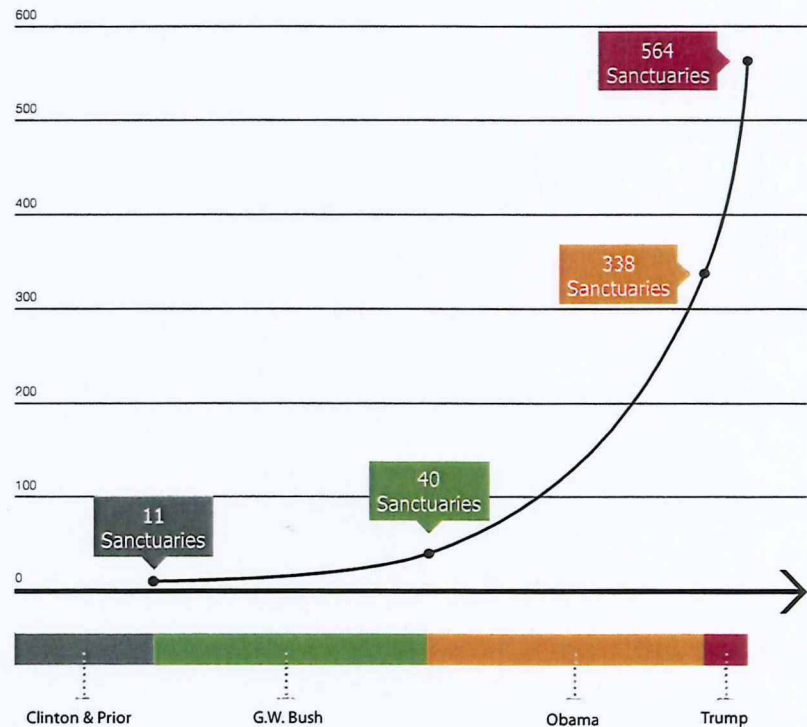
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# The Explosive Growth of Sanctuary Policies in America



## Sanctuary Facts:

1. About half of all Americans now live under sanctuary policies that shield illegal immigrants from law enforcement,” says new Federation for American Immigration Reform (FAIR) report. (*The Washington Times*, May 10, 2018.)
2. There were only 11 sanctuary policies in 2000. Now there are 564, nearly double the number since President Trump took office. (FAIR Report: *Sanctuary Jurisdictions Nearly Double Since President Trump Promised to Enforce Our Immigration Laws*, May 10, 2018.)
3. More than 10,000 of the criminal aliens released under sanctuary policies instead of turned over to Immigration and Customs Enforcement (ICE) for removal have already recommitted crimes against innocent Americans. (Thomas Homan, ICE Deputy Director, August 16, 2017)



## Examples of Serious Crimes Committed by Illegal Aliens:<sup>1</sup>

### Tessa Tranchant

Tessa Tranchant, 16, was killed on March 30, 2007 in Virginia Beach, Virginia. Tessa and her friend, Ali Kunhardt, were sitting at a stoplight when Alfredo Ramos, an illegal alien from Mexico who was intoxicated and speeding, rear-ended their car. Ramos had a history of prior convictions, but due to Virginia Beach's sanctuary policies, he was never detained. He was charged with two counts of involuntary manslaughter and sentenced to 40 years in prison.

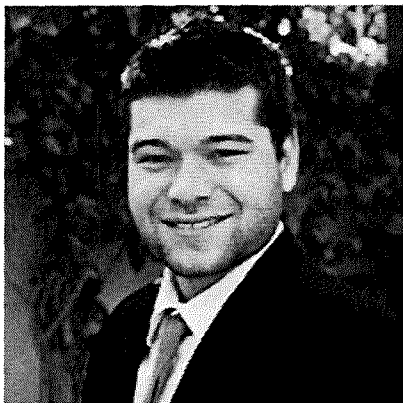
### Sarah Root

Sarah Root, 21, from Omaha, Nebraska was killed on January 31, 2016. Her SUV was rear-ended by Eswin Mejia, an illegal alien from Honduras, who was street racing. Sarah had just graduated from Bellevue University with a 4.0 GPA the day before she passed away. Omaha is in Douglas County, Nebraska which has sanctuary policies that impede local law enforcement's ability to cooperate with ICE officers. Mejia was charged with motor vehicular homicide but posted bond to get out of jail and was released. He is still on the run.

### Shayley Estes

Igor Zubko, an illegal alien from Russia, killed Shayley on July 24, 2015 in Phoenix, Arizona. Shayley obtained an order of protection against Zubko just 10 days before her murder, but he entered her home and fatally shot her. Zubko entered the U.S. legally, but overstayed his visa and remained in the U.S. illegally. He is in police custody and faces first-degree murder charges.

### Drew Rosenberg, 25



Roberto Galo, an unlicensed driver from Honduras who entered the U.S. illegally but earned temporary protective status (TPS), killed Drew Rosenberg, a second-year law student, on November 16, 2010 in San Francisco, California. Rosenberg was riding his motorcycle when Galo ran over him three times with his car. Galo was convicted of vehicular manslaughter and sentenced to 6 months in jail. USCIS refused to deport him and he was released after serving only 43 days. Thanks to the Rosenberg family's activism, Galo was finally deported on April 4, 2013.

***"The number one responsibility of the federal government is to protect the citizenry. We have been betrayed by successive administrations who have allowed campaign contributions and votes to supersede that responsibility with the result being the deaths of tens of thousands of our loved ones."***

- Don Rosenberg, Drew's father

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<sup>1</sup> <http://www.fairus.org/issue/examples-of-serious-crimes-of-illegal-aliens>

**Grant Ronnebeck, 21**



Apolinar Altamirano, an illegal alien from Mexico, murdered Grant Ronnebeck on January 22, 2015 in Mesa, Arizona. Ronnebeck was shot over a pack of cigarettes while he was working his shift at a convenience store. Altamirano was out on bond from a previous conviction while ICE determined whether he should be deported when he killed Ronnebeck.

- October 2019** — Antonio Ulises Perez, an illegal alien from El Salvador, was arrested in Oklahoma on September 30 for alleged first-degree rape. The Oklahoma County Sheriff's Office did not honor ICE's request to take custody of the alleged illegal alien rapist and released him on October 2. Deportation officers managed to track down and rearrest the rapist on the same day, after he returned to the home of his victim. ICE issued a statement strongly condemning the actions of the sheriff's office and the county's routine failure to honor ICE detainees. (FOX News, October 10, 2019; ICE.gov, October 10, 2019)
- October 2019** — Ronald Mendez-Sosa, Brenda Argueta, Ervin Arrue-Figueroa, and Francisco Ramirez-Pena – all illegal alien MS-13 gang members – pleaded guilty in early October to killing two people in Maryland. In June of 2017, the gang members lured Jennifer Rivera-Lopez to a park, where they killed her with knives and machetes. They decapitated her and then buried her head in a grave. Mendez-Sosa also pleaded guilty to participating in the murder of teenager Neri Giovanni Bonilla-Palacios, also killed around the same time. Court papers said that he too had been brutalized before being killed. (FOX News, October 7, 2019; Capital Gazette, October 7, 2019)
- October 2019** — St. Mary Parish Sheriff's Office in Louisiana arrested Martin Humberto Montes Dimas for first degree rape of a girl under the age of 13. Chief Gregory K. Bovino of the U.S. Border Patrol in New Orleans commented that he "cannot stress enough that what happens on the border will ultimately affect communities across the entire country. The alleged rape of a child is heartbreaking, but it's all the worse when committed by an illegal alien, with a significant criminal history, who should never have been here in the first place." (KATC 3, October 8, 2019; StMaryNow.com, October 9, 2019)
- October 2019** — Illegal alien Carlampio Lopez was sentenced to 22 years in prison on two counts of child molestation in Posey County, Indiana. Lopez admitted to molesting two children, both under the age of 14, around June of 2018. According to police records, the illegal alien was living with the two girls and their mother. The children told a relative about the abuse. After being confronted about the allegations, Lopez escaped to Alabama, where he was ultimately caught. He will be deported to Mexico upon completing his sentence. (NBC 14 News, October 10, 2019; Tristatehomepage.com, October 10, 2019)
- October 2019** — Ernesto Esquivel-Garcia, an illegal alien from Mexico, was sentenced to life in prison on October 11, 2019, for the June 2018 murder of Jared Vargas with whom he worked in a restaurant in San Antonio, Texas. After killing Vargas, who was only 20, Esquivel-Garcia stuffed his body into a closet for two days, and then doused it with gasoline and burned it inside an apartment. He reportedly revealed his intention to escape to Mexico after the murder. According to reports, he initially came to the attention of ICE when he was arrested in 2017 for drunken driving and criminal mischief charges in San Antonio. He would plead down and received deferred adjudication with 12 months' probation. "These," according to CIS, "prompted deportation proceedings; ICE took him into custody the next month, in April 2017. But he made the low bond he was given and got out while the immigration case sat ... and sat. More than a year would pass before a federal immigration judge would even look at the case against the trouble-making Esquivel-Garcia. Finally, on May 21, 2018, just weeks before Vargas was murdered, the immigration judge ruled, and granted Esquivel-Garcia the chance to voluntarily leave by July 20, 2018." The case of Esquivel-Garcia is therefore yet another case of criminal illegal aliens being repeatedly released to commit new crimes. (FOX San Antonio, October 11, 2019; Center for Immigration Studies, October 15, 2019)

- October 2019** — In Catawba County, North Carolina, Gonzalo Salinas-Cisneros is facing two counts of murder after Brandi Rodriguez (43) and her son Jessie Rodriguez (24) were found dead in their home on the evening of October 13, 2019, after reports of a shooting. According to investigators, a witness stated that the suspect and the victims had been smoking meth together shortly before the murder. Salinas-Cisneros has been living in the U.S. illegally since the age of six months, and ICE issued a detainer for his arrest. (WSOCTV, October 17, 2019; FOX 46 Charlotte, October 19, 2019)
- October 2019** — California investigators announced the September arrest of Juan Martinez Lopes, an illegal alien from Mexico, for the rape of a 16-year-old girl in March 2002. According to Sgt. Juan Valencia of the Sonoma County Sheriff's Office, Lopes was accused of raping his teenage victim in a field in Santa Rosa as she walked down the street around 1:30 AM, and raping her again when he caught her after she broke free and tried to run away. The victim eventually managed to get away and call for help. The illegal alien subsequently escaped to his native Mexico, but apparently once again illegally reentered the U.S. He was picked up last month for public intoxication in Madera County, California. (FOX News, October 14, 2019; FOX 26, October 14, 2019)
- October 2019** — Illegal alien Guillermo Antonio Bethancourth — a resident of Louisiana — was arrested in October on 117 counts of possession of pornography involving juveniles under the age of 13, 50 counts of production of pornography involving juveniles under the age of 13, and 50 counts of video voyeurism. Louisiana Attorney General Jeff Landry cited this and other arrests as proof that illegal immigration impacts not only "border states." Landry's statement also emphasized that "too many Louisiana families have been victimized by criminals who should never have been in our country," and that "Congress must join the President and secure our Southern border in name only." (Louisiana Department of Justice, October 2019; WGNO ABC, October 11, 2019)
- September 2019** — Lorenzo Bernabe-Lucas, a 29-year old Guatemalan national, was arrested on September 3, 2019, for allegedly raping a 12-year-old girl between May and July of 2017. The girl gave birth in March 2018 and the police identified Bernabe-Lucas as the father through a DNA test. If convicted of the felony charge of first-degree sexual assault of a child under 13, he could be facing a maximum sentence of 60 years in prison. (Journaltimes.com, September 4, 2019; Conservative Review, September 9, 2019)
- September 2019** — On September 5, 2019, ICE officers attempted to arrest Jose Fernando Andrade-Sanchez, a previously deported Mexican national outside a Food Lion grocery store outside of Nashville, Tennessee. After trying to run down the immigration officers, he was shot and later turned himself in to ICE. Andrade-Sanchez pleaded guilty to domestic assault in 2013 and had a child abuse charge retired. (Immigrationreform.com, September 19, 2019)
- September 2019** — Josue Gomez-Gonzalez — an illegal alien from El Salvador — sexually assaulted a female friend on several occasions, on September 10, 2019, acts for which he has been charged with two counts of second-degree rape. If convicted, he faces up to 50 years in prison. The sexual assault occurred in Montgomery County, Maryland, a sanctuary jurisdiction. Montgomery County District Court Judge Sherri Koch granted the accused rapist a \$100,000 bond. Should he manage to post bond, Montgomery County Executive Marc Elrich (D) has instructed jailers to alert ICE, but not delay the illegal alien's release in any way. (FOX5, September 17, 2019; WJLA, September 18, 2019)

- September 2019** — On September 10, Carlos Orlando Iraheta-Vega, an illegal alien from El Salvador, and another man lured high school student Juan Carlos Con Guzman to a fight, but their real intent was to torture and kill him. The men, both MS-13 gang members, hit the victim with a baseball bat and repeatedly struck him with a machete and dismembered him. Bail for the pair was set at \$3 million due to the “brutality” of the crime. (The Seattle Times, October 11, 2019)
- September 2019** — On September 14, 2019, a man was stabbed in the back in front of his son at a light rail station in downtown Seattle, Washington (luckily, the victim survived the attack). Nery Jovani Acevedo-Sanchez (aka Jesus Sanchez), an illegal alien from Mexico with an extensive criminal history, was charged with the stabbing. Among his crimes are: driving without a license, domestic violence, violating an order of protection, theft, and assault. Initially, as a result of the Obama administration’s new enforcement priorities policy, he was put into the “Alternative to Immigration Detention” (ATD) program, from which he disappeared. Upon committing further crimes, he was also released multiple times from the custody of King County with the last time being in late April 2019 when the local jail ignored an ICE detainer. Rather than facing deportation, Acevedo-Sanchez was free to reoffend yet again. (KIRO Radio, October 2, 2019; Conservative Review, October 3, 2019)
- September 2019** — Oscar Orlando Paz, an illegal alien from Honduras, was arrested for sexually assaulting two children who had been left home alone in Texas in January 2017. The authorities were able to track down Paz because of the DNA police obtained from the children’s private parts, and subsequently cancelled his deportation proceedings and extradited him back to San Antonio. (News4SA, September 20, 2019; MySA.com, September 21, 2019)
- September 2019** — In mid-September, Eleazar Cholula-Garcia seriously injured a woman when his car hit her as she was walking near Route 9 in Lacey, New Jersey. At the time, Cholula-Garcia was drunk, on his cellphone, with no license, and fled the scene of the crash. Due to his illegal alien status, an immigration detainer has been placed on him. (Bailbondsearch.com, September 14, 2019; NJ.com, September 16, 2019)
- September 2019** — On September 19, 2019, Antonio Ical-Quip – a 36-year-old illegal alien – beat a 16-year-old girl he had impregnated unconscious during an argument in Livingston Parish, Louisiana. He was charged with domestic abuse battery and felony carnal knowledge of a juvenile. According to the U.S. Border Patrol, Ical-Quip entered the country in April 2018 as part of a family unit, which included a child. He was subsequently released, and failed to show up for any immigration hearings. (FOX8, September 23, 2019; Breitbart News, September 29, 2019)
- September 2019** — Pablo Pineda was sentenced to 4 years in prison and 5 years of post-release supervision for molesting two underage boys in New York City. Between July 2017 and April 2018, he repeatedly molested a boy on the soccer team he was coaching. He also molested a teenage relative between May and June 2018. Pineda had previously been convicted of sexually abusing a child in Texas in 2005, and was deported in 2009, but reentered the U.S. illegally at an unknown time. (Brooklynda.org, September 25, 2019; New York Post, September 25, 2019)
- September 2019** — Maria Antonia Zavaleta-Perez, a Mexican national, was arrested in late September in South Carolina on charges related to her running a sex trafficking scheme. Know by her nickname “La China,” Zavaleta-Perez was transporting sex trafficking victims across state lines from multiple East Coast states and cities, including Atlanta, Charlotte,

Virginia, Florida, Maryland, and New York. Zavaleta-Perez faces the charge of federal illegal entry. (Winston Salem Journal, September 27, 2019; Breitbart News, September 29, 2019)

- **September 2019** — On September 30, 2019, King County (Washington) Sheriff's Office arrested Carlos Daniel Carillo-Lopez, an illegal alien from Guatemala, for the gang-related murder of teenager Josue Flores in early April of 2019. Carillo-Lopez entered the U.S. in 2015 as an unaccompanied child. He was eventually placed with a sponsor in Texas, but ran away from that home. As an ICE spokesperson emphasized: "As Carillo-Lopez's crimes increased in severity, local officials chose to release him, time and time again, over immigration detainers that could have taken him off the streets." (The Washington Times, October 9, 2019; Daily Caller, October 10, 2019)
- **September 2019** — In North Carolina, Robson Gustavo Morales Santos – an illegal alien from Guatemala – was sentenced on September 30 to eight years in prison on child pornography charges. According to the Department of Justice, he uploaded and stored child pornography to a cloud application. Santos possessed more than 600 videos depicting the sexual abuse of children, including some pre-teens and even infants. (Justice.gov, October 1, 2019)
- **September 2019** — Illegal alien Guadalupe Lopez-Herrera was charged by authorities in Merced County, California with various charges, including stalking, burglary, carjacking, assault with a semiautomatic firearm, and attempted murder of a peace officer. On September 1, Lopez-Herrera beat his wife with a pistol and fired off several shots with his children in the house. He fled the scene and, on September 3, shot at and hit Sgt. Clint Landrum in his bullet-proof vest and leg. Two subsequent pursuits, including one which reached speeds of 120 MPH, took place before his arrest.

Court documents show the illegal alien was arrested in January on charges of domestic abuse and threatening to kill his wife. He was already on probation for assault with a deadly weapon at the time. He was sentenced to 45 days in jail and 3 years of probation. The fact that he was free to commit further crimes, says Merced Sheriff Vernon Warnke, is a result of California's sanctuary policies. "We had him in our custody in January of this year. And because of the folks in Sacramento limiting our ability to cooperate with ICE, we could not turn him over." (Fox News, September 6, 2019; ABC30, September 10, 2019)

- **September 2019** — Alvaro Gutierrez Garcia was driving drunk when he hit an ambulance in Glen Cove, New York, a crash which resulted in the death of 85-year-old retired NYPD officer Denis Motherway. ICE spokeswoman Rachael Yong Yow told the Conservative Review that the agency has lodged a detainer against the Salvadoran national. (Conservative Review, September 6, 2019)
- **August 2019** — In early August 2019, Miguel Ramirez Valiente drove his truck into Sean Buchanan's motorcycle, killing the father of five along a highway outside of Colorado Springs, Colorado. Ramirez Valiente, a native of El Salvador, has been in the country illegally since 2005 and has several prior arrests, including driving with a suspended license due to a 2018 DUI. He also was charged with reckless endangerment in 2011 and domestic violence in 2016, but a district attorney dismissed both charges and he never faced deportation. Ramirez Valiente sought sanctuary in a Colorado Springs church – All Souls Unitarian Universalist Church in Colorado Springs in January of this year – prior to being involved in the fatal crash. (The Pluralist, August 9, 2019; KOAA News 5, August 11, 2019)

- August 2019** — Police in Montgomery County, Maryland, arrested Mauricio Barrera-Navidad and Carlos Palacios-Amaya in August on charges of second-degree rape involving a 12-year-old victim. According to the victim, Barrera-Navidad raped her in July 2018, while Palacios-Amaya allegedly raped her on multiple occasions over the course of several months. The illegal aliens are both in their twenties and friends with the victim's brother. ICE confirmed that both are El Salvadoran nationals. Barrera-Navidad was issued a final removal order in December 2016; Palacios-Amaya was deported in 2014. (WJLA, August 13, 2019)
- August 2019** — Salvadoran national Nelson Saul Reyes-Medrano was charged with first-degree rape, sex abuse of a minor, and first-degree assault for crimes that allegedly took place in late August 2018. While living in the same apartment as his victim, the illegal alien crawled into the bed of a teenage girl and brutally raped her at knife-point. ICE has subsequently lodged a detainer on him. (Fox News, August 27, 2019)
- August 2019** — On August 16, 2019, Honduran national Kevin Mendoza attacked, strangled, and raped a woman in Montgomery County, Maryland and was subsequently charged with first-degree rape, attempted second-degree murder, and first-degree assault. ICE lodged a detainer on Mendoza following his arrest. (WJLA, August 20, 2019)
- August 2019** — Nestor Lopez-Guzman, an El Salvadoran national, was charged in Montgomery County, Maryland, with two counts of sexual abuse of a minor. He is accused of making multiple, repeated attempts to touch and sexually molest a 12-year-old girl. He also allegedly touched the victim's younger brother. Arrested on August 18, he was taken into custody by Baltimore ICE officers on August 20, but was released a day later after posting bond. (WTOP, August 29, 2019)
- August 2019** — Oluwakayode Adewole Adebusuyi, a Nigerian living illegally in Fairfax, Virginia, allegedly raped a female rideshare passenger in Montgomery County, Maryland on August 24. The Nigerian was arrested a week later and charged with rape, assault, and false imprisonment. (FOX5, September 10, 2019)
- August 2019** — On the afternoon of August 25, 2019, illegal alien Jose Jesus Navarrette attempted to kidnap a young girl from her grandmother's arms outside a Goodwill store in Greenville County, South Carolina. ICE has a detainer lodged against Navarrette, who remains detained with no bond. (FOX Carolina, August 29, 2019)
- August 2019** — Alejandro Alcala-Ayala, aka Hermelindo Lorenzo Guapillo-Chavaria, was arrested on August 28, 2019, in Sedalia, Missouri on 16 charges, including 10 counts of first-degree child molestation, two counts of statutory sodomy, and one count each of first-degree statutory sodomy. Alcala-Ayala is an illegal alien and ICE has placed a detainer on him. (KSIS, September 1, 2019)
- July 2019** — Authorities have arrested seven individuals for the murder of Daniel Alejandro Alvarado Cuellar on July 31, 2019, in Towson, Maryland (Baltimore County). According to ICE, 6 of the 7 criminals are MS-13 gang members and illegal aliens: 5 from El Salvador and one from Mexico. (Conservative Review, September 4, 2019).
- July 2019** — U.S. Marshals arrested Elmer Giovani Castro, aka Juan Castro, in Ogden, Utah, in July 2019 and subsequently charged him with two counts of sodomy on a child, a first-degree felony, and one count of sex abuse of a child, a second-degree felony. The 41-year old illegal alien plead not guilty in September during a court appearance. Castro, who is

friends with the victim's mother, allegedly abused her on numerous occasions from 2008 to 2015 when she was between the ages of 5 and 12. He was supposed to be removed from the U.S. in August 2010. He remains in Weber County Jail without bail. (2KUTV, August 1, 2019; Standard-Examiner, August 1, 2019)

- **July 2019** — Baudilio Salomon Diaz Ambrocio, a 17-year-old Guatemalan native, so violently raped a 7-year-old girl in Marietta, Georgia that she required hospitalization and surgery. Diaz Ambrocio entered the U.S. in March 2018 and was subsequently released as an unaccompanied minor to a sponsor on the basis of a promise to appear for a November 6 hearing. He was being held without bond and remains the subject of an ICE detainer.
- **July 2019** — An illegal alien from Guatemala, 20-year-old Cesar Chavez (a.k.a. Cesar Augusto Chavez-Niz) sexually assaulted and attempted to rape a 12-year-old girl following Independence Day fireworks near her home in Marietta, Georgia. According to a news reports, she was able to get free several times but Chavez was unrelenting, even holding her against a vehicle and hugging her from behind, touching her chest and thighs and kissing around her mouth and neck. Charged with false imprisonment and child molestation, he remains in jail in ICE custody.
- **July 2019** — On July 16, Marvin Oswaldo Escobar-Orellana shot and killed Rossibeth Flores-Rodriguez and her 11-year-old daughter and 5-year-old son. Escobar-Orellana was a guest in the residence of the family in Des Moines, Iowa. Escobar-Orellana is a twice-deported illegal alien from Guatemala. (Breitbart News, July 19, 2019)
- **July 2019** — Andres Fuentes-Castro, a citizen of El Salvador, was arrested by U.S. Marshal's Service (USMS) and U.S. Border Patrol (USBP) agents on three counts of first degree rape against a child between 2014 and 2016. Fuentes-Castro was initially encountered by the USBP agents in 2007 during a traffic stop in Baton Rouge, Louisiana. However, he was released because of his Temporary Protected Status, which he ultimately failed to update. He also did not return home to El Salvador once his status expired in 2010. (USCBP, July 30, 2019)
- **July 2019** — In late July, Texas prosecutors announced that they are seeking the death penalty for Billy Chemirmir, an alleged serial killer. Chemirmir is charged with killing 12 elderly women, and is accused of murdering 7 additional senior citizens, while working at a nursing home from 2016 to 2018. The Kenyan national had entered the U.S. in 2003 on a B-2 tourist visa, which he overstayed. To avoid deportation as an illegal alien, he took advantage of a loophole allowing him to obtain a green card upon marrying a U.S. citizen. Had Chemirmir been removed after overstaying his visa, and if a loophole allowing illegal aliens to obtain permanent residency did not exist, the nineteen murders may well have been prevented. (Dallas News, July 24, 2019; Breitbart News, August 3, 2019)
- **July 2019** — On July, 22 Los-Angeles-based members of the brutally violent MS-13 gang were arrested and charged with a series of horrific murders which included hacking victims to death with machetes and ripping their hearts out of their chests. At least 14 gang members were illegal aliens – 13 from El Salvador and one from Honduras. According to Breitbart: "In multiple cases, the illegal aliens were ordered to be removed, petitioned to bring relatives to the U.S., were granted or denied work permits, attempted to get asylum, and claimed to be the victims of crimes." (Breitbart News, July 21, 2019)



- **June 2019** — On the morning of June 2, Jesus Abraham Gonzalez-Moreno – an illegal alien – killed Keith Kephart in a car crash in Bexar County, Texas. Gonzalez-Moreno was intoxicated when he crossed the yellow line into oncoming traffic, hitting the Kephart family SUV. (News4SA, June 5, 2019)
- **June 2019** — On June 7, Victor Garcia, a previously-deported illegal alien from Mexico, chased Jesus Velazquez through a Phoenix, Arizona parking lot shooting him repeatedly before firing fatal shots into him while he was on the ground. Garcia served 6 years in prison for aggravated assault in 2011, but was released in June 2017. He was charged with first-degree murder.
- **June 2019** — On June 8, illegal alien Victor H. Ortiz was heavily intoxicated when he drove into oncoming traffic killing Barbara Gaulke and Sandra Forscht in Grayslake, Illinois. After the deadly crash, he was arrested while riding on a charter bus bound for Guatemala on June 29.
- **June 2019** — Areli Aguirre-Avilez, a citizen of Mexico was charged with three counts of first-degree murder and one count of first-degree arson related to the murder of Maria Calderon's two children – 12-year-old America D. Pacheco and 11-year-old Angel E. Pacheco. On June 15, firefighters responded to a burning home in North Carolina, where they found the bodies of the two children of Aguirre-Avilez's ex-wife, who is missing and believed to be dead. A grand jury also indicted him on one count of statutory rape of a child age 15 or younger and violation of a domestic violence order with a deadly weapon. Authorities believe two more people, the mother's boyfriend and friend, Jose Carlos Mendez and Luis Fernando Sanchez, may also be victims.
- **June 2019** — On June 16, Francisco Carranza-Ramirez assaulted a disabled and wheelchair-bound woman, whom he previously raped in 2018, in front of her 3-year-old son before fleeing to his native Mexico. The assault occurred days after he was released from a King County (Washington state) jail where he was supposed to serve a 12-month sentence. Although the judge asked that Carranza Ramirez be ordered to return to Mexico upon his release, he was not removed by ICE because King County is a sanctuary jurisdiction. Carranza-Ramirez entered an Alford plea to a third-degree rape charge in February, which is akin to admitting a jury would likely find him guilty. The June attack, according to the victim, involved the illegal alien dumping her out of her wheelchair and then choking her until she could not breathe – all in front of her son who was screaming, crying, and begging the attacker not to kill his mother. Carranza Ramirez, who beat and attempted to strangle the woman to death, was eventually pulled off of the victim by a passerby and fled the scene. The woman suffered cuts, bruises, swelling to the head, and a seizure. Warrants for the rapist remain active.
- **June 2019** — On June 22, an illegal alien from Honduras, Jose Rodriguez, killed Corey Cottrell in a car crash in Bloomington, Illinois. The hit-and-run crash left Cottrell's two daughters, ages 11 and 14, without a father. An expedited removal order was issued by Border Patrol agents in April 2013, and in March 2014 an immigration judge ordered him to be removed in absentia. Illinois and Bloomington are both sanctuary jurisdictions. At his July arraignment hearing, a judge ordered his bail be raised to \$1 million and that he be held in custody.

- **May 2019** — Ismael Huazo-Jardinez, a Mexican national, crashed his car into a trailer home in Sutter County, California killing a ten-year-old boy and his parents. Huazo-Jardinez, who had been deported twice before, was drunk when the crash occurred. He was indicted by a federal grand jury in June on two counts of being in possession of a firearm while in the U.S. illegally. He also faces state crimes associated with the crash. (Fox News, June 14, 2019).
- **May 2019** — Marco Cobos – an illegal alien from Mexico – repeatedly stabbed and killed Etta Nugent, a mother of three and grandmother of six, after forcing his way into her home. The gruesome murder occurred in Houston, Texas. Cobos stole Nugent's car, \$560 in cash, and three credit cards. (Breitbart News, May 24, 2019).
- **April 2019** — In mid-April, two MS-13 gang members, Josue Rafael Fuentes-Ponce and Joel Ernesto Escobar, (along with another teenage girl) beat 14-year-old Ariana Funes-Diaz with a baseball bat before stabbing her to death in Prince George's County, Maryland.

In 2018, Fuentes-Ponce and Escobar, both Salvadoran nationals, were released from custody by Prince George's County officials after being charged with multiple criminal offenses, including attempted first-degree murder, attempted second-degree murder, participation in gang activity, conspiracy to commit murder, and attempted robbery. The sanctuary county previously ignored an ICE detainer and released the pair leaving them free to commit the horrific crime in question. (WJLA, May 21, 2019)

- **April 2019** — Miguel Martinez was arrested in Louisiana on 100 counts of possession of pornography of children under the age of 13, one count of production of child pornography, and one count of sexual battery of a child under the age of 13. Martinez, an illegal alien, was deported in 2005 and remains a registered sex offender in California, a sanctuary state.
- **April 2019** — On April 3, 2019, thirteen-year-old Mariana Pérez Borroto was struck and killed by an illegal alien from Argentina while riding her bicycle to school in Kissimmee, Florida. The suspect, Micaela Coronel, had overstayed a work visa and was driving without a license. ICE has placed a detainer on Coronel so she will be deported regardless of whether there is a conviction.
- **April 2019** — Illegal alien Laura Rosas killed Emmanuel Ramirez by running him over twice with her vehicle outside of the OK Corral nightclub in Fort Worth, Texas, on April 8, 2019. Rosas has been charged with murder and is being held on a \$200,000 bond. ICE has also placed a detainer on her.
- **April 2019** — Juan Francisco, an illegal alien from Guatemala, killed Debbie Burgess in a hit-and-run in Knoxville, Tennessee, on April 8. Francisco's criminal history includes a 2017 DUI conviction, a 2004 reckless driving charge, and a 2002 theft charge. Despite a 2002 warrant stating is illegal status, Francisco was never deported. As of this writing, Francisco is still being sought by the authorities.
- **April 2019** — On April 12, 2019, illegal Honduran alien Carlos Zuniga-Aviles kicked his girlfriend's four-month-old son to death in Memphis, Tennessee. Zuniga-Aviles reportedly killed the infant, Alexander Lizondro-Chacon, because the boy was fathered by another man. The illegal alien had been deported from the U.S. five times (in 2010, 2011, 2012, 2015, and December 2016).

- **March 2019** — Twice deported from his native Honduras, Jorge Rios-Doblado stalked and brutally beat, raped, and drowned a Caroline Cano, who was out jogging in Jersey City's Lincoln Park on March 24, 2019. Cano was originally from Peru and worked as a nanny.

The ICE office in Newark, New Jersey, stated its intent to take "custody of Rios-Doblado at the conclusion of his criminal proceedings, despite limited cooperation in the state." The ICE office in Newark, New Jersey, stated its intent to take "custody of Rios-Doblado at the conclusion of his criminal proceedings, despite limited cooperation in the state."

- **March 2019** — In Kittitas County (Washington state), Sheriff's Deputy Ryan Thompson was killed in the line of duty by Juan Manuel Flores Del Toro, an illegal alien living in the U.S. illegally after overstaying his H-2A visa in 2014. Del Toro led officers on a car pursuit before eventually pulling over and then opening fire at Deputy Thompson and his partner, Deputy Benito Chavez. The illegal alien subsequently died but not before killing the father of three and injuring his partner.
- **March 2019** — A native of Guatemala, Domingo Francisco Marcos killed Sonya Jones, a mother of two, in a hit-and-run collision. Jones was a teacher at the Living Word Christian Center Kingdom Academy in Mobile, Alabama. Marcos sought asylum after entering the U.S. illegally and was released in 2017 with the promise to appear for his court date. He was consequently denied asylum and ordered deported, but was not removed from the country.
- **March 2019** — On March 21, Mexican national Ramon Hector Martine Ontiveros killed Paige Lane Gomer in a shooting. According to police, Ontiveros admitted to shooting Gomer, who left behind a two-year-old daughter, but the investigation is ongoing.
- **February 2019** — In late February 2019, an El Salvadoran national and admitted gang member, Carlos Eduardo Arevalo Carranza, stalked, then broke into the San Jose (California) home of Bambi Larson, and stabbed her to death in her own bedroom. Arevalo Carranza, who sneaked back into the country after being arrested in Texas for an attempted illegal entry in 2013, had a lengthy record including a drug arrest one month before the murder. ICE filed three detainers in 2016 with the Los Angeles Police Department and six subsequent detainers with the Santa Clara jail but, as a consequence of sanctuary policies, none were honored. He remains in custody without bond.
- **February 2019** — Luis Pacheco, a 27-year-old illegal, was arrested for beating his two-week-old son to potential death in Texas.
- **February 2019** — Napa County Sheriff's Deputy Riley Jarecki narrowly avoided death at the hands of Javier Hernandez Morales, a 48-year-old illegal alien from Mexico. Morales, who was killed in a shootout with the police officer, had a long criminal history and had been deported multiple times. In addition, ICE had issued detainers for Morales in 2014, 2015, and 2016, but none were honored by the local California jail staff.
- **February 2019** — A court in northern Texas sentenced 37-year-old illegal alien, Roli Lopez-Sanchez, to 60 years in prison – with no possibility of parole – for raping and impregnating an 11-year-old girl.

- **January 2019** — Wilber Ernesto Martinez-Guzman, a 19-year-old illegal alien from El Salvador, was arrested and charged with the murder of four elderly American citizens, whom he also robbed, including numerous guns, in Nevada
- **January 2019** — A Honduran illegal alien, Hector Montez (31), was arrested in California for raping and impregnating a 14-year-old girl he had met online. Montez had been arrested twice for illegally entering the United States.
- **December 2018** — Eduardo Franco-Cambrany – who killed Pierce Corcoran in a head-on car crash in Knoxville, Tennessee in December 2018 – was ordered by a judge to be deported to his native Mexico. The victim's family was shocked and angered by this apparent leniency. Pierce Corcoran's brother minced no words on Twitter: "No felony charges for entering in the first place, killing Pierce, driving uninsured and without a license. What an insult to my brother's life." (Knox News, March 18, 2019; Breitbart News, March 19, 2019)
- **December 2018** — Police officer (Corporal) Ronil Singh – an immigrant from Fiji – was shot and killed by Mexican illegal alien Gustavo Perez Arriaga on December 26, 2018, in Newman, California. The seven-year veteran of the Newman police force left behind a wife and infant son. Seven others have been arrested for attempting to aid and abet Arriaga. The Stanislaus County Sheriff blamed sanctuary policies for the murder of Corporal Singh: "Law enforcement was prohibited because of sanctuary laws (...). I'm suggesting that the outcome could have been different if law enforcement wasn't restricted, prohibited or had their hands tied because of political interference."
- **December 2018** — Thirty-nine-year-old Enrique Solis-Garcia, an illegal alien from Mexico, was convicted of brutally stabbing his estranged girlfriend – and the mother of his two children - forty times. He was sentenced by the Jackson County court in Medford, Oregon. He received a life sentence for the murder.
- **November 2018** — On October 28, 2018, Mexican national Jorge Ruiz killed Marlena Hayes, a nurse, after reportedly driving his car on the wrong side of a Birmingham, Alabama road at a high rate of speed. Initially released on bail, he was apprehended and detained by U.S. Immigration and Customs Enforcement (ICE) on the grounds he was a flight risk. He was convicted of reckless murder in July 2019.
- **November 2018** — In late November, an illegal Mexican alien attempting to cross the border into California, Hector Rodriguez-Chavez, pulled a loaded gun on a Border Patrol agent and had to be forcibly subdued. Rodriguez-Chavez had a long criminal history of violent drug crimes and gun offenses had been deported at least five times over a twenty-year period.
- **November 2018** — On Thanksgiving day 2018, illegal alien Joel Josue Velazquez (24) killed elementary school teacher Amanda "Mandy" Weyant Ferguson (28) in West El Paso, Texas, in a hit-and-run car accident. He was indicted on one count each of accident involving death, manslaughter and tampering with evidence.
- **October 2018** — On October 14, 2018, the Idaho State Police arrested an illegal alien, Armando Sarmiento-Sarmiento, for trafficking 117 pounds of marijuana. He also had warrants for numerous other charges, including possession of methamphetamine with intent to distribute and possession of a firearm and ammunition by an illegal alien. Sarmiento-Sarmiento Sarmiento-Sarmiento was additionally charged by state police for allegedly

providing false information to an officer, driving without privileges, and possession of drug paraphernalia.

- **September 2018** — Ever Martinez-Reyes (24) brutally raped a 36-year-old woman on Long Island, New York, on September 28, 2018. An illegal alien from El Salvador, Martinez-Reyes was working for a landscaping company and had first unlawfully entered the country in 2010. Subsequently deported, he once again snuck into the US in 2014.
- **July 2018** — On July 18, 2018, twenty-year-old Mollie Tibbetts disappeared while jogging near her home in Brooklyn, Iowa. Her body was eventually found on August 21. Cristhian Bahena Rivera, an illegal alien of Mexican origin, was charged with the kidnapping and murder of Mollie Tibbetts. Bahena Rivera was a laborer on a farm owned by the brother of a prominent Iowa political leader; his employer failed to use E-Verify to check his immigration status.
- **July 2018** — Fort Meyers Officer Adam Jobbers-Miller was killed by Wisner Desmaret, a 29-year-old illegal alien from Haiti. Despite multiple arrests in the past, Desmaret was never turned over to ICE.
- **July 2018** — Seven illegal aliens from Mexico attempted to rob a jewelry store in a popular mall in McAllen, Texas, a city on the US-Mexico border.
- **June 2018** — Roberto Caballero Escobar – an illegal alien from El Salvador – killed his ex-girlfriend, Dixia Yamilet Rios Serbellon, by running her over three times with his truck. He also ran over three other men standing near Rios. Rios Serbellon left behind four children. Escobar had been previously deported but once again snuck into the US illegally.
- **May 2018** — Convicted child molester Luis Robles-Gonzalez, a 55-year-old Mexican national, was arrested while trying to sneak into California. While in custody, Robles-Gonzalez was identified as an aggravated felon previously deported for failing to register as a sex offender in Santa Rosa, California. He was also convicted of indecent exposure and molestation of a child under 18. He had been previously deported (also during May) through the San Luis, Arizona Port of Entry. During additional questioning, Gonzalez admitted that he was attempting to travel to San Francisco to live and work because of the city's sanctuary policy.
- **May 2018** — The Border Patrol prevented a previously-deported illegal alien – a Mexican national, with a previous conviction for burglary of a residence with the intent to commit sexual assault – from unlawfully reentering the United States. During the same four-day period of arrests, the USBP also apprehended five MS-13 members.
- **March 2018** — In late March, convicted drug dealer Luis Enrique Monroy Bracamontes was sentenced to death for the killing of two Northern California sheriff's deputies - County sheriff's Deputy Danny Oliver and Placer County sheriff's Detective Michael Davis Jr. The crime took place during a daylong crime spree in October 2014.

During the trial, Bracamontes grinned and declared that "I wish I had killed more of the mother-----s. (...) I will break out soon and I will kill more, kill whoever gets in front of me... There's no need for a f---ing trial." An illegal alien from Mexico, he had been deported in 1997 and 2001.

- **March 2018** — Twice-removed fifty-five-year-old Jamaican illegal alien Ronald Greenland was sentenced by a federal judge in New York to over twelve years in prison on March 28, 2018. This followed his previous conviction for attempting to stab to death Westchester County Police Officer David Sanchez.
- **February 2018** — Rene Jimenez, 29, and Emeterio Castelan, 35, of East Rutherford, New Jersey were charged with raping an incapacitated woman. ICE placed detainers on Jimenez and Castelan, who are both citizens of Mexico.
- **February 2018** — On February 4, Indianapolis Colts linebacker Edwin Jackson (26) and Uber driver Jeffrey Monroe (54) were killed in a vehicle crash by drunk driver Manuel Orrego-Savala. The illegal Guatemalan alien attempted to flee the scene of the accident and also initially provided the police with a false name. Orrego-Savala was deported in 2007 and 2009, but sneaked back into the US.
- **January 2018** — Forty-three-year-old Mexican national, Daniel Hernandez Del Angel, was arrested and charged in Louisiana with raping a seven-year-old girl over a period of six months. He was subsequently also charged with sexually assaulting the girl's mother in 2003, when she was 11 years old. Del Angel was living in the US illegally for 22 years.
- **December 2017** — Maria Guadalupe Cardenas, 34, was charged with capital murder in Texas after admitting to suffocating her one-month-old infant daughter on the day before Christmas Eve 2017. Cardenas had been living in the United States illegally for seventeen years.
- **November 2017** — Jose Victor Chaparro-Saenz, a 38-year-old illegal alien from Mexico, killed fourteen-year-old cheerleader Rhyann Moody and injured her grandparents while driving at a high rate of speed under the influence. The fatal collision, which took place in Lake Worth, a suburb of Fort Worth, Texas, on Thanksgiving, resulted in charges of manslaughter, aggravated assault with a deadly weapon and resisting arrest.
- **October 2017** — Police in Casper, Wyoming, arrested illegal alien Hugo Mendoza-Cota on two counts of sexual abuse of a minor (a third-degree felony) in 2017. The twelve-year-old victim, a relative of Mendoza-Cora, complained to school officials about the molestation. In 2018, Cota, whose name has been spelled various ways in court documents, was sentenced to three to seven years imprisonment, after accepting a plea deal related to two counts of child abuse resulting in mental injury.
- **September 2017** — Foley (Alabama) Police investigators said 26-year-old illegal alien Maria Cortes heated up a spoon on her stove and burned her six-year-old son's lips to discipline him over allegedly lying to her over disciplinary issues in school. According to the Foley Assistant Police Chief, the injuries were "third degree burns, so quite severe in nature."
- **August 2017** — In late August 2017, Igor Zubko was sentenced to life in prison for killing his ex-girlfriend, Shayley Estes, by shooting her five times in her Arizona apartment. An illegal alien from Russia, Zubko overstayed his student visa. He was arrested at the airport while attempting to flee to the sanctuary city of San Francisco. He pled guilty to avoid the death penalty.
- **August 2017** — Martel Valencia-Cortez, a human smuggler from Mexico, was sentenced to eight years in American Prison for assaulting a U.S. Border Patrol agent with a rock; he was

also charged with three counts of human smuggling. Valencia-Cortez has been listed as one of the most dangerous human smugglers in the San Diego area. Previous to the most recent charge, Valencia-Cortez served three years in prison for human smuggling charges and was then deported back to Mexico. (U.S. News, August 29, 2017)

- **August 2017** — Thirty three-year-old nanny Lidia Quilligana, an illegal alien from Ecuador, was convicted and sentenced to fifteen years in prison for the brutal torture and abuse of three small children. Nanny cam footage caught Quilligana burning the hands and legs of the three-year-old child as well as grabbing her by the hair and hitting her in the face. The torture was described as “sustained and depraved cruelty” by the District Attorney, and the judge admitted that the sentence nowhere near fit the heinous nature of the crime. Quilligana cited her own abusive childhood in Ecuador as justification for her actions. (Newstimes, August 22, 2017)
- **July 2017** — Ariel Cuellar Guizar will face thirty-one years in prison for a collection of charges relating to his activities as a human trafficker. He has been found guilty of trafficking, pimping women out to prostitution, and the rape of a fifteen-year-old girl. Guizar will also be registered as a sex offender for life. (ABC7, July 20, 2017)
- **June 2017** — Vanessa Hernandez, an illegal alien from Mexico, was sentenced to 100 months in prison for importing nearly 9 pounds of methamphetamine. Hernandez is expected to face deportation proceedings after she is released from prison. (ICE.gov, June 9, 2017)
- **May 2017** — Illegal alien, Edwin Velasquez Curuchiche, has been sentenced to fifty years in prison after being convicted of two counts of producing child pornography. Specifically, Curuchiche has been charged with sneaking into the room of a six year old girl and filming himself molesting her while she slept. Originally apprehended entering the country illegally in 2013, the Guatemalan national never returned for his immigration hearing and was living in the U.S. illegally at the time he assaulted the child. (Tennessean, May 15, 2017)
- **May 2017** — An Uzbek refugee serving 25 years behind bars for a plot to kill U.S. military personnel or civilians has been charged with stabbing the warden at the California federal prison where he was serving his sentence, prosecutors said Thursday. (Fox News, May 27, 2017)
- **May 2017** — Pasqual Mendez, 24, of Morganton, was given an active prison term of 12 to 19 years for felony human trafficking of a child, assault on a female, interfering with emergency communication and statutory rape of a child less than 15 years of age (News Herald, May 23, 2017)
- **May 2017** — Oscar De La Rosa-Mendoza, 31, of Mission — a Mexican citizen who wasn't lawfully present in the United States — pleaded guilty to driving while intoxicated, a Class B misdemeanor, on May 9. (CBS News, May 18, 2017)
- **May 2017** — Carlos Santiago-Alvarez, 41, of Holyoke, was sentenced Monday to six to eight years in state prison followed by five years probation in a child rape case. (Mass Live, May 4, 2017)
- **April 2017** — Ignacio Luque-Verdugo, 32, was convicted Friday in Adams County District Court of first-degree murder and attempted first-degree murder charges. (Denver Channel, April 18, 2017)

- **April 2017** — Four Charlotte-area members of the El Salvadoran gang MS-13 were convicted Tuesday of federal racketeering charges. (Charlotte Observer, April 18, 2017)
- **April 2017** — Pablo Gonzales Sanchez will spend at least 18 years in prison for molesting a young teenage girl an estimated 50 times. The girl's mother, an illegal alien, has also been sentenced to prison for not reporting her daughter's allegations of abuse. Both she and Sanchez also were ordered to be added to the Sex Offender Registry. (Shelby Star, April 11, 2017)
- **April 2017** — Abdirahman P. Sahel was sentenced Monday, April 10, to 20 years in prison for sexually assaulting and terrorizing a young woman nearly four years ago. (Jamestown Sun, April 11, 2017)
- **April 2017** — Gil Gaxiola was convicted of first-degree attempted murder of a National Park Service employee, as well as armed robbery, three counts of aggravated assault, kidnapping and theft of means of transportation, following an 11-day trial. (Wilcox Range News, April 1, 2017)
- **March 2017** — Mexican National Miguel Rangel-Arce, 36, has been convicted of trafficking methamphetamine in New Mexico and Navajo Nation land. He will serve 10 years in prison. He is one of eight others who were charged with trafficking drugs between November 2015 and March 2016. When they were apprehended, the police also found 2 1/2 pounds of meth and 10 firearms. (Daily Times, March 8, 2017)
- **February 2017** — 29-year-old Ricardo Solis Garcia was sentenced to 20-29 years in prison after being convicted of raping a 13-year-old girl in Burke County, North Carolina in March of 2015. Garcia lured the girl into his car on the pretense of giving her a ride but instead took her to a motel room where he forced her to have sex with him. Garcia will be scheduled to be deported after he has served his prison sentence. (WHKY, February 2, 2017)
- **January 2017** — A Mexican illegally in the United States, Leonard Pennelas-Escobar, was shot dead in Arizona as he assaulted a police officer by banging his head against cement after Pennelas shot and wounded the officer who had stopped to render assistance after Pennelas driving at a high speed had rolled the car killing the woman passenger.
- **January 2017** — Alexis De La Rosa Sosa, an illegal alien from Mexico, was sentenced in Texas to four concurrent terms of 12 years in prison for the deaths of two persons as a result of his crashing into their vehicle while driving recklessly and then fleeing the scene of the crime. (Breitbart News, January 11, 2017)
- **November 2016** — A Mexican illegal alien, Claudia Raquel Herrera Ibarra, pled guilty to possession of a firearm in Laredo Texas and was sentenced to three years imprisonment. She and a partner were caught smuggling weapons to the violent "Los Zetas" narcotics smuggling gang in Mexico. (Breitbart News, November 30, 2016)
- **October 2016** — A previously deported illegal alien is jailed in Michigan after admitting to strangling his girlfriend. Raul Perez had been deported to Mexico in 2004 and again in 2005 after a judge found him guilty of illegal reentry. He also had been in police custody five days before the murder for driving under the influence. The local authorities established his identity from his fingerprints – he was using an assumed name – but according to a news account – there was no request from ICE that he be detained (perhaps because he was



detained on a weekend). ICE has now issued a detainer request for whenever Perez is released. (WoodTV, Channel 8, Grand Rapids Mich.)

- **September 2016** — Cecil Burrows, an immigrant from India, is due to be deported following more than three years imprisonment for his involvement in orchestrating a gang rape in his home in 2012. (Washington Post, September 25, 2016)
- **September 2016** — A British illegal alien, Michael Steven Sandford, pled guilty in Nevada to possession of a gun—that he tried to take from a policeman – and disrupting an official function—a campaign rally by GOP presidential candidate Donald Trump. Sandford said he was attempting to kill the candidate. A psychiatrist found that Sandford was “delusional” according to an AP report. Sentencing guidelines call for 18 to 27 months in prison. (Daily News. September 13, 2016)
- **September 2016** — September 2016 – Jorge Elizade Sanches, an illegal alien confessed to the beating death of his common-law spouse in Texas. (12newsnow.tv September 15, 2016)
- **September 2016** — September 2016 – Walter Gomes DaSilva, a Brazilian illegal alien, pled guilty to the murder of his teen-aged daughter in Massachusetts. (Boston Herald, September 7, 2016)
- **September 2016** — September 2016 – Ecuadorian illegal aliens, Paul Esteban Estrella Villota and his wife Magaly Alemania Malagon Sandoya were respectively sentenced in Texas to six and five years respectively in federal prison for an alien smuggling operation. (Breitbart News September 7, 2016)
- **August 2016** — Two Salvadoran illegal alien gang members were convicted of murder in the Virginia suburbs of Washington DC. Jose Lopez Torres was convicted of a brutal stabbing death of another MS-13 gang member suspected of being an informer. He was sentenced to life imprisonment plus 20 years. According to the Washington Post, “His conviction was part of a sweeping federal case against Northern Virginia members of the El Salvador-based gang, in which six defendants pleaded guilty and six more were found guilty at trial.” The other just convicted Salvadoran was Jesus Alejandro Chavez, who was sentenced to two life terms plus 10 years for two murders. (Washington Post, August 11, 2016)
- **July 2016** — Mauricio Morales-Caceres, an illegal alien from El Salvador was sentenced in Montgomery County, Maryland to life in prison without parole for the stabbing death of another Salvadoran. Morales identified himself as an MS-13 gang member, and testimony indicated he had no remorse for his crime. (Washington Post July 15, 2016)
- **June 2016** — Aroldo Castillo-Serrano, a Guatemalan illegal alien, was sentenced to 15 years in prison in Ohio for forced labor conspiracy, forced labor, witness tampering and encouraging illegal entry into the country. Castillo paid smugglers to smuggle teen-aged Guatemalan youth into the country under the promise of getting them into school and then put them to work as indentured servants in an egg farm. (Fox News Latino, June 27, 2016)
- **June 2016** — A Mexican illegal alien, Juan Carlos Sepulveda-Castro, was sentenced to two and one half years in prison in Idaho for threatening people with an assault rifle. The news report notes that illegal aliens are prohibited from possessing a firearm. (Pocatello TV channel 8)

- **June 2016** — Eleven illegal alien members of the Salvadoran MS-13 gang have been convicted of a series of crimes including murder. Jorge Enrique Moreno-Aguilar, Juan Alberto Ortiz-Orellana and Minor Perez, all from Maryland were convicted in mid-May of murder and conspiracy in a racketeering enterprise. (MRC-TV May 24, 2016) New Jersey gang members Santos Reyes-Villatoro, Mario Oliva, Roberto Contreras, Julian Moz-Aguilar, Hugo Palencia, Jose Garcia, Cruz Flores, and Esau Ramirez were convicted in late May in New Jersey of various murder, racketeering and firearms crimes. (MRC-TV, June 2, 2016)
- **May 2016** — Illegal aliens, Reinol Vergara and Edson Benitez, pled guilty to second degree murder for the death of a 90 year-old Minnesota man they beat and tied up while they stole from his home, leaving him to bleed to death. (Breitbart News May 11, 2016)
- **April 2016** — A Salvadoran illegal alien, Mauricio Morales-Caceres, was convicted of first degree murder in Maryland and sentenced to life imprisonment. (Washington Post, April 30, 2016)
- **March 2016** — Juan Razo, a Mexican illegal alien living in Painesville, Ohio, agreed to plead guilty to a crime spree that included the shooting death of a 60-year old woman, attempted rape of a 14-year old girl, kidnapping and burglary. His plea was to avoid the death penalty and accept a life sentence. (Cleveland.com, March 4, 2016)
- **February 2016** — Three illegal aliens from Mexico were sentenced to federal prison for alien smuggling and illegally re-entering the U.S. after previous deportations. One man was sentenced to 57 months, another will serve 24 months, and the last man was sentenced to serve 12 months and one day in prison. (U.S. Immigration and Customs Enforcement, February 2, 2016)
- **January 2016** — An illegal alien from Mexico was sentenced to nearly 6 years in prison after having been convicted for transporting illegal aliens, which resulted in the death of two illegal aliens. (U.S. Immigration and Customs Enforcement, January 20, 2016)
- **December 2015** — A 40-year-old illegal alien, Michael Rodriguez Garcia, was sentenced to four life terms for the rape and sodomy of two children in Alabama. (Breitbart News, December 2, 2015)
- **November 2015** — Humberto Erazo-Medrano and Ricardo Castaneda, two illegal aliens, were arrested and charged with second-degree promoting prostitution in Alabama. The bond for each man is set at \$100,000. (Gadsden Times, November 2, 2015)
- **October 2015** — Marco Hernandez Ramirez, a 34-year-old illegal alien from Guatemala, was sentenced to 40 years in prison for killing a couple and their 5-year-old daughter in a car crash. (Athens Banner-Herald, October 14, 2015)
- **September 2015** — An illegal alien from Mexico, Martin Margarito-Casimiro, was sentenced to 40 years in federal prison for kidnapping a man in Texas. (U.S. Immigration and Customs Enforcement, September 24, 2015)
- **August 2015** — Jose Angel Villarreal-Sanchez, a 42-year-old illegal alien from Mexico, was convicted of possessing a firearm in Texas. According to federal law, illegal aliens are not permitted to possess firearms. Three baggies of cocaine were also found hidden in his backyard. Villarreal-Sanchez is expected to be sentenced in December. He could face up to

10 years in federal prison and a possible \$250,000 fine. (U.S. Immigration and Customs Enforcement, August 11, 2015)

- **July 2015** — Ever Olivos-Gutierrez, an illegal visa overstayer, was convicted of second degree murder in Colorado for the death he caused while driving intoxicated. It was the fourth time since 2000 he had been arrested for DUI, but there was no record of immigration authorities ever being notified. He was sentenced to 40 years imprisonment. (Denver Channel 7)
- **June 2015** — A Salvadoran, Mauricio Hernandez, convicted of rape and murder of the baby born to his victim was sentenced to 50 years in prison in Texas and faces deportation when he has served his sentence. (The Dallas Morning News, June 5, 2015)
- **May 2015** — A Salvadoran, Julio C. Saravia, faces deportation following a prison sentence of 29 years for rape of a minor, to which he pled guilty in Virginia.
- **May 2015** — Two Mexicans, Juan Hernandez-Sanchez and (FNU) Canela-Perez, pled guilty in Portland, Oregon and were sentenced to seven years in state prison for distribution of methamphetamines and heroin. (*Oregonian*, May 14, 2015)
- **May 2015** — Zeng Liang Chen and Dong Biao Lin, illegal aliens from China, were convicted of first degree murder and sentenced to life in prison in New Jersey. (NJ.com, May 5, 2015)
- **May 2015** — Bernabe Flores, a Mexican illegal alien, pled guilty to first-degree rape in California and was sentenced to eight years in prison. (*Times-Herald Record*, May 7, 2015)
- **April 2015** — Victor Garzon-Alvarez, a Mexican illegal alien pled guilty and was sentenced in New Jersey to 14 years in prison for murder. (NJ.com, April 22, 2015)
- **April 2015** — Sergio Quezada Lopez, a Mexican illegal alien who had been deported four times, was sentenced in Oregon to 15 years in prison for a heroin overdose death. His brother, Gerardo Chalke Lopez, also a previously deported alien, was earlier sentenced to 18 years in prison on the same charges. (*Oregonian*, April 29, 2015)
- **April 2015** — Three illegal aliens, Uriel Ramirez-Perez, Darwin Zuniga-Rocha, and Eliseo Mateo Perez, pled guilty to first-degree sexual abuse (rape) in New York and were sentenced to time served in jail and will be deported. (Daily News, April 29, 2015)
- **March 2015** — Javier Guerrero Molina, a Mexican illegal alien, was sentenced in federal court in Jacksonville, Florida to 10 years imprisonment for attempting to transport a minor to engage in sexual activity. Guerrero said he had entered the United States illegally in 1999 or 2000. (Dept. of Justice, Middle District of Florida, March 30, 2015)
- **March 2015** — An Idaho judge sentenced Phuong Hoang Le, a Vietnamese illegal alien, to prison for 36 months. Le was convicted of possession of a stolen car and stolen credit card. The judge commented, "Stealing cars and credit cards strike at the hearts of average middle class citizens." The prosecutor said that Le had 10 prior felony convictions, but that according to U.S. Immigration and Customs Enforcement, he is not likely to be deported because if Le were to be deported to Vietnam "he would be killed." (<http://magicvalley.com/news/local/mini-cassia/> — March 25, 2015)

- **March 2015** — Luis Daniel Cabrera-Guzman, a Mexican illegal alien, was sentenced in Kansas City to two years in federal prison for conspiracy to produce and distribute false and counterfeit identification documents that were sold to illegal aliens. He had previously been deported twice in 2009. Four other Mexican illegal aliens have pled guilty to the same conspiracy and await sentencing. (Kansas City infazine, March 25, 2015)
- **February 2015** — Sergio Cobaruvias-Romero, an illegal alien from Mexico, was convicted of possessing with intent to distribute drugs in Texas. He was found with 20 bundles of methamphetamine weighing 46 pounds and four bundles of heroine weighing 13 pounds. He was sentenced to 10 years in federal prison. (U.S. Immigration and Customs Enforcement, February 17, 2015)
- **January 2015** — Jaime Gerardo Serrano-Villegas, a 28-year-old illegal alien from Mexico, was convicted of transporting illegal aliens. He assisted in moving a boat filled with illegal aliens and faces up to 10 years in federal prison. (U.S. Department of Justice, Southern District of Texas, January 14, 2015)



# CHRIS LARSON

## STATE SENATOR

Chairman Nass and Committee Members,

At a time when America has a President who has consistently and callously demonized our immigrant neighbors in order to distract from his failed trade wars, abandoning of America's farmers, and tax breaks for his rich friends, Wisconsin should be standing in solidarity with those who have come here seeking a better life. We should not be sending the kind of signal that Senate Bill 151 sends — you are not welcome. That is not who we are as a state, and it is antithetical to Wisconsin's principals.

As a nation of immigrants, we must ensure our neighbors feel comfortable in reporting when they are victims of crime without worrying that they will become victims of discriminatory immigration policies. Every day the news brings us appalling stories of family separation, children in cages, and denial of medical care for immigrants in U.S. custody. Senate Bill 151 is also a discriminatory immigration policy and I am embarrassed that this committee is even entertaining this bill with a public hearing.

Though we are not a border state, policies like Senate Bill 151 make all communities unsafe. When our immigrant neighbors feel like they are unable to call law enforcement for help and interact with government officials, then crimes go unreported and neighborhoods become unsafe.

We have the opportunity to break the cycle of belittling and targeting vulnerable immigrants that our parents, grandparents, great-grandparents, and great-great-grandparents experienced when they came here to find a new home in America. We can treat those seeking a better life with dignity and respect. Senate Bill 151 does the opposite and creates an atmosphere of fear and distrust between our neighbors and the institutions that protect them. Senate Bill 151 should not be given an executive session and should go no further than this public hearing.

In Service,

Chris Larson  
State Senator

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To: Members, Senate Committee on Labor and Regulatory Reform  
From: Badger State Sheriffs' Association  
Wisconsin Sheriffs and Deputy Sheriffs Association  
Date: December 17, 2019  
RE: **For Information Only**  
**Statement on SB 151- Sanctuary Cities Legislation**

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Our organizations submit these comments for information only on Senate Bill 151, the “Sanctuary Cities” legislation. Badger State Sheriffs’ Association (BSSA) is a statewide organization representing all of Wisconsin’s 72 Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

**To be clear, Badger State Sheriffs’ Association and Wisconsin Sheriffs and Deputy Sheriffs Association are NOT opposed to this legislation.** We are not in favor of illegal immigration and do not support communities designating themselves as a “refuge” for illegal aliens. However, we have questions relating to the provision in the bill requiring compliance with any lawful detainer issued by the U.S. Immigration and Customs Enforcement (ICE).

While we support federal efforts to apprehend, hold, and deport criminals, the issue we are concerned that we cannot lawfully hold someone beyond what is allowed relating to their state charges and for the additional 48 hours under the bill for ICE to take physical custody of the person, without violating the person’s Constitutional rights. Case law from across the country has found that prolonged detention without probable cause or warrant is unconstitutional.

The matter becomes further complicated by the fact that immigration violations that result in the ICE detainees are *civil* and not *criminal*. This means an ICE detainer is supported by civil probable cause for arrest, a civil arrest warrant, and a civil arrest. Furthermore, we are concerned Sheriffs, and other local law enforcement, cannot enforce these civil violations. We believe such enforcement is limited to ICE’s authority.

This issue is one every Sheriff in the country is facing. Sheriffs must be vigilant in how they respond to ICE detainees and are working to find a solution that is lawful, productive for public safety, and allows ICE to do their job of removing criminal illegal aliens from the United States.

The National Sheriffs’ Association (NSA) has been engaged in finding a solution for this problem. NSA has been meeting with the U.S. Department of Homeland Security and the U.S. Attorney General to find a solution on how jails may lawfully hold someone beyond his or her state charges, allowing ICE time to take physical custody of the individual.

We are committed to finding a solution and will continue to work with NSA to do so. In the meantime, we are open to discussing any ideas from legislators to examine how this issue can be resolved.



Department of Administration  
Intergovernmental Relations Division

**Tom Barrett**  
Mayor

**Sharon Robinson**  
Director of Administration

**Kimberly Montgomery**  
Director of Intergovernmental Relations

**City of Milwaukee Testimony on SB 151**  
**Senate Committee on Labor and Regulatory Reform**  
**December 17<sup>th</sup>, 2019**

I am José Pérez, alderman for the 12<sup>th</sup> Aldermanic District in the City of Milwaukee. I would like to thank the Committee members for allowing the City to testify on this bill. The City of Milwaukee has serious concerns about the unintended consequences of SB-151 on our local neighborhoods and law enforcement resources.

Under federal law, immigration enforcement is the responsibility of the federal government. We believe that municipal governments and local law enforcement agencies should focus on making our community safer. The last thing we want to do is foster a climate of fear for those that are lawfully and unlawfully present. Instead of any temporary measures such as this legislation, the City of Milwaukee supports comprehensive *federal* immigration reform. And we are joined in believing in the urgent need to overhaul our outdated immigration system by business leaders across the State, including leaders in the dairy industry.

I want to make one thing very clear, both to your honorable body and the media present: The City of Milwaukee is compliant with federal law and fully cooperative with federal law enforcement. On June 30, 2017, the City of Milwaukee certified compliance with 8 U.S.C § 1373, which addresses intergovernmental communication on immigration matters.

Is it important to note that the City **neither receives nor processes detainer requests** from the U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE). The Milwaukee Police Department's policies are strategic, pragmatic, and conducted in full compliance with state and federal law. No representation to the contrary will stand scrutiny. Just last week, the Board of Fire and Police Commissioners made further refinements to its standard operating procedures in this area to ensure the delicate balance between the interests of all parties is preserved.

The City of Milwaukee believes that any effort to distract from the federal government's obligation to reform immigration law will only produce a drain on finite local resources and will actively prevent some of our most vulnerable populations, including victims of domestic violence and human trafficking, from reporting crime, including crimes committed against our children.



Public safety and the well-being of our neighborhoods should be a shared goal between local and state stakeholders and must be done in a way that encourages all individuals to utilize police services, rather than driving them away in fear. I implore this committee to consider the unintended consequences of creating an environment in which an elected stakeholder may bring legal action against another municipality. Notwithstanding the fiscal and operational strain on already limited resources, the U.S. Supreme Court has consistently held that it is the obligation of the federal government to enforce immigration law. More importantly, we hope the committee recognizes how this legislation could create great harm when it deters victims from their obligation to report crime and interact with the police. For all these reasons, the City of Milwaukee is opposed to SB 151.

Thank you for your time and consideration.

December 17, 2019



## **Testimony of ACLU of Wisconsin and End Domestic Abuse Wisconsin**

### **In Opposition to Senate Bill 151**

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Wisconsin and End Domestic Abuse Wisconsin. The ACLU is a non-partisan, non-profit organization working to protect civil liberties – including ensuring fair treatment for the immigrant community in our state and nation. End Abuse is a non-partisan, non-profit coalition that serves as the voice for survivors of domestic violence and local domestic violence service providers in Wisconsin. We urge you to reject Senate Bill 151, which tramples local decisions regarding how police should interact with immigrant members of the local community, requires sheriffs to participate in a flawed and dangerous immigration detainer process, and endangers survivors of domestic violence.

The enforcement of immigration laws is a role assigned to the federal government under Article 1, Section 8 of the U.S. Constitution, and state and local governments have no obligation under federal law to participate in such enforcement. While local agencies are required to share certain information with federal immigration authorities, those agencies have no affirmative duty to collect that information. Similarly, immigration detainers, or holds, are voluntary requests from the federal government which need not be honored.

An increasing number of localities in Wisconsin have opted – dating back to the Obama administration – to leave the immigration enforcement business to the federal government and focus their resources on local matters. These localities do not ask individuals about their immigration status and do not honor immigration detainers.

Why have they made these decisions? To effectively protect public safety, local law enforcement needs cooperation from local immigrant communities. Local residents serve as witnesses, report crime, and otherwise assist law enforcement. The foundation for this cooperation is often destroyed when local police are viewed as an extension of the immigration system. Survivors of domestic violence refrain from reporting offenses; individuals with key information about burglaries or escapees from county jails fail to contact the police or Sheriff's department. It is an unfortunate truth that, as immigration enforcement has expanded, the willingness of immigrant communities to interact with law enforcement has declined. Survivors in a 2018 study regarding immigration policy and domestic violence reported "the decision to call the police depended on their own documentation status."<sup>1</sup> The community at large is safer when even the most vulnerable community member feels safe enough to report crimes.

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<sup>1</sup> <https://link.springer.com/article/10.1007/s10896-018-9990-3>

Time spent engaging in federal immigration enforcement detracts from performance of the core duties of local law enforcement. Immigration enforcement does not advance local priorities, because it commonly targets individuals who pose no threat to public safety. Traditional police work designed to solve serious crimes should not be displaced by efforts to identify and arrest people who may have simply overstayed a visa.

Senate Bill 151 would override the decisions of local elected officials to focus on local communities' public safety concerns rather than on the priorities of federal agencies. The proposed bill would prohibit Wisconsin communities from adopting policies which say to our immigrant neighbors "If you come to report a crime, if you come to testify at trial, if you seek the protection of the police, we will not act as an arm of ICE, and we will not interrogate you about your immigration status."

The legislation also requires local jails to honor immigration detainers. An "ICE detainer" is NOT the same as a judicial warrant. Instead, it is a written voluntary request that local law enforcement detain an individual for an additional 48 hours after they would otherwise be released. Unfortunately the ICE process for issuing detainers is full of mistakes which often result in persons being wrongfully deprived of their liberty.

For example, during a recent two-year period, the ACLU determined that ICE sent detainers to one Florida county for 420 persons who were actually US citizens, not immigrants<sup>2</sup>. Another study by the Cato Institute estimated that 3500 US citizens were subject to detainers just in Texas from 2006-2017.<sup>3</sup> In September, a federal court found that the databases which ICE uses to send out the most common forms of detainers were "inaccurate, incomplete and error-filled."

Local jurisdictions that participate in immigration enforcement often end up in court over constitutional violations for honoring detainers. Local police acting upon ICE detainer requests face liability for unlawful detentions in violation of the Fourth Amendment and the Due Process Clause. For example, a county in Oregon was found liable for violating the Fourth Amendment for detaining an individual pursuant to an ICE detainer request. As a result of the lawsuit, the county was ordered to pay more than \$100,000.

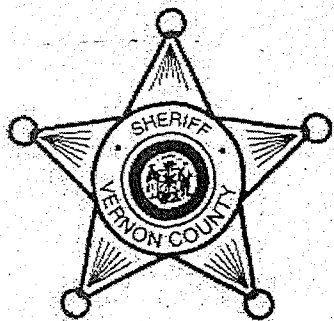
Thus many sheriffs have decided to require that ICE deliver a judicial warrant based on probable cause before holding a person in jail after any state-law justification ends. This legislation overrules the decisions of these elected sheriffs and requires them to honor detainers despite the demonstrated history of problems with the detainer system. Local governments throughout the State of Wisconsin have decided they do not want to face the liability risk of honoring detainers, yet this legislation would force them to do so – and potentially subject themselves to legal liability.

In conclusion, Senate Bill 151 is a misguided attempt to require local governments to be part of the federal government deportation scheme and to override local communities' priorities to seek to serve and protect their immigrant neighbors.

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<sup>2</sup> <https://www.acluf.org/en/publications/citizens-hold-look-ices-flawed-detainer-system-miami-dade-county>

<sup>3</sup> <https://www.cato.org/publications/immigration-research-policy-brief/us-citizens-targeted-ice-us-citizens-targeted>



## SHERIFF'S OFFICE COUNTY OF VERNON

1320 BAD AXE COURT  
VIROQUA, WISCONSIN 54665

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E-MAIL: [vcso@vernoncounty.org](mailto:vcso@vernoncounty.org)

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JOHN B. SPEARS, SHERIFF

NATHAN CAMPBELL, CHIEF DEPUTY SHERIFF

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### Testimony in Support of 2019 SENATE BILL SB151 and AB138

*Distinguished members of the Wisconsin Senate and Legislature, I would like to thank you for allowing me the opportunity to submit written testimony regarding this very important article of legislation.*

*My name is John B. Spears and currently serve as Sheriff for Vernon County Wisconsin. I have served the citizens of Vernon County for 37 years in law enforcement and have served as Sheriff for the past 10 years. Serving as Sheriff for a rural county in Wisconsin, it is my duty and responsibility to serve and protect the citizens of Vernon County and all those who visit our beautiful county and the driftless area.*

*By enacting legislation that would interfere, decrease or block cooperation and communication between local authorities and state and federal agencies would prove seriously detrimental to public safety and reduce the ability to protect our citizens. There are already laws and procedures for anyone determined to enter our country and seek citizenship. Which should always be done in a legal and lawful manor.*

*Once those seeking citizenship do so under law, they should then and only then be afforded protections of our constitution and laws as a U. S. Citizen.*

*Sanctuary Cities and Sanctuary Counties are not solutions to protecting and serving our citizens. These types of legislation protect those who have chosen to violate the law, flee from authorities and hide under the pretense that they are untouchable and above the law, with no fear of accountability for their actions. As the number of illegal immigrants grows, these illegals will continue to seek out those areas where they can hide from law enforcement, whether it be federal, state or local authorities. By protecting illegal immigrants we are putting our citizens and legal immigrants at greater risk, putting a financial burden on local authorities and taxpayers and increasing the workload on already overworked local agencies.*

*Sanctuary policies will greatly impede our ability to cooperate and work with other agencies. It will effect the partnership that we have nurtured over many decades to protect our citizens. As a Sheriff who understands the constitutional authority of the Office, I will continue to work with State and Federal authorities in the locating, apprehending and prosecution of those who are in our country and county illegally.*

*As Sheriff I will put the full support of my Office behind those state and federal agencies that seek to uphold the law and bring those who are here illegally to justice. I will respectfully honor and comply with detainers.*

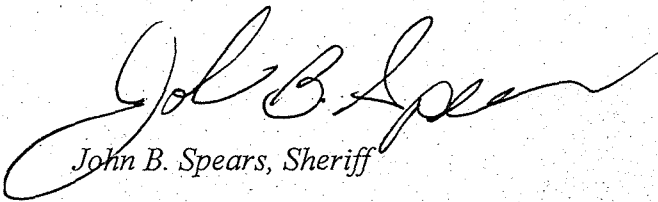
*I fully support your efforts to protect the citizens of Wisconsin, the citizens of Vernon County and all those who visit this great state. I applaud you for your commitment to working with cities, villages, towns and counties to ensure that no ordinance, resolution or policy will be enacted to prohibit our cooperation and partnering with state and federal authorities regarding illegal immigrants.*

*I could most certainly continue with statistics on crimes by illegal immigrants, the pain on victims and the families of victims of crimes committed by illegal immigrants and the increasing cost of dealing with our illegal immigration issues, which has no end in sight and will burden future generations for many years to come. But I won't.*

*I would like to end by making one statement. This issue has become a huge political issue and has been the fuel for many heated meetings, debates and news bites. But the one thing to consider and never lose sight of, is that this issue is a Public Safety Issue. All of us must do our jobs, stand by our oaths of office and put our citizens first and protect them with the full authority of our elected positions.*

*Please vote Yes for this very important legislation.*

*Respectfully Submitted,*



*John B. Spears, Sheriff*



## WISCONSIN CATHOLIC CONFERENCE

### TESTIMONY ON SENATE BILL 151: PROHIBITING SANCTUARY CITIES

Presented to the Senate Committee on Labor and Regulatory Reform

By Barbara Sella, Associate Director

December 17, 2019

On behalf of the Wisconsin Catholic Conference (WCC) – the public policy voice for Wisconsin’s bishops – I wish to express our opposition to Senate Bill 151.

The Catholic Church teaches that “Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance.” (Pope Emeritus Benedict XVI, *Caritas in veritate*, #62) As Pope Francis explains, “It is important to view migrants not only on the basis of their status as regular or irregular, but above all as people whose dignity is to be protected and who are capable of contributing to progress and the general welfare.” (*Message for the World Day of Migrants and Refugees 2016*)

Alongside this respect for the fundamental human rights of immigrants, the Church also recognizes the legitimate right of governments to maintain public safety and control their borders. As the Church consistently teaches, these rights need not be opposed to one another, but rather they can and must complement one another.

The Church recognizes that illegal immigration can be a problem not just for the host country, but also for the undocumented immigrants who live in constant fear. It is for this reason that the Church has for decades urged our national leaders to fix our broken immigration system by means of comprehensive reform. It is also the lens through which we measure this bill’s impact.

In assessing Senate Bill 151, which would prohibit “sanctuary cities,” the WCC recognizes that the bill does not mandate any immigration inquiries. However, it does limit the discretion of law enforcement and unnecessarily fosters distrust and fear.

Senate Bill 151 would require a political subdivision to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement (ICE). The attorney general, appropriate district attorney, or sheriff could file a writ of mandamus with the circuit court to require compliance with this provision, or any of the bill’s requirements, if he or she believes that the political subdivision is failing to comply.

Compelling local authorities to comply with detainer requests would place an onus on local government far beyond what is required under federal law. Currently, 8 U.S. Code § 1373 speaks to the requirements placed on local government authorities regarding cooperation in an immigration enforcement action. This section forbids local governmental entities from placing restrictions on communications between local government agencies and ICE.

That is, federal law already ensures that local authorities have access to the information necessary to make determinations on whether an individual should be detained or released back into the community. However, forcing local authorities to comply with a federal detainer means forcing those entities to incarcerate individuals without discretion. Local authorities often encounter issues of domestic violence, neglect, or welfare concerns that require some measure of judgement regarding imprisonment. The bill eliminates this discernment process.

Passing this bill will have a chilling effect on immigrant communities because law-abiding immigrants will be less likely to contact law enforcement if they are victims of, or witnesses to, criminal activity. Only criminals benefit when communities lose trust in the police.

We also oppose the proposed Amendment 1, which gives any resident the right to file a writ of mandamus with the circuit court. This has the potential to encourage frivolous writs and therefore waste the time and money of local officials and law enforcement.

For all these reasons, we urge you to oppose SB 151 and instead work with local law enforcement, immigrants, and federal authorities to address violent crime, preserve security, and promote the common good. The WCC is committed to helping achieve these goals in every way possible.

Thank you.



## Darryl Morin Written Testimony

December 17, 2019

Committee Members  
Senate Committee on Labor and Regulatory Reform

Chairman Nass, Vice Chair Wanggaard and distinguished members of this committee, I wish to thank you for holding today's hearings on Senate Bill 151 (SB151) and for providing an opportunity for me to testify on this proposed legislation.

My name is Darryl Morin and I speak with you today in my capacity as National President of Forward Latino. Based in Franklin, Wisconsin, Forward Latino is a non-profit, non-partisan organization committed to assisting Hispanic Americans in their pursuit of the American Dream. We accomplish this through education, advocacy and service delivery and with the support of our active membership which now spans 20 states of our great country. Implicit in our mission is the defense of each and every right assured in the United States Constitution and the equal application of those rights.

Forward Latino since its inception has called for the federal government, which has explicit authority over immigration related issues, to pass immigration reform legislation that provides for our nation's security and economy, and that maintains our nation's commitment to being champions of the human spirit, of human dignity. These goals are attainable and are not mutually exclusive of one another. And while Forward Latino believes that every sovereign nation has a responsibility to protect its borders, so to do we believe in the United States Constitution, the separation of powers and exclusivity of jurisdictions.

After careful review of Wisconsin Senate Bill 151, we have found striking similarities with Texas Senate Bill 4 (SB4). Both Texas SB4 and Wisconsin SB151 seek to prohibit ordinances, resolutions or policies that prohibit the enforcement of federal or state law relating to undocumented immigrants as well as inquiring as to an individual immigration status. They both require compliance with detainer requests from Immigration and Customs Enforcement (ICE) and they both seek to impose financial penalties on government entities that do not comply. In addition, they both seek to force liability on those governing bodies for damages found to have been caused by undocumented immigrants.

SB151 clearly represents and overreach of state authority and infringes on the federal government's exclusive jurisdiction on immigration related matters. This exclusivity of jurisdiction has been reaffirmed by the United States Supreme Court on numerous occasions.

In addition, as first asserted in *Galarza v. Szalczyk* and then reaffirmed in *Moreno v. Napolitano*, detainers issued by ICE are only requests made by ICE; compliance by the Law Enforcement Agency (LEA) is voluntary. To further clarify, detainer requests are not judicial warrants, and per ICE itself, detainers represent a voluntary request and do not carry the weight of a court order.





And while the courts have found as in SB4 as well as guidance issued from U.S. Department of Justice, funding cannot be withheld based on this issue. However, what the courts have and continue to find is that political subdivisions that have wrongly imprisoned an individual can be liable for damages. We are all aware of the numerous high-profile cases of United States Citizens being wrongfully detained, and certain instances deported, not only creating tremendous liability and financial exposure for political subdivisions, but even more importantly, illegally stripped the liberty and freedom from United States citizens. Just last month in Michigan, the Grand Rapids City Commission approved an award of \$190,000 to Mr. Jilmar Ramos-Gomez as the city had honored an ICE detainer request, holding him for three days. Mr. Ramos-Gomez was a United States Citizen and served our nation honorably, having received numerous medals and commendations during his active-duty service in the United States Marine Corps.

Given the practical limitations of time, I would only add that not only does SB 151 have numerous constitutional issues, but above and beyond, our analysis has shown that it is simply not in the "Public Interest". As a state we pride ourselves on fair play, in helping our neighbors. We believe in the benefits of working hard to provide for our families, and in times of need, lending a helping hand. SB151 would not only damage police-community relations, but would have a disproportionate and discriminatory impact on individuals with prominent Hispanic features and surnames.

As we all seek what is best for our state, do we not want each and every person to feel comfortable to report a crime that they witnessed or is in progress? Do we not want each and every person to feel comfortable calling the police or fire department when witnessing a medical emergency or a fire? Do we not want women and children to feel comfortable calling for aid if they are victims of domestic violence? While there are some who say SB 151 is designed to help keep us safe, it will in fact have the opposite effect.

I would encourage your efforts as legislators to promote legislation that would have a dramatic impact on public safety, and that already has the overwhelming support of Wisconsin voters, such as legislation that would close the background check loopholes and that would provide our members of law enforcement as well as family members, an Extreme Risk Protection Order option. Both are proven to reduce gun violence and have the support of 80% and 81% of Wisconsinites respectively according to the August Marquette Law School Poll.

Once again distinguished gentleladies and gentlemen, I appreciate your time and serious consideration of my remarks here today and respectfully encourage you to end consideration of SB151. Passage would only lead to immediate and costly litigation that would ultimately prove unsuccessful and damage police community relations.

May the Lord bless all of you, may the Lord bless the great state of Wisconsin and may the Lord continue bless the United States of America.

Thank you,

Mr. Darryl D. Morin



Contact:  
Steven Monroy  
Legislative Staff Attorney  
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**Public Hearing Testimony**  
Wisconsin Senate Committee on Labor and Regulatory Reform  
December 17, 2019

**Re: SB 151 - STATEMENT IN OPPOSITION**

Good morning Mr. Chairman and members of the committee,

My name is Steven Monroy and I am an attorney with the Mexican American Legal Defense and Educational Fund. MALDEF is a legal civil rights organization that works to protect the rights of Latinos in the United States.

I am here today to ask that you vote against SB 151 because it raises serious constitutional questions. It puts local governments and the State of Wisconsin at risk of litigation and, more importantly, it prevents local governments from implementing policies that best fit the needs of their communities. The enactment of SB 151 would violate the principals of federalism and lead to arrests that violate the fourth and fourteenth Amendments of the U.S. Constitution.<sup>1</sup>

The bill would force local governments to examine every ordinance and priority to determine if it overlaps, in any way, with laws affecting immigration. Federal authorities are given the training and discretion to enforce immigration law, a complex and rapidly changing subject. Local officials do not have such training or discretion. Yet, this bill would push local authorities to interpret and give precedence to federal immigration policy in every aspect of government, amounting to an unfunded state mandate. SB 151 would likely lead to a rise in racial profiling and incentivize governments to cut services to Latino communities. Even if local governments tried to comply with SB 151, they might face costly lawsuits initiated by county attorneys, sheriffs, or residents who disagree with local policy.

SB 151 also places local governments at risk of costly litigation by requiring them to comply with "*any lawful detainer issued by U.S. immigration and customs enforcement.*"<sup>2</sup> The federal courts have made clear that ICE detainers are merely requests, and not mandatory, because the Tenth Amendment prohibits the federal government from commandeering state officials to enforce federal law.<sup>3</sup> SB 151 makes it likely that local police will be compelled to make arrests or extend detention longer than legally authorized. The local government will have to cover the cost of such detentions and federal policy generally bars reimbursement for compliance with ICE detainers. Additionally, the local government could be liable for unlawful detention despite a detainer request and ordered to pay hundreds of thousands in damages and legal fees.

MALDEF urges you to vote no on SB 151 so that local officials can focus on their priorities and the needs of their communities without the threat of persistent litigation, civil rights violations, or encroaching on powers left to the federal government by the Constitution.

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<sup>1</sup> The Fourth Amendment prohibits unlawful search and seizure. The Fourteenth Amendment requires due process and equal protection of the laws.

<sup>2</sup> Although the bill does not define "lawful detainer", it likely refers to requests made under 8 C.F.R. § 287.7.

<sup>3</sup> *Galarza v. Szalczyk*, 745 F.3d 634, 643 (3d Cir. 2014).