

TESTIMONY OF

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BEFORE

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Subcommittee on Immigration and Border Security

ON

“The Effect of Sanctuary City Policies On The Ability To Combat The Opioid Epidemice”

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Chairman Goodlatte, Ranking Member Nadler, Chairman Labrador, and Ranking Member Lofgren, and other distinguished Members of the Subcommittee on Immigration and Border Security, thank you for inviting me here today to testify regarding Sanctuary City Policies and Criminal Aliens.

Let me begin with the obvious. I am the Sheriff of Jackson County, Texas. In plain, simple terms, the people of Jackson County elected me to keep them and their families safe. When I accepted that job, I took an oath to do just that, acting within the Constitution of the United States and the State of Texas.

The most important part of being Sheriff of Jackson County – the most important part of any law enforcement department’s job – isn’t going out and arresting the bad guys after they have committed a crime and victimized people in our community. When we do the sorts of things that you see on the TV cop dramas it means we’ve failed. It means we’re cleaning up the mess.

Those of us in law enforcement accept that reality as part of our jobs. We know that even the best law enforcement department cannot prevent all crimes from happening. But nothing is more frustrating to law enforcement officers, and more infuriating to the community at large, than when we are forced to clean up a mess that could have been prevented – to deal with victims and their families who didn’t need to be victimized, and to put our officers in danger when they didn’t need to be placed in danger.

Yet that is precisely what is happening all across the country as a result of deliberate policies, adopted by other elected officials who, like me, took an oath to uphold the laws of this nation and serve the best interests of the people who elected them. The proliferation of so-called sanctuary policies poses a clear and present danger not just to citizens in the jurisdictions that make these policies, but to people everywhere in the country – including places like Jackson County.

As an individual citizen of the United States, I have my own opinions about the failure of the United States government to prevent millions of people from entering our country illegally, or preventing them from taking jobs in this country, or the burdens that are heaped upon taxpayers to provide for the basic needs of people who come here illegally. That’s bad policy.

As an elected law enforcement officer, I can attest to the fact that sanctuary policies are not merely bad policies; they’re dangerous policies. Heroin, along with other debilitating and dangerous narcotics are crossing our porous borders. In the case of heroin, the drugs are largely manufactured in Mexico with a majority controlled by Sinaloa cartel. Not only is the Sinaloa cartel manufacturing heroin, they are also producing fentanyl. And the Sinaloa cartel has been expanding its operations – not only drug trafficking but also human smuggling, extortion, and child labor.

These sanctuary cities are a cog in the expanding opioid crisis, as evidenced in the recent drug bust in Boston. They send a clear signal, not just to illegal aliens seeking to better themselves economically by violating U.S. immigration laws that they will be protected from the consequences of their actions, but they also serve as an invitation for criminal aliens smuggling opioids and other narcotics that they will be shielded from federal law enforcement.

Don't take my word for that. Take Jose Ines Garcia-Zarate's word for it. After Mr. Garcia-Zarate killed Kate Steinle – a young woman who was out taking a walk with her father along the San Francisco waterfront – the criminal alien, with multiple convictions on his record, told police that he chose to settle in San Francisco because he knew he would be protected by the city's strict sanctuary policies.

Tragically, he was right and even more tragically Ms. Steinle paid for these policies with her life like many other innocent victims who were just going about their lives when a criminal was released because local politicians thought it was more important to express their dislike of U.S. immigration laws than is to protect the safety of the people they serve.

These local politicians are becoming even more reckless in their flouting of public safety as they scramble to show their disapproval of President Trump's mild efforts to enforce U.S. immigration laws. California has enacted laws that declare the entire state a sanctuary for illegal aliens and refuses to allow law enforcement in that state to cooperate with federal immigration enforcement agencies, except under extraordinary circumstances. The politicians took these steps over the objections of sheriffs and other law enforcement professionals in California.

And California is not alone. These dangerous policies are spreading like a cancer across the country. Recently Denver, Colorado, adopted sanctuary policies so stringent that in briefings provided to city employees that *they* – not the people who violate our nation's immigration laws, or criminal aliens who are arrested by local law enforcement – were threatened with jail time if they cooperate in the identification and removal of some in the country illegally.

A Power Point presentation to Denver city employees warned explicitly that:

- Any employee who violates this [sanctuary] ordinance is subject to discipline up to and including termination; and
- Any employee who knowingly and intentionally violates this ordinance is subject to criminal prosecution and may be fined up to \$999.00 and a term of incarceration not to exceed 300 days in jail.

Like many such sanctuary policies, the Denver sanctuary ordinance goes to extraordinary lengths to ensure that illegal aliens, including people who commit acts that land them in local jail, are shielded from identification and removal from the United States. The Denver policy, like most sanctuary policies:

- Bars the city from honoring detainer requests from Immigration and Customs Enforcement for deportable aliens who are in custody, even though detainer requests from other law enforcement departments are routinely honored.
- It creates a formalized "policy of not collecting immigration or citizenship information clarifies the policy for all city employees, ***minimizes the risk of inadvertent collection***, as well as the risk of having to provide information beyond the scope of our City duties once it is collected." Amazingly, the city is more concerned about minimizing the risk that someone who was locked up for a DUI might "inadvertently" be deported than they are about minimizing the risk

someone's son or daughter might be killed by that deportable alien the next time he gets behind the wheel drunk.

- It "Prohibit[s] the sharing of any other information about individuals for purposes of immigration enforcement" and "prohibit[s] use of city resources or city cooperation with civil immigration enforcement, including prohibiting providing access to secure areas or facilities." It does so even though such policies are expressly prohibited under 8 U.S. Code § 1373. And yet, despite the flagrant violation of federal laws – to mention the reckless disregard for public safety – these policies are tolerated by Congress and the Executive Branch.

All of these politically-driven sanctuary policies are justified under the canard that they are necessary to build trust with the community. By "community" they mean the community of people who violate our nation's immigration laws, not the community of people whom those laws were meant to protect. It is not up to city councils, county boards of supervisors, or state legislatures to determine whether the person police in their jurisdictions have arrested for DUI, or possession or illegal drugs, or breaking and entering is a serious enough criminal to warrant removal from the country. The law says that if they are in the country illegally they are subject to deportation even if they have not committed any subsequent offenses.

Contrary to the assertions of those who, frankly, do not want to see our immigration laws enforced at all, police and sheriffs' departments do not need sanctuary policies that provide blanket assurances to immigration law violators to gain their cooperation when they are victims of crimes, or have information about crimes.

First off, it is not our job to enforce immigration laws. We don't go out looking for people just because they are violating U.S. immigration laws, any more than we go looking for people who engage in insider trading. But, if we happen to arrest them for something else, and a duly empowered law enforcement department asks us to turn them over it is our legal and ethical obligation to do so.

Second, I know of no law enforcement department that asks about people's immigration status when they come forward to report a crime or provide information. Police exercise reasonable discretion every day. Put simply, sanctuary policies are a solution in search of a problem. The problem is policies that prevent us from calling ICE or responding to a detainer request for the guy who committed the crime. The problem is sanctuary policies that require police and sheriffs to put deportable aliens back on the streets so they have the opportunity to commit other crimes in your communities or mine.

Sanctuary policies essentially prioritize the interests of people who are in the United States illegally – including criminals – over the security and interests of the American people. Sanctuary policies violate the laws of the United States and the trust of the people that their government will take reasonable steps to protect their safety. And, from the perspective of law enforcement officers across the country, sanctuary policies are a violation of our duty to protect public safety, prevent crime, and uphold our oaths to enforce the laws of this country and the jurisdictions we serve.

I urge Congress to exercise its responsibility to ensure that these illegal policies are addressed.