

SUBMITTED TO THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
Hearing on April 28, 2016
"Criminal Aliens Released by the Department of Homeland Security"
Submitted by: Wendy Hartling

BIOGRAPHICAL SUMMARY

I Wendy Hartling am the mother of Casey Chadwick who was brutally stabbed to death by a criminal alien on June 15, 2015. I hope my comments today will help avoid any similar tragedy from happening to anyone else.

MY STATEMENT AND TESTIMONY

Hello. My name is Wendy Hartling. My life will never be the same after June 15, 2015. I am here on behalf of my daughter Casey who was stabbed to death and stuffed into a closet by a criminal alien, Jean Jacques. He was found guilty of attempted murder in 1996 and served sixteen years in Connecticut Prison. He should have been automatically deported by Immigration and Customs Enforcement when he was released from prison. Instead he killed Casey on June 15, 2015 and was found guilty of her murder after a trial. My hope is that he never gets out of prison.

According to laws passed by Congress, Jacques should have been deported. ICE had him in custody and detention three times. Tragically, ICE released him three times and he killed Casey just a few months after his last release by ICE. From defensive wounds, we know that Casey fought courageously and that she suffered greatly before her death. If ICE and Homeland Security had done their job Casey would not have died and I would not be here as part of the club of Homicide Survivors which no parent wants to join.

My Attorney Chester Fairlie has written an article on the failure of deportation of criminal aliens. I would like to submit a copy of the article as part of my testimony. Mr. Fairlie states "This miscarriage of the deportation process contributed to the death of Casey Chadwick and caused grief and suffering to her parents and friends." I understand that the Inspector General of Homeland Security has undertaken a full investigation of the Jacques failed deportation case and we are awaiting the report.

My daughter was loved so much by family and friends. Over three hundred people came to her wake. Casey and I were very close. She called and texted me every day. I can no longer talk to my daughter, hold her, hug her or just simply hang out with her or go out to eat which was one of

her favorite things to do. This breaks my heart every second of every day. Casey's best friend for thirteen years, Crysta, who came with me on this trip in support is devastated as is Casey's boyfriend.

This is what I have lost. I can't watch her walk down the aisle on the arm of her father. She will never have the chance of becoming a mom, something she was thinking of before her death. She will never see her two nephews grow up or go to her siblings' weddings. She will never again be at our family functions and holidays.

The tragedy of Casey's death is not an isolated case and is occurring frighteningly often around the country - when it really shouldn't be happening at all

Something has to be done to fix this horrible problem. I would never want any family to have to go through this. The pain is always with me. My heart is broken. I go to a Survivors of Homicide group which is very helpful. An important thing I learned was that the pain will never go away. I have to learn to live with it. I am trying but it is the hardest thing for me in my entire life.

I was not prepared for Casey's sudden death and I am doing the best I can. I was not prepared to become a Victim Advocate in her honor and I am doing the best I can.

Thank you for listening.

DEPORTATION FAILURE AND MURDER

Jean Jacques came to the United States as an undocumented alien, probably by boat. Whether he was vetted by the Border Patrol or by Homeland Security is not yet known. He made his way to Norwich, Connecticut. In 1996 he shot two people killing one and wounding another. He was convicted of attempted murder in Connecticut and was sentenced to serve twenty years in prison. He served seventeen. Shortly before his scheduled release on parole, Connecticut Corrections notified the Federal Department of Immigration and Customs Enforcement (ICE) for automatic deportation. ICE held him and then released him. Jacques returned to Connecticut where he was soon picked up for a parole violation. He was returned to Connecticut Corrections which again transferred him to ICE for deportation. ICE released him again. There was a third occasion when ICE had him in custody and still released him. On June 15 2015 in Norwich, Connecticut Jacques stabbed Casey Chadwick to death. Jacques was found guilty in April of 2016 and will be sentenced on June 6, probably to life in Connecticut prison.

The miscarriage of the deportation process of Jacques contributed to the death of Casey Chadwick and caused grief and suffering for her family and friends. The State of Connecticut will pay more than a million dollars to incarcerate Jacques on his new sentence.

Across the country, there have been more than six thousand immigrants who committed aggravated felonies and who should have been deported and who instead were released by ICE. There have been more than 120 murders committed by those immigrants who should have been deported but who were instead released. Murders by deportable aliens have occurred in Massachusetts, New York, Connecticut and many other states. There also have been large numbers of rapes and other serious crimes committed by the same population released by ICE. Public Safety and justice cry out for reform.

Deportation policy involves all three branches of our Federal Government, Legislative, Executive and Judicial. At the Congressional level, Congress passed the legislation creating and empowering the Department of Homeland Security and the Agency of Immigration and Customs Enforcement. Legislation has defined that immigrants who commit certain aggravated felonies should be automatically deported by ICE, usually at the conclusion of their State Court sentences. The crimes for automatic deportation and the consequences are set out in Federal Immigration law enacted by Congress. An important purpose of the legislation for deportation is to protect public safety. Congress also has the authority to convene Congressional investigations to address how deportation laws

are carried out to determine if further legislation or additional funding are needed.

Deportations are handled through the Department of Immigration and Customs Enforcement which is an Agency of Homeland Security. Both agencies are part of the Executive Branch of government. ICE is expected to carry out the laws as directed by Congress and has evolved to be the largest police force in the Country. The duties of ICE include identification of someone who should be deported, apprehension of the person, and detention until they are deported. Deportation requires development of the necessary travel documents. Travel documents must include the agreement of the country of origin to accept return of the deportee.

The process of returning deportees is set out in repatriation treaties between the US and the foreign country. If there is no treaty, deportation to that country cannot occur. In the case of Jean Jacques, identification, apprehension and detention were all in place. Haiti had agreed to a repatriation treaty. Why ICE failed to deport Jacques is not yet known.

Part of the complexity of deportation arises from decisions from the Judicial Branch of government. In a case from the United States Supreme Court entitled *Zadvydas vs. Davis* (2001) the Supreme Court set limits for the period of pre-deportation detention by ICE. Part of the complexity before the Court was that the legislation enabling detention included the ambiguous language of "may detain". The Court found a lack of clear Congressional intent. The Supreme Court set a time limit of six months as the allowable period for detention unless there was a reasonable prospect that the documentation could be obtained.

The Court by the decision in *Zadvydas* recognized the importance of clear Congressional direction and invited Congress to enact further legislation to make the categories for longer detention more limited and to declare the detention mandatory, especially when national security or public safety were involved. Congress failed to follow up on the Court's suggestion. ICE accepted the six month limitation of its detention authority. In deportation cases where the documentation could not be completed within six months, ICE began to release the intended deportees to civilian population. The intended deportees were required to provide a current address for ICE to contact them if the deportation documents became complete. It is not yet known if any of thousands of those intended deportees were later recalled for deportation. The information is known to ICE.

After the murder of Casey Chadwick, requests were made to ICE to explain why Jacques had been released. Newspapers reported that ICE initially

declined to provide information citing a privacy right of Jacques who by then had been charged with murder. Fortunately as a result of the coordinated efforts by Connecticut Senators Richard Blumenthal and Christopher Murphy and Congressman Joseph Courtney the Inspector General of Homeland Security has ordered ICE to provide a full investigation of the processing and policies applied by ICE in the Jacques case. The results of the report will be revealing to a degree not yet obtained in similar cases.

For the future, what can be done to address the threats to public safety posed by these deportation failures. One suggestion has been to propose federal legislation to define limited categories for longer detention of immigrants who commit aggravated felonies when either national security or public safety are involved. The legislation should include mandatory language to avoid the ambiguity of the "may detain" language as currently exists. The Supreme Court indicated it would likely defer to properly worded legislation. Tragically, Congressional reform of deportation of criminal alien could become caught in the morass of contentious political parties. Still, there could be congressional hearings and investigations into deportation failures so that the statistics and failures are known when the Congress addresses immigration reform. Another important avenue for investigation is to demand more transparency from ICE. Perhaps an ombudsman could be appointed to monitor individual public safety cases within ICE. With greater information of the functions, decision making and process of ICE, citizens and congressional representatives could then focus efforts for improvement of criminal alien deportations. In these times of increased refugee migration, there is even more imperative for reform.

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