



# Department of Justice

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**STATEMENT OF**

**R. ANDREW MURRAY  
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WESTERN DISTRICT OF NORTH CAROLINA  
UNITED STATES DEPARTMENT OF JUSTICE**

**BEFORE THE**

**COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE**

**FOR A HEARING ENTITLED**

**“SANCTUARY JURISDICTIONS: THE IMPACT ON PUBLIC SAFETY  
AND VICTIMS”**

**PRESENTED ON**

**OCTOBER 22, 2019**

**Statement of**

**R. Andrew Murray  
United States Attorney for the Western District of North Carolina  
Department of Justice**

**Before the  
Committee on the Judiciary  
United States Senate**

**Entitled  
Sanctuary Jurisdictions: The Impact on Public Safety and Victims  
October 22, 2019**

Chairman Graham, Ranking Member Feinstein, and other distinguished Members of the Committee, thank you for the opportunity to speak with you today regarding the challenges faced by law enforcement in jurisdictions with sanctuary policies.

The term “sanctuary city” is not a legal term and has no consensus legal definition. Generally, a jurisdiction is considered to have “sanctuary policies” when the jurisdiction prevents or limits state and local law enforcement from working with their federal law enforcement partners in some way. Over the past several decades, lawmakers in a number of states and municipalities have enacted laws intended to limit police involvement in federal immigration enforcement activities. In more recent history, Governors and Mayors have done so by executive order, and even local sheriffs have created de facto sanctuary jurisdictions by issuing guidance to their deputies. While these policies vary widely in substance and scope, at a minimum, most limit the sharing of certain information between state and local police and federal law enforcement authorities.

Sanctuary policy supporters argue that the intended result is to provide a sense of safety and security to individuals who may be in the country illegally, but who are otherwise lawful individuals. In reality, sanctuary policies protect known criminal aliens who have been arrested by local law enforcement for serious crimes unrelated to their immigration status. Studies have found that there are close to 600 jurisdictions in America with these policies, preventing community police officers from protecting their communities from criminals.

For law enforcement agencies at the federal, state, local, and tribal level, information sharing is one of the most vital tools in investigating and combating crime. Sanctuary policies effectively remove this tool from the tool box of our nation's law enforcement, impeding their ability to carry out our collective public safety mission.

I currently serve as the United States Attorney for the Western District of North Carolina. While Charlotte is geographically far from our country's borders, federal immigration laws are nevertheless an essential mechanism for getting violent criminals off our streets.

As U.S. Attorney, and, previously, as District Attorney for Mecklenburg County, the most populous county in North Carolina, I have witnessed firsthand the devastating impact that sanctuary policies can have on the community. I have also seen how these policies can derail the lives of individuals who become victims of crime after perpetrators - who should have been removed from the country - were released back to the streets, essentially set free to reoffend, and commit more violent crimes that could have been prevented. It is critical to note that, in many instances, the crimes the perpetrators commit are inflicted upon members of the immigrant communities in which the offenders belong.

There are two very recent cases in Charlotte that serve as unfortunate examples of the clear threat to public safety that such policies pose. In May 2019, Luis Analberto Pineda-Ancheta was arrested not once, but twice, by officers with Charlotte-Mecklenburg Police Department (CMPD) for assaulting a female, strangulation, and kidnapping, among other offenses. Each time Pineda-Ancheta was arrested, U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO) filed a detainer with the Mecklenburg County Sheriff's Office requesting that he be held in custody so that immigration officers may have a reasonable period of time to determine his true identity, immigration status and criminal history. Each time the federal detainer was ignored by the Sheriff's office, and Pineda-Ancheta was released from prison without notification to federal immigration officials. It is important to note that, prior to his second arrest by the police, Pineda-Ancheta engaged in an hours-long standoff with a CMPD Special Weapons and Tactics Team team, potentially exposing many innocent bystanders and law enforcement officers to serious harm. After he was released from state custody a second time, Pineda-Ancheta was eventually located and arrested by federal law enforcement in Charlotte. At the time of his arrest, Pineda-

Anchecta and another person were sitting in a vehicle that contained a loaded firearm and ammunition, in close proximity to them.

A second example is Oscar Leonardo Pacheco, a Honduran citizen and a repeat immigration violator, who was arrested on June 14, 2019 by CMPD, for first degree rape and taking indecent liberties with a child. Once again, the Mecklenburg County Sheriff's Office ignored ICE/ERO's detainer and Leonardo Pacheco was released from jail the next day. He was arrested by federal law enforcement on August 9, 2019. For nearly two months, Leonardo Pacheco was back in the community, free to potentially reoffend and harm other innocent people, including children.

Over a recent nine-month period, there were at least 23 other foreign nationals who had been released back to the community as a result of the local Sheriff's refusal to comply with federal law and to honor federal immigration detainers. Among those released are individuals charged with serious criminal offenses, such as sex offenses, assault with a deadly weapon with intent to kill, strangulation, kidnapping, and more. Some of these individuals are still at-large as law enforcement have not been able to locate them.

This is just part of a growing list of unlawfully present criminal aliens who could have been arrested and removed from the United States. Yet, current sanctuary policies allow them to remain in this country at the expense of the safety of our communities and our law enforcement.

Unfortunately, what I have witnessed in North Carolina is not unique - American citizens are becoming victims of preventable crimes across the country every day due to sanctuary policies. Prohibiting law enforcement from communicating with each other does not change the mission of protecting the community and combatting crime, it just makes every single officer's job more difficult along the way and puts that many more members of our communities at risk of becoming the next victim.

The American people deserve a lawful immigration system that keeps us safe and serves our national interest. This entails permitting our police to use any and all lawful tools at their disposal when they are putting their lives on the line to protect all of us. In enacting these policies, state and local lawmakers and politicians have decided to turn a blind eye to our immigration laws, undermining Congress and the rule of law, and ultimately endangering

American citizens in exchange. When policy prohibits law enforcement from doing their job effectively, the American people are the ones who pay. The Department of Justice is committed to supporting all of our nation's state, local, and tribal law enforcement, and to working with anyone who seeks to protect our communities from violent criminals.

Mr. Chairman, I thank you for holding this hearing on such an important topic affecting so many communities around the country. I look forward to answering any questions you may have.