

TO: United States House of Representatives Judiciary Committee subcommittee  
On Immigration Policy and Enforcement

FROM: Brian McCann  
SUBJECT: Synopsis of Testimony on March 7, 2012

Five-minute remarks will focus on three areas. First, a brief chronology of the criminal history of Saul Chavez dating from 9/08 to 11/11. This chronology will be within the context that Saul Chavez was an illegal immigrant and he killed my brother last June in Chicago. My family sincerely believes that my brother would be alive today if ICE and the criminal justice system cooperated within this time frame. Second, a continuing chronology of events following my brother's death that led to the flight of Mr. Chavez, presumably to Mexico. Third, I will comment on the Scott Gardner Act.

Back in September of 2008 Mr. Chavez was arrested for aggravated DUI. After pleading guilty to the charge of Aggravated DUI, Chavez was placed on probation by a Cook County judge on 2/11/09 for two years. During that five -month period, ICE was never contacted by anyone from the Chicago or Cook County criminal justice system. Records show on the night he was arrested Mr. Chavez admitted he was not a citizen and in my judgment no less than 10 people would have read that admission.

Judge William Timothy O'Brien terminated Mr. Chavez' probation on 2/10/2011 and five months later Chavez killed my brother on 6/ 8 /2011. Immediate family in Illinois, California and Maryland were contacted and the grieving process began and as we learned of the previous felony conviction questions were raised and questions continue. It is the families view that cooperation with ICE and Cook County agencies would have prevented Dennis McCann's death.

Following the 2/10/11 death of my brother and subsequent arrest of Mr. Chavez the Cook County State's Attorney assured us that the detainer would keep Mr. Chavez in custody even if he remitted the required \$25,000 bail or 10% of the \$250,000. The family was minimally comforted that retribution would follow sometime in the future and Mr. Chavez would be appropriately sentenced for the charge of Aggravated DUI with death and reckless homicide.

Insult was added to injury to the McCann family because on the Sunday before Thanksgiving 2011 I received a tape recording indicating Mr. Chavez was released from custody. Justice had been denied because we believed he had fled.

The reason he was able to post bond is the result of an official policy of non-cooperation with ICE that had existed for some time prior and an official policy established by the Cook County Board in August that effectively guarantees non cooperation by the Sheriff.

At present the Cook County Board, because of my family's efforts and others, is attempting to amend the ordinance thereby enabling the sheriff to honor these detainees.

I have met with members of the Cook County Board and testified publicly, but sadly the political dynamics of their deliberative process in the context of the Cook County political culture has stalemated the process.

I support the Scott Gardner Act, because it is a significant step toward requiring local jurisdictions to comply with federal law and policy. Moreover, passage of the Scott Gardner would prevent deaths similar to the circumstance of my brother, Dennis McCann.