

**Judiciary Subcommittee on  
Immigration Policy and Enforcement**

**Non-Deportable Criminal Aliens**

**May 24, 2011  
10:00 am**

**Rayburn House Office Building  
Room 2141**

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It has been nearly three years since Officer Andrew Widman of the Fort Myers Police Department was senselessly murdered while on patrol. On July 18, 2008, unbeknownst to Officer Widman, he approached an individual, Mr. Abel Arango, who had recently been involved in a heated domestic argument with his girlfriend. This individual had a lengthy criminal record, gang affiliations, and an active warrant out for his arrest. As Officer Widman began to speak with him, Arango pulled out a gun and shot Officer Widman at close range. Officer Widman died at the scene.

To provide some background into Arango's past, I offer the following:

- Abel Arango was ten years old when he fled Cuba, his birthplace, and arrived in the United States in 1991.
- In 1998 Arango was convicted and sentenced to a six year prison term for armed robbery and four five-year terms for carrying a concealed fire arm, burglary, and two counts of grand theft. Immigration and Naturalization Services placed a detainer on Abel Arango for him to be detained by INS upon his release from prison.
- On or about 2000 or 2001 Arango was ordered to be deported back to Cuba after being sentenced for armed robbery in Florida.
- Arango appealed his deportation order and the Bureau of Immigration Appeals denied his appeal and his deportation order remained in effect.
- On March 1, 2004, upon being released from Krome Detention Center in Miami, Abel Arango was not detained by Immigration and Naturalization Services or Immigration and Customs Enforcement and was unleashed on Florida citizens.
- Upon his release, Arango was to report to Immigration and Customs Enforcement officials every six months and he was on supervised probation as a convicted felon.
- Abel Arango was on supervised probation in the State of Florida since his 1998 conviction to the day he assassinated Fort Myers Police Officer Andrew Widman.
- On May 16, 2008, Abel Arango was arrested and booked into the Lee County Jail for five felony counts relating to the trafficking and sale and possession of cocaine.
- On May 17, 2008, Abel Arango was released from the Lee County Jail by posting a \$100,000.00 surety bond.
- On May 29, 2008, a Collier County Judge signed an arrest warrant for Abel Arango for violation of probation and Arango was ordered to be held in custody without bond pursuant to the violation of probation and arrest warrant.

- On June 16, 2008, Abel Arango walked into the Lee County Justice Center, appeared in a court room and pled not guilty before a Judge in the presence of employees from the Office of the State Attorney, Lee County Sheriff's Office, bailiffs, his defense attorney, and other personnel which may have included state probation officials and clerk of courts officials in a court room fully equipped with access to the Clerk of Courts' computers.
- Arango entered a plea of not guilty before a Judge on June 16, 2008, and walked out of the courtroom on his own free will with a future court date.
- Arango had a private lawyer representing him and it is unknown what knowledge this lawyer possessed and what actions this lawyer made on behalf of Abel Arango before and during the court appearance, and what actions he took after Arango walked out of the Lee County Justice Center on June 16, 2008.
- Abel Arango was allowed to walk out of the Lee County Justice Center even though he had an active arrest warrant ordering he be arrested, taken into custody and not released on bond or bail, even though it appears he had a pending deportation order that he be deported out of the United States of America, and even though he was on supervised probation for a violent felony including armed robbery with a gun.
- On July 18, 2008, thirty-two days after walking out of the Lee County Justice Center, at or around 2:00 a.m. Abel Arango used a gun to violently and cowardly assassinate Andrew Widman, a Fort Myers police officer.

The reason Arango was walking the streets is a matter of federal law. In 2006, the Supreme Court ruled in *Zadvydas v. Davis* that ICE could not hold any criminal alien longer than six months after they had finished serving their prison sentence. If they could not be deported during that period, they must be released on an Order of Supervision.

On May 9, 2011 Florida Governor Rick Scott signed into law the Officer Andrew Widman Act, which will enhance officers' safety by providing an additional blanket of security by authorizing a judge to issue a warrant for the arrest of a probationer or offender who has violated the terms of probation or community control, and allow for the judge to immediately commit serious offenders on the likelihood that the person will be imprisoned for the violation.

Had the judge been able to immediately charge Arango with the probation violation at the time of his arrest, Officer Widman's murder may have been avoided. Three other officers in Florida were shot and killed since January under similar circumstances.

Although we are certainly thankful that Governor Scott signed into law the Officer Andrew Widman Act, had Arango been deported as ordered, Officer Widman would be alive today. Due to the fact that Arango was not deported and the similarities surrounding and the Supreme Court Ruling in *Zadvydas v. Davis*, I strongly urge the Judiciary Subcommittee on Immigration Policy and Enforcement to support a change.

These cases involve aliens who have a conviction and a final order of removal, but cannot be removed based on their country's inability or unwillingness to take them back. It has also been determined that in other circumstances aliens are thwarting their own deportation. According to the Supreme Court Ruling in *Zadvydas v. Davis*, an alien can only be detained for up to 6 months after completing their prison sentence, if there is no significant likelihood of deportation. Even when continued detention is justified, once the 6 months is up, the Supreme Court Ruling allows for dangerous, criminal aliens, who have orders of removal to be released into our communities.

I applaud House Judiciary Committee Chairman Lamar Smith for addressing this ruling and the steps he is taking to correct this injustice. I wholeheartedly agree with Chairman Smith when he was quoted as stating "It is outrageous that thousands of dangerous immigrant criminals have been released to our streets. Just because a criminal immigrant cannot be returned to their home country does not mean they should be freed into our communities. Immigrant criminals should be detained and deported."

We have a responsibility to our citizens, legal residents, visitors, and law enforcement personnel to ensure that these dangerous, criminal aliens are not allowed to reenter into communities within the United States of America. Deportation or detention must be adhered to rather than allowing them to go free.

Thank you for this opportunity to address the Committee. I am truly honored.