

Congress of the United States
Washington, DC 20515

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20528

November 25, 2014

Secretary Johnson,

We write to you regarding Garret Anthony Clifton's arrest at the San Ysidro port of entry and the failure on the part of the Department of Homeland Security to notify his employer, the San Diego Unified School District, of his arrest. While the Department and the federal courts were processing his case, Clifton continued his employment as a Special Education substitute teacher's aide despite his arrest. It is our understanding that an internal review of Department policy is underway as to whether local school officials should have been notified of Garret Anthony Clifton's arrest. We ask that you to share with us the results of that review. We are specifically interested to learn if the investigation has determined if Homeland Security officials followed procedures correctly. Was it determined that Garret Anthony Clifton did not appear to pose an imminent threat to the safety of the children with whom he interacted, which would have warranted notification of his employer? Additionally, we ask what actions the Department of Homeland Security (DHS) is taking to further investigate this situation and to ensure that an occurrence like this never happens again.

Last April, San Ysidro border patrol agents arrested Garret Anthony Clifton at the San Ysidro border for smuggling 9.9 kilos of methamphetamine and 8 kilograms of cocaine, an amount worth more \$500,000, from Mexico into the United States. Federal officers did not notify Clifton's employer, the San Diego Unified School District, of his arrest even after Clifton pleaded guilty to importation of illegal drugs on July 25, 2013. Clifton worked in his teaching position for approximately 9 months without formal notification to the school district of his arrest. San Diego Unified School District claims it was unaware of his drug arrest.

First, we ask what procedure the Department of Homeland Security follows after arresting an educator for drug, sexual, or violent crimes. If a California school teacher is arrested for a controlled substance offense, several drug related offenses, or for possession of drug paraphernalia, California Health and Safety Code mandates that state, local, or county police immediately notify by telephone the district superintendent who employs the teacher and give written notice to the Commission on Teacher Credentialing and the county superintendent. If a California school teacher is arrested for rape or any other sex crime, California Penal Code requires similar notification. Yet, it appears that federal agencies do not take steps to protect the general public from individuals with these offenses. What, if at all, does Homeland Security do to ensure state law is adhered to in these circumstances?

Additionally, we question whether federal law enforcement officials involved in the arrest followed existing policies appropriately. Since the individual in this case was still a probationary employee, California law requires this employee be placed immediately on leave without pay with immediate termination following conviction. How has the Department of Homeland Security responded in similar cases in the past and how have those cases influenced policy at

your agency? Since the arrest and conviction of Garret Anthony Clifton, have your Department's policies and procedures changed to prevent additional individuals from endangering our children?

We strongly urge the Department of Homeland Security to implement reciprocal rules compelling law enforcement agents to comply with state laws designed to protect children from sexual and narcotic criminals. We also call on the Department of Homeland Security to implement rules and regulations directing DHS law enforcement agents to notify school districts and other childcare facilities when their employees have been arrested and convicted of crimes that may endanger children.

We eagerly anticipate your response and thank you for your attention to this matter.

Sincerely,



Susan A. Davis

Member of Congress



Scott Peters

Member of Congress