

To: Sheriff Members
Major County Sheriffs of America

From: Sheriff Richard W. Stanek
Vice President Homeland Security
Major County Sheriffs of America

Re: **Enforcement and Removal Operations
Weekly Declined Detainer Report**

Dear fellow Sheriffs,

This week, DHS called into question the professionalism, integrity and reputation of many of our nation's Sheriffs by issuing its "Enforcement and Removal Operations Weekly Declined Detainer Report." As you know, the Sheriffs mentioned in the report were not consulted, and we were never given an opportunity to provide corrections or comments prior to publication. So on behalf of myself and my Agency, and others similarly situated, I held a press conference to set the record straight, point out errors in the report, and re-affirm for residents in my County that the Rule of Law is Paramount. You can follow this link to a very short video <https://youtu.be/etCIH42PjjA> . The following is a quick summary:

The Hennepin County Sheriff's Office was quite surprised to be included in DHS's first USICE "Enforcement and Removal Operations Weekly Declined Detainer Outcome Report." The report falsely accused HCSO of "Limited Cooperation" with ICE in Section III, and provided two incorrect and incomplete examples of "Recorded Declined Detainers" in Section II.

To the first point, since 2015 the Hennepin County Sheriff's Office and local ICE Office, by agreement, have been using the I-247N form ("Request for Voluntary Transfer") whereby ICE notifies us of persons of interest and we call ICE to provide as much notice as possible when we know an inmate of interest is scheduled to be released. We fingerprint every inmate, we inquire as to the place or origin with each inmate, we share all this information with our federal partners, and we provide access to ICE for in-person and over-the-phone interviews with jail inmates. To me this is cooperating with ICE to the fullest extent of the law, and it is exactly the way we cooperate with other federal partners like the FBI. Federal courts have held, and my County Attorney agrees, that Sheriffs do not have the legal authority to hold an inmate beyond the point of court-ordered release or dismissal of criminal charges. To do so requires a court order or a judicially authorized warrant; to hold an inmate without this judicial authority, for any reason or no reason, is a violation of the constitution and beyond the scope of my statutorily authorized powers as Sheriff.

To the second point, yesterday I held a press conference to set the record straight, and to answer the concerns of my residents who were unnecessarily misled by the incorrect information in the DHS Report. The Report left the unmistakable impression that we refused to cooperate and

these inmates had been released to the general public. But in the two cases cited in the Report, we cooperated fully as per our agreement. Both were arrested by the Minneapolis Police Department and booked in the Hennepin County Jail on Feb. 1; HCSO called our local ICE office when we learned they were ordered by our Courts to be released following formal charging. ICE actually came to the Jail and took both inmates into custody at 10:15 p.m. on February 3, 2017. This is exactly what we agreed to, and in my view accomplishes both of my goals as Sheriff in these cases:

1. There is no sanctuary for criminals anywhere in Hennepin County.
2. HCSO cooperates with ICE to the fullest extent of the law, and also protects the constitutional rights of all residents.

I am hopeful of resolving these issues with DHS and the Attorney General at next week's meetings. In the meantime, please call on me if I can provide additional information.

Sincerely,

Richard W. Stanek

Hennepin County Sheriff