

Thank you Chief.

Lt. Lindberg and I have been wrestling with the transition around the issue for several years. I will give a brief to the next US meeting.

Joe

**From:** Rudie, Julie  
**Sent:** Thursday, March 23, 2017 10:20 AM  
**To:** Paget, Joe [Joe.Paget@](mailto:Joe.Paget@); Soukkala, Terry [Terry.Soukkala@](mailto:Terry.Soukkala@); Knafla, Ron [ron.knafla@](mailto:ron.knafla@); Hodges, Booker T [booker.hodges@](mailto:booker.hodges@)  
**Subject:** FW: ICE Detainer Hold Issue -Updated for Sheriffs

fyi

**From:** Jim Franklin <mailto:jfranklin@>  
**Sent:** Wednesday, March 22, 2017 9:55 AM  
**To:** Bill Hutton [william.hutton@](mailto:william.hutton@); Bruce Ponath [bruce@](mailto:bruce@); Serier, Jack [jack.serier@](mailto:jack.serier@); James Olson [jolson@](mailto:jolson@); Jim Stuart [james.stuart@](mailto:james.stuart@); Joe Hagerty [joe.hagerty@](mailto:joe.hagerty@); Joel Brott [joel.brott@](mailto:joel.brott@); John Sanner [john.sanner@](mailto:john.sanner@); Luke Hennen - Scott ([LHennen@](mailto:LHennen@)) [LHennen@](mailto:LHennen@); Rich Stanek [rich.stanek@](mailto:rich.stanek@); Rick Duncan [rdunca@](mailto:rdunca@); Scott Rehmann [scott.rehmann@](mailto:scott.rehmann@); Tim Leslie [tim.leslie@](mailto:tim.leslie@); Troy Heck [troy.heck@](mailto:troy.heck@); [apirri@](mailto:apirri@); Brandon Thyen ([Bjthyen@](mailto:Bjthyen@)) [Bjthyen@](mailto:Bjthyen@); Bruce Bechtold [bruce.bechtold@](mailto:bruce.bechtold@); Dan Starry [dan.starry@](mailto:dan.starry@); Donald Starry [donald.starry@](mailto:donald.starry@); Jason Kamerud [jkamerud@](mailto:jkamerud@); Jon Lentz ([Jon.lentz@](mailto:Jon.lentz@)) [Jon.lentz@](mailto:Jon.lentz@); Joseph Leko [joseph.leko@](mailto:joseph.leko@); Rudie, Julie [julie.rudie@](mailto:julie.rudie@); Kevin Halweg ([Kevin.Halweg@](mailto:Kevin.Halweg@)) [Kevin.Halweg@](mailto:Kevin.Halweg@); Michael D. Carlson [michael.d.carlson@](mailto:michael.d.carlson@); Neal Jacobson [neal.jacobson@](mailto:neal.jacobson@); Patrick Nienaber [pat@](mailto:pat@); Tim Langenfeld [tim.langenfeld@](mailto:tim.langenfeld@); Todd Hoffman [Todd.Hoffman@](mailto:Todd.Hoffman@)  
**Subject:** ICE Detainer Hold Issue -Updated for Sheriffs

**To All Sheriffs.....Correction on the form numbers.....they should be 247 and NOT 287**

My error.....see corrected info below.....

Thanks.....jimf

**To All Sheriffs & Chief Deputies:**

Here is the quick bullet points as I understand them.

- 1 Two days ago, President issued an Executive Order calling out City/County LE that who were not cooperating with ICE and honoring ICE Detainers. Hence some MN LE Agencies appears on that list.
- 2 This has caused a great deal of confusion, since few LE agencies were aware of this policy change and also a ton of News Media calling Sheriffs asking if our MSA Sheriffs are following the ACLU recommended policies see attached. PS I have added a few of my own comments on this form.
- 3 Here is a bit of history that all Sheriffs need to be aware of as you review and respond to this issue:
  - a Prior to June 2014 Sheriffs would receive an ICE form 247D for any persons they had in custody which was a Detainer to hold this person on some illegal immigration issue. We, LE treated this very much like a PC hold that any would routinely get from any other LE agency.
  - b In June of 2014, after a series of legal hearings, federal courts ruled the 247D which was signed by only ICE officials was a civil violation and not valid authority for Sheriffs to hold a suspect for ICE. If Sheriffs did hold the subject they could be liable for damages, which was quickly picked up by ACLU. See attached ICE

Detainers Memo from HC Attorney Office and also copy of fast memo that was sent out to all Sheriffs back in 2014.

- 4 ICE then came out with the 247N form which stood for Notification. Under this program Sheriffs would let ICE know if they has a suspected illegal in custody, I would be told the subject would be released as a certain date and point in time and ICE would issue a 247N which meant they would be pick up the subject at the time of release on their local/state charges. In my limited experience with this procedure, ICE has only picked up about 30% of those on 247N holds. As you can see, Sheriffs from this state and across this county have been following this process/procedure to ensure illegals are not held on any 247D's and are only held on valid state charges and ICE notified under 247N procedures.
- 5 Fast forward now to the transition between Obama and Trump Administration and ICE has come out with a 287X form which is now called Request for Voluntary Hold Transfer. Trust me, I do not know how this is supposed to work, but guessing that if a person is in custody on local state charges and agrees to surrender to ICE??? Then a 247X form is completed and Sheriffs could hold the subject?? Again, this is a guess as to how this was supposed to work, but no one seems to know??
- 6 Now that this is the history of how we got to where we are today.....It would appear if someone in DHS or ICE feels like a local LE agency is not cooperating with ICE you can be placed on this ICE "bad" list for publication?? Not sure how this all is supposed to work, but as you can see there are few bugs that have to be worked out.
- 7 Here is the major important bullet point: ICE is supposed to design new 247D forms that will be evaluated and signed by federal judge who would then make this bonified pick up and hold order. As of this date and time this has not occurred.....
- 8 In the Meantime, I would recommend all Sheriffs make sure

- any illegals picked up on local/state charges are handled according to our current MN criminal rules/procedures.
- 9 Secondly, if ICE asks or wants the subject held under 247N, fine, but subject should be released when authorized under normal state/local charges.
  - 10 If anyone gets clarification on 247X and how that is supposed to work, please fill me in so I can forward to our legal counsel for review.
  - 11 And Now you may be asking, what is the 287G program. *The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA). The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.*
  - 12 As for the ACLU calls, visits etc.....I would thank them for their service, take their info and we can have it reviewed by our or your County Attorney.
  - 13 Hope this is of some help and let's hope some federal judge somewhere in the system can figure out a way to make Detainers actually legal and of some value for future work on this immigration issue.....thanks...jimf.....MSA

**From:** Jim Franklin

**Sent:** Wednesday, June 11, 2014 10:24 AM

**Subject:** ICE Detainer Hold Issue -Update for Sheriffs

**MSA Staff:**

**FYI.....See attached announcement on a fast moving story that has major impact on SO in MN**

**Forward any press questions to me and I will try and handle.....**

**At the moment I have limited info at my finger tips.....FYI.....below is what I have sent out to get Sheriffs up to**

**speed what is happening.**

**Thanks..jimf.....**

**To All Sheriffs & Chief Deputies:**

**The following is intended as a brief update and summary on the ICE Detainer Issue.**

As I write this memo, I have been informed that Hennepin County Attorney Freeman and Sheriff Stanek are holding a press conference at the Hennepin County Jail announcing they will no longer honor ICE Detainee requests. I do not have a copy of any of the press release info, but will sent it to you as soon as I obtain a copy.

Here is what I understand of the facts surrounding this decision.

- 1 The current ICE Detainee holds are “civil actions” and not criminal. Apparently Congress has never given ICE legal authority to hold immigration violations as a criminal matter, only civil.
- 2 ICE put our memo to Congress in late February saying that there really is no “federal legal-statutory” authority for LE agencies to hold these persons for ICE. It is only a “request”.
- 3 ICE indicated this has been a long standing policy and helps ICE in their deportation process due to their limited resources.
- 4 It is my understanding that it is not a “criminal violation” to be in this country illegally.
- 5 However if you are “deported” and then caught again in this county that is a criminal violation. (Similar to our MN Trespass law- You are asked to leave, if you come back it is a criminal violation)
- 6 ICE will now be required to immediately pick up a person if they are wanted on a civil detainer or ICE will have to get a federal warrant for a criminal violation which would then give LE authority to pick and hold the person.
- 7 More info to follow as I receive it, but this is what I understand at the moment.
- 8 I know many of you will be getting phone calls from your local press on this issue. I would encourage each of you to speak with your County Attorney ASAP on try and get on the same page.
- 9 I have also spoken with John Kingrey at MCAA and he also is trying to get caught up on his issue.....
- 10 Will send more info as it becomes available.....thanks....jimf.....MSA.....

**James Franklin**

**Executive Director**

**Minnesota Sheriffs' Association**

[jfranklin@](mailto:jfranklin@mnsheriffs.org)

[www.mnsheriffs.org](http://www.mnsheriffs.org)