

(b)(6);(b)(7)(C)

**From:** Albence, Matthew  
**Sent:** Tuesday, March 21, 2017 6:23 PM  
**To:** Ragsdale, Daniel H; Homan, Thomas  
**Cc:** Robbins, Timothy S; (b)(6);(b)(7)(C)  
**Subject:** FW: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report  
**Attachments:** Hennepin County Writ of (b)(6);(b)(7)(C) FOD Memo.pdf; Hennepin.xlsx; Hennepin Release Memo 2-16-2016.dot

Dan/Tom:

Please see attached re: Hennepin County in preparation for tomorrow morning's call. With regard to the two cases below, and in accordance with discontinuation of PEP, the field has been instructed post-EO to consider refusal to hold an alien as a declined detainer. Thanks.

Matt

**From:** Asher, Nathalie R  
**Sent:** Tuesday, March 21, 2017 6:12 PM  
**To:** Albence, Matthew; Miller, Philip T  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

Here you go.

**From:** Albence, Matthew  
**Sent:** Tuesday, March 21, 2017 6:10 PM  
**To:** Asher, Nathalie R; Miller, Philip T  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

This is excellent. Thanks. Can you also forward the referenced memos? Homan and I have a call with the Sheriff tomorrow morning. Thanks!

**From:** Asher, Nathalie R  
**Sent:** Tuesday, March 21, 2017 6:02 PM  
**To:** Albence, Matthew; Miller, Philip T  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** RE: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

Matt,

As (b)(6) shared on the call, below find background on the 2 Hennepin CJ cases cited as well as historical notes on SPM's dealings with this sheriff.

NRA

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The information on the two cases from the attached Hennepin spread sheet is below:

**\* Please note that we assign an officer to be at the Hennepin County Jail every morning, Monday thru Friday, by 0700 to check the previous night's jail booking logs and pick up detainer cases.**

(b)(6);(b)(7)(C): SPM Deportation Officer received a night phone call on 02/01/2017 at 2000 and placed a I-247. On 02/03/2017, Hennepin County Adult Detention Center notified ICE at 1845 that (b)(6);(b)(7)(C) was being released. SPM ERO picked up (b)(6);(b)(7)(C) at 2115. The detainer lift code was put down as Detainer Declined by LEA because Hennepin County Adult Detention Center refused to hold (b)(6);(b)(7)(C) until the morning.

(b)(6);(b)(7)(C) SPM Deportation Officer received a night phone call on 02/01/2017 at 2345 and placed a I-247. On 02/03/2017, Hennepin County Adult Detention Center notified ICE at 1845 that (b)(6);(b)(7)(C) was being released. SPM ERO picked up (b)(6);(b)(7)(C) at 2115. The detainer lift code was put down as Detainer Declined by LEA because Hennepin County Adult Detention Center refused to hold (b)(6);(b)(7)(C) until the morning.

Hennepin County has historically been inconsistent with notifying ICE of releases that have had an I-247 placed on them. When Hennepin County does notify an officer of a release, the amount of time they are given to respond to the jail has been as short as 10 minutes and then at other times they will hold for up to an hour before they release the alien to the street. There are other times that Hennepin County will not notify of a release at all or they will notify after the alien has already been released to the street.

Here are some examples of issues that we have dealt with regarding Hennepin Counties inconsistencies:

1. Hennepin County issued a Writ to assume an alien (b)(6);(b)(7)(C) out of ICE custody and then refused to return the body to ICE after the alien was convicted and served out their time. The memo of the incident is attached.
2. Hennepin County Adult Detention Center released an alien (b)(6);(b)(7)(C) out the front door of the jail as an ICE officer was waiting in their sally port to take him into custody. The memo of the incident is attached.
3. On November 10, 2011, the Hennepin County District Court at Minneapolis, MN convicted (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) for second degree assault and sentenced him to 51 months. On January 22, 2016, the Richfield, MN Police Department arrested (b)(6);(b)(7)(C) a citizen of Mexico, on the charge of giving false information to a police officer. On January 22, 2016, the Law Enforcement Support Center issued a request for notification (I-247N) with the Hennepin County Sheriff's Office, which they did not honor. On September 16, 2016, ERO St. Paul arrested (b)(6);(b)(7)(C). On September 19, 2016, ERO St. Paul transferred custody to the U.S. Marshal's Service for prosecution under 8 USC 1326(b)(2). Sentencing is set for April 25, 2017.

Below is a breakdown of the Hennepin County statistics from the first quarter of F17 (10/01/2016 to 01/10/2017).

**Duty Calls (174)** (These are calls received from Hennepin county and additionally the PERC has placed a detainer. The PERC is placing an I-247 X on every biometric match they receive.)

The calls from Hennepin Co ADC range from being very cooperative to no call at all. When they call they will usually state something such as, Subject is in custody with identifying information, Subject is in custody but does not want to speak with ICE, Subject is being release in an hour, to Subject is being released now or has already been released. Here is a break down on the 174 calls we received during this time frame.

- 54- LPR
- 09 - OSUP
- 17 - No conviction / No removable conviction
- 29 - USC
- 04 - TPS/DACA/Relief Granted
- 07- Released to the street and ERO is currently attempting to locate
- 04 - Already in IJ proceedings
- 03 - Prosecutorial Discretion (PD)
- 09 - Extradited / Department of Corrections
- 27 - Picked up by ERO
- 02 - General info calls from Henn Co ADC
- 03 - In Custody at Henn Co ADC
- 06 - released to the street without notification

Of the 174 cases noted above here is a breakdown of our results:

#### **SPM Arrests**

40 - Street Arrest ( Cases where the subject was released before we could pick them up at Hennepin county and we re-arrested them on the street)

27 - CAP ( Arrests where Hennepin County notified us and we were able to pick them up in time before they were released)

05 - CAP (Workhouse) (Arrests where Hennepin County notified us and we were able to pick them up at the Hennepin County Work house which is a holding facility not associated with Hennepin County Sheriff's Office.)

Additionally SPM ERO placed (33) I-247X detainers. Here is a breakdown of these I247X cases:

- 13 - Notified and Picked Up
- 03 - Released / Notified
- 07 - Released / Not Notified
- 07 - Release / ICE Street Arrest (One outside the jail that was released as ICE was on the way to pick up Subject)
- 03 - In custody at Henn Co ADC

Sheriff (b)(6)(b)(7)(C) has indicated that we are only responding to 28% of the notifications they are making to ICE. Without providing any clarifying information we were able to determine that this may be somewhat accurate as roughly 77% of the cases they contacted ICE on were non-removable cases.

Below is a breakdown of the of the 71 night phone calls that were received between 01/01/2016 thru 01/21/2016. Roughly 77% of the 71 notifications they made to ICE were non-removable cases. This is possibly were Sheriff Stanek is getting the 28% notification rate.

#### **Non-Removable (55)**

- 17 – LPR
- 13 – OSUP
- 08 – No conviction / No removable conviction
- 12 – USC
- 05 – TPS/DACA/Relief Granted

**Removable / Action Taken (16)**

- 01 - Released to the street, ERO re-arrested
- 04 – Released to the street and ERO is currently attempting to locate
- 01 – Already in IJ proceedings
- 06 - No conviction / No removable conviction
- 01 – Prosecutorial Discretion (PD)
- 02 – Extradited / Department of Corrections
- 01 – Picked up by ERO

Hopefully this information is responsive to your needs. If you require additional information or clarification please let me know.

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Field Office Director | St. Paul Field Office | MN, ND, SD, IA, NE  
Department of Homeland Security | U.S. Immigration and Customs Enforcement | Enforcement and Removal Operations  
1 Federal Drive, Suite (b)(6) Ft. Snelling, MN 55111  
PH: 612-843-(b)(6)  
Fax: 612-843-8770

**From:** Albence, Matthew  
**Sent:** Tuesday, March 21, 2017 12:20 PM  
**To:** Asher, Nathalie R; Miller, Philip T  
**Subject:** FW: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

Nat:

Can you see what (b)(6) can provide? The more specifics the better. Stanek said we only pick up 28% of the ones we lodge 247Ns on. Also, there were two cases from Hennepin on the DDOR-can we get the specifics on those as well. Thanks!

Matt

**From:** Ragsdale, Daniel H  
**Sent:** Tuesday, March 21, 2017 12:13 PM  
**To:** Albence, Matthew; Homan, Thomas; Robbins, Timothy S  
**Subject:** RE: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

Can (b)(6) put some numbers on the lead time to make the arrests? That would a powerful way to make the point.

**From:** Albence, Matthew  
**Sent:** Tuesday, March 21, 2017 11:53 AM  
**To:** Homan, Thomas; Robbins, Timothy S; Ragsdale, Daniel H  
**Subject:** RE: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

(b)(5)

Sent with Good ([www.good.com](http://www.good.com))

**From:** Homan, Thomas  
**Sent:** Tuesday, March 21, 2017 11:48:51 AM  
**To:** Albence, Matthew; Robbins, Timothy S; Ragsdale, Daniel H  
**Subject:** FW: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

We will set up a call. We knew this coming

Sent with Good ([www.good.com](http://www.good.com))

**From:** Executive Director  
**Sent:** Tuesday, March 21, 2017 10:08:34 AM  
**To:** Homan, Thomas  
**Subject:** FW: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

Tom,  
I have a large brewing problem with Weekly Detainer report, we have to talk asap.

As you can see...lots of misinformation...

J

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, March 21, 2017 10:03 AM  
**To:** Executive Director (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** Re: Conference Call Yesterday on the Weekly Declined Detainer Outcome Report

(b)(6);(b)(7)

As Chair of the NSA Homeland Security Committee, I also ask for an immediate meeting with DHS/ICE to further clarify what yesterdays call was about and the Weekly Declined Detainer Outcome Report. 6 weeks ago we had the opportunity to meet with President Trump and his cabinet, inc General Kelly from DHS - they both pledged to work with our Nation's Sheriffs - now is the time to do just that. I will make myself available as needed.

Sheriff (b)(6);(b)(7)(C)

Hennepin County Sheriff's Office  
350 South 5th Street, Room 6 Courthouse  
Minneapolis, MN. 55415  
612.348-(b)(6);(7)(C)

Disclaimer: Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

On Mar 21, 2017, at 8:45 AM, Executive Director (b)(6);(b)(7)(C) wrote:

Folks,

I've received several irate calls from Sheriffs yesterday and today questioning ICE efforts.

I have placed an urgent call into Tom Homan to discuss yesterday's...briefing. I will request an immediate rebalancing of their formulation and release data, as well as the format for releasing.

Need to understand what exactly their process is, and how our sheriffs data is being collected/disseminated. Moreover we need to clarify:

1. Without Detainer legal clarification, I believe 247 requests will not be further honored, unless USG lawyers are prepared to appear in federal courts on sheriffs' behalf. So, we must get that language clarified asap.
2. Dispute process ahead of data release
3. Inmate status of notification vs. detain...it appears that ICE's data may not be...completely accurate.

As soon as I hear from Tom I will reach back to all with an update.

**From:** (b)(6);(b)(7)(C) - Sheriff (b)(6);(b)(7)(C)

**Sent:** Monday, March 20, 2017 4:15 PM

**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** RE: Invitation - Conference Call TODAY at 1:50 p.m. EST on the Weekly Declined Detainer Outcome Report

*I'm hoping they send out a meeting breakdown from the questions I have listed below.*

*When you see the numbers in the report they;*

*Anticipate the request for detainers amount to increase.*

*Also anticipate there will be more refusals*

*Imperative ICE has access to facilities to review bookings and what charges they are incarcerated for.*

1) *decline detainer request numbers question?*

*two issues, request for notification and detainer why do they not break it down*

2) *how many folks that were picked up on detainers were actually prosecuted or had enforcement action taken by ICE should be also included on report ?*

3) *Why won't they adopt DOJ limited use agreement to help Jails to avoid 4<sup>th</sup> amendment violations since it will be a reimbursable contract for housing? Vs just holding them and being sued.*

4) *What if a county disputes being on the list since they do cooperate but cant hold them for a length of time?*

5)

**From:** (b)(6);(b)(7)(C) Sheriff

**Sent:** Monday, March 20, 2017 9:02

**To:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** FW: Invitation - Conference Call TODAY at 1:50 p.m. EST on the Weekly Declined Detainer Outcome Report

**From:** OSLL [redacted]

**Sent:** Monday, March 20, 2017 8:57

**To:** OSLL

**Subject:** Invitation - Conference Call TODAY at 1:50 p.m. EST on the Weekly Declined Detainer Outcome Report

Law Enforcement Partners:

The U.S. Department of Homeland Security Office for Partnership & Engagement is hosting a conference call **TODAY** to provide an informational briefing on the recently released, “Weekly Declined Detainer Outcome Report For Recorded Declined Detainers Jan. 28th – Feb. 3rd, 2017”. Per Executive Order 13768, Enhancing Public Safety in the Interior of the United States, Sec. 9 (b) and the Secretary of Homeland Security’s subsequent implementation memo, Enforcement of the Immigration Laws to Serve the National Interest, Sec. H, U.S. Immigration and Customs Enforcement (ICE) has made this report available for public release, the Declined Detainer Outcome Report can be found at the following link: <https://www.ice.gov/declined-detainer-outcome-report>.

**Please join us for a conference call TODAY Monday, March 20th at 1:50pm EST.**

Information for the call is below:

Date: March 20, 2017

Time: 1:50 P.M. EST. PLEASE DIAL IN 15 MINUTES BEFORE THE START OF THE CONFERENCE CALL.

**Call in information:**

**Phone number:** [redacted]

**Conference Pin:** [redacted]

There are limited spaces available for this call. Please do not forward this invitation or call information.

Thank you as always for your continued support and partnership.

Sincerely,

Office for State and Local Law Enforcement



U.S. Department of Homeland Security

<image001.jpg>

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