



RICHARD W. STANEK
HENNEPIN COUNTY SHERIFF

September 14, 2017

Dear Mayor and Councilmembers,

A number of representatives from cities in Hennepin County have made inquiries about immigration issues and about proposed sanctuary city resolutions. I welcome the opportunity to address these issues and write to provide information about the Sheriff's Office operations and a county law enforcement perspective on the question of sanctuary cities.

Immigration is a federal issue, and immigration violations are civil in nature, not criminal. Accordingly local law enforcement officers in Minnesota do not enforce immigration laws – only federal law enforcement officers are empowered to enforce immigration laws. *The Sheriff's Office makes no determination of a person's immigration status during resident contacts, at the time of jail booking, or while an inmate is in custody.*

And because immigration violations are civil and not criminal, the Sheriff's Office has no legal authority to detain an inmate once their criminal charges have been resolved by the Courts. This is why we cannot honor ICE detainer requests – the Courts have been very clear: to do so would violate an individual's 4th Amendment Rights. *Accordingly, there is not one inmate in the Hennepin County Jail being held solely on immigration violations.*

I'm sure you may have heard me say it: there is no sanctuary for criminals anywhere in Hennepin County. Here's specifically what I mean by this, especially in the context of a proposed sanctuary resolution:

Every arrestee brought to our Jail is alleged by a law enforcement officer or judge to have committed a criminal act, so we are required to book and maintain custody of the arrestee until they are released or transferred pursuant to an order of the Hennepin County District Court, or some other court.



The vast majority of the arrestees who come to our Jail prior to criminal charging have been arrested by local police departments, and not the Hennepin County Sheriff's Office. Please see the enclosed chart which shows the 2016 arrests made by law enforcement agency and by type of arrest. The Sheriff's Office made approximately 26% of the arrests leading to booking in 2016, and 90% of our arrests were made pursuant to a court order. The other 74% of arrests leading to booking (23,247 of 31,537) came from other agencies operating in the County.

At the point of booking, Minnesota law requires that we ask each arrestee their "place of birth." Every inmate also is fingerprinted, the prints are sent to the BCA, which sends them to the FBI and then to the Department of Homeland Security and ICE. ICE's District Office in Bloomington conducts an independent review based on the information from booking, based on interviews, and based on its own records and databases. We do not assist ICE in this process, but we do cooperate with ICE officers to the fullest extent of the law. If an arrestee voluntarily discloses that they were foreign born, or a non-U.S. citizen, HCSO makes this information available to ICE, arranges a call to ICE, and offers the arrestee the option of speaking with an immigration agent. In 2016, we arranged approximately 2700 of these phone calls, and the majority of the calls resulted in inmates voluntarily speaking with ICE agents. For most (80%), this call assisted them in resolving questions concerning their legal status.

We notify ICE when an inmate is released *only* when ICE previously has served a Request for Notification. In 2016, we received 267 "Requests for Notification" (for 0.85% of inmates) and ICE actually picked up 68 inmates after their release (0.2% of all inmates booked in the Hennepin County Jail). We do not decide which inmates ICE picks up, and ICE never reports back on the status or result of their immigration proceedings.

The above process is followed every time an officer in your police department makes an arrest and brings an individual to our Jail. Should your city decide to adopt a sanctuary city policy, the process at our Jail will remain unaffected, because the state and federal mandates for our Jail will continue. The only way to adopt a true sanctuary would be to instruct your police department to either not make arrests, or to cite and release all suspects.

While I take no position with respect to a sanctuary city policy for your city, and respect your authority as a policymaking body, as the chief law enforcement officer in the county, I hope that you will consider the public safety consequences of any policy adopted in a city that would limit in any way the law enforcement officers in your police department from fulfilling their duties and abiding by their Oath of Office.



Finally, because immigration is a federal issue, please consider joining with me in calling upon our Minnesota Congressional Delegation to address the many concerns of our constituents and work toward making the policy reforms that can only be addressed at the federal level.

Please feel free to contact me if you have any questions about these matters or any other. Thank you for your public service to the residents.

Sincerely,

A handwritten signature in black ink that reads "Rich Stanek".

Richard W. Stanek
Hennepin County Sheriff

Encl.

2016 Hennepin County Jail Bookings By Type & Agency

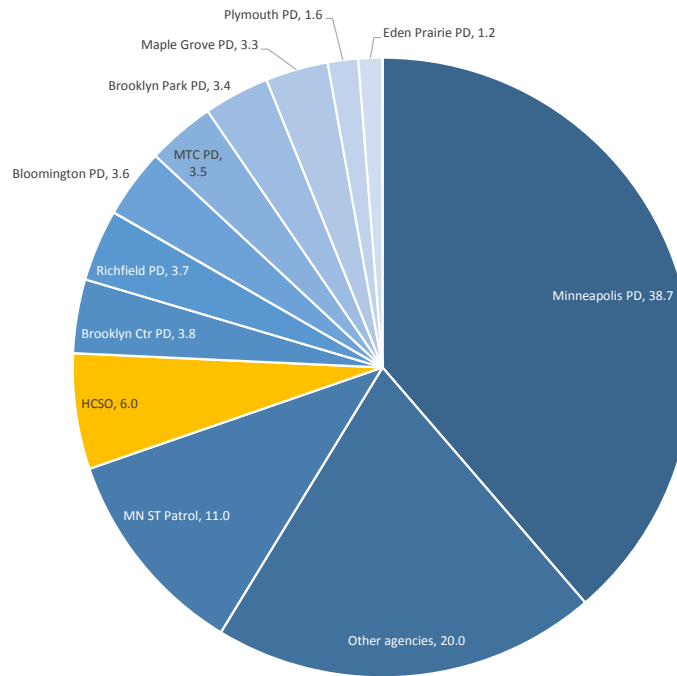
Arrest/Detention Reasons:

Probable Cause.....	9,776
Tab Charge.....	5,322
Court Ordered Arrests	
Warrant.....	2,418
Bench Warrant.....	6,660
Arrest & Detain.....	1,622
Judicial Hold.....	4,307
Other.....	1,432

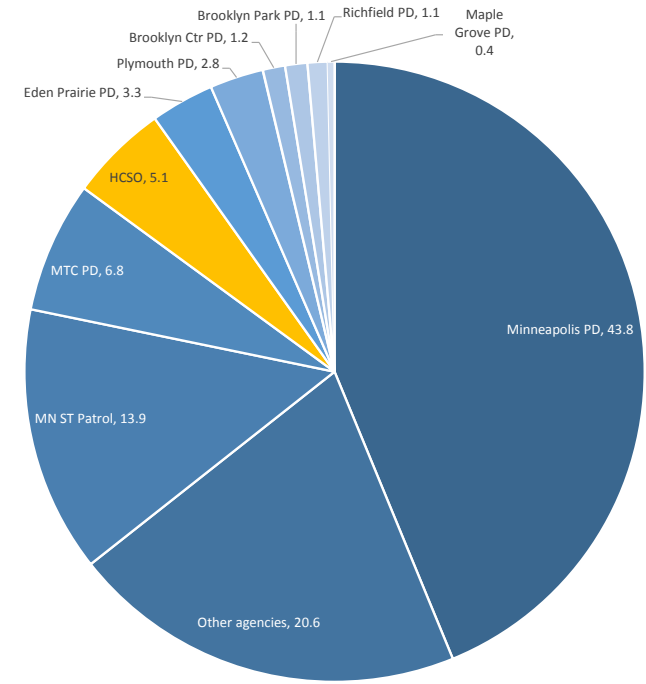
2016 inmates booked into Hennepin County Jail... 31,537*

*31,537 out of a total of 31,557 bookings were analyzed for this report. Twenty bookings were not included in this report due to confidentiality reasons.

Probable Cause Arrests



Tab Charge Arrests



Agency	%	Number	% Expired
Minneapolis PD	38.7	3782	48.7
Other agencies	20.0	1958	15.6
Mn State Patrol	11.0	1075	5.5
HCSO	6.0	589	7.6
Brooklyn Ctr PD	3.8	376	3.6
Richfield PD	3.7	366	2.7
Bloomington PD	3.6	353	4.0
Metro Transit PD	3.5	346	3.3
Brooklyn Park PD	3.4	334	2.9
Maple Grove PD	3.3	319	3.0
Plymouth PD	1.6	156	1.7
Eden Prairie PD	1.2	122	1.4
Total	100%	9776	n/a

Probable Cause: Arrest by an officer with a reason to believe that a crime has been committed. PC arrests expire after 36 hours if no charges are filed.

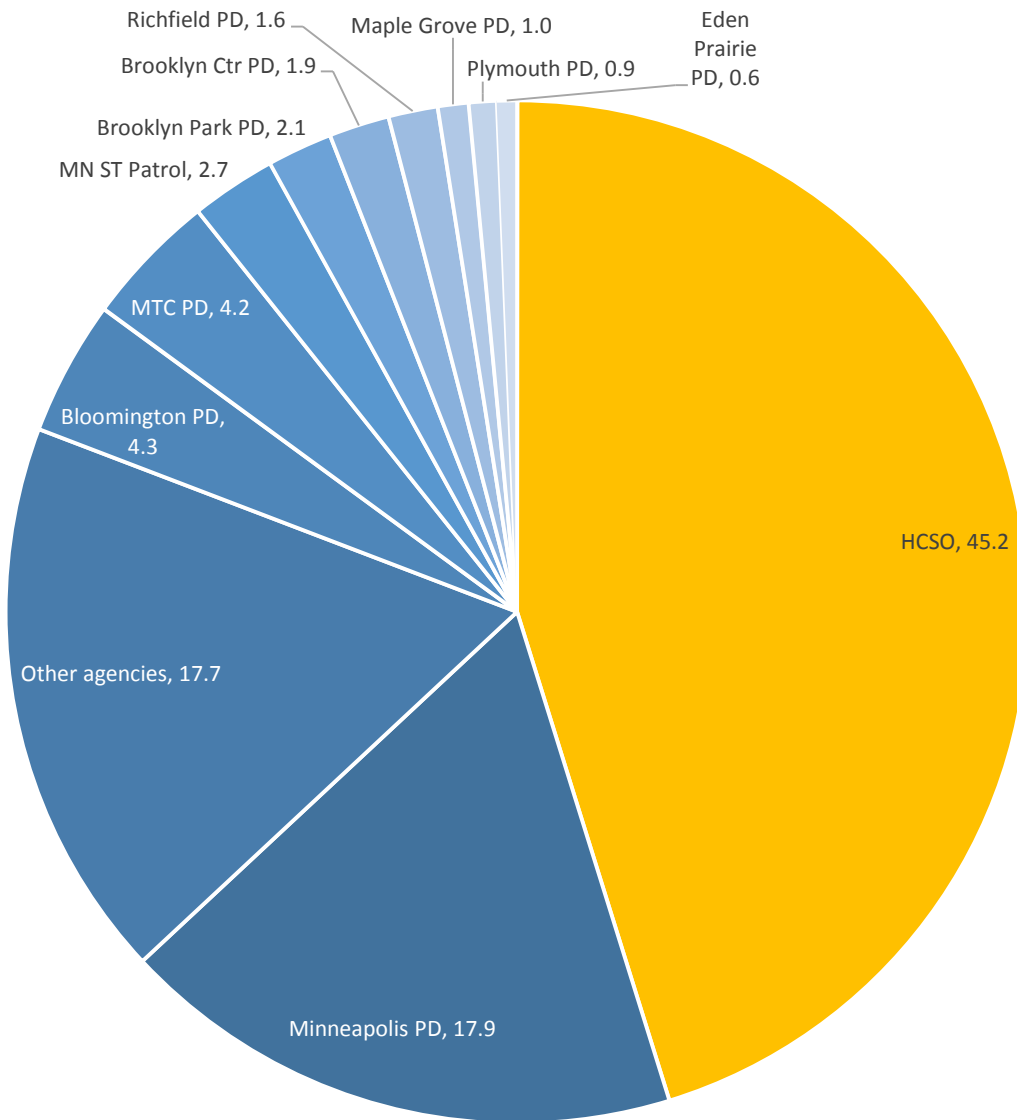
Agency	%	Number
Minneapolis PD	43.8	2331
Other agencies	20.6	1054
Mn State Patrol	13.9	738
Metro Transit PD	6.8	364
HCSO	5.1	272
Eden Prairie PD	3.3	176
Plymouth PD	2.8	149
Brooklyn Ctr PD	1.2	62
Brooklyn Park PD	1.1	61
Richfield PD	1.1	56
Maple Grove PD	0.4	19
Total	100%	5322

Tab Charge: Arresting officer or supervisor files a charge of violation of a state law.



2016 Hennepin County Jail Bookings

Court-Ordered Arrests



Warrants/Bench Warrants Arrests

Agency	%	Number
HCSO	48.8	4428
Other agencies	18.7	1694
Minneapolis PD	13.9	1263
Bloomington PD	4.9	445
Metro Transit PD	3.3	298
Brooklyn Ctr PD	3.0	271
Brooklyn Park PD	1.9	170
Mn State Patrol	1.7	155
Richfield PD	1.5	137
Plymouth PD	0.9	85
Maple Grove PD	0.9	78
Eden Prairie PD	0.6	54
Total	100.0	9078

Hold Order Arrests

Agency	%	Number
Other agencies	27.4	1178
Minneapolis PD	23.2	998
HCSO	20.2	870
Bloomington PD	8.3	358
Metro Transit PD	4.8	207
Mn State Patrol	4.0	171
Brooklyn Park PD	3.0	131
Brooklyn Ctr PD	2.8	120
Richfield PD	2.4	104
Maple Grove PD	1.7	72
Plymouth PD	1.3	54
Eden Prairie PD	1.0	44
Total	100.0	4307

Warrant: Arrest order issued by the Court.
Bench Warrant: Arrest order issued by a Court when a person fails to comply with a court order (ex. failure to appear).

Hold Orders: Arrest order issued by the Court over an issue or charge from an outside jurisdiction (ex. charges in a county other than Hennepin; federal charges).

Arrest & Detain Order Arrests

Agency	%	Number
HCSO	59.8	970
Minneapolis PD	18.2	295
Other agencies	11.3	183
Metro Transit PD	3.2	52
Brooklyn Park PD	2.2	36
Bloomington PD	2.0	33
Brooklyn Ctr PD	1.5	24
Mn State Patrol	0.9	15
Richfield PD	0.9	15
Total	100.0	1622

Other Court-Ordered bookings

Agency	%	Number
HCSO	81.1	1161
Other agencies	18.9	271
Total	100.0	1432

Arrest & Detain: Arrest order issued by the Court for an immediate need to gain custody of an offender on release status (ex. probation violation).

Other Bookings: Arrest orders issued by the Court for Writs, Writ Testificandum, continued cases, commitment orders, and "In Transit" arrests.

"Other agencies" include Hennepin County-based Police Departments not listed, Sheriff's Offices from counties outside of Hennepin, and state & federal agencies, also arrest categories with less than 10 individuals.

