

from: Brad Swain <bswain@co.monroe.in.us>
to: Dave Askins <dave@bsquarebeacon.com>
date: Feb 7, 2020, 11:23 AM
subject: RE: questions in advance of immigration justice group at
county council

Hello Dave,

Good to see that there is some options to getting in-depth news at the local level. I can answer some questions off the top of my head, and send you my policy.

While I was not aware of an appearance, I am not sure why they would talk with the county council, as the council has no legal authority regarding these policies. That is my purview alone. The Sheriff is a Constitutional Office; which means the Sheriff is a peer of any other elected official, not under the supervision of another Office or department. With that in mind, the accurate title is Sheriff's Office- not department.

At present, there is one "hold" for ICE; a Mexican National awaiting trial for the torture-murder of a 12 year old step-son. An ICE hold is more of a notification to ICE that we have a foreign national recently booked into our facility. We don't necessary keep an official stat on ICE detention, but in 2019, I estimate five or less.

ICE can be made aware of a foreign national being arrested at the point that they are booked in. That person is fingerprinted electronically, and those prints link to a Federal database. If ICE has entered a "flag" on a person they are looking for, then a notification will be sent to the Jail that ICE wants that person when local charges are done.

The second method is when a person is charged with a very serious crime, then my staff will telephone the ICE office and provide the information. ICE will decide if they have an interest in that person and request a hold be placed. The "threshold" is pretty much what a person of sound mind would agree was worthy of a notification- in short "would I want a person who committed X in my neighborhood?". You can review the policy yourself for particulars.

Additionally, the United States has treaties with some countries, informed whenever a citizen is arrested in the US. The booking officer also asks any arrested foreign national if they wish to have their Consulate notified.

An ICE hold is more of us reminding ourselves to notify ICE when a person is set to leave our facility on local charges. Ideally, ICE will be here at that date and time to take immediate charge of the person. I am willing to hold them beyond that time, if ICE needs to

make arrangements, to take that person into custody, as I would with any Federal law enforcement agency, such as Parole. In past practice, ICE arrives within a few hours to get someone. If someone from ICE said they needed a couple of days, I would likely be very nervous about that, and make a decision on whether have the delay.

Indeed there is some mischaracterization about the policy being followed. Simply put, and ICE hold can result 1) ANY time ICE is aware of a foreign national in Monroe County Jail (though the fingerprint system mentioned, or learning of a person outside of MCSO notification 2) notification to ICE by MCSO via policy for charges for the more serious crimes, specifically listed in that policy.

In transparency, I will let you know that last month, a man was arrested for domestic battery at a level below the threshold that ICE would have been notified. A corrections deputy learned from a professional source, the man charged had been deported in the past. That employee made a decision to inform ICE that a past deported person was in our jail. ICE wanted him, and took him into custody, after a decision was made elsewhere to not formally charge the man. I advised the jail commander that staff should be directed that any exemption to the policy would be made by me, and not to take such self-initiatives. I likely would have directed that ICE be notified however.

I should also note that I always have the option of changing policy to simply notify ICE for every foreign national that is brought to jail, rather than dispute semantics with poorly informed or dishonest critics.

I hope this addresses some of your questions. For any future ideas on articles, if you or others from your media organization wish to tour the jail and learn more about it and various programs, please let me know.

Regards,

Sheriff Brad Swain