



March 12th, 2025

Representative Paul Novotny, Chair
House Public Safety Committee
Minnesota House of Representatives
2nd Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Subject: Statement in support of HF 16

Chair Novotny and committee members,

I am David Zimmer, Public Safety Policy Fellow with Center of the American Experiment. I write today in support of HF 16 which seeks to bar state and local government from creating law or policy that would prohibit the collecting or sharing of information about unauthorized immigrants with Immigration and Customs Enforcement (ICE). From my experience these bars create unintended consequences based on inaccurate narratives.

It's important to know that HF-16 aligns well with current federal law. Title 8 US Code 1644 states "***No State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.***"

As a bit of background, I retired three (3) years ago from local law enforcement after serving 33 years as a sheriff's deputy with the Hennepin County Sheriff's Office. During my career, I served in several leadership capacities that involved cooperating with ICE, including as the Captain of the Hennepin County Jail. I saw first-hand during my career the importance of interagency cooperation with all our federal law enforcement partners, including ICE.

Last year, during the debate that surrounded the Northstar (or Sanctuary State) Bill, I became concerned with some of the narratives being used that didn't fit with the reality that I knew. I'd like to address HF-16 in the lens of these narratives.

First: The idea that cooperating with ICE is a waste of finite time and resources for local law enforcement simply falls flat. A core tenet of law enforcement is that officers and agencies help each other when needed. This spirit of cooperation runs both ways, and it serves as the foundation of the law enforcement community, which depends on these force multipliers to properly address public safety issues.

Throughout my career, I personally worked with the FBI, ATF, DEA, the Secret Service, US Postal Inspector, US Marshal Service, Department of Defense Investigators, Department of Agriculture, Department of Energy, IRS, the US Navy Dive team, the 55th Civil Support Team, the Secret Service, and yes ICE.

And today officers continue to routinely partner with federal authorities on a variety of matters.



It's interesting to me that there was never concern over state and local officers working alongside their federal partners to get the job done – not until illegal border crossings became a political football.

HF-16 addresses the issue of local law enforcement collecting and sharing data with ICE. It is important to note that it's completely appropriate for law enforcement to collect as much biographical data on those they detain as possible. It would be inappropriate for an officer dealing with a potential unauthorized immigrant not to attempt to determine their country of origin and nationality. This information facilitates several things, including a mandated foreign consulate notification upon arrest, checking on the existence of outstate or international warrants, checking on the existence of terrorism watch list notifications, and assisting with future follow up or attempts to locate the individual.

It's also important to note that the data practices statutes that govern arrest data, investigative data, correctional data, and court data already mandate the sharing of this data in many instances: for foreign consulate notifications, and for victim notification and law enforcement agency notification when certain arrested parties are released.

These statutes *also allow* for the sharing of data, especially among law enforcement agencies, when there is a public benefit to sharing the data or when the data "is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation." (MSS 18.82 sub 24 – 13.85 sub 5).

In short, law enforcement legitimately collects a great deal of biographical data and shares the data in the law enforcement community for a variety of reasons - both mandated and discretionary.

To suggest that we should create firewalls or carve out an exception to the sharing of this data with ICE, is an uncalled-for obstruction of an appropriate law enforcement process. HF-16 would eliminate this obstruction.

Another matter that HF 16 would help to clarify is the narrative that "illegal immigration is a civil matter, not a crime." This narrative is misleading, and leads to the inappropriate push to ban cooperation with ICE. The deportation process is a civil matter, but many unauthorized immigrants entered the US in violation of criminal statute and are subject to criminal penalty.

Title 8 U.S.C. § 1325 makes it a misdemeanor *crime to unlawfully enter* the United States. It applies to people who do not enter with proper inspection at a port of entry, such as those who enter between ports of entry, avoid examination or inspection, or who make false statements while entering or attempting to enter.

Title 8 U.S.C. § 1326 makes it a felony *crime to unlawfully reenter*, attempt to unlawfully reenter, or to be found in the United States after having been deported, ordered removed, or denied admission.

According to Department of Homeland Security, as of 2022 there were an estimated 11 million unauthorized immigrants living in the US. While there is no current official estimate for the percentage of this 11 million who fit the criminal definition as described in 1325/1326, that percentage undoubtedly relates to a substantial number of people.



I've been told by ICE representatives that the sheer volume of unauthorized immigrants in the country is a large driver in why ICE leans towards using the streamlined civil process rather than the time-consuming criminal prosecution process – especially for first time misdemeanor level offenders.

But the civil process doesn't mesh well with detention timelines that govern local law enforcement. This is most evident when ICE issues a Detainer Request for an individual in a local jail. The Detainer Request is part of the civil detention and removal process. It asks local law enforcement to hold a person so ICE can pick them up when their local hold expires. If ICE isn't there at the time the local hold expires the jails need to release the person. One of the reasons why ICE is often unable to respond to a local jail at the time of release, is that the jail did not share information with ICE about the potential unauthorized immigrant being in custody. HF-16 would help correct this avoidable lapse in communication.

The concern over Detainer Requests has created an overreaction on the part of some jurisdictions, whereby they have chosen a hard stop on any cooperation with ICE. This is an unfortunate choice that puts ICE agents, detainees and the public in harm's way unnecessarily.

If the argument is that immigration is a federal matter, and if, as many officials have stated, they don't want to obstruct or prevent ICE from doing their job, then we need to ensure that information is shared with ICE at the earliest stages of detention. This ensures ICE has an appropriate amount of time to do its job, while limiting unintended consequences.

Absent this timely notification, ICE is put in the unnecessary and dangerous position of having to either hover around the release doors at jails and courthouses or going out into the community to locate offenders. These situations often result in the unintended detention and deportation of undocumented individuals who would not have come to the attention of ICE, had ICE not had to go into the community to search for a recently released person.

It's unfortunate that HF-16 is needed. However, several jurisdictions in Minnesota have established policies barring the sharing of data with ICE. These policies are antithetical to public safety and prevent ICE from doing its job in a manner that's safest for everyone involved, while prioritizing criminal offenders.

I urge you to vote yes on HF 16.

Sincerely

David P. Zimmer

David Zimmer
Public Safety Policy Fellow