

Prisons chief says ICE figures on detainees in Minnesota are wildly inaccurate

The Minnesota Department of Corrections has been issuing clarifications regarding press statements made by the Department of Homeland Security.

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The Minnesota Department of Corrections says the figure being shared by the Department of Homeland Security relating to the number of undocumented immigrants being held in Minnesota prisons and jails on ICE detainees is wildly inaccurate, describing the repeated use of the figure as "incompetence" at best, and "pure propaganda" at worst.

DOC Commissioner Paul Schnell held a press conference Thursday morning in response to continued claims by the Trump administration that there are more than 1,360 undocumented immigrants with ICE detainees being held in custody across Minnesota.

Schnell says that the DOC has repeatedly asked for an explanation as to how the DHS arrived at that figure, and after allegedly receiving no response, conducted its own "point in time" survey of Minnesota county jails.

That survey found there are currently 94 undocumented immigrants with ICE detainees to their name in county jails, in addition to the 207 already known to be held in Minnesota DOC prisons. The total of 301 is more than 1,000 lower than the figure being shared by DHS.

"Despite our best efforts to correct the record and engage directly with DHS, they continue to publicly repeat information that is inaccurate and misleading," said Schnell. "This is no longer simple misunderstanding: at best DHS fundamentally misunderstands Minnesota's correctional system, at a minimum this reflects systemic data management inadequacies or incompetence as it relates to DHS tracking of detainees in custody. At worst it is pure propaganda, numbers released without evidence to stoke fear rather than inform the public."

"Despite requests, DHS has provided no data, no data source, no tracking methodology, no jurisdictional breakdown, and no timeframes explaining how their numbers were produced. We have asked to come together around the data, we have received no answer," he continued.

Of the discrepancy between DHS numbers and what the DOC has found through speaking with county sheriff's offices, Schnell said: "Perhaps it's a typo, maybe its an internal database problem, it may be that DHS does not actually know who it picked up from DOC custody because we have seen them claim that they arrested people they picked up from our prisons through our cooperation in the past few months.

"What we do know is this: DHS's claims do not match Minnesota records, Minnesota court data, or basic jurisdictional realities."

Bring Me The News has reached out to the DHS for a reaction to Schnell's comments.

DOC says ICE is claiming credit for 'worst of the worst' arrests who were already in custody

Reporting over the weekend from MPR News found that ICE and DHS statements highlighting the arrest of the "worst of the worst" undocumented immigrants featured a number of people who had been released to ICE custody before the start of Operation Metro Surge on Dec. 1.

A Jan. 12 "worst of the worst" DHS press release featured 13 undocumented immigrants with criminal convictions. But of those, 5 were handed over to ICE by the Minnesota DOC between August and late November, and 4 had been released to ICE custody in 2003, 2004, 2012, and 2021.

The DOC said that of the other 4, one was never in DOC custody, and two were only ever held in county jails.

Speaking on Thursday, Schnell said: "In some cases, DHS publicly implied Minnesota recently released individuals who were transferred to ICE years ago or decades ago.

"In some cases after DOC released people to ICE officials, ICE released them back into the community, and are now subject to correctional supervision in accordance with their court imposed sentences."

On Wednesday, the DOC released a breakdown of 37 "worst of the worst" detainees featured in ICE press releases issued on Jan. 12, 16 and 19, and found that 14 of them do not have any criminal history in the State of Minnesota.

What's more, Schnell accused the DHS of celebrating the "arrests" of two men who had simply been transferred to its custody by the Minnesota DOC.

A Jan. 13 "worst of the worst" press release identifies a number of undocumented immigrants who were "arrested yesterday during Operation Metro Surge," a list that includes Meng Khong Yang and Joshua Fornoh.

But Schnell says that Yang and Forno had been released to ICE custody on Jan. 12 by the Minnesota DOC in response to the ICE detainer,

"On Monday, Jan. 12, the DOC coordinated with ICE to release 2 individuals with detainers against them and were released into their custody, Meng Khong Yang and Joshua Forno.

"When they came into DOC custody we let ICE know we were here, because we shared this information, ICE was able to put detainers on both of them, we contacted ICE weeks before the individuals reached end of prison term, and coordinated pickup arrangements with them. On Jan. 12, ICE officers arrived and ... they took custody of both individuals.

"Both ended up on January 13 press release insinuating they were released back into the community," Schnell went on to claim. "Their custody was transferred from DOC directly to [ICE], they were not picked up in community as was implied."

Detainer policies can vary at county jails

Schnell accused the Trump administration of deliberately conflating immigrants held in DOC prisons, county jails, and ICE detention centers, coming on a morning that ICE official Marcos Charles called on Gov. Tim Walz to "honor all ICE detainees."

ICE issues detainers when it wants a prison or a jail to hold them for pickup by its agents once they are released from a state or county facility. The facility then informs ICE as the individual's release is approaching so that ICE can send agents to pick them up.

The State of Minnesota does honor ICE detainees at its state prisons, as has been repeatedly stated by Minnesota officials, but there can be some variation among county jails.

Hennepin County Jail, for example, does not honor "administrative detainees" issued by ICE, only ones that are signed by a judge. Other county jails are more cooperative with ICE, such as those in Sherburne, Freeborn, and Kandiyohi counties, which also have contracts to handle ICE detainees.

"Today, ICE official Marcos Charles says the governor should direct county jails to honor ICE detainees," Schnell said. "The statement that the governor controls actions of county jails is patently false. In fact the actions as we've discussed, sheriffs who have been fully cooperative are now being accused themselves of being non-cooperative with ICE."

FOX 9 reported this week that the Cottonwood County Sheriff's Office is pushing back against claims made by ICE that it let a man accused of sex offenses of going free.

The sheriff's office that ICE had placed a detainer on the man, and that county jail staff had contacted ICE to tell them that someone had posted bail for the suspect. The staff member was then told that an ICE agent wasn't able to come to Cottonwood County to pick the

suspect up when he was released because they were too busy with ongoing operations in the Twin Cities.

"The DOC operates the prisons, we do not operate county jails, we do not operate ICE detention facilities, we do not decide who receives an ICE detainer. When DHS conflates the processes and procedures of state prisons, county jails and ICE detentions into a single talking point, the result is misinformation."

County jails are required by law to release inmates at the end of their sentence or when court-approved release conditions have been met, such as in the case of bail.

This week, Dakota County Sheriff Joe Leko gave an interview to FOX 9 that explains some of the complexity that exists when ICE tries to issue detainers for people held in county jails when it's not accompanied by a judicial warrant, which comes after legal arguments from the ACLU and the Minnesota Attorney General that state local agencies can't hold someone based solely on an ICE detainer.

Leko says that a detainer is a "request" from an ICE officer to hold a person up to 48 hours prior, or past their normal release from charges or state charges, or when they post bail or the judge releases them.

"It's not a judicially signed and reviewed warrant. Right? So there's a difference. If that was the case, if there was a judge involved in the review and placing this warrant, we would have the ability to hold," Leko said.

Leko says even if the jail can't hold an individual legally, jail staff will still inform ICE about when the person goes to court, when they're released or when they post bail, and what their estimated time of release may be.

"And they'll send an agent here to take custody of that person, if so," Leko says, but adds: "And sometimes they don't make it here on time. We can't hold them beyond the state charges. There is state law that went through the Court of Appeals – a case out of a Nobles County about four years ago – that if we hold somebody beyond the state charges on, in this case, an immigration hold, there'd be a second arrest and you're violating ... the Fourth Amendment as far as another seizure.

"So I swore to uphold the Constitution, right, as all of us did in public safety, and that is part of the Constitution."

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