

# Records undercut ICE claims that MN jails, prisons release 'worst of the worst'

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MINNEAPOLIS (FOX 9) - The Trump Administration has repeatedly blamed county and state officials in Minnesota for releasing violent criminals from jail or prison instead of handing them over to ICE for deportation. But many of those detainees have no criminal records in Minnesota or haven't been incarcerated here for several years, according to a FOX 9 Investigators review of court records.

**What we know:** The words "jail" and "prison" are often used interchangeably, but they are not the same.

Jails are operated by county sheriff's departments. They typically hold offenders who are either serving a sentence of less than one year or cannot post bond while waiting for their trial date.

Prisons are operated by the Minnesota Department of Corrections (DOC). Inmates go to prison if they have been convicted of serious and/or violent crimes and are sentenced to be incarcerated for more than one year.

## **ICE blames jails and prisons but offers little evidence**

**The backstory:** Minnesota law requires DOC to notify ICE when a person committed to DOC custody is not a U.S. citizen. DOC also honors all ICE detainers and coordinates transfers when ICE requests pickup.

Some county jails in Minnesota, most notably Hennepin County, do not honor ICE detainers.

That means the jail will not hold an inmate for ICE to pick up unless agents have a warrant signed by a judge.

Those policies have led to fierce criticism from the Trump Administration as immigration officials blame a lack of cooperation from sanctuary politicians who "release criminal illegal aliens directly from jails onto the streets of Minnesota."

This has occurred in several cases, including a man detained by ICE last summer for vehicular homicide after he was released twice from the Hennepin County jail without notification.

## **‘Worst of the Worst’ often have no criminal records in Minnesota**

**By the numbers:** But many of the "worst of the worst" detained as part of Operation Metro Surge have not been in a county jail in Minnesota for several years.

The FOX 9 Investigators reviewed state court records for nearly three dozen people detained as part of Operation Metro Surge.

One out of every three cases involved a detainee with no criminal record in Minnesota.

Many who do have criminal records here, were released from custody several years ago.

For example, DHS claims Hoyvanh Khounmixay was recently detained because he has a criminal record that includes sexually abusing a child and failing to register as a sex offender.

That’s true.

However, the sexual abuse charge was from 2006. The last time he spent time behind bars in Minnesota was in 2015. He served 20 days in the Mower County jail for failing to register as a sex offender.

Court records show he has not been in the system since then.

The FOX 9 Investigators identified only four ICE detainees who spent time in jail in the past year (the current Trump Administration).

The records undercut DHS claims that ICE agents are having to pick up people recently cut loose by county jails.

## **DHS appears to mix up criminal records for ‘worst of the worst’**

**Dig deeper:** DHS also appeared to mix up criminal records for some of their "worst of the worst" offenders.

For example, the agency says Gilbert Gallardo Reyes was detained because of a criminal history that includes driving while under the influence and violating a court order.

In state court records, the only offenses under that name are minor traffic violations and a guilty plea to giving false information to a peace officer.

He served three days in the Stearns County jail in 2020 and has not served time in Minnesota since, according to court records.

The charges cited by DHS belong to an older man with a similar name.

"They seem to have serious records problems and, frankly, that should concern all of us, said Paul Schnell, Commissioner of the Minnesota Department of Corrections.

DHS has made similar misleading or outright false claims about Minnesota prisons.

## **Corrections Commissioner calls out DHS ‘misinformation’**

**What they're saying:** DHS claims several offenders were recently detained as part of Operation Metro Surge after being released from prison by Gov. Tim Walz.

Schnell said that’s simply not true.

Earlier this week, his office released the exact dates that inmates with ICE detainers were released to ICE custody.

When ICE continued to claim they were picking up violent criminals off the streets after they were released from prison, Schnell released video evidence of inmates being literally handed off to ICE agents.

Schnell described it as a routine process, required by state law, that "occurs in every single case involving ICE detainers."

"It is disturbing that DHS continues to issue inaccurate statements that erode public trust. We will not allow misinformation to go unchecked—especially when it threatens the integrity of public safety agencies and undermines transparency," Schnell said in a statement.

(ICE officials later acknowledged cooperation from state officials on detainers after the DOC issued multiple statements and released video evidence.)

### **Misunderstanding, incompetence or propaganda**

In a previous statement, his department said "DHS’s repeated public claims are, at best, the result of a fundamental misunderstanding of Minnesota’s correctional system; at minimum, reflect operational incompetence; and at worst, amount to deliberate propaganda designed to inflame public fear rather than inform it."

DHS continues to defend its immigration operations despite a pattern of making wrongful arrests based on bad information.

ICE agents recently detained an elderly man in his underwear even though he was not the target.

They were actually looking for Lue Moua, a felon from Laos who was convicted of sexually assaulting a minor, rape, kidnapping, and domestic violence.

After grabbing the wrong guy, DHS issued a wanted poster for Moua stating he is the "definition of the WORST OF THE WORST." Anyone who saw him was asked to help federal agents remove him from Minnesota streets.

ICE agents apparently failed to check state court records or the DOC website.

Moua is already in prison.

ICE can pick him up in 2028 when he finishes serving a four-year sentence for kidnapping.

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