DEPARTMENT OF CORRECTIONS

Central Office
1450 Energy Park Drive, Suite 200, St. Paul, MN 55108
Main: 651.361.7200 | Fax: 651.642.0223 | TTY: 800.627.3529
www.mn.gov/DOC

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Written Testimony of Commissioner Paul Schnell

Minnesota Department of Corrections
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Introduction

Chairman Paul, Ranking Member Peters, and Members of the Committee:

Thank you for the opportunity to testify today. My name is Paul Schnell, and I serve as the Commissioner of the Minnesota Department of Corrections (DOC). I appear before you today as a career public safety professional, a former law enforcement officer, and the current head of the state corrections agency responsible for the care, custody, and rehabilitation of people committed to my custody.

I want to be clear at the outset about why this testimony matters.

What is happening in Minnesota is not a dispute about whether immigration laws should be enforced. What is in question are the reasons for the unprecedented federal action in Minnesota, how enforcement is carried out, the public safety and justice interests of our state, the legitimacy of both state and federal government.

These questions are important because public statements by federal agencies do not match reality. When message and reality are at odds, public trust is harmed and people get hurt.

Two Minnesotans, both U.S. citizens, are dead following encounters with federal immigration agents. That alone warrants serious oversight, particularly in light of federal officials' reluctance or outright hostility to understanding and explaining why. Oversight should begin with stepping back, separating fact from rhetoric, and re-grounding this conversation in facts and accountability.

What follows is a detailed account of how the DOC partners with ICE, the role detainers play in our legal framework, and how demonstrably false assertions by the federal government served as a justification for the recent actions, particularly under Operation Metro Surge. These actions raise doubts about the rule of law and constitutional protection, exacerbate concerns about public trust, and erode confidence in government institutions.

Minnesota's Approach to Immigration Detainers: Lawful Cooperation within Constitutional Limits

A central issue that has been invoked in public statements by the Department of Homeland Security (DHS) surrounding recent federal actions is the state's handling of immigration detainers - civil or administrative requests issued by U.S. Immigration and Customs Enforcement (ICE) that place a hold on an individual with an implied request for notification or transfer of custody at release.

As the official responsible for administering state prison sentences in Minnesota, I must note that it is difficult to reconcile how detainers became the asserted justification for the scale and nature of the federal operation now underway in Minnesota, given the longstanding, documented practices already in place. The facts on this point are important, and they are straightforward.

First, it is crucial to understand how Minnesota law and practice treat these detainers, and the difference between our state prison system and local county jails. Minnesota DOC is an executive branch state agency under the authority of the Governor. We operate the eleven state prisons; we do **not** run county jails or city detention facilities.

State prisons hold individuals convicted of felonies and serving court-imposed sentences of greater than one year, whereas county jails hold the more transitional pre-trial population and those serving local sentences of less than one year. This distinction is important, because compliance with ICE detainers has differed between some local jails and the state DOC.

Minnesota law requires the DOC to notify ICE when it appears a non-US citizen is convicted of a felony and committed to our custody, and we fulfill that obligation. The DOC's policy on ICE detainers is clear: we honor all federal, state, and local detainers, including the civil or administrative detainers issued by ICE, without exception.

The typical process is as follows: when we learn a non-citizen is entering a Minnesota state prison, we notify ICE; ICE can then lodge a detainer if it chooses; as the individual's release date approaches, we notify ICE again and coordinate the transfer if ICE still intends to take custody. When multiple detainers exist (for example, from another state), we honor them in order, with criminal detainers taking precedence over civil detainers. Release from state custody to the jurisdiction of the lodged detainer occurs only after an individual has served their term of confinement based on Minnesota law.

It is important to note the legal limitations under which we operate. An ICE detainer is not a criminal warrant; it is an administrative request. It is not signed or authorized by a court, and therefore, like many states, Minnesota handles detainers with care and caution to avoid violations of Fourth Amendment rights.

Minnesota courts have made it clear that state and local agencies cannot hold someone past their release date solely based on an ICE detainer, absent a judicial order. Holding a person without legal authority, even for a few extra hours or days, can expose counties, sheriffs, or DOC to legal liability for unlawful detention.

For this reason, if a person in a county jail resolves their local charges (for instance, by posting bail so that charges are adjudicated while in the community or by completing a sentence), and if ICE has not obtained a warrant or is not immediately present to assume custody, the Attorney General has concluded that the custodial authority cannot legally continue to hold that individual. The Constitution simply does not permit keeping someone in jail without due process, even at ICE's request. This is why some county jails in Minnesota will notify ICE of an impending release but will not hold the person beyond the scheduled release time without a court order.

By contrast, in the state prison context, we house people after conviction of serious crimes, with release dates known and shared well in advance, so ICE has ample time to arrange a pickup when a sentence ends. If ICE agents choose not to show up or when they fail to lodge a detainer in the first place, those individuals are released - not because of defiance by Minnesota officials, but because we are following the law. We are appreciative of Border Czar Tom Homan's repeated confirmation that the federal government is not asking the state to continue to hold individuals for additional time on behalf of ICE, and instead is seeking advance notification of pending release.

In summary, the state of Minnesota honors immigration detainers by notifying ICE prior to release and coordinating transfers, without exception. Any suggestion that Minnesota has a blanket policy of refusing cooperation or "harboring" individuals from ICE is simply incorrect.

Setting the Record Straight: Minnesota DOC Cooperation vs. DHS Mischaracterizations

Unfortunately, despite our good-faith cooperation, federal officials have repeatedly mischaracterized Minnesota's actions and presented alarmingly inaccurate information regarding our non-citizen inmate population and release practices. These misstatements have been circulated in press releases, on social media, and in public statements, creating a false impression that Minnesota is willfully freeing hundreds of dangerous individuals in defiance of ICE. I want to directly address those claims with facts.

In late 2025, DHS officials publicly alleged that *"1,360 aliens, including violent criminals, are in the state's custody*" and that Minnesota "*has released nearly 470 criminal illegal aliens back onto the streets*" since President Trump took office. Let me state unequivocally: those claims are false.

Minnesota's entire state prison population is around 8,000 inmates, and at the time of that statement, only about 380 were non-citizens, with 270 having ICE detainers lodged against them. In its quest for facts, my agency conducted a point-in-time survey of all local jails in Minnesota and found that across all 87 counties in our state, there were fewer than 100 individuals in our jails with ICE detainers.

Neither the local sheriffs my team has spoken with, nor I, have any idea where DHS's "1,360" figure comes from. To my knowledge, DHS has never substantiated that number or provided any list of names that could even conceivably total 1,360, despite our requests for it to do so. The claim that Minnesota "released 470 criminal illegal aliens" in 2025 is equally baffling. In 2025, exactly 84 individuals in Minnesota state prisons who had ICE detainers completed their sentences and became available for release. In each and every one of those 84 cases, ICE was notified well in advance of the scheduled release and DOC staff coordinated with ICE on the transfer. We did not "release" anyone to the streets in violation of an active ICE detainer; if ICE wanted them, ICE took them. If ICE chose to lift the detainer or not show up to take custody of the individual, that was ICE's decision, not ours.

To investigate DHS's claims, we reviewed every single name that DHS officials have cited publicly as supposedly illustrative of the state of Minnesota's failures. The results of that review were eye-opening: most of those individuals were never even in Minnesota DOC custody to begin with. Many turned out to have been in county jails, or in federal custody, or in other states - meaning Minnesota's state prison system had nothing to do with their release. And several had been previously released to ICE by DOC or local sheriffs, only to be released back into our communities by the federal government.

Of the names that did correspond to people in our state prisons, all appear to have been handled properly with ICE, and I am not aware of any verified DHS information to the contrary. These findings underscore a serious problem: either DHS was using bad data, conflating different jurisdictions, or simply inflating numbers to support its launch of Operation Metro Surge.

This misinformation has been used to justify an extreme federal deployment in our communities. It has also eroded trust: Minnesotans are being told by federal officials that their state government is "letting criminals run loose," when in fact we are doing our job and holding convicted persons to account.

Let me give a concrete example: ICE's "Worst of the Worst" list - a DHS website showcasing arrests during Operation Metro Surge - has included almost 70 individuals who served time in our prisons and were then transferred over to ICE because of our cooperation. Multiple times during Operation Metro Surge, we honored pre-scheduled releases to ICE, as is our policy. The next day, we would find DHS press releases and social media posts hailing these transfers as arrests made as part of federal agents' efforts to remove "violent criminal illegal aliens from the streets of Minnesota". The clear implication was that these individuals had been on the loose and were apprehended by federal agents as part of Operation Metro Surge due to Minnesota's

alleged non-cooperation, when in reality these individuals never touched the street - they went from a Minnesota prison cell into ICE custody due to our voluntary cooperation.

The central false narrative is that Minnesota is some kind of lawless sanctuary where dangerous criminals slip through the cracks. The facts prove the opposite: Minnesota has been responsibly handling offenders and coordinating with federal authorities for many years. Minnesota has never adopted sanctuary legislation, and the federal accusations of non-cooperation are simply unsupported by facts.

Demands for Early Release of People Who Committed Violent Felonies

President Trump and other federal government officials keep pressuring Minnesota to release people convicted of violent felonies for transfer to ICE before they finish their prison sentences. This request raises serious legal, safety, and trust concerns.

Minnesota law requires people convicted crimes to serve their full custodial sentences. This rule protects the public, holds offenders accountable, and ensures that victims see justice carried out as promised by the courts. Federal law similarly bars early release for deportation of people convicted of violent felonies. This applies to both federal and state facilities.

Haphazard release of this kind would only further damage trust in the justice system. Victims of violent crime count on the person harming them being unable to do so at least for the period required by law. If the person was released early for political convenience, it would undermine confidence in the courts and in the fairness of the system as a whole.

Public safety is also at risk. Deportation is not a guarantee that a person will stay out of the country permanently, and it does not address the underlying behavior that led to the crime. If an individual returns and reoffends, the harm is compounded and entirely preventable.

Finally, deporting people before they complete their sentences can disrupt rehabilitation and supervision. These individuals miss programming and treatment that reduce the likelihood of future violence. Cutting that process short increases the risk of reoffending and creates more instability, not less.

Minnesota should not be asked to weaken its laws or compromise public safety to accommodate federal immigration enforcement. Violent offenders should serve the sentences imposed by the courts. Immigration enforcement can and should occur—but only after justice is fully served and community safety is protected.

Operation Metro Surge: Unprecedented Tactics and Tragic Consequences in Minnesota

Against the backdrop of this detainer dispute, the Trump Administration launched “Operation Metro Surge” in the Twin Cities metro area in early December 2025, which officials have described as the largest immigration enforcement action ever conducted inside the United

States. Over a period of roughly ten weeks, DHS deployed upwards of 3,000 federal personnel - including ICE agents, Border Patrol tactical units, and other DHS teams - into Minnesota communities, over five times the number of sworn police officers in either Minneapolis or St. Paul.

The White House touted this as a **"**public safety crackdown," claiming more than 4,000 arrests in Minnesota since the surge began. DHS leadership framed the operation as necessary because, in their view, Minnesota's alleged "sanctuary" stance had turned the state into a magnet for crime. They repeatedly invoked the phrase "worst of the worst" to justify aggressive action.

What has transpired on the ground is a disturbing breakdown of constitutional norms and law enforcement protocols, with heartbreaking outcomes.

Normally, in any law enforcement operation - federal or local - there should be careful planning and unified command to avoid civilian harm, especially when armed agents deploy in populated urban areas. But Operation Metro Surge was executed with what can only be described as a "militarized" posture. Agents in tactical gear and masks have been raiding homes and businesses, stopping vehicles, and approaching people on the street with rifles, often without notifying local police.

The constitutional breakdown has been evident in many facets of this surge. The First, Second, and Fourth Amendment concerns are paramount. Off duty law enforcement officers have shared their experiences of being asked for their citizenship documents and having their recording devices slammed out of their hands. ICE and CBP agents have been relying on administrative immigration warrants to conduct raids and make arrests. Local officials and community members have reported incidents of agents entering residences without judicial warrants. There are accounts of agents stopping individuals at bus stops and on the street, demanding identification or proof of status from people who were simply going about their day. Many residents, including U.S. citizens and legal residents, have felt compelled to carry passports or documents, a hallmark of a police state rather than a free society.

The operational breakdown is also evident in the failure of oversight and accountability mechanisms when things went wrong. After Ms. Good and Mr. Pretti were killed, Minnesota authorities pleaded for information and for nonpartisan experts to take on their normal role in investigating what happened, only to be largely stonewalled by DHS. This was accompanied by pronouncements within mere hours that Ms. Good or Mr. Pretti were domestic terrorists who deserved the violence visited on them. Pronouncements like that only further erode trust in government agencies tasked with keeping us safe. Initially, DHS's own Homeland Security Investigations division was tasked to investigate the agents involved. It was only after public outrage that the FBI was belatedly brought in to lead the investigation of Mr. Pretti's death. Even so, neutral and experienced state investigators have been denied access to critical evidence in both the Good and Pretti deaths.

Minnesota has formally demanded a credible, transparent joint investigation with full sharing of information because there can be no trust without transparency. As of today, we still lack basic answers and reliable commitment to shared investigation, which is unacceptable. To restore legitimacy, these inquiries must be handled with the utmost integrity and independence, and I urge the Committee to support our call for accountability.

The fallout in Minnesota has been profound. Public trust in DHS is badly shaken. To the people of Minnesota, this no longer looks like a targeted immigration enforcement effort - it feels like a fundamental violation of our sovereignty and constitutional order. In one extraordinary day of peaceful protest, over 700 businesses voluntarily closed, and an estimated 40,000 Minnesotans marched through the frigid winter streets to voice their anger and grief. I have served in law enforcement for decades, and I have never seen such a massive peaceful outpour of public outcry in our state. People are upset not only about the deaths, but about "federal power without restraint" being exercised in their communities.

What is happening in Minnesota feels surreal to many, not only because of the scale of the federal deployment, but because ordinary life has been disrupted in ways that were unimaginable just three months ago.

Operation Metro Surge has represented a grave departure from normal law enforcement standards. Minnesota's leaders and the public have been left questioning not just the operation's execution, but its very premise. We all agree that dangerous criminals, regardless of immigration status, should be apprehended and held accountable. But that goal can and must be pursued without trampling on constitutional rights or endangering the public. In Minnesota, that balance was upended.

The "Worst of the Worst" Narrative vs. Reality

DHS's own "Worst of the Worst" online database for Minnesota, which lists individuals arrested during the surge, contained 486 entries as of early February. The offenses listed were a mix of serious and less severe, such as property damage or violating court orders. These are not what most people would consider "worst of the worst" violent felonies, since these crimes are often neither violent nor felonies. In other words, the federal website itself undermines the claim that everyone swept up is a hardened violent criminal.

The Committee should also know that DHS's shifting justifications for the operation have bred confusion. Initially, the focus was cast as immigration benefit fraud. Then the narrative shifted to detainers and the state's alleged non-compliance. Then it shifted again to general crime and "law and order." At one point, there were even references to voter fraud and election integrity. These shifting rationales coincided with political events and media cycles, not with any reality or change on the ground.

To be clear, no one is denying that ICE took custody of some serious offenders - they did, and Minnesota welcomes the removal of truly dangerous individuals. But the data strongly indicates

that those individuals were a minority of the surge's targets, and that at least some were a direct transfer from facilities in Minnesota.

Why does this matter? It matters because misrepresenting the threat leads to misdirected resources and distorted public perceptions. It matters because painting all 4,000 arrestees as predatory criminals roaming the streets casts aspersions on entire immigrant communities and on Minnesota's criminal justice system professionals. And it matters because it was used to justify extreme tactics - the notion was that only a militarized surge could protect Minnesotans from these "worst of the worst."

Public Safety and Constitutional Consequences of Operation Metro Surge

Against the backdrop of inaccurate public claims about Minnesota's cooperation and custody practices, Operation Metro Surge unfolded in ways that raised serious public safety and constitutional concerns.

Rather than relying primarily on controlled custodial transfers - the safest and most predictable form of enforcement - the operation introduced significant disorder into Minnesota communities. Federal actions proceeded with limited coordination with state and local authorities, weakening the systems that normally protect both officers and the public.

One of the most troubling consequences of this breakdown has been the detention of U.S. citizens during enforcement actions. A widely documented example is that of Chong Ly "Scott" Thao, a U.S. citizen who was removed from his St. Paul home at gunpoint while wearing only his underwear on a bitterly cold day. Agents allegedly entered without a warrant and detained him for nearly an hour before determining that he was not their target. They initially said that the operation was targeted at two convicted sex offenders and justified the arrest by saying that Thao lived with them, that he matched their description, and that he refused to be fingerprinted or facially identified. Days later, they released the identities of the people they were seeking. Had there been coordination with Minnesota DOC, or even a review of publicly available custody information on our website, agents would have known that one of the individuals they were seeking was already incarcerated in a Minnesota state prison.

Take Jose Huerta-Chuma as another example, the individual DHS stated federal agents were attempting to locate during the January 24 enforcement action in Minneapolis that resulted in the death of Alex Pretti, an ICU nurse who cared for our veterans. Based on Minnesota DOC records, the last time Mr. Huerta-Chuma was in custody in Minnesota, he was in ICE custody in June of 2018, during the first Trump Administration and public records reflect only misdemeanor-level traffic offenses. Decisions regarding his release from federal immigration custody back into Minnesota communities at that time were made by DHS, not by the State of Minnesota. Why that happened is something only federal authorities can explain.

From a public safety standpoint, these incidents are not just about individual rights; they reflect the risks created when enforcement is untethered from accurate records and established

custody systems. These are just two high-profile incidents of many that reflect a troubling failure to engage in the most basic law-enforcement practice: coordinating with state and local authorities and verifying intelligence before deploying agents into residential communities.

These risks were magnified by the broader context in Minnesota at the time. Just six months before Operation Metro Surge began, our state experienced an unthinkable tragedy: a masked individual, impersonating law enforcement, went door to door targeting elected officials. Senator John Hoffman and his wife Yvette survived multiple gunshot wounds. Speaker Emeritus Melissa Hortman, her husband Mark Hortman, and their dog Gilbert were shot and killed. That event deeply traumatized our state.

In that context, the sudden presence of masked or unidentified law enforcement entering homes and following vehicles was profoundly destabilizing. It generated fear among residents and created a dangerous opportunity for criminals to exploit confusion about who is, and is not, legitimate law enforcement.

Minnesota's corrections system is nonpartisan in its public safety mission**.** We work closely with federal partners like the U.S. Marshals Service, the FBI, the DEA, the U.S. Attorney's Office, and more. Just last year, Minnesota DOC staff who served on a federal drug task force were awarded the "2024 Law Enforcement Award" for "Outstanding Contribution to Public Safety" by the U.S. Attorney's Office. We do not have a reputation for being uncooperative. Quite the contrary, Minnesota DOC is seen as a reliable partner by federal agencies across the board.

I also want to dispel any notion that by criticizing DHS's operation, Minnesota is somehow advocating for open borders or opposing immigration enforcement per se. That is simply not true. We have a strong interest in removing dangerous individuals who are not citizens and who pose a threat. Every crime victim in Minnesota deserves justice, and if the perpetrator is here unlawfully, we agree that they should face consequences and likely removal after their sentence. What we object to is the politicization and heavy-handedness of DHS's recent approach - which, ironically, has made our communities *less safe* and people *less willing* to engage with law enforcement. There is nothing "pro-public-safety" about cracking down on a state that is, in fact, following the law and cooperating in good faith. If anything, DHS's tactics have drawn resources away from genuine public safety needs.

The public messaging by DHS also warrants oversight. DHS falsely attacked our state's public safety community and justified an excessive response under those pretenses. Congress should take notice when an executive agency makes such statements about an American jurisdiction. It corrodes the relationships that our system relies on. Misinformation fuels mistrust and mistrust is our biggest problem right now. Indeed, the erosion of trust between DHS and Minnesota is at the core of this crisis, and I suspect we will feel its repercussions for years to come.

I would ask the Committee to consider: *If this can happen in Minnesota, could it happen elsewhere?* Minnesota is, by most measures, a law-abiding, civic-minded state with low crime and a tradition of good governance. If a narrative can be spun that we are a lawless enclave

requiring federal occupation, and if agents can effectively occupy our cities and violate rights with impunity, then these tactics could be deployed anywhere. This is not a partisan issue; it should concern any American who cares about constitutional governance. The point is that no administration should be allowed to wield federal police power in this manner against a state without rigorous checks.

At this juncture, Minnesota's demands are simple and I believe reasonable:

- **Draw down the excessive federal presence.** Border Czar Homan has committed to a dramatic reduction in the federal agents deployed immediately which is a step in the right direction. But we need clarity on the end game: when will Operation Metro Surge fully conclude, and under what conditions?

- **Conduct credible investigations into the fatalities and any rights violations.** We insist on a joint investigative process for the shootings of the two Minnesotans killed by federal agents - Ms. Good and Mr. Pretti - with state participation and full transparency. The FBI's involvement and the Civil Rights Division's oversight are welcome, but we also need access to information and evidence at the state level - after all, these incidents took place under our jurisdiction, and our laws were potentially violated as well.

  Moreover, any other incidents (like the wrongful detentions of citizens) should be reviewed. If agents violated policy or law, they must be held accountable. That includes possible civil rights prosecutions if warranted, or at minimum administrative discipline. The message must be sent that excessive force and constitutional violations will not be tolerated.

- **Correct the public record and cease the misinformation.** DHS should formally retract or correct the false claims about Minnesota's alleged non-cooperation and the inflated arrest figures. It should publish accurate data – for example, acknowledge how many of the "arrests" were actually custody transfers, and how many of those arrested truly had serious violent criminal backgrounds. Honesty will go a long way toward rebuilding trust. DHS leadership needs to own up to mistakes in their data and messaging.

- **Ensure future enforcement is professional and constitutional.** This means establishing clear guidelines for any future operations: agents must be identifiable and follow use-of-force protocols; targets should be clearly defined and high-priority; and coordination with local law enforcement should be improved to prevent conflict and confusion.

In essence, we are asking DHS, and by extension Congress, to recalibrate the balance between immigration enforcement and civil liberties. Minnesota's experience has shown that swinging the pendulum too far toward unchecked enforcement can lead to tragedy and a loss of legitimacy. We need to restore that balance. As Chairman Paul has noted, this is about legitimacy and trust in our institutions. Right now, DHS's actions have undermined both. It will take concrete corrective action to rebuild what has been broken.

As I conclude, I want to bring the focus back to the broader principles at stake. This hearing, and the situation in Minnesota, is not just about an immigration dispute or a clash between a state and ICE. It is about whether we, as a nation, can enforce our laws in a manner consistent with our constitution.

Minnesota did not seek out this confrontation. We are trying to heal and keep our communities safe amid the fallout of this operation. Our officers, our local leaders, and our citizens are working overtime to prevent further violence and to hold onto the fabric of trust that is so essential in a democracy. We have seen how quickly that fabric can tear when government is perceived as overstepping.

I urge this Committee to continue its bipartisan oversight of what Minnesota has experienced so none of your states have to. The fact that both Republican and Democratic members of this Committee have raised concerns is heartening. It shows that constitutional rights do not need to be a partisan issue. We might have different perspectives on immigration policy, but we should all agree that government's power must be checked and balanced, and that law enforcement must operate within the law.

Minnesota will do its part. We remain ready to keep cooperating with any federal agency that approaches us in good faith and within legal bounds. We will also continue to protect the rights of the people in our state. As a state official, I swore an oath to uphold the U.S. Constitution as well as our state constitution. That dual loyalty is not contradictory; it is complementary. In that spirit, I am here because I felt compelled to speak out when I saw constitutional principles being threatened. I believe our nation is strong enough to handle honest criticism and self-correction. Indeed, that is how the rule of law is maintained: by confronting issues openly and fixing them through our democratic processes.

Chairman Paul and Members of the Committee, Minnesota seeks nothing more than a return to normal, lawful order - where federal and state authorities respect each other's roles, where criminals are caught and punished without trampling on civil rights, and where the public can trust that those in power are acting in good faith. We are not there today, but with your help and with continued advocacy from leaders who value the Constitution, I am hopeful we can get there again.

Thank you for inviting me to share Minnesota's perspective. I am prepared to answer your questions and to assist the Committee's inquiry in any way I can.