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**Monroe County Sheriff's Department**

July 15 at 2:01 PM · 🌐

A recent event in Bloomington prompted citizens to call Sheriff Swain to ask him to stop placing ICE detainer on arrested foreign citizens, booking into Monroe County Correction Center.

There is one person in the Correction Center with an ICE detainer request. That person was involved in the homicide of a twelve year old boy who was restrained with shackles and a collar, until his died of starvation.

The only involvement the Sheriff's Office has with ICE operations, is to m ... [See More](#)

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**Popp & Bullman, Attorneys-at-Law** Let's be clear -- this is not about enforcing immigration laws. The Sheriff does not have the right or obligation to do so. What the Sheriff is doing is violating the Fourth Amendment of the US constitution, which prohibits the unlawful search and seiz... [See More](#)

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**Popp & Bullman, Attorneys-at-Law** I want to be very clear what I have shared about the jail's practices, which is exactly what the Sheriff has said to me personally, in writing to others, and publicly. If Someone presents a foreign ID to him, he will contact ICE (at his discretion; he decides when) regard... [See More](#)

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**Popp & Bullman, Attorneys-at-Law** Let's be clear -- this is not about enforcing immigration laws. The Sheriff does not have the right or obligation to do so. What the Sheriff is doing is violating the Fourth Amendment of the US constitution, which prohibits the unlawful search and seizure of individuals without probable cause. The reason it is unlawful is because immigration violations are civil, not criminal. ICE does not need to have probable cause that a person is undocumented, nor does it need a warrant reviewed by a judge to issue a detainer. The Sheriff's choice of one horrific story as a justification is specious -- that person accused of the horrible murder of her step-son is not getting out of jail, period. The fact is that most people who are picked up in Monroe County (including two who were held on ICE holds as recently as the first two weeks of July -- one who was picked up right before the Sheriff issued this statement) are held for misdemeanors or DUIs. They are also only accused of committing crimes -- not convicted. Finally, they are held on ICE detainers after a judge has already ruled that they are free to leave the jail because they are innocent or because they are not a danger to society. Everyone is focused on immigration enforcement, but ICE issues detainers without probable cause. In Florida between 2017-2019, ICE issued 420 detainers for US Citizens -- people born in the United States -- and Sheriffs honored those detainers. Those Sheriffs are now being sued, along with many other Sheriff departments, including LA County, which paid hundreds of thousands of dollars for holding US Citizens. None of us are safe as long as the Sheriff works with ICE. The Sheriff should focus on law enforcement. Keep our community safe and our jails from being overcrowded. Leave immigration enforcement to the immigration authorities.

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**Brad Swain Popp & Bullman, Attorneys-at-Law** and just why are other aspects of the criminal justice issue being blended in with the specifics of the level of my notifications to ICE?



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**Brad Swain Popp & Bullman, Attorneys-at-Law** and just why are other aspects of the criminal justice issue being blended in with the specifics of the level of my notifications to ICE?

Everyone concerned person I spoke with understood and agreed with the policy. Some were dismayed at the tale that was told at a recent rally, and promised to reach out to friends to inform them accurately.

It is simple. Facts of how I operate my Office were distorted to the public at a rally. Today a young man from an Asian country was booked into jail for stabbing a young girl. Yes. ICE will be notified.

Ms Popp has been practicing law for some time, yet she opts to distort facts on law enforcement and those who serve.

If there are legal issues, go to court and address them. I caution you that a Federal Judge won't be tolerant of such conduct in their court.

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**Popp & Bullman, Attorneys-at-Law** Brad Swain I'm not distorting anything. I hold myself to the highest integrity. I also have utmost respect for law enforcement, as most of my clients are victims of crimes, trafficking, and persecution. I work very closely with law enforcement agencies to help them. On Friday, I reported to the public what you have told me publicly and in private meetings multiple times. I also am very familiar with how ICE holds work because I have been dealing with them for well over a decade. There is a reason that Sheriffs around the country have decided to focus on law enforcement and not immigration enforcement. Most courts that have looked at this matter have found ICE holds to be unconstitutional. At the very least, they send a signal to immigrants that law

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**Popp & Bullman, Attorneys-at-Law** I want to be very clear what I have shared about the jail's practices, which is exactly what the Sheriff has said to me personally, in writing to others, and publicly. If Someone presents a foreign ID to him, he will contact ICE (at his discretion; he decides when), regardless of that person's status. That person could be a citizen of the United States, a lawful permanent resident, or undocumented. It is not the right nor the responsibility of the Sheriff to inquire about immigration status. Immigration violations are not crimes and they are not within the jurisdiction of the Sheriff. However, by reporting these cases to ICE, the Sheriff is profiling people based on their race and nationality. Second, if someone is booked in the jail, ICE may place a "Hold" or "Detainer" on that person. This is based on the suspicion that the person may have committed an immigration violation. What causes this suspicion? Sometimes the person reports a foreign birth place (though that does not mean the person is not a citizen). Sometimes it is a matter of mistaken identity. Sometimes the person really is undocumented.

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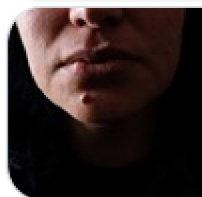


**Popp & Bullman, Attorneys-at-Law** "The ACLU recommends that law enforcement agencies decline to effectuate any ICE detainer request absent a judicial warrant in order to minimize the risk and liability of holding a person in violation of the Fourth Amendment. "  
[https://www.aclu.org/.../aclu\\_backgrounder\\_on\\_detainers\\_1...](https://www.aclu.org/.../aclu_backgrounder_on_detainers_1...)

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