

# GOVERNMENTAL LAW, LLC

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Rose Godinez, Legal and Policy Counsel  
ACLU of Nebraska  
134 S 13<sup>th</sup> Street, #1010  
Lincoln, NE 68508

Re: Dakota County Records Request

Rose-

Copies of the records you requested from Dakota County are attached. Thank you.

Best,



Thomas J. Freeman  
Attorney at Law

Enclosures

**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Thursday, December 06, 2018 9:29 AM  
**To:** Byers, Shawn L; Chris Kleinberg (ckleinberg@dakotacosheriff.com); Jensen, Greg; Hogan, Mary A; Hetfield, Darrin E; Capt. Mark Nelson; Rich, Tauria L; Acero, Jacob  
**Subject:** Thank you!

I just wanted to take a moment to thank you all for being such an attentive audience during Tuesday's Steering Committee presentation. While we didn't have any public attendees, it worked out since this is the first 287g program in the SPM AOR! This way, we could all get on the same page and learn from each other. I think that it was pretty productive! And yes, I would say that even if I wasn't given candy! 😊

If any of you have any questions/comments/concerns, please let me know!  
-REBBECCA

**REBBECCA SHORT**  
Supervisory Detention and Deportation Officer  
287(g) Field Program Manager  
St. Paul AOR  
Grand Island, NE  
Work/(308)385-1454  
Fax/(308)385-1460

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**Eber, Amy**

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**From:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, September 11, 2018 7:24 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Cc:** 'tdecker@dakotacosheriff.com'; Capt. Mark Nelson  
**Subject:** the return of Nate Eriksen  
**Attachments:** ItineraryL4N84S\_10SEP.PDF

GOOD MORNING!

Here is Nate's returning itinerary from Charleston. He hasn't graduated yet, but the hurricane was upgraded to a Cat 4 and the gov evacuated the coastal counties, so Nate is returning home. I know that it was frustrating for him as you would think that the gov't would come up with a plan for this stuff by now, however, Nate was patient and good natured (I think that some adult beverages helped pass the time for some of them, but I probably would have done the same thing, so....) and I really do appreciate his positive attitude.

He left for Savannah this morning. I told him to call me if there are any delays, etc and hopefully he'll text me when he is on the plane, but he is for sure to let me know when he gets into SXC.

Thank you!

-BECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, December 11, 2018 8:42 AM  
**To:** Chris Kleinberg  
**Subject:** RE: stats from SC

Hmmmm....that is weird. Do you think that they moved or did they disban?

Yeah, I would love to see the interview! 😊

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**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Tuesday, December 11, 2018 8:13 AM  
**To:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Subject:** RE: stats from SC

Interview was good, we will see what she prints. I do know Jason, he is the owner\editor of the paper. Jason has always been good to me, aside from a few times when I was out of line years ago. Had our yearly Chamber meeting yesterday. The 4 of us (Sioux city PD Chief, SSC PD Chief, Woodbury Sheriff and myself) give updates on our agencies. Not one single referencing 287g. I stopped in to chat with the Community action agency and see why none of them came to our meeting last week. The office they had been in is empty.  
970

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**From:** Short, Rebecca L [Rebecca.L.Short@ice.dhs.gov]  
**Sent:** Monday, December 10, 2018 10:09 AM  
**To:** Chris Kleinberg  
**Subject:** RE: stats from SC

Just checking to see how your interview went (or maybe you haven't started yet?) Either way, let me know if you need anything!

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**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Friday, December 7, 2018 8:51 AM  
**To:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Cc:** Hogan, Mary A <Mary.A.Hogan@ice.dhs.gov>; Jensen, Greg <Greg.Jensen@ice.dhs.gov>  
**Subject:** RE: stats from SC

Good, I got a call from the local paper (Dakota County Star) and she wants an interview Monday. I like getting info out, hoping it causes the "not so friendly folks" to move away. If Mrs. Hogan has any request....  
Kleinberg

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**From:** Short, Rebecca L [Rebecca.L.Short@ice.dhs.gov]  
**Sent:** Thursday, December 06, 2018 9:15 AM  
**To:** Chris Kleinberg  
**Cc:** Hogan, Mary A; Jensen, Greg  
**Subject:** stats from SC

SHERIFF KLEINBERG,  
Good morning.

In reference to the stats from the Steering Committee slide show, yes, you can use those stats during meetings, etc. However, if you're planning on releasing them through the media, you may want to get with PIO Mary Hogan on that first. Also, those stats are a couple higher than the ones that HQ officially has because the DIO's didn't have the right settings when they processed the first two so it was going to appear like the SXC office processed them. I counted them for my stats, but HQ didn't. Just FYI.

-BECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer

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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Thursday, June 21, 2018 7:46 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Subject:** FW: Training Validation - August

SHERIFF KLEINBERG,

Good morning.

I believe that you said that Sergio and Martin wouldn't be able to go at the same time, correct?

If so, which one do you want me to ask if they can go first? I know that Martin has been asking Elisabet if she has heard when he is going and seems excited about it. I don't know about Sergio.

Then, would Nate still be able to go?

-BECCA

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**From:** Grayson, Wonda  
**Sent:** Thursday, June 21, 2018 7:42 AM  
**To:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>; Ouellette, Eric A <Eric.A.Ouellette@ice.dhs.gov>  
**Subject:** Training Validation - August

Good morning,

If the candidates listed below clear PSU, are they available to attend IADP-806, class dates August 27 – September 21, 2018?

- 1) Castillo – Dakota County
- 2) Guerrero – Dakota County
- 3) Eriksen – Dakota County

Please advise.

Thanks,

**Wonda E. Grayson, CDFM-A**  
Unit Chief, Program Management Office  
Criminal Alien Division, Enforcement Division  
Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
500 12th Street, 2<sup>nd</sup> Floor, Room 2178  
Washington, DC 20536  
202-732-3130  
[wonda.grayson1@dhs.gov](mailto:wonda.grayson1@dhs.gov)

**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, February 19, 2019 10:27 AM  
**To:** Guerrero, Martin (CTR)  
**Cc:** Chris Kleinberg (ckleinberg@dakotacosheriff.com); 'tdecker@dakotacosheriff.com'  
**Subject:** IADP Training

MARTIN,

Good morning.

Now that it appears that the gov't shutdown issue has been squashed, the training for the 287g classes for IADP-1904 has been scheduled.

Are you able to attend IADP-1904, June 3 – June 27, 2019?

Please let me know no later than close of business on Monday, February 25<sup>th</sup>. If you can, please ensure that you have your PIV card and that your LAN account is still up and running.

Thank you,  
-REBBECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Thursday, November 08, 2018 1:22 PM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Subject:** ICE FOIA

SHERIFF KLEINBERG,

Good afternoon.

In reference to your inquiry about releasing ICE related policies, emails, etc to outside entities...

Anything that is solely ICE (related policies, ICE generated emails, for example) are covered by the Freedom of Information Act (FOIA). If another entity outside of DHS would like access to that, they will have to make that FOIA request.

Thank you,  
REBBECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
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## Eber, Amy

---

**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Monday, March 18, 2019 1:06 PM  
**To:** Chris Kleinberg  
**Subject:** RE:

Thank you for this. I'll make HQ aware of this.

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**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Monday, March 18, 2019 12:42 PM  
**To:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Subject:** FW:

this is what I sent out this morning  
970

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**From:** Chris Kleinberg  
**Sent:** Monday, March 18, 2019 8:17 AM  
**To:** Sheriff  
**Cc:** Jail  
**Subject:**

Ricketts signed bills into law on March 7 and 12

LB80 would allow motor vehicle franchisees to submit photographs and other documents electronically to sheriffs for title inspections.

LB56 would allow county boards to create an expedited application process for special designated liquor licenses. The licenses could be issued 12 days, rather than 21 days, before the event.

### **Passed on Final Reading**

LB8 would allow physician medical directors to use rotating or flashing red or blue lights on their motor vehicles when traveling to an emergency requiring their service. The lights would be identical to those available to volunteer firefighters and peace officers. Such physicians would have to successfully complete an emergency vehicle operator course and be authorized by the county sheriff to use the lights.

Hummm, how did this come up?

LB369 (Vargas) Require jails, law enforcement agencies, and the Nebraska State Patrol to provide public notice before entering into agreements to enforce federal immigration law and to allow audits of noncomplying entities

**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, March 19, 2019 7:37 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Subject:** stats

CHRIS,  
I got my stats from the National Program Manager up at HQ.

For FY19 (since 10/1/18), the DIO's at Dakota County have had 25 encounters. Of those encounters 6 have led to removals.

In case you're wondering about the 25:6 ratio, an encounter is counted whenever one of the DIO's interviews someone for the program. Around Dakota County, you have a lot of lawful permanent resident's, who we cannot put back into removal proceedings without certain criminal convictions. I believe there may have been 1 or 2 people who claimed and it was confirmed that there are USC's (United States Citizens).

I know that a while ago, Jacob expressed some frustration with other jail staff people not calling the after hours duty line or even over to the Sioux City office whenever a DIO wasn't there. For example, when it was just Jacob and Elisabet and if both of them were off for the weekend, I believe that a couple of people fell through the cracks. I told Jacob that the process is still the same (calling the duty officer or over to the office) if a DIO isn't there. The DIO can still process later if they really, really, really want to, but it was important that no matter who is around, we make those encounters. I think that it helped to have Nate working overnights, esp on the weekends.

If you have any other questions about that or anything else, please let me know!  
-BECCA

**REBBECCA SHORT**  
Supervisory Detention and Deportation Officer  
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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Friday, December 07, 2018 8:58 AM  
**To:** Chris Kleinberg  
**Subject:** RE: question

Sounds good!

Hey, I forgot my cell phones at home today so in the event you need something, you can always call my desk at 308-385-1454.

---

**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Friday, December 7, 2018 8:54 AM  
**To:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Cc:** Capt. Mark Nelson <mnelson@dakotacosheriff.com>; Timothy Decker <tdecker@dakotacosheriff.com>; Elisabet DeRoin <ederoin@dakotacosheriff.com>  
**Subject:** RE: question

I absolutely agree, we shall.

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**From:** Short, Rebecca L [Rebecca.L.Short@ice.dhs.gov]  
**Sent:** Thursday, December 06, 2018 7:52 AM  
**To:** Chris Kleinberg  
**Subject:** FW: question

SHERIFF KLEINBERG,  
Good morning!

During that presentation on Tuesday, the consular notification rights came up. Actually, Jacob and I did have a quick email exchange about it last week. (See below.)

I think that the below conversation was pretty much the last thing that was said about it. Ultimately, it is up to you, but I do think that it may be a good idea to start asking people, "Which country are you a citizen or national of" **in addition to** the "where were you born" question.

Let me know if you have any questions!!!!  
-BECCA

---

**From:** Short, Rebecca L  
**Sent:** Thursday, November 29, 2018 2:15 PM  
**To:** Acero, Jacob <Jacob.Acero@ice.dhs.gov>  
**Subject:** FW: question

Furthermore, the reason for both of the questions....is because of Consular Notification. And this is coming straight out of the slide show that I'm creating for this steering committee, but asking people where they are born and what citizenship do they claim is because "*consular notification and access is the obligatory process by which federal, state, and local law enforcement and legal authorities provide information to foreign government representatives regarding their citizens in the United States and permit foreign consular officers to assist their nationals. Law Enforcement Authorities have a legal requirement to provide consular notification and access. Consular notification and access is*

*mandated by the Supremacy Clause of Article VI in the U.S. Constitution, the Vienna Convention on Consular Relations of 1963, and the relevant bilateral treaties."*

So, this would even be covering the jail on all arrestees. Sometimes, people aren't appropriate for ICE custody, but may be from a mandatory notification country, as set forth by the Vienna Convention (did they give you one of those lists? If not, let me know and I can send you one.)

Also, as we know, not everyone who is a United States citizen was born here.

It may be something to seriously ponder. If you decide to add the question, let me know and I'll put it back into the slides either for this meeting or for one in the future.

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**From:** Short, Rebecca L  
**Sent:** Tuesday, November 27, 2018 8:07 AM  
**To:** Acero, Jacob <[Jacob.Acero@ice.dhs.gov](mailto:Jacob.Acero@ice.dhs.gov)>  
**Subject:** RE: question

That first one ("which country are you a citizen or national of?") may be a good one to start asking. You know, some people straight up admit to it, and it may help cue non-287g officers to get ahold of a DIO, the SXC office, or even after hours. ????

Just something to ponder.

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**From:** Acero, Jacob  
**Sent:** Monday, November 26, 2018 10:23 PM  
**To:** Short, Rebecca L <[Rebecca.L.Short@ice.dhs.gov](mailto:Rebecca.L.Short@ice.dhs.gov)>  
**Subject:** RE: question

We do not ask of what country they are a citizen or national, however, everyone is asked where their place of birth is.

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**From:** Short, Rebecca L  
**Sent:** Monday, November 26, 2018 1:58 PM  
**To:** DeRoin, Elisabet (CTR) <[Elisabet.DeRoin@associates.ice.dhs.gov](mailto:Elisabet.DeRoin@associates.ice.dhs.gov)>; Acero, Jacob <[Jacob.Acero@ice.dhs.gov](mailto:Jacob.Acero@ice.dhs.gov)>  
**Subject:** question

I'm having to do a slide presentation for this Steering Committee (even if nobody registers, they're still allowed in, however if they don't register it's up to the sheriff and/or the FOD if the questions are answered.)

There is a slide that references "determination of alienage."

I got this slide show from the acting Unit Chief who is the FPM for Jacksonville. Upon booking all aliens are asked:

1. Which country are you a citizen or national?
2. Where were you born?

My question to you is...does Dakota County specifically ask both of those questions?

If not, which one do they ask? Or is there another one that is 287g relevant?

Thanks,

BECCA

**REBBECA SHORT**

Supervisory Detention and Deportation Officer

287(g) Field Program Manager

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## Eber, Amy

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Friday, January 05, 2018 2:37 PM  
**To:** Chris Kleinberg; Timothy Decker; Randy Walsh; Capt. Mark Nelson; Lt. Jacob Acero  
**Subject:** Mandatory Detention  
**Attachments:** mandatory detention.pdf; charges chart.pdf

SHERIFF KLEINBERG,

As we discussed this morning, some aliens are eligible for bond, some are not.

First, I've attached the worksheet that I referenced that I've used for the past 15 years. As you see there are 2 columns, one for admitted aliens and one for "other" aliens. I've also attached a "charges chart" which goes over the most popular charges. Now, I kinda talked about this, but the "admitted" aliens are the ones that knocked on the door of the U.S. and asked if they could come in so we let them in. These aliens are charged with section **237** charges.

Aliens are charged with **212** violations, are generally those that have entered without inspection (snuck across the border somehow).

So, in determining if someone is mandatory custody, you first have to determine if they are a 212 or a 237 charge.

Say, someone sneaks across the border and gets a DWI in Dakota County, NE. He is interviewed and it turns out they don't have any papers to work or reside in the United States and they concede to being born in a foreign country. Just to seal the deal, we even find a passport in their possessions from whatever country.

- First, subject is going to be charged as a 212 violation (for being present without admission or having entered without inspection.)
- Then, using the charges chart, we are going to charge them with 212(a)(6)(A)(i), with is an alien present without being admitted.
- So, using the mandatory detention chart on the right side, that doesn't fit either one of those boxes.
- Therefore, this alien would technically be eligible for bond, however, I have discretion on that. So, say the alien swipes some cars, has an open alcohol container, blew a .382, and then fought with the cops. Even if a local judge gives the subject a bond and they roll over to us, I'll probably deny bond because there are a lot of circumstances in there.

Second scenario:

On 3/1/2017, Jacques was admitted into the United States from France as a B-2 visitor and their visa is good until 12/1/2017.

On 7/1/2017, Jacques is arrested and is charged with sexual abuse of a minor.

On 8/1/2017, Jacques is convicted and is sentenced to 5 years.

- He is a 237 charge, because he asked to come in/applied for a visa and was allowed to come in/was granted a visa.
- This sexual abuse of a minor is a violation of Section 101(a)(43)(A) of the Immigration and Nationality Act, thus, it is considered an aggravated felony.
- Therefore, we are going to charge him as being deportable under 237(a)(2)(A)(iii) because the CONVICTION happened after he entered.
- So then using the mandatory detention charge he would be mandatory detention because he is a 237 charged with an aggravated felony.

Clear as mud? ☺

Now, of course, there are exceptions to every rule.

For example, an alien who has previously entered without inspection, was removed, and came back (called a "reinstatement") he will not get a bond, but he is technically not considered mandatory detention. The same for people from "Visa Waiver Program" countries (which Nebraska doesn't have a lot of these, so don't sweat it but these are people from certain countries that have a business or pleasure visa and there are only a handful of countries that the U.S. will allow in under the visa waiver. I don't want to get too far in the weeds on THAT topic because it will muddy the water, but that is the jist of it.

Hope this helps.

-REBBECCA

**REBBECCA SHORT**  
**Supervisory Detention and Deportation Officer**  
**Sioux City, Iowa**  
**St. Paul AOR**  
**Phone/712-255-5781**  
**Fax/712-255-7061**

## Eber, Amy

---

**From:** Acero, Jacob <Jacob.Acero@ice.dhs.gov>  
**Sent:** Tuesday, October 16, 2018 4:59 PM  
**To:** Timothy Decker  
**Cc:** DeRoin, Elisabet (CTR); Eriksen, Nathaniel C (CTR)  
**Subject:** FW: Request for police reports A 215 812 790 Jose Tavares Aldape

So awhile back I asked you if I could have access to NCJIS and you told me if I gave you a good enough reason you would consider it.

So my official request is for the purposes of ICE work, could Elisabet, Nate, and myself have access to NCJIS?

---

**From:** Rich, Tauria L  
**Sent:** Tuesday, October 16, 2018 4:48 PM  
**To:** Acero, Jacob <Jacob.Acero@ice.dhs.gov>  
**Cc:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Subject:** RE: Request for police reports A 215 812 790 Jose Tavares Aldape

Not a problem. Generally when we no bond someone for DUI, our attorneys are going to want judgement and conviction documents along with a copy of the police report indicating BAC as evidence for our no bond determination. I don't know if you all have access to NCJIS or not (not a big deal if you don't. We can look it up) but if you have a copy of the police report when the subj. is booked in, please throw a copy in the working file. Sometimes NCJIS doesn't have it downloaded into the system for awhile.

Any more questions, just let me know!

-Tori



Tauria L. Rich  
*Supervisory Detention and Deportation Officer*  
*Senior Firearms Instructor*  
*US Department of Homeland Security-Immigration and Customs Enforcement*  
*St. Paul Field Office-Sioux City, IA Sub-Office*  
*712-255-5781 desk*  
*402-980-3798 cell*

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**From:** Acero, Jacob  
**Sent:** Tuesday, October 16, 2018 4:44 PM  
**To:** Rich, Tauria L <[Tauria.L.Rich@ice.dhs.gov](mailto:Tauria.L.Rich@ice.dhs.gov)>  
**Cc:** Short, Rebecca L <[Rebecca.L.Short@ice.dhs.gov](mailto:Rebecca.L.Short@ice.dhs.gov)>  
**Subject:** FW: Request for police reports A 215 812 790 Jose Tavares Aldape  
**Importance:** High

Thank you for following up on this! I appreciate it!

---

**From:** Robinson, Debra K  
**Sent:** Thursday, October 11, 2018 2:41 PM  
**To:** Short, Rebecca L <[Rebecca.L.Short@ice.dhs.gov](mailto:Rebecca.L.Short@ice.dhs.gov)>; Acero, Jacob <[Jacob.Acero@ice.dhs.gov](mailto:Jacob.Acero@ice.dhs.gov)>  
**Subject:** Request for police reports A 215 812 790 Jose Tavares Aldape  
**Importance:** High

Officers –

I got a new NTA on A215 812 790 indicating you set 0 bond – probably based on 2 DUI's.

We need the police reports if we hope to get a finding of the alien being a danger. We need reports indicating BAC and any egregious facts.

Please email asap so I can file them with the NTA.

Thanks!!

Debra Robinson  
Assistant Chief Counsel  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
U.S. Dept. of Homeland Security

Minneapolis/St. Paul Office of the Chief Counsel  
Omaha, Nebraska sub-office  
(402) 536-4804

## Eber, Amy

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**From:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, January 09, 2018 11:05 AM  
**To:** Chris Kleinberg; Timothy Decker; Randy Walsh; Capt. Mark Nelson; Lt. Jacob Acero  
**Cc:** Ouellette, Eric A  
**Subject:** FW: Welcome to the 287g program  
**Attachments:** Dakota County Sheriff's Office.pdf; 287g Jail model 2018 MOA.docx

DAKOTA COUNTY,

Eric followed up with the 287g program manager on some of the questions that came up from last week.

First, at this time, the 287g program is limited to **in custody agreements**. Therefore, no, it does not cover street work.

Secondly, they state that while there is no limit on the number of officers that Dakota County can send through the program, the workload will dictate the need. They state, "two to ten (officers) is generally a good starting point depending on the number of encounters expected."

Finally, (and you'll like this), ICE will pay for travel expenses, but the sheriff's office pays salaries during training.

Please let me know if you have any further questions.

-REBBECCA

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**From:** Short, Rebbecca L  
**Sent:** Tuesday, January 9, 2018 8:11 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosherriff.com)  
**Subject:** FW: Welcome to the 287g program

Good morning!

I forgot to bring something up at our meeting....on the MOA, they are requesting that a copy be returned to them that was signed by you. Have you had a chance to review it in its entirety? I did mention that the only forecasted issue that we may have is wondering for sure who would pay for the officers transport, etc while at the training, although I still stand behind that I'm 99% sure that the gov't will.

Let me know if anything else popped up that there is a question on.

Also, I'll follow up with Eric today to see where we are at in making you a long term facility!!! I'm allllllllll for it!!!

Thanks,  
REBBECCA

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**From:** Short, Rebbecca L  
**Sent:** Wednesday, December 27, 2017 1:42 PM  
**To:** Chris Kleinberg (ckleinberg@dakotacosherriff.com); tdecker@dakotacosherriff.com; 'Capt. Mark Nelson'; rwalsh@dakotacosherriff.com  
**Cc:** Ouellette, Eric A (Eric.A.Ouellette@ice.dhs.gov); Gearey, Denise M  
**Subject:** Welcome to the 287g program

DAKOTA COUNTY,  
Good afternoon.

Please see the attached for a couple of items from the 287g program. The first is a letter that officially recognizes your acceptance into the program. This letter references a Memorandum of Agreement between ICE and the Dakota County Sheriff's Office, which is the other attachment.

Would it be possible for us to sit down and have a quick meeting in reference to this? I know that with the holidays, a lot of people are out on leave, but maybe the first couple of weeks in January? I welcome any questions in reference to the program and in reference to the MOA that you may have.

Congratulations on your acceptance in this program! The Sioux City ERO/ICE office is so happy to have your assistance!!

Thank you,  
REBBECCA

**REBBECCA SHORT**  
**Supervisory Detention and Deportation Officer**  
**Sioux City, Iowa**  
**St. Paul AOR**  
**Phone/712-255-5781**  
**Fax/712-255-7061**

## Eber, Amy

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Thursday, December 06, 2018 7:53 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Subject:** FW: question

SHERIFF KLEINBERG,  
Good morning!

During that presentation on Tuesday, the consular notification rights came up. Actually, Jacob and I did have a quick email exchange about it last week. (See below.)

I think that the below conversation was pretty much the last thing that was said about it. Ultimately, it is up to you, but I do think that it may be a good idea to start asking people, "Which country are you a citizen or national of" **in addition to** the "where were you born" question.

Let me know if you have any questions!!!!  
-BECCA

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**From:** Short, Rebecca L  
**Sent:** Thursday, November 29, 2018 2:15 PM  
**To:** Acero, Jacob <Jacob.Acero@ice.dhs.gov>  
**Subject:** FW: question

Furthermore, the reason for both of the questions....is because of Consular Notification. And this is coming straight out of the slide show that I'm creating for this steering committee, but asking people where they are born and what citizenship do they claim is because "*consular notification and access is the obligatory process by which federal, state, and local law enforcement and legal authorities provide information to foreign government representatives regarding their citizens in the United States and permit foreign consular officers to assist their nationals. Law Enforcement Authorities have a legal requirement to provide consular notification and access. Consular notification and access is mandated by the Supremacy Clause of Article VI in the U.S. Constitution, the Vienna Convention on Consular Relations of 1963, and the relevant bilateral treaties.*"

So, this would even be covering the jail on all arrestees. Sometimes, people aren't appropriate for ICE custody, but may be from a mandatory notification country, as set forth by the Vienna Convention (did they give you one of those lists? If not, let me know and I can send you one.)

Also, as we know, not everyone who is a United States citizen was born here.

It may be something to seriously ponder. If you decide to add the question, let me know and I'll put it back into the slides either for this meeting or for one in the future.

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**From:** Short, Rebecca L  
**Sent:** Tuesday, November 27, 2018 8:07 AM  
**To:** Acero, Jacob <[Jacob.Acero@ice.dhs.gov](mailto:Jacob.Acero@ice.dhs.gov)>  
**Subject:** RE: question

That first one ("which country are you a citizen or national of?") may be a good one to start asking. You know, some people straight up admit to it, and it may help cue non-287g officers to get ahold of a DIO, the SXC office, or even after hours. ????

Just something to ponder.

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**From:** Acero, Jacob  
**Sent:** Monday, November 26, 2018 10:23 PM  
**To:** Short, Rebecca L <[Rebecca.L.Short@ice.dhs.gov](mailto:Rebecca.L.Short@ice.dhs.gov)>  
**Subject:** RE: question

We do not ask of what country they are a citizen or national, however, everyone is asked where there place of birth is.

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**From:** Short, Rebecca L  
**Sent:** Monday, November 26, 2018 1:58 PM  
**To:** DeRoin, Elisabet (CTR) <[Elisabet.DeRoin@associates.ice.dhs.gov](mailto:Elisabet.DeRoin@associates.ice.dhs.gov)>; Acero, Jacob <[Jacob.Acero@ice.dhs.gov](mailto:Jacob.Acero@ice.dhs.gov)>  
**Subject:** question

I'm having to do a slide presentation for this Steering Committee (even if nobody registers, they're still allowed in, however if they don't register its up to the sheriff and/or the FOD if the questions are answered.)

There is a slide that references "determination of alienage."

I got this slide show from the acting Unit Chief who is the FPM for Jacksonville. Upon booking all aliens are asked:

1. Which country are you a citizen or national?
2. Where were you born?

My question to you is...does Dakota County specifically ask both of those questions?

If not, which one do they ask? Or is there another one that is 287g relevant?

Thanks,  
BECCA

**REBBECCA SHORT**  
Supervisory Detention and Deportation Officer  
287(g) Field Program Manager  
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## Eber, Amy

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**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Tuesday, March 19, 2019 9:14 AM  
**To:** Short, Rebbecca L; DeRoin, Elisabet (CTR); Acero, Jacob; Eriksen, Nathaniel C (CTR); Guerrero, Martin (CTR)  
**Cc:** Timothy Decker; Rich, Tauria L  
**Subject:** RE:

I do have an ICE inspection in my calendar for September 30th.  
970

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**From:** Short, Rebbecca L [Rebecca.L.Short@ice.dhs.gov]  
**Sent:** Tuesday, March 19, 2019 8:42 AM  
**To:** Chris Kleinberg; DeRoin, Elisabet (CTR); Acero, Jacob; Eriksen, Nathaniel C (CTR); Guerrero, Martin (CTR)  
**Cc:** Timothy Decker; Rich, Tauria L  
**Subject:**

DIO's,  
Good afternoon.

We had a 287g teleconference yesterday afternoon with HQ and so I thought that I would pass along some items discussed.

The MOA's signed last year between our EAD and Sheriff Klienberg are soon to be expired (by June 30, 2019) so HQ is working on a new one. So, every time there is a new MOA sent out, please make sure you're taking a look at it because when the inspectors come around, they may refer to that MOA. (Martin – if you don't have a copy of the MOA, I'll provide you with one after you return from training. If anyone else needs a copy, please let me know.)

Did I just say "inspectors?" Yep. Inspectors from the Office of Professional Responsibility (OPR) will do inspections every so often. I'll have to dig through my stuff to see make sure that its every 2 years (it may be every year.) HQ gave us a heads up on some of the items that OPR has been listing as deficiencies and/or areas of concern:

1. DIO's failed to properly explain the complaint process. (Please make sure that you're reading through the MOA for what to do in the event of a complaint. I haven't received anything from anyone, so I'm *assuming* nothing has been filed. If there has been a complaint or an allegation, please make me aware of it as soon as possible.
2. DIO's failed to properly notify ICE and/or the JIC in the event of a complaint
3. DIO property folders at the jail contain copies of credentials and/or PIV cards. (Neither item can be in a jail property folder. It's gov't property. The proper officers already have copies of that. If you have those in there, please remove them and shred.
4. When using interpreters, DIO's failed to identify an interpreter by name and the language utilized for the interview on the I-213.
5. DIO's failed to document if subject was offered and either accepted/refused interpreter services.
6. Are false claims to being a USC being reported through ICE to the FOD (and then via ERO to the Office of Chief Council?)

Some other items discussed included your National Program Manager coming down from HQ to do a site visit. Therefore, if you have any questions for them, please feel free to ask them while they're here.

They also stated that before our OPR inspection that they would have a teleconference in hopes of getting us more on speed.

For the most part, that was about it.

Then, I received Dakota County's stats...since the beginning of FY19 (10/1/18), Dakota County has had 25 encounters, 6 of which led to removals!!!

Let me know if you have any questions!

-REBBECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer

St. Paul AOR

Grand Island, NE

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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Wednesday, August 22, 2018 3:03 PM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com); 'tdecker@dakotacosheriff.com'; DeRoin, Elisabet (CTR); Lt. Jacob Acero; Sgt. Nathaniel Eriksen (neriksen@dakotacosheriff.com); 'mguerrero@dakotacosheriff.com'; Sergio Castillo  
**Cc:** Rich, Tauria L  
**Subject:** 287g MOA, complaint process, etc.  
**Attachments:** DAKOTA County Final Signed MOA.PDF; Complaint Poster 24x36 v3a English.pdf; Complaint Poster 24x36 v3b Spanish.pdf

ALL:

The following email is going to be lengthy, but rather than send you out multiple emails, this may be easier and then if there are any questions come our time for the meeting, we will all have the same access to materials for reference.

First, please read through the attached Memorandum of Agreement (MOA) between the Dakota County Sheriff and DHS/ICE in reference to the 287g program at the Dakota County Jail. Please keep it for your future reference, As an Designated Immigration Officer (DIO) you will need to be familiar with the MOA and the 287g program/process/procedures so that when the Office of Professional Responsibility (OPR) is asking you questions (when they do their inspection which won't be well until after January 2019), you, as the DIO will be able to provide an acceptable answer. I guess sometimes during the OPR inspections, DIOs are straight up saying "I haven't read it" which will get the program "dinged."

Secondly, there is a complaint process for the aliens to utilize if they should feel as if their basic rights have been violated. See attached posters. These posters shall be posted above every ENFORCE terminal where an alien may be processed and aliens shall be provided a copy of the poster describing the complaint process. (If giving to aliens, a black and white copy will do.) We will need to ensure that those who cannot read/understand English have access to the program (so let's discuss translators in the meeting). OPLA (basically the HQ attorneys for ICE) have ascertained that we only need to provide **meaningful access**. If the aliens *ask* for a copy, we can give them one. If they need it read to them, we can do that. If they are unable to read or if they need another language besides English or Spanish, we can do that as well.

Finally, let me know if you have any questions or if you have questions about the training that Jacob and/or Elisabet would be able to answer. I just wanted us all to get together so we could all be on the same page, get all the bugs worked out. As we get started, there may be bumps but that is to be expected! I have a few handouts, I will be able to provide some go bys, etc.

See you tomorrow!  
-BECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
287(g) Field Program Manager  
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## Eber, Amy

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**From:** Rich, Tauria L <Tauria.L.Rich@ice.dhs.gov>  
**Sent:** Sunday, December 09, 2018 12:22 PM  
**To:** Chris Kleinberg  
**Subject:** 287g program

Hi Sheriff

Just thought I would touch base with you after our meeting last week. The 287g team had a busy week this week. I know both Acero and DeRoin processed one each and I believe they both had a couple of encounters as well. I know Nate helped Jacob this week as well. Once he gets his sea legs so to speak, I know he's going to do great. Rebecca is still the program manager, but now that I have MY sea legs, I am the boots on the ground so to speak. I will be the one reviewing their files and signing the paperwork for them. They all have my cell phone number and I work almost every weekend. Let me know if you have any questions for me. I will stop by again soon just to check up on our team and see how it's going.

Again, it was great catching up with you last week. Let me know if you need anything!

-Tori



Tauria L. Rich

*Supervisory Detention and Deportation Officer*

*Senior Firearms Instructor*

*US Department of Homeland Security-Immigration and Customs Enforcement*

*St. Paul Field Office-Sioux City, IA Sub-Office*

*712-255-5781 desk*

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## Eber, Amy

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Wednesday, November 28, 2018 10:46 AM  
**To:** Byers, Shawn L; Chris Kleinberg (ckleinberg@dakotacosheriff.com); Jensen, Greg; Hogan, Mary A  
**Cc:** Maldonado, Luis A  
**Subject:** Dakota County 287(g) Steering Committee

Good morning.

Just as a reminder, the Steering Committee for the 287(g) program will be next week! It's on Tuesday, December 4<sup>th</sup>, at the Dakota County Boardroom at 1601 Broadway Street, Dakota City, NE.

I did not receive any requests for attendance (except from two of the DIO's), and then of course, I did not receive any questions for the panel.

HQ stated that they didn't have money to travel so they will not be sending a representative. HQ also stated that while we still have to have the meeting (although nobody "registered") people can still attend, however, they did make it clear that it is up to us if we want to answer any questions since nobody registered any.

Additionally, I have pulled some stats and I'm working on a short slide presentation.

Please let me know if you have any questions or concerns.

Thank you,  
REBBECCA

**REBBECCA SHORT**  
Supervisory Detention and Deportation Officer  
287(g) Field Program Manager  
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**Eber, Amy**

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**From:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, October 23, 2018 4:21 PM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Subject:** Steering Committee date

SHERIFF KLIENBERG,

Good afternoon.

How about we go with Tuesday, December 4<sup>th</sup> at 10:30 for the date for the Steering Committee. Will that still work for you?

How about this for an announcement?

**On Tuesday, December 4, 2018 from 10:30 am until 11:00am, the Dakota County Jail will be hosting its annual 287(g) steering committee. The meeting is open to the public and will be held at the Dakota County Boardroom at 1601 Broadway St., Dakota City, Nebraska, 68731. If you are interested in attending this meeting, you must notify the ICE 287(g) Field Program Manager Rebbecca Short at [Rebbecca.L.Short@ice.dhs.gov](mailto:Rebbecca.L.Short@ice.dhs.gov) by Tuesday, November 27, 2018. If you plan to ask questions or make statements during the meeting you must provide Officer Short with the questions in writing and in advance no later than Tuesday, November 27, 2018. All public speakers will be given a maximum of one minute to speak due to time constraints.**

Then, if the general public is going to go through a metal detector let me know and I'll put an extra sentence in there for that.

This is the date that we are going with. The Field Office Director has it on his calendar. I'll notify HQ as well.

Let me know if you have any questions/concerns, etc.

Thank you for your patience!

-REBBECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
287(g) Field Program Manager  
St. Paul AOR  
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**Eber, Amy**

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**From:** Short, Rebecca L <Rebecca.L.Short@ice.dhs.gov>  
**Sent:** Monday, November 26, 2018 7:48 AM  
**To:** Chris Kleinberg (ckleinberg@dakotacosheriff.com)  
**Cc:** Jensen, Greg  
**Subject:** Steering Committee

CHRIS,

Good morning!

Did you all get a lot of weather up there this weekend? It rained here and then snowed so it's just a skating rink outside! Hey, I haven't got ONE request for anyone to attend the Steering Committee yet. Well, Jacob wants to attend but he doesn't count. ☺ I find the lack of response really weird. Can you double check the ad that went out to ensure that the paper spelled my email address correctly? (The double constants in my name.) If they spelled it wrong, I won't get the emails. I tried to search for it online and can't find it.

Thanks,

BECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer  
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**Eber, Amy**

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**From:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Sent:** Tuesday, March 19, 2019 9:22 AM  
**To:** Chris Kleinberg  
**Subject:** RE: stats

The "kids used as poker chips" is a tale as old as time. Its disgusting, isn't it?

It does seem low, however this is one of the issues that I'm trying to raise with HQ is that I really don't know what is happening because I'm not kept in the loop for anything. Give me a bit as I'm working on it.

And I can't remember if I told you this yesterday or if this happened AFTER our conversation, but that Warrant service Officer program – I'm going to that training so it should help a lot. I'm going to ask if a 287g jail can have 1 or 2 WSO's. All they do is serve the administrative warrant that we would send them. They don't write anyone up, they don't determine alienage. Easy peasy.

I'll be in touch!

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**From:** Chris Kleinberg <ckleinberg@dakotacosheriff.com>  
**Sent:** Tuesday, March 19, 2019 9:10 AM  
**To:** Short, Rebbecca L <Rebbecca.L.Short@ice.dhs.gov>  
**Subject:** RE: stats

Thanks Rebbecca, Why does that seem a bit low? I attended a joint County\City\ school meeting last evening. The South Sioux school district is one of the highest state funded districts in Nebraska. Basically, the more kids they have that are NOT light skinned is incentivized with state funds. What a scam! It breaks my heart thinking about these kids being used like poker chips.  
970

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**From:** Short, Rebbecca L [Rebbecca.L.Short@ice.dhs.gov]  
**Sent:** Tuesday, March 19, 2019 7:36 AM  
**To:** Chris Kleinberg  
**Subject:** stats

CHRIS,  
I got my stats from the National Program Manager up at HQ.

For FY19 (since 10/1/18), the DIO's at Dakota County have had 25 encounters. Of those encounters 6 have led to removals.

In case you're wondering about the 25:6 ratio, an encounter is counted whenever one of the DIO's interviews someone for the program. Around Dakota County, you have a lot of lawful permanent resident's, who we cannot put back into removal proceedings without certain criminal convictions. I believe there may have been 1 or 2 people who claimed and it was confirmed that there are USC's (United States Citizens).

I know that a while ago, Jacob expressed some frustration with other jail staff people not calling the after hours duty line or even over to the Sioux City office whenever a DIO wasn't there. For example, when it was just Jacob and Elisabet and if both of them were off for the weekend, I believe that a couple of people fell through the cracks. I told Jacob that the process is still the same (calling the duty officer or over to the office) if a DIO isn't there. The DIO can still process later if

they really, really, really want to, but it was important that no matter who is around, we make those encounters. I think that it helped to have Nate working overnights, esp on the weekends.

If you have any other questions about that or anything else, please let me know!

-BECCA

**REBBECCA SHORT**

Supervisory Detention and Deportation Officer

St. Paul AOR

Grand Island, NE

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