



OFFICE OF THE MAYOR
CRAIG GREENBERG

July 21, 2025

Assistant Attorney General Brett A. Shumate
Office of the Assistant Attorney General
United States Department of Justice, Civil Division
Washington, D.C. 20044

Dear Assistant Attorney General Shumate:

I am in receipt of your letter dated June 25, 2025, which informed me that the U.S. Department of Justice (DOJ) has determined that Louisville is a “sanctuary city.” Your letter has made clear that the consequences of being a sanctuary jurisdiction are significant and will have major impacts on our city going forward.¹

The reason you provided for the DOJ’s determination is that Louisville Metro Department of Corrections (LMDC) does not honor 48-hour detainers, thereby impeding lawful federal immigration operations. These detainers ask LMDC to hold for 48 hours beyond their scheduled release date certain inmates who are already in LMDC custody because of a crime and are alleged to be unlawfully present in the United States.

LMDC currently informs the Department of Homeland Security (DHS) when an inmate who is in custody for a crime, and subject to a detainer, is scheduled to be released from jail. However, in accordance with a local ordinance enacted in 2017,² LMDC does not keep that inmate in custody beyond their scheduled release date. Honoring detainers would functionally extend the notice period given to DHS from an estimated 5-12 hours to 48 hours – and would return LMDC to the policy it followed prior to the adoption of our local ordinance in 2017, a policy that the Commonwealth of Kentucky and all other counties in Kentucky currently follow.

DOJ’s position is that federal law preempts the portion of our local ordinance that prohibits LMDC officials from honoring 48-hour detainers because it impedes the Attorney General’s and federal immigration officers’ ability to carry out their duties. DOJ has made this argument in lawsuits

¹ See also Executive Order 14,287, *Protecting American Communities from Criminal Aliens*, 90 Fed. Reg. 18761 (April 28, 2025).

² Louisville Metro Ordinance No. 201, Series 2017, § (I)(B)(1)(b).



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across the country, and as of today, no court has ruled on the merits.³ Among other preemption arguments, DOJ contends that the applicable federal regulation⁴ contains mandatory language that requires LMDC to comply with 48-hour detainers, an argument that has succeeded in federal district courts within the Sixth Circuit, which includes Kentucky.⁵ We acknowledge that under the Supremacy Clause of the United States Constitution, if a local ordinance conflicts with federal law, supreme federal law prevails, and the preempted ordinance cannot be lawfully enforced.⁶ We further acknowledge that neither the Sixth Circuit Court of Appeals nor the U.S. Supreme Court has ruled on these issues and, further, that the DOJ's preemption arguments may succeed in court.

As Mayor of Louisville Metro Government, my authority and responsibilities require that I weigh the risks involved in any potential litigation against the city and determine the best path forward for the community in the face of legal uncertainty. I understand the gravity of this situation, given what is laid out in your letter and what we see happening across our country right now to other cities that DOJ considers to be sanctuary jurisdictions. Tens of thousands of foreign-born and law-abiding residents call Louisville home, and my number one priority is to keep them safe, as it is for all Louisville families. Secondly, the potential loss of millions of dollars of federal funding for critical city services is also of great concern.

My understanding is that, by returning to our pre-2017 practices and again honoring 48-hour detainers, thereby functionally extending the notice period to DHS from 5-12 hours to 48 hours, Louisville will no longer be considered a sanctuary jurisdiction and, as a result, will no longer be vulnerable to the negative consequences of this designation. The city will, therefore, adjust its detainer policy to avoid litigation over DOJ's allegations of federal preemption. To be clear, the Louisville Metro Police Department will not participate in immigration enforcement, and LMPD's focus will remain on public safety and preventing violent crime in Louisville.

³ *United States v. State of Illinois, et al.*, No. 1:25-cv-01285 (N.D. Ill. March 4, 2025); *United States v. City of Los Angeles, et al.*, No. 2:25-cv-05917 (C.D. Cal. June 30, 2025); *United States v. City of Newark, et al.*, 2:25-cv-05081 (D.N.J., May 22, 2025); *United States v. State of Colorado, et al.*, 1:25-cv-01391 (D. Colo. May 2, 2025).

⁴ 8 C.F.R. § 287.7(d) ("Upon a determination by [DHS] to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency *shall maintain custody* of the alien for a period not to exceed 48 hours [. . .]." (emphasis supplied)).

⁵ *Ramirez-Mendoza v. Maury Cnty.* No. 1:12-CV-00014, 2013 WL 298124, at *8 (M.D. Tenn. Jan. 25, 2013); *Rios-Quiroz v. Williamson Cnty., TN*, No. 3:11-1168, 2012 WL 3945354, at *4 (M.D. Tenn. Sept. 10, 2012); see also *Moreno v. Napolitano*, No. 11 C 5452, 2012 WL 5995820, at *5 (N.D. Ill. Nov. 30, 2012) (characterizing the language in 8 C.F.R. § 287.7(d) as "mandatory language"); *Cruz v. Multnomah Cnty.*, 279 Or. App. 1, 17, 381 P.3d 856, 865 (2016) (finding "mandatory" interpretation of 8 C.F.R. § 287.7(d) "plausible").

⁶ See *Arizona v. United States*, 567 U.S. 387, 398-400 (2012).





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Going forward, when properly served with a detainer and an administrative warrant, LMDC will notify DHS as early as possible before it releases inmates charged with or convicted of a crime who are also subject to a detainer – and will maintain custody of those inmates for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays. We ask for a reasonable time for LMDC to modify its procedures to comply with this requirement.

Yours truly,

Craig Greenberg, Mayor