

(ITEM) A resolution by Supervisors Romo West, Stamper, Dimitrijevic, Harris and Bowen establishing Milwaukee County policy with respect to honoring detainer requests from US Department of Homeland Security - Immigration and Customs Enforcement, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the United States Department of Homeland Security – Immigrations and Customs Enforcement’s (ICE) Secure Communities program uses data provided through local law enforcement agencies to identify undocumented aliens, and prioritizes the removal of aliens deemed criminal, a threat to public safety, or repeat immigration violators; and

WHEREAS, when ICE identifies an inmate detained by local law enforcement, the local agency is notified to place a hold of up to 48 hours beyond the time that inmate may have otherwise been released to allow ICE to investigate whether that person should be processed for deportation; this practice is known as an ICE detainer request; and

WHEREAS, it has been noted that some detained aliens choose to not post bail, preferring to sit in a local jail rather than being subjected to ICE proceedings, resulting in much longer – and much more costly – lengths of stay in local jails; and

WHEREAS, as part of its ongoing efforts to work collaboratively with outside law enforcement agencies, the Milwaukee County Sheriff’s Office (MCSO), as a practice, honors ICE detainer requests when received; and

WHEREAS, for 2010 and 2011 MCSO detained 246 and 193 inmates, respectively, as requested by ICE, for a period of up to 48 hours; and

WHEREAS, immigration enforcement is the responsibility of the federal government and, without proper reimbursement for the costs of housing alien inmates, ICE detainer requests represent, in effect, an unfunded mandate from the federal government; and

WHEREAS, many local law enforcement agencies nationwide are under the mistaken impression that ICE detainers are mandatory and that local law enforcement agencies are legally required to comply, although recent policy directives from the Department of Homeland Security – and, in fact, the immigration detainer request form itself – have clarified that the detainers are not mandatory but are considered ‘requests’; and

WHEREAS, despite ICE’s prioritization of certain classes of criminal aliens, ICE detainers are routinely imposed on individuals without any criminal convictions or whose cases have been dismissed, resulting in possible deportation proceedings against non-criminal aliens; and

46 WHEREAS, when local law enforcement honors all ICE detainer requests, including
47 those that target non-criminal aliens, community residents become less likely to cooperate with
48 local agencies, eroding public trust and unnecessarily hindering the law enforcement abilities of
49 MCSO Deputies on patrol; and
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51 WHEREAS, while the County Board recognizes that the Milwaukee County Sheriff has
52 broad latitude to administer his oversight over inmate detentions, Milwaukee County may
53 nonetheless adopt a policy regarding ICE detainer requests that respects and values the
54 community contributions of Milwaukee County's diverse population; now, therefore,
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56 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby adopts the
57 following policy with regard to detainer requests from the US Department of Homeland Security
58 – Immigrations and Customs Enforcement:
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- 60 1. Immigration detainer requests from Immigrations and Customs Enforcement shall be
61 honored only if the subject of the request:
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 - 63 a) Has been convicted of at least one felony or two non-traffic misdemeanor
64 offenses
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 - 66 b) Has been convicted or charged with any domestic violence offense or any
67 violation of a protective order
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 - 69 c) Has been convicted or charged with intoxicated use of a vehicle
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 - 71 d) Is a defendant in a pending criminal case, has an outstanding criminal warrant, or
72 is an identified gang member
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 - 74 e) Is a possible match on the US terrorist watch list
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76 ; and
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78 BE IT FURTHER RESOLVED, that the County Board requests that, to the extent
79 allowed by law, the Milwaukee County Sheriff adopt the directed County policy.
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