



July 3, 2017

By email: mayor@milwaukee.gov

**American Civil
Liberties Union
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State Headquarters**
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Hon. Tom Barrett, Mayor
City of Milwaukee
200 E. Wells St., #201
Milwaukee WI 53202

Dear Mayor Barrett:

We are writing you about changes the Milwaukee Police Department is planning to make to its standard operating procedure for interactions with the immigrant community in our City. The current policy was developed with input from the community, the ACLU and others, and represented a balanced approach. Under the current policy the police do not become agents for the enforcement of federal immigration laws, immigrants can feel safe interacting with the police as victims or witnesses, and serious crimes are dealt with appropriately.

www.ACLU-WI.org

Now, apparently in response to the threats and rhetoric coming out of the Trump administration, the MPD has decided to cave in to the federal government in pursuit of federal dollars and to gut much of this important policy without any community input. Perhaps most concerning, the proposed policy no longer prohibits an individual officer from inquiring about someone's immigration status in routine interactions with the community, so long as the officer says he or she did not have the subjective intent to dissuade someone from filing a complaint or reporting a crime.

There is reason to believe that the existing policy does not violate 8 U.S.C. §1373, the federal statute that the Trump administration brandishes to threaten federal funding of cities. Nowhere does the current policy forbid a police officer from communicating information about a person's citizenship or immigration status to ICE. Section 1373 does not require any local law enforcement agency to gather such information, nor does it require local governments to permit other types of information to be transmitted to the federal government.

If the City Attorney's office believes a change to the policy is necessary, we believe that the proposed revisions submitted by LULAC are an appropriate response that both protects immigrant communities and clarifies MPD's compliance with federal law.



Therefore, we urge the City to reject the changes to the standard operating procedure of the MPD for dealing with the immigrant community. Instead, we encourage the City and the MPD to engage in broader outreach to the immigrant community to make it clear that their interactions with their local police department will not result in ICE knocking on their doors.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Dupuis".

Laurence J. Dupuis
Legal Director

cc: Grant Langley, City Attorney (by email: glangl@milwaukee.gov)