



July 13, 2017

Sheriff Michael McIntosh  
Adams County Sheriff's Department  
Adams County, Wisconsin

Dear Sheriff McIntosh:

For nearly a hundred years, the American Civil Liberties Union has fought to defend the Constitution and this nation's values of liberty and equal treatment. As in prior Administrations, we have been keenly focused on aspects of the new Trump Administration's agenda that run contrary to that mission. Perhaps in no area have we had more significant concerns than with immigration. We have challenged the President's travel ban on refugees and Muslims and been deeply critical of other aspects of his immigration agenda, especially with regard to interior immigration enforcement, which is the subject of this letter.

Given clear indications that the Trump Administration seeks to encourage, if not compel, local jurisdictions to directly support federal immigration enforcement,<sup>1</sup> as well as similar efforts in the Wisconsin Legislature,<sup>2</sup> the American Civil Liberties Union of Wisconsin Foundation writes to Adams County to inform you of potential challenges and legal liability associated with your involvement in federal immigration enforcement. We also offer our support in efforts to resist the pressure from the Trump Administration, and assistance where Adams County may seek to refine its policies and practices in this area.

The enforcement of immigration laws is a role assigned to the federal government under Article 1, Section 8 of the Constitution, and you have no obligation under federal law to participate in such enforcement. Below, we provide key reasons that an increasing number of states and localities across the nation have opted – even before President Trump announced his mass deportation plans – to leave the immigration enforcement business to the federal government and focus their resources on local matters.<sup>3</sup> We also point out that honoring immigration detainees

<sup>1</sup> Executive Order: Enhancing Public Safety in the Interior of the United States (January 25, 2017); Executive Order: Border Security and Immigration Enforcement Improvements (January 25, 2017); DHS Memoranda: Enforcement of the Immigration Laws to Serve the National Interest (February 20, 2017).

<sup>2</sup> In 2017, Assembly Bill 190 and Senate Bill 275 were introduced in the Wisconsin Legislature. If passed, these bills would prohibit local governments from adopting policies that limit the role of local law enforcement in immigration matters and would require agencies to abide by immigrant detainee requests.

<sup>3</sup> Recent reaction from law enforcement leaders to Trump Administration policies captures this same sentiment: <https://www.theguardian.com/us-news/2017/mar/01/police-chiefs-letter-trump-deportation-immigrants>, and even prior to the Trump Administration, localities had expressed clear reservations in this area – see, for example, the

American Civil  
Liberties Union  
of Wisconsin Foundation  
State Headquarters  
207 E. Buffalo St.,  
Suite 325  
Milwaukee, WI 53202-5774  
T/ 414-272-4032  
F/ 414-272-0182

[www.ACLU-WI.org](http://www.ACLU-WI.org)



has repeatedly led to a range of negative consequences, including Constitutional violations and legal liability, for local government entities. Finally, voluntarily joining Trump's immigration force through the so-called 287(g) program is fraught with peril for local law enforcement.

### **Principal Reasons to Decline Involvement in Federal Immigration Enforcement**

- **Local Law Enforcement/Community Relations** – To effectively protect public safety, local law enforcement needs cooperation from local communities. Local residents serve as witnesses, report crime, and otherwise assist law enforcement. The foundation for this cooperation can often be destroyed when local police are viewed as an extension of the immigration system.<sup>4</sup> Survivors of domestic violence refrain from reporting offenses; individuals with key information about burglaries or escapees from county jails fail to contact the police or Sheriff's department. In fact, as immigration enforcement has expanded, willingness of immigrant communities to interact with law enforcement has declined.<sup>5</sup> These outcomes are not limited to the undocumented population. Many undocumented immigrants have U.S. citizen spouses and children. And because even U.S. citizens and immigrants with legal status often fall victim to mistakes by ICE, their views toward local law enforcement officials who make immigration enforcement a priority can sour as well.<sup>6</sup>
- **Local Priorities** – Local law enforcement agencies, including sheriffs' departments, have traditional priorities that include responding to emergencies, patrolling neighborhoods and streets and highways to prevent crime and apprehend those who violate state and local laws, facilitating certain functions of the court system, and numerous other duties. Sheriffs in Wisconsin have the additional duty of maintaining safe and secure jails to hold those accused of crimes or serving time for misdemeanor offenses. Time spent engaging in federal immigration enforcement detracts from performance of these core duties. Immigration enforcement does not advance local priorities, because it commonly targets individuals who pose no threat to public safety.<sup>7</sup> Traditional police work designed to solve serious crimes should

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2013 Statement from the Major Cities Chiefs Association: <http://democrats-judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/MCCAPC130821.pdf>.

<sup>4</sup> See, e.g. the University of Illinois at Chicago report from May 2013: [https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure\\_Communities\\_Report\\_FINAL.pdf](https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf).

<sup>5</sup> See, e.g., <https://www.theguardian.com/us-news/2017/mar/23/undocumented-immigrants-wary-report-crimes-deportation>.

<sup>6</sup> Data over a four year period analyzed by Syracuse Transactional Records Access Clearinghouse revealed that ICE had placed detainers on 834 U.S. citizens and 28,489 legal permanent residents. TRAC, ICE Detainers Placed on U.S. Citizens and Legal Permanent Residents, <http://trac.syr.edu/immigration/reports/311/>.

<sup>7</sup> Transactional Records Access Clearinghouse (TRAC), Who Are the Targets of ICE Detainers?, Feb. 20, 2013 ("In more than two out of three of the detainers issued by ICE, the record shows that the individual who had been identified had no criminal record—either at the time the detainer was issued or subsequently."), <http://trac.syr.edu/immigration/reports/310/>.

not be displaced by efforts to identify and arrest people who may have overstayed a visa.<sup>8</sup>

- Fiscal Considerations – Immigration enforcement is expensive.<sup>9</sup> Milwaukee County has estimated that it costs the county nearly \$1 million each year just to honor ICE detainer requests.<sup>10</sup> The federal government does not reimburse the cost of most programs and practices, and local jurisdictions can incur millions of dollars in added expenses as a result. These costs come through additional detention expenses, overtime payments for personnel, and litigation costs.<sup>11</sup>
- Legal Exposure – Local jurisdictions that participate in immigration enforcement often end up in court over constitutional violations. (See Bad Idea #2, below.) Local police acting upon ICE detainer requests face liability for unlawful detentions in violation of the Fourth Amendment and the Due Process Clause. They have also been sanctioned by courts for violating prohibitions against racial profiling, especially under 287(g) “taskforce” agreements such as the one you seek to obtain with ICE.<sup>12</sup>

### **Bad Idea #1: Asking about an Individual’s Immigration Status**

While local agencies are required to share certain information with federal immigration authorities, there is no affirmative duty to collect that information. Therefore, your local agency has no obligation to ask an individual about his/her immigration status.

Local law enforcement agents are not permitted to act as immigration agents without specific federal authorization.<sup>13</sup> To date, no Wisconsin agency has received such authorization.<sup>14</sup> This means that a Wisconsin law enforcement officer may not extend an investigatory stop by inquiring into an individual’s civil immigration status.<sup>15</sup> For example, an officer may not prolong a stop by asking questions about a person’s national origin, language abilities, or travel history. Nor

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<sup>8</sup> Few ICE Detainers Target Serious Criminals, TRAC Immigration, <http://trac.syr.edu/immigration/reports/330/> (Mar. 2, 2017).

<sup>9</sup> Edward F. Ramos, Fiscal Impact Analysis of Miami-Dade’s Policy on “Immigration Detainers” (2014) (“[T]he annual fiscal impact of honoring immigration detainers in Miami-Dade County is estimated to be approximately \$12.5 million.”), <https://immigrantjustice.org/sites/immigrantjustice.org/files/Miami%20Dade%20Detainers--Fiscal%20Impact%20Analysis%20with%20Exhibits.pdf>.

<sup>10</sup> Affidavit of Margaret Daun, Milwaukee County Corp. Counsel, dated June 27, 2017, enclosed in M, ¶ 11.

<sup>11</sup> A study by Justice Strategies of Los Angeles’ compliance with ICE detainers indicated that the program cost the county over \$26 million per year: <http://www.justicestrategies.org/publications/2012/cost-responding-immigration-detainers-california>.

<sup>12</sup> Letter from ACLU, to Bruce Friedman, Senior Policy Advisor, Office for Civil Rights and Civil Liberties, Dep’t of Homeland Sec. (Mar. 15, 2016), available at <https://www.aclu.org/letter/aclu-letter-dhs-crcl-re-287g-renewals-march-2016>.

<sup>13</sup> *Arizona v. United States*, 567 U.S. 387, 408 (2012) (“Federal law specifies limited circumstances in which state officers may perform the functions of an immigration officer.”).

<sup>14</sup> <https://www.ice.gov/factsheets/287g>

<sup>15</sup> *Melendres v. Arpaio*, 695 F.3d 990, 1001 (9th Cir. 2012) (“While the seizures of the named plaintiffs based on traffic violations may have been supported by reasonable suspicion, any extension of their detention must be supported by additional suspicion of criminality. Unlawful presence is not criminal.”).

may an officer prolong a stop in order to give ICE officials extra time to arrive to investigate an individual's immigration status.

In addition, questioning persons about immigration status is fraught with the risk of racial profiling. For example, it is not uncommon for local law enforcement to primarily (or exclusively) question only Latino persons about their immigration status, not white non-Hispanic appearing persons. This has repeatedly led to legal liability.<sup>16</sup>

## **Bad Idea #2: Complying with ICE Detainers**

An "ICE detainer" is NOT the same as a warrant. Instead, it is a written request that local law enforcement detain an individual for an additional 48 hours after he/she would otherwise be released. Detainers have been used to provide ICE additional time to examine an individual's immigration status, decide whether to take the individual into custody and/or facilitate transfer into federal custody. These detainers are typically issued without a judicial warrant supported by probable cause. In consequence, once the traditional basis for criminal detention has lapsed, continued detention violates the Fourth Amendment's bar on detentions without probable cause. Federal courts around the nation have held local law enforcement agencies liable for unconstitutional detentions under ICE detainers.<sup>17</sup> For example, a county in Oregon was found liable for violating the Fourth Amendment for detaining an individual pursuant to an ICE detainer request.<sup>18</sup> As a result of the lawsuit, the county was ordered to pay over \$100,000.<sup>19</sup> As the leader of your agency, if you choose not to demand a judicial warrant on probable cause from ICE in order to hold a person in your jail beyond the time there is no state-law justification for holding them, you may bear the consequences and the liability for the federal government's mistakes.

Most often, ICE's detainers are merely the beginning of an investigation into someone's status, and that investigation often goes nowhere. ***The vast majority of ICE detainer requests are not signed by a judge, and you cannot assume that any crime has been committed based on a detainer or that ICE has even gotten its facts right.*** For example, in a four-year period, the Obama Administration placed detainer requests on 834 U.S. citizens—who are categorically not subject to removal—according to government data.<sup>20</sup> Given the Trump Administration's actions to expand ICE personnel with new recruits<sup>21</sup> and to heighten focus on immigration enforcement,<sup>22</sup> it is inevitable that these types of

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<sup>16</sup> Melendres v. Arpaio, 598 F. Supp. 2d 1025 (D. Ariz. 2009); Murillo v. Musegades, 809 F. Supp. 487 (W.D. Tex. 1992).

<sup>17</sup> <https://www.aclu.org/other/recent-ice-detainer-cases?redirect=recent-ice-detainer-cases>.

<sup>18</sup> Miranda-Olivares v. Clackamas Cty., No. 3:12-CV-02317-ST, 2014 WL 1414305 (D. Or. Apr. 11, 2014).

<sup>19</sup> Miranda-Olivares v. Clackamas Cty., No. 3:12-CV-02317-ST, 2015 WL 5093752 (D. Or. Aug. 28, 2015).

<sup>20</sup> TRAC, ICE Detainers Placed on U.S. Citizens and Legal Permanent Residents, (TRAC report based on data provided by ICE) <http://trac.syr.edu/immigration/reports/311/>.

<sup>21</sup> <http://www.npr.org/2017/02/23/516712980/trumps-plan-to-hire-15-000-border-patrol-and-ice-agents-wont-be-easy-to-fulfill>.

<sup>22</sup> <http://www.sfchronicle.com/bayarea/article/Trump-s-new-priorities-expose-more-immigrants-10949458.php>.

mistakes will increase. Involvement with ICE in these practices unquestionably places your law enforcement agency at risk of liability – at a level greater than ever before – for which ICE will not provide indemnification.<sup>23</sup>

Again, it is important to note that ***ICE detainer requests are voluntary, not mandatory***. They are requests and not warrants, and many localities refuse to honor them unless supported by a judicial warrant.<sup>24</sup> Localities that maintain this requirement are protecting their interests and the public fisc, as well as promoting adherence to the Constitution. They are not violating any law, most certainly not 8 U.S.C. § 1373, which President Trump referenced in his Executive Order. The Tenth Amendment of the Constitution protects you from being compelled to perform the functions of the federal government, and when you uphold the Fourth Amendment by declining to honor ICE detainers that are not supported by a judicial warrant, ICE can still carry out its role through a range of authorities and federal capabilities.

### **Bad Idea #3: Participation in 287(g) Program**

Section 287(g) of the Immigration and Nationality Act allows ICE to enter into agreements with local law enforcement that permit designated local police officers to perform federal immigration enforcement functions. There are two principal forms of 287(g) agreements – “task force” models and “jail” models. Under the task force model, local police may interrogate and arrest alleged noncitizens encountered in the field who they believe to be deportable. Under the jail model, local police may interrogate alleged noncitizens in criminal detention who have been arrested on local charges, issue detainers on those believed to be subject to deportation, and begin deportation proceedings.

The 287(g) program is the most extensive form of local entanglement in federal immigration enforcement. It effectively transforms local police into federal immigration agents – but without the same level of training that federal agents receive, and without federal funds to cover all of the expenses incurred by the local jurisdiction. 287(g) agreements often involve the full spectrum of negative results outlined above (diversion from core responsibilities, deterioration in community trust, negative fiscal impact, and legal exposure). Indeed, the DHS Inspector General has documented the challenges encountered in the 287(g) program, noting, for example, that “claims of civil rights violations have surfaced in connection with several [law enforcement agencies] participating in the program.”<sup>25</sup> The public become more fully aware of these problems through the unconstitutional implementation<sup>26</sup> of a 287(g) program in Maricopa County under

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<sup>23</sup> For example, earlier this month the ACLU of Florida filed suit against Miami-Dade County for illegally holding a U.S. citizen of Honduran origin pursuant to an ICE detainer request. *Creedle v. Gimenez*, No. 1:17-CV-22477 (M.D. Fla. 2017).

<sup>24</sup> See, e.g., the clear recommendation from the Kentucky Association of Counties from September 2014: <http://www.aclu-ky.org/wp-content/uploads/2014/09/kaco-memo.pdf>.

<sup>25</sup> DHS OIG Report on 298(g), [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_10-63\\_Mar10.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_10-63_Mar10.pdf).

<sup>26</sup> *Melendres v. Arpaio*, 598 F. Supp. 2d 1025 (D. Ariz. 2009).

Sheriff Joe Arpaio, who was subject to lawsuits and criminal contempt proceedings and subsequently voted out of office.

### **Recommendation: Place Local Communities and the Constitution First**

In order to preserve the Constitutional rights of all persons in the United States, the ACLU strongly recommends the adoption of policies that place local communities first and limit involvement in federal immigration enforcement. This includes not questioning persons about their immigration status, requiring judicial warrants in order to honor ICE detainers and declining to participate in the 287(g) program, as well as avoiding other forms of engagement in federal immigration enforcement that lead to many of the same problems (e.g. notifying ICE of an individual's release date or home address, which can itself prolong someone's detention and sow distrust in the community). We believe, and evidence has shown, that such a decision is in the best interest of local communities. The Constitution protects states and localities from being compelled to perform federal functions; and choosing to engage in federal immigration enforcement results in clear, negative consequences to public safety and local resources, and increases liability risk. ***It is fully consistent with federal law for state and local law enforcement to avoid engagement in federal immigration enforcement.***

The ACLU remains a resource for any additional information you may need on these immigration-related matters. We can also assist in the drafting and development of policies that formalize an appropriate set of rules on these issues (e.g. policies that limit inquiries by police regarding immigration status). We have attached to this letter a set of model provisions/rules that your jurisdiction should adopt, if they are not already in place. Provisions that have been adopted by jurisdictions around the country along with other support materials are also found in a recent guidelines issued by the New York Attorney General.<sup>27</sup>

We know that the Trump Administration has threatened to strip federal funds from jurisdictions that decline to direct their personnel and resources toward federal immigration priorities – a set of jurisdictions the Administration has lumped under the characterization of “sanctuary jurisdictions.” However, one court has already issued a nation-wide preliminary injunction against the threat to strip funds,<sup>28</sup> and the Administration will continue to encounter substantial constitutional hurdles if it attempts to follow through on that pledge. We will continue to monitor developments in your jurisdiction, and take action to support or challenge your policies and practices, as needed.

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<sup>27</sup> Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions, [https://ag.ny.gov/sites/default/files/guidance.concerning.local\\_authority.participation.in\\_immigration.enforcement.1.19.17.pdf](https://ag.ny.gov/sites/default/files/guidance.concerning.local_authority.participation.in_immigration.enforcement.1.19.17.pdf).

<sup>28</sup> Cty. of Santa Clara v. Trump, No. 17-CV-00485-WHO, 2017 WL 1459081, at \*3 (N.D. Cal. Apr. 25, 2017).

Finally, we have enclosed an open records request in this letter to permit us to learn more about your policies and interactions with federal immigration authorities.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Timothy Muth". The signature is written in a cursive style with a large, sweeping "M" and "H".

R. Timothy Muth  
Volunteer Staff Attorney  
tmuth@aclu-wi.org

Encs.

## **MODEL Guidance Regarding Due Process and Immigration Enforcement**

### **I. DUE PROCESS AND IMMIGRATION ENFORCEMENT**

- A.** Building trust between police and all residents is vital to the public safety mission of [Agency]. Policing in a fair and impartial manner is essential to building such trust. Therefore, [Agency members] shall not use an individual's personal characteristics as a reason to ask about, or investigate, a person's immigration status. [Agency members] may inquire about immigration status only when it is necessary to the ongoing investigation of a criminal offense.
  
- B.** Immigration is a federal policy issue between the United States government and other countries, not local or state entities and other countries. Federal law does not grant local and state agencies authority to enforce civil immigration law. Similarly, state law does not grant local and state agencies authority to enforce civil immigration laws. [Agency members] shall not dedicate [agency] time or resources to the enforcement of federal immigration law where the only violation of law is presence in the United States without authorization or documentation.
  
- C.** The Constitution's Fourth Amendment protection against unreasonable search and seizure applies equally to all individuals residing in the United States. Therefore, [agency members] shall not initiate or prolong stops based on civil immigration matters, such as suspicion of undocumented status. Similarly, [agency members] shall not facilitate the detention of undocumented individuals or individuals suspected of being undocumented by federal immigration authorities for suspected civil immigration violations.
  
- D.** "Administrative warrants" and "immigration detainers" issued by Immigration and Customs Enforcement (ICE) have not been reviewed by a neutral magistrate and do not have the authority of a judicial warrant. Therefore, [agency members] shall not comply with such requests.

### **II. VICTIM AND WITNESS INTERACTION**

The following guidelines are based on best practices and offer guidance on how to best support crime victims/witnesses and to ensure procedural justice and enhance trust between the police and community.

- a. Federal law does not require law enforcement agencies to ask about the immigration status of crime



victims/witnesses. It is essential to the mission of the [agency] that victims report crimes and fully cooperate in investigations; that witnesses come forward and provide testimonial evidence; that persons report suspicious activity and other information to reduce crime and disorder; and that help is summoned when needed. These activities must be undertaken without hesitation and without fear that the victim, witness, or reporting person will be subject to prosecution or deportation for no reason other than immigration status.

b. To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, [agency members] will not ask about, or investigate, immigration status of crime victims/witnesses unless the victim/witness is also a crime suspect and immigration status is necessary to the criminal investigation. [Agency members] will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. [Agency members] should communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses and that [agency members] do not ask victims/witnesses about their immigration status.

c. Therefore, [Agency members] will act first and foremost in the best interests of our community and our mission when dealing with undocumented foreign nationals who come to the agency/department for help or to make reports, giving full priority to public safety and justice concerns.

d. This policy is to be interpreted to comply with 8 U.S.C. § 1373 which provides:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

### III. IMMIGRATION STATUS:

a. [Agency member's] suspicion about any person's civil immigration status shall not be used as a basis to initiate contact, detain, or arrest that person.

b. [Agency members] may not inquire about a person's civil immigration status unless civil immigration status is necessary to the ongoing investigation of a criminal offense. It is important to emphasize that [Agency] should not use a person's characteristics as a reason to ask about civil immigration status.

c. [Agency members] shall not make warrantless arrests or detain individuals on suspicion of "unlawful entry," unless the suspect is apprehended in the process of entering the United States without inspection. Arrest for "unlawful entry" after a person is already within the United States is outside the arrest authority of Wisconsin officers.

#### IV. ESTABLISHING IDENTITY:

a. [Agency members] may make attempts to identify any person they detain, arrest, or who come into the custody of the [Agency].

b. [Agency members] shall not request passports, visas, "green cards," or other documents relating to one's immigration status in lieu of, or in addition to, standard forms of identification such as a driver's license, state identification card, etc. Immigration related documents shall only be requested when standard forms of identification are unavailable.

#### V. CIVIL IMMIGRATION WARRANTS:

a. [Agency members] shall not arrest or detain any individual based on a civil immigration warrant, including DHS Forms I-200, I-203, I-205, and any administrative warrants listed in the National Crime Information Center Database (NCIC). These federal administrative warrants are not valid warrants for Fourth Amendment purposes because they are not reviewed by a judge or any neutral magistrate. Moreover, federal regulations direct that only federal immigration officers can execute said warrants. Finally, Wisconsin law enforcement agencies do not have any authority to enforce civil immigration law.

#### VI. INTERACTIONS WITH FEDERAL IMMIGRATION OFFICERS:

a. [Agency members] shall not contact Customs and Border Patrol (CBP) or ICE for assistance on the basis of a suspect's or arrestee's race, ethnicity, national origin, or actual or suspected immigration status.

b. [Agency members] shall not prolong any stop in order to investigate immigration status or to allow CBP or ICE to investigate immigration status.

c. Sweeps intended solely to locate and detain undocumented immigrants shall not be conducted unless acting in partnership with a Federal agency as part of a formal partnership. [Agency members] are not permitted to accept requests by ICE or other agencies to support or assist in operations that are primarily for immigration enforcement.

## VII. USE OF RESOURCES:

a. [Agency members] shall not hold for or transfer people to federal immigration agents unless the federal agents provide a judicial warrant for arrest. An immigration detainer (Form I-247, I-247D, I-247N, or I-247X) is not a warrant and is not reviewed by a judge, and therefore not a lawful basis to arrest or detain anyone. Valid criminal warrants of arrest, regardless of crime, shall not be confused with immigration detainers. This does not affect the proper handling of arrests and detentions associated with criminal arrest warrants.

b. Unless ICE or CBP agents have a criminal warrant, or [Agency members] have a legitimate law enforcement purpose exclusive to the enforcement of immigration laws, ICE or CBP agents shall not be given access to individuals in [Agency's] custody.

c. Citizenship, immigration status, national origin, race, and ethnicity should have no bearing on an individual's treatment in [Agency's] custody. Immigration status or perceived immigration status, including the existence of an immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes. Furthermore, immigration status or perceived immigration status shall not be used as a criteria for citation, arrest, or continued custody.

## **OPEN RECORDS REQUEST**

Pursuant to Wis. Stat. §§ 19.31 et seq., you are hereby requested to provide the records listed below which are within the custody or control of the Office of the Sheriff

In this request, the term “records” includes all email, documents, reports, and all other information recorded in any form whatsoever, including, but not limited to, papers, digital electronic media (such as computer discs, hard drives, CDs, jump drives, and tape backup), and analog recording media (such as audio and video tape recordings). Also included are records which may be stored on internet servers accessible to you (“the cloud”).

If any material responsive to this request is deemed to be exempt from disclosure, identify the material withheld and specify the asserted basis for the exemption. Please release all segregable portions of otherwise exempt material.

Documents requested under the public records law must be produced “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a). The Wisconsin Department of Justice policy is that 10 days is ordinarily a reasonable time for response to an open records request. Wisconsin Department of Justice, Wisconsin Public Records Law Compliance Outline at 13 (Aug. 2010).

You are requested to provide the documents without charge pursuant to Wis. Stat. § 19.35(3)(e). The ACLU of Wisconsin Foundation is a not-for-profit charitable and educational organization dedicated to the protection of civil liberties and government accountability, and waiving fees is in the public interest. Should you decline to waive the charges and the expenses exceed \$50, please contact me so that we may discuss how to proceed.

## **RECORDS REQUESTED**

1. Policies or procedures of the Office of the Sheriff regarding the collection, dissemination or use of immigration status information related to persons arrested, detained, or held in the county jail by the Sheriff or his deputies.
2. Policies or procedures of the Office of the Sheriff regarding responses to detainer requests received from United States Immigrations and Customs Enforcement (“ICE”).
3. Communications between the Office of the Sheriff and ICE regarding participation in the Delegation of Authority Program pursuant to section 287(g) of the Immigration and Naturalization Act (the “287(g) program”).
4. Policies or procedures of the Office of the Sheriff regarding the access of ICE agents to persons detained in the county jail for questioning or interviews.
5. All reports, summaries, analyses, or other documents concerning the number of persons held at your County Jail and the length of their detentions where the reason for their detention is an immigration detainer or hold received from ICE on dates between January 1, 2016 and the present.