ACLU Wisconsin: Waukesha County Sheriff applies to have deputies become part of Trump's immigration force

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CONTACT: Molly Collins, ACLU of Wisconsin, 414-272-4032 x 215, media@aclu-wi.org

The Waukesha County Sheriff seeks to have local staff deputized by ICE help to enforce federal immigration laws. The ACLU of Wisconsin has learned that, earlier this year, Eric Severson, the Sheriff of Waukesha County, applied to U.S. Immigration and Customs Enforcement (ICE) to let some of his deputies become immigration enforcers. The deputies would become part of President Donald Trump's "immigration force" which seeks to deport millions of immigrants currently living in the US.

"If the Sheriff's request is granted, it will erode bonds of trust between Waukesha County's immigrant community and law enforcement, deterring reports of crime and cooperation with law enforcement while wasting taxpayer resources," said Chris Ott, Executive Director of the ACLU of Wisconsin.

Through an open records request, the ACLU of Wisconsin has obtained a copy of a previously undisclosed May 15, 2017 application from the Waukesha County Sheriff's Department to participate in the Delegation of Authority Program pursuant to Section 287(g) of the Immigration and Naturalization Act. Under the 287(g) program, ICE deputizes local law enforcement officials to enforce federal immigration laws, something which goes outside their normal work and responsibilities to enforce the laws of state and local jurisdictions.

In his cover letter to the application, Waukesha County Sheriff Eric Severson wrote:

"The Waukesha County Sheriff's Office is willing, prepared and committed to assist in [ICE's] effort to investigate, apprehend and detain aliens pursuant to the statutes….My office and staff will make this program a priority in our jail and welcome additional ICE partnerships."

The Waukesha Sheriff says he wants to have a "jail agreement" with ICE. A jail agreement would allow local law enforcement to act like federal immigration agents within the county jail. This results in sheriff's deputies questioning individuals held in the jails about their immigration status, preparing documents to charge them for immigration violations, and ordering the continued detention of persons thought to be subject to deportation.

According to the application, the Waukesha County jail takes into custody more than 11 additional immigrants each month.

This recent application represents a change of position from Sheriff Severson's testimony before the US Senate in March of this year. When asked by Sen. Claire McCaskill (D-Mo.) if his department was going to participate in the 287(g) program, he responded:

"At this time, I don't have the resources to participate with that nor is our community structure such that I don't know if that is necessarily a high priority for us right now and again I am fortunate enough to report to you today that the instances of criminal activity of illegally present immigrants beyond their status is relatively uncommon in my County and generally in Wisconsin."

This is not the first time the Waukesha County Sheriff has sought to participate in the 287(g) program. In 2007, the Department also applied to participate, but later withdrew.

Officials within ICE will meet on November 14 to vote on this latest attempt by the Waukesha County Sheriff to have his deputies engage in immigration enforcement. There is still time for the residents of Waukesha County to demand that the application be withdrawn before an agreement is approved.

The ACLU of Wisconsin believes strongly that 287(g) agreements like this one are bad for local communities and for the people – immigrants and non-immigrants

alike – who live there. There are several important reasons why the residents of Waukesha County should demand that their Sheriff withdraw his application:

Damaged trust between the Waukesha County Sheriff's Department and local immigrant communities in the county: When local law enforcement engages in federal immigration enforcement, local immigrant communities believe the police are there not to protect and serve them, but instead to detain and deport them. The result is that crimes go unreported, and witnesses decline to step forward. There have been recent cases of domestic violence survivors dropping their cases for fear of immigration exposure. Having local law enforcement partner with ICE breaks the bonds needed to keep communities safe. No one should hesitate to call 911 for fear that they or their family will be deported.

The Major Cities Chiefs Association (MCCA), a group of police chiefs from the 64 largest police departments in the United States and Canada, concluded that "without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear."

Diversion of time and resources from public safety mission: While deputies are occupied enforcing federal immigration law (in other words, doing someone else's job), they neglect their traditional policing responsibilities. This imposes a public safety cost on Waukesha County. Further, because local law enforcement agencies are responsible for personnel expenses (including salaries and overtime) for these officers, 287(g) agreements also impose a financial cost on the county and its taxpayers.

Racial profiling and discriminatory policing: Because local law enforcement is not trained in federal immigration law, these agreements often lead to discrimination and racial profiling. Local police often rely on impermissible factors like ability to speak English or appearance. The ACLU and other organizations have documented extensive 287(g) abuses of this type throughout the country.

For supporting documentation, please visit:
http://aclu-wi.org/story/waukesha-county-sheriff-applies-287g-program