



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

130 – FOREIGN NATIONALS – DIPLOMATIC IMMUNITY - IMMIGRATION ENFORCEMENT

GENERAL ORDER: 2017-43
ISSUED: July 6, 2017

EFFECTIVE: July 6, 2017

REVIEWED/APPROVED BY:
Assistant Chief Carianne Yerkes
DATE: June 21, 2017

ACTION: Amends General Order 2016-17 (March 24, 2016)

WILEAG STANDARD(S): 6.2.2

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

130.30 IMMIGRATION ENFORCEMENT

A. POLICY

It shall be the policy of the Milwaukee Police Department to implement an immigration enforcement strategy that is consistent with the mission of reducing the levels of crime, fear, and disorder in the city of Milwaukee. However, this strategy must also be in balance with the jurisdictional responsibilities of the federal government and the corresponding jurisdictional limitations of local law enforcement. The following procedures not only achieve that balance but also comply with the Wisconsin attorney general's law enforcement guide to immigration enforcement.

With a policing philosophy that is community-based, problem-oriented, and data-driven, we are committed to ridding the city's streets of violent offenders regardless of whether such offenders are in the United States legally or illegally. We are also committed to facilitating safe, sustainable communities where citizens individuals are encouraged to report crime and provide the police with useful information and intelligence. However, proactive immigration enforcement by local police is inherently can be detrimental to our mission and policing philosophy when doing so ultimately deters some citizens individuals from participating in their civic obligation to assist the police. It is therefore expected that each police member follow the procedures set forth below regardless of one's personal opinion or political ideology on the issue of immigration.

- B. Enforcement of the nation's immigration laws is the responsibility of the federal government, particularly the United States Bureau of Immigrations and Customs Enforcement (ICE). Accordingly, the Milwaukee Police Department shall does not unilaterally undertake immigration - related investigations and shall does not routinely inquire into the immigration status of persons encountered during police operations. This prohibition does not preclude the department from cooperating with federal immigration officials when requested, or from notifying those officials in serious situations where a potential threat to the public is perceived.

Note: Most immigration violations are civil and fall under the jurisdiction of the federal government. As such, local law enforcement officers have no right

of arrest in these matters.

C. A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon their immigration status. Consequently, department members shall not question any person about his or her immigration status unless that person is reasonably believed to be involved in one or more of the activities identified in (F) below. in no way use an inquiry into a person's immigration status as a means to dissuade or avoid the following:

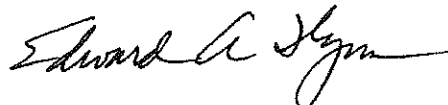
1. Interviewing witnesses.
2. Filing an incident report.
3. Conducting a criminal investigation.
4. Receiving a citizen complaint.

D. Department 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, or when the member is proceeding under (F) below.

F. Police members shall not inform federal immigration officials of the whereabouts or behavior of any suspected illegal immigrant or foreign visitor, except when the immigrant or foreign visitor: Pursuant to federal law 8 U.S.C. § 1373, "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." Police members shall inform federal immigration officials of the whereabouts or behaviors of any suspected illegal immigrant or foreign visitor, when the immigrant or foreign visitor:

1. Is arrested for a felony.
2. Is arrested for a misdemeanor involving the possession or use of a dangerous weapon.
3. Is arrested for a terrorism-related offense, or is otherwise reasonably suspected of involvement in terrorism and/or subversive activities.
4. Is arrested for any offense involving the entry or fraudulent assimilation of undocumented foreigners into the country, or is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country.
5. Is a previously deported felon.

6. Is reasonably suspected of participating in criminal street gang activity.
- G. In the event a police member needs to contact ICE, they shall contact their shift commander and provide them with the pertinent information. first attempt to The member shall then attempt to contact the local office at 414-297-1571. If the local office is closed or if an agent is unavailable, the police member shall contact the ICE Law Enforcement Support Center (LESC) at 1-802-872-6050.



EDWARD A. FLYNN
CHIEF OF POLICE

EAF:mfk