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To: Fire and Police Commissioners, Chief Flynn, Mayor Barrett, Common Council Members, and City Attorney Langley:

On behalf of Voces de la Frontera I wish to express our concern and condemnation on the ***lack of community involvement in the revision process to the MPD Standard Operating Procedure 130-Foreign National-Diplomatic Immunity-Immigration Enforcement***. We were only made aware of this significant development a few days ago and are grateful for the leadership on the part of Milwaukee Alderman Perez in securing a meeting with representatives of the City Intergovernmental Office and Milwaukee Police Department on June 26, 2017 to review the proposed changes and provide input. However, this process had already been taking place for two months prior with no community involvement of organizations that use the SOP on a regular basis to encourage crime reporting and build trust with local law enforcement. We understand that there is a deadline for federal grant application and re-granting that is coming up soon which is the basis for the proposed changes, and are grateful for the opportunity to review and provide input on this major development.

After consulting with attorneys from the Illinois Coalition for Immigrant and Refugee Rights and the National Immigrant Justice Center and having had the opportunity to review the proposed language, we want to express our objection to any proposed changes to the current policy because the current MPD policy is already in compliance with 1373. Furthermore, there are lawsuits against these threats to cut federal funding against so-called "sanctuary" jurisdictions that may well prevail. A federal court in California has blocked implementation of the 1373 provisions in April and the injunction applies to all jurisdictions nationally. Any grant application should reference the court injunction. That order is attached. Attorneys from the National Immigrant Justice Center have offered to answer any questions that the city attorney or others may have.

In regards to the content of the proposed changes to the SOP.

We don't understand the reason for changing C. By removing the general restriction on inquiries about status, the amendment suggests that it's ok to make such inquiries. We strongly recommend that this subsection should instead be modified by deleting everything after "his or her immigration status." It would read in its entirety:

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.

We are also concerned about the proposed amendments in F and G that **command** police officers to inform DHS regarding certain individuals in MPD custody. 1373 does not require this--it only states that agencies like MPD cannot bar their officers from sharing immigration status information with any other agency or public official. We believe the proposed changes to F and G which mandate reporting and allow officers to bypass their shift commander should be struck.

On the contrary, the existing language of the SOP should be amended to strengthen constitutional due process rights to ensure immigrants and US citizens have the opportunity to prove their innocence in a court of law. Stronger language should be included to build community trust, promote public safety and separate local law enforcement functions from federal immigration enforcement.

What are the consequences if these proposed revisions move forward?

It is an illusion to believe that these changes will not be brought to light nor will they have a ripple effect in the community. Milwaukee's diverse immigrant and refugee community is already feeling besieged by both the federal Trump Administration's efforts to implement unconstitutional and discriminatory executive orders and Sheriff Clarke's own twisted agenda to bring 287g to Milwaukee County.

The deep community-wide opposition in Milwaukee County to policies that encourage local law enforcement to play an immigration enforcement role was witnessed in the two general strikes this year in Milwaukee County. In February 13, 2017 50,000 workers, their families went on strike and over 150 businesses shut down to protest 287g and 30,000 struck again on May 1, 2017. These actions garnered national and international attention as the frontline struggle against 287g and similar policies. In addition, last year's general strike of 40,000 in Madison against a state "anti-sanctuary bill" that attempted to pass a similar policy was defeated by this popular uprising.

If these revisions are passed, it will open a Pandora's box to fear in the community of all law enforcement, underreporting of crimes, and immigrants and their families leaving the state. It will also encourage rogue policing and racial profiling, in a department that is already being scrutinized for their treatment of people of color.

In interviews I am often asked, "is it ok to travel to Milwaukee?" because of the threat of 287g, even before being implemented. Revising the current policy will only contribute to more fear and a declining tax base for the city as immigrant and Latino families decide to leave the state. We are already witnessing that happening. Immigrants have helped revitalize our Southside neighborhoods and contribute significantly to our city's tax base and in the last two censuses have contributed to increased representation and resources. They deserve to be treated with respect and dignity.

Voces de la Frontera's position is that we want to encourage good community policing policies and we have been grateful for Chief Flynn's public defense of the SOP policy and how it has encouraged immigrants to report incidents. However, if these changes go through (especially in light of the process) Voces de la Frontera would be forced to make a public statement in opposition to the proposed changes, decry the process by which the changes were made, and mobilize the community to call for its repeal.

Sincerely,



Christine Neumann-Ortiz
Executive Director