November 13, 2017

Scott L. Shuchart
Senior Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Washington, DC

Re: The Milwaukee County Sheriff’s Office is Not a Suitable Jurisdiction to Participate in the 287g Program

Dear Mr. Shuchart:

We write to inform you that the Milwaukee County Sheriff’s Office (MCSO) is unsuitable to participate in the 287g program because of their long record of discrimination and anti-immigrant animus, their abuse and negligence leading to torture and deaths at the Milwaukee County Jail, misuse of public dollars, and overwhelming local opposition to their former Sheriff’s 287g application.

MCSO has been subject to numerous lawsuits, state agency probes, and criminal investigations related to civil rights violations. The statements of MCSO leadership have demonstrated bias based on race, religion, and nationality. Elected leadership at all levels of Milwaukee County has declared overwhelming opposition to the application. The disgraced former Sheriff who applied for 287g, David Clarke, resigned in August after massive protests against his application. Granting 287g authorization to such a department riddled with such serious problems would tarnish the reputation of the Department of Homeland Security. For all of these reasons, the MCSO application for 287g authority should be rejected.

A Pattern of Abuse

In May 2017 a grand jury recommended criminal charges against 7 MCSO jail guards following the dehydration death of a mentally ill man denied water for 7 days. In 2014, an MCSO guard pled guilty to felony misconduct in public office following accusations that he repeatedly raped a 19-year-old pregnant woman imprisoned at the jail. As part of the deal sexual assault charges were dropped. ¹ In June 2017, a federal jury awarded the woman $6.7 million both because of the repeated rape but

also because guards shackled her when she gave birth at the jail. Over 40 women were shackled during childbirth at the jail from 2011 onwards. The jury found there was no justification for the practice. A separate lawsuit brought by shackled mothers is pending.

Milwaukee County has been under a consent decree due to overcrowding and inhumane conditions in the jail since 2001. In 2008 a judge found the county had violated the decree 16,600 times.

At least 6 people have died at the Milwaukee County Jail since April 2016, including a newborn baby. After U.S. Congresswoman Gwen Moore of Milwaukee asked the Department of Justice to open an investigation into MCSO, DOJ responded that they were considering investigating. In addition to lawsuits related to jail abuses, Milwaukee County is the defendant in at least 5 active civil rights lawsuits due to inmate deaths. The Milwaukee County Audit Services Division is conducting a separate investigation into the jail deaths.

After David Clarke’s resignation, interim Sheriff Richard Schmidt announced he would request technical assistance from the National Institute of Corrections to recommend changes to the jail to stop the deaths. It would be highly inappropriate

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2 “Woman Who Says She Was Raped By Guard At Sheriff David Clarke’s Jail Gets $6.7 Million,” HuffPost, 6/8/17. [https://www.huffingtonpost.com/entry/milwaukee-county-jail-sexual-assault_us_59395f12e4b0b13f2c67e035](https://www.huffingtonpost.com/entry/milwaukee-county-jail-sexual-assault_us_59395f12e4b0b13f2c67e035)

3 “Lawsuit: Woman shackled while giving birth at Milwaukee,” Associated Press, 3/16/17. [https://apnews.com/9f18e00a98c1444c9c40b81897cc94e2/lawsuit-woman-shackled-while-giving-birth-milwaukee-jail](https://apnews.com/9f18e00a98c1444c9c40b81897cc94e2/lawsuit-woman-shackled-while-giving-birth-milwaukee-jail)

4 “She Knew She’d Deliver Her Son While She Was in Jail. She Didn’t Expect to Do It in Chains,” Cosmopolitan, 10/25/17. [http://www.cosmopolitan.com/politics/a13034685/pregnancy-prison-childbirth-chains/](http://www.cosmopolitan.com/politics/a13034685/pregnancy-prison-childbirth-chains/)


to grant 287g authorization to MCSO while it is subject to so many lawsuits and investigations related to civil rights violations.

**A Pattern of Bias**

Following his application for 287g, David Clarke made statements to a reporter implying that he incorrectly believed jail enforcement authorization under 287g would allow his deputies to stop community members based on their perceived ethnicity and language for the purposes of investigation their immigration status:

Under Obama, Clarke said, “there were instances where we’d do a traffic stop, and there’s a sense that the guy was maybe in the country illegally, not just because he’s Latino – he doesn’t have a license, doesn’t speak the language – pretty good chance, right? But we couldn’t ask about it or do anything about it.”

Under 287(g), by contrast, “I can bring the guy in and start to do the questioning.”

These statements strongly indicate that if MCSO is granted 287g authorization, they will violate the civil rights of Milwaukee residents, citizen and immigrant alike.

Clarke also had a long, well-documented record of bigoted statements about the community members he was sworn to protect. He has called Black people “lazy, uneducated... and morally bankrupt,” and compared the Black Lives Matter movement to ISIS. He has said that law enforcement should single out Muslim community members for extra surveillance on the basis of their faith. Although Clarke is now gone, Interim Sheriff Schmidt has a tremendous challenge in rebuilding community trust with the Sheriff’s Office.

**Overwhelming Local Opposition to 287g**

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In August 2017, Clarke resigned following public outcry against his 287g application. The Milwaukee County Board of Supervisors pass by a 12-6 margin a resolution opposing 287g, and the County Executive signed it. In addition, Milwaukee’s Mayor and Chief of Police declared their opposition to Clarke’s 287g application. In February, over 50,000 people participated in a general strike against 287g in Milwaukee, and over 120 businesses closed. An estimated 30,000 people did the same in May, when over 160 businesses closed.

The Milwaukee County Sheriff’s Office record is one of anti-immigrant animus, civil rights violations, and abuse and negligence leading to inmate deaths. Local officials and tens of thousands of community members in Milwaukee County have shown massive opposition to the application. MCSO is highly unsuitable for 287g authorization, and we the undersigned urge you to reject MCSO’s 287g application.

Sincerely,

Voces de la Frontera
Uplifting Black Liberation (UBLAC)
African-America Roundtable
Milwaukee Muslim Women’s Coalition
Ex-Prisoners Organizing (EXPO)
Progressive Moms of Milwaukee
Wisconsin Working Families Party
Organizing for Action


Wisconsin Federation of Nurses and Health Professionals

CC: Milwaukee County Interim Sheriff Richard Schmidt
    Milwaukee County Executive Chris Abele