



Richard R. Schmidt
Sheriff

Milwaukee County Sheriff's Office

NEWS RELEASE

Scott Stiff
Public Information Officer
Cell: 414-840-3185
Phone: 414-278-4716
scott.stiff@milwaukeecountywi.gov

FOR IMMEDIATE RELEASE
August 22, 2018

Milwaukee County Jail Policy Changed to Reflect Case Law on Immigration and Customs Enforcement (ICE) Detainers

Milwaukee, WI – In response to a fulsome review of the relevant Fourth Amendment jurisprudence shared with the Milwaukee County Sheriff's Office by the ACLU of Wisconsin this past Friday related to civil ICE detainer requests, Sheriff Richard Schmidt conferred with the Office of Corporation Counsel and a mere two business days after receiving the communication from the ACLU, changed Jail policy to both fulfill the mandates of the voluminous case law cited by the ACLU and comply with 8 U.S.C. § 1373. This new policy thereby preserves Milwaukee County's continued eligibility for federal grant moneys essential to key County public safety and law enforcement operations, while protecting the Fourth Amendment rights of all inmates.

The new policy states, in full: "Effective immediately, the Milwaukee County Jail shall not hold any inmate in custody solely based upon an ICE detainer. Once an inmate is scheduled for release, and there is no legal basis to hold the inmate in custody, but the Jail has received a detainer request from ICE, ICE officials will be contacted immediately and the inmate will be processed for release. ICE officials may have an opportunity to pick up that inmate because on average, it takes approximately 2-3 hours to process an inmate for release, depending upon intake and release volumes on a given day. To be clear: no inmate shall be held for any time beyond the time that is required to process that inmate for release under the usual and customary practice of the Jail. If ICE officials do not appear to pick up the inmate after being contacted, the inmate will be released from our facility in the usual course of business."

The new policy stops the prior practice of holding inmates for up to 48-hours on ICE civil detainers after an inmate's state-law based custody had ended. To be clear: Milwaukee County Jail will no longer hold any inmate at the request of ICE after their state-law custody has ended. In communications following the issuance of this policy, the ACLU has expressed approval of this change.

More importantly, contrary to recent claims, this policy means that all inmates subject to release are treated exactly equally under the Fourth Amendment by the Jail regardless of their immigration status, and inmates about whom the County has received a civil ICE detainer request are processed no faster or slower than all other inmates. The processing time depends solely upon intake and release volumes on a particular day. ICE's civil detainer requests will

For more information about the Milwaukee County Sheriff's Office, visit our website at www.mksheriff.org and our facebook page at <http://www.facebook.com/MilwaukeeCountySheriff>
Follow us on Twitter @MCSOSheriff

have no impact. Also contrary to recent claims, regardless of any action or inaction by the Milwaukee County Jail, ICE is aware of any particular Jail inmate's immigration status. Moreover, 8 U.S.C. § 1373 prohibits any local government from adopting any policy that prohibits the sharing of immigration status information of inmates with ICE – a fact conveniently omitted from recent public statements.

Sheriff Schmidt Stated:

"I am sworn to uphold the constitution and the laws of the land, and this revised policy meets those standards. People will continue to criticize and protest on both sides of this issue. The rule of law is my guide and to that I remain true." He stated further: "I continue to support all communities with people who have immigrated to the United States. This policy forces responsibility solely upon ICE, the Federal agency, for seizing individuals based on civil detainers, absent a criminal warrant based on probable cause or other valid state-law reason to retain custody of the individual, and to bear the risks associated with such seizures. The County Jail can no longer be an instrumentality of federal immigration policy. But the Jail also understands that it cannot illegally withhold information from ICE."

Since September 2017, Sheriff Schmidt has also publicly made it clear that Sheriff's Office deputies and correctional officers would not become certified ICE agents under the so-called 287(g) program. He stated in closing, "I welcome a sit down with any interest group or the ACLU of Wisconsin to better understand their concerns and how any complaint might be addressed – within the confines of the law."

###