# SUB 1 TO 2017 RES-145 JOINING THE AMERICAN CIVIL LIBERTIES UNION'S "FREEDOM CITIES" CAMPAIGN IN SUPPORT OF MUSLIMS AND IMMIGRANTS

The American Civil Liberties Union (ACLU) has challenged the President's travel ban on refugees and Muslims in the courts and has been deeply critical of other aspects of his immigration agenda, especially the immigration enforcement in America's towns and cities.

- 8 The Dane County Board recently affirmed its commitment to protect, honor and respect
- 9 immigrant members of our county, state, and nation in 2016 Res. 520, Opposing President
- 10 Trump's Executive Order that Prioritizes Deporting Undocumented Individuals and Reasserting
- 11 Dane County's Commitment to Valuing Immigrants and Ensuring Equal Access to County
- 12 Services, 2016 Res-521 Opposing President Trump's Executive Order that Bans Muslim
- 13 <u>Immigration and Refugees, and 2016 OA-084. The Dane County Board stands with the ACLU</u>
- 14 and supports its efforts to ensure local and state policies in place to protect all members of our
- 15 communities.

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- 16 The ACLU has outlined nine "model" state and local law enforcement policies and
- 17 rules which -- if adopted -- in "Freedom Cities" throughout the nation, will protect our
- 18 families and our neighbors' families from some of the worst abuses of the current
- 19 administration. Dane County supports the ACLU's plan to promote and win real
- 20 protections for the most vulnerable in our communities includes securing the adoption
- 21 and enforcement of the following local policies and rules.

### 22 Defend our friends, families and neighbors from mass deportation:

- 23 #1) The Judicial Warrant Rule: Dane County officials shall require a judicial warrant
- 24 prior to detaining an individual or in any manner prolonging the detention of an
- 25 individual at the request of U.S. Immigration and Customs Enforcement (ICE) or
- 26 Customs and Border Protection (CBP). <u>Dane County has endorsed these procedures in</u>
- 27 Res. 520, and it is the current policy of the Dane County Sheriff not to honor any ICE detention
- 28 holds.
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- 30 #2) No Facilitation Rule: Dane County officials shall not arrest, detain, or transport an
- 31 individual solely on the basis of an immigration detainer or other administrative
- document issued by ICE or CBP, without a judicial warrant. <u>Dane County has endorsed</u>
- these procedures in Res. 520, and it is the current policy of the Dane County Sheriff not to
- 34 honor any ICE detention holds.
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- 36 #3) Defined Access/Interview Rule: Unless acting pursuant to a court order or a
- 37 legitimate law enforcement purpose that is unrelated to the enforcement of a civil
- immigration law, no Dane County official shall permit ICE or CBP agents access to
- 39 Dane County detention facilities/jails or any person in Dane County custody for
- 40 investigative interviews or other investigative purposes. <u>Dane County follows these</u>
- 44 procedures and it is the compart relies of the Days County Chariff that for dearly relieved
- 41 procedures, and it is the current policy of the Dane County Sheriff that federal agents may only
- 42 enter the Dane County Jail for lawful purposes.

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- 44 #4) Clear Identification Rule: To the extent ICE or CBP has been granted access to
- 45 Dane County facilities, individuals with whom ICE or CBP engages will be notified
- 46 that they are speaking with ICE or CBP, and ICE or CBP agents shall be required to

wear duty jackets and make their badges visible at all times while in Dane County facilities. <u>Dane County follows these procedures</u>, and it is the current policy of the <u>Dane County Sheriff that any federal law enforcement agency in the Dane County Jail must display proper identification</u>, including a badge.

#### Protect our friends, families and neighbors' privacy:

#5) Don't Ask Rule: Dane County officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status. Dane County has endorsed these procedures in Res. 520 and OA 8. Dane County employees shall not ask or report the immigration status of individuals it serves.

 #6) Privacy Protection Rule: No Dane County official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law. <a href="Dane County has asked the Dane County Sheriff">Dane County has asked the Dane County Sheriff</a>, via Res. 520, not to report the immigration status of any individual booked in the Dane County jail to ICE unless the individual is charged with a felony or poses a terrorist threat or danger to the safety of the nation, except as required by court order or law.

#7) Discriminatory Surveillance Prohibition Rule: No Dane County agency or official may engage in any surveillance that is based, to any extent or degree, upon a person or group's actual or perceived religion, ethnicity, race, national origin, or immigration status, except where doing so is based on a reliable, specific description of a suspect and adheres to appropriate Constitutional standards. Dane County follows these procedures, and it is the current policy of the Dane County Sheriff to not conduct any action based on race, religion, ethnicity, national origin, gender, immigration status or sexual orientation.

## Help our friends, families and neighbors get redress when abuses and mistakes occur:

#8) Redress Rule: Any person who alleges a violation of this policy may file a written complaint for investigation with Dane County. Formal complaints with the Dane County Sheriff's office can be filed at the Sheriff's website at www.danesheriff.com.

## Help ensure our friends, families, and neighbors are protected from discrimination:

#9) Fair and Impartial Policing Rule: No Dane County official shall interrogate, arrest,
 detain or take other law enforcement action against an individual based upon that
 individual's perceived race, national origin, religion, language, or immigration status,
 unless such personal characteristics have been included in timely, relevant, credible
 information from a reliable source, linking a specific individual to a particular criminal

96 sexual orientation, disability, and other protected classes.
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98 Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits Dane County
99 officials from imposing limits on maintaining, exchanging, sending, or receiving
100 information regarding citizenship and immigration status with any Federal, State, or
101 local government entity. Nothing in Dane County policies is intended to violate 8

event/activity. Dane County follows these procedures, and Dane County law prohibits

discrimination based on race, gender, national origin, ethnicity, religion, immigration status,

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NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors supports the ACLU's nine model policies and rules as part of the "Freedom Cities" campaign.

U.S.C. § 1373 and 8 U.S.C. § 1644.

This substitute amendment further supports and clarifies Dane County's position based in policy, ordinance, and previous resolutions.