



JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 450

January 20, 2016

Testimony from Rep. Spiros

Hello, and thank you Mr. Chairman and members of the Assembly Committee on Urban and Local Affairs for allowing me to have the opportunity to talk to you today regarding Assembly Bill 450, a bill that would ban so called "Sanctuary Cities" in Wisconsin.

You may have heard or read about a murder in San Francisco that happened last summer. On July 1, 2015 32 year old Kathryn Steinle was shot and killed as she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal immigrant and convicted felon who had been previously deported five times. In March, after serving a third prison term for entering the country illegally, he was sent to San Francisco for an outstanding drug charge. The San Francisco district attorney's office declined to prosecute the case. U.S. Immigration and Customs Enforcement (ICE) had issued a detainer for Sanchez requesting that he be kept in custody until immigration authorities could pick him up. However, since San Francisco is a sanctuary city, the city did not honor the detainer and he was released from jail and set free. Less than 4 months later he opened fire on the San Francisco pier.

There are more than 200 cities and counties across the United States that are considered sanctuary cities. In general, a sanctuary city is a city, village, town or county that instructs their employees not to cooperate with federal immigration law enforcement authorities. These cities enact these policies despite federal law. Currently Wisconsin has three entities that are considered sanctuary cities: Madison, Milwaukee County and Racine.

Specifically, this bill would prohibit any city, village, town or county from enacting or enforcing an ordinance or policy that would prohibit an employee from inquiring about the immigration status of an individual who has been charged with crime. This bill would also prohibit any policy that prohibits an employee from otherwise cooperating with or assisting the federal government with immigration enforcement. It should be noted that this bill does not require local governments to inquire about immigration statuses of those who are charged with a crime, it just prohibits a municipality from banning their employees from making those inquiries or cooperating with federal immigration agencies. The bill also includes a penalty for those municipalities who refuse to comply.

Currently, police officers are already allowed to inquire about the immigration status of those charged with a crime. This bill does not change that. In drafting this legislation, I talked to many



AB 450 Prohibiting Sanctuary Cities in Wisconsin

Testimony of Senator Steve Nass

Assembly Committee on Urban & Local Affairs

January 20, 2016 • 412 East, State Capitol

Thank you Chairman Brooks for holding a public hearing and allowing me to provide testimony in support of Assembly Bill 450. This legislation would protect law-abiding citizens by prohibiting sanctuary cities in Wisconsin.

On July 1, 2015, Kate Steinle, a 32 year old woman from California, was shot and killed while she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal immigrant and convicted felon who had been previously deported five times. In March 2015, U.S. Immigration and Customs Enforcement (ICE) had Sanchez in custody after he completed a third prison term, but turned him over to the San Francisco sheriff's office on an outstanding drug charge.

ICE issued a detainer requesting notification prior to Sanchez's release so they could take him into custody again. When the district attorney declined to prosecute Sanchez on the drug charges, San Francisco did not honor the detainer because of their sanctuary city policy and he was released from jail and set free. Less than four months later Sanchez opened fire on the San Francisco pier, killing Ms. Steinle. This is just one of many examples of innocent Americans that have been victims of crimes committed by illegal aliens.

Sadly, this violent attack and tragedy could have been prevented if only San Francisco had cooperated with federal immigration officials. There are more than 200 cities and counties across the country that are considered sanctuary cities, according to the Center for Immigration Studies (CIS).

Generally, a sanctuary city is a city, village, town, or county that by ordinance or policy prohibits their employees from cooperating with federal immigration authorities or inquiring into the immigration status of individuals who have been charged with a crime in their local jurisdiction.

AB 450, with the inclusion of Assembly Amendments 1 and 2, would prohibit any city, village, town, or county in the state from enacting or enforcing an ordinance, resolution,

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11th Senate District

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or policy that would prohibit an employee from inquiring about the immigration status of an individual who has been charged with a crime. The bill also prohibits any policy that prevents a public employee from cooperating with federal officials involved with immigration enforcement.

AB 450 authorizes the attorney general, district attorney, or sheriff with jurisdiction to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if a political subdivision is failing to comply with the requirement.

If a court finds that the political subdivision has failed to comply with the law, it must notify the Department of Revenue, and the Department must reduce the local government's shared revenue payments in the next year by \$500 to \$5,000, depending on population, for each day of noncompliance.

The penalty is determined by population as follows:

0 – 10,000 population:	\$500 per day
10,000 – 100,000 population:	\$1,000 per day
100,000 – 250,000 population:	\$2,000 per day
250,000 or greater population:	\$5,000 per day

Sanctuary city policies caused the release of more than 8,000 criminal offenders sought by ICE over just an eight-month period in 2014, according to statistics compiled by the Center for Immigrations Studies.¹ Sixty-three percent of the individuals freed by local authorities had prior criminal histories or were labeled a public safety concern at the time of their release. Nearly 1,900 of those released were subsequently arrested for another crime within that eight-month period.

In addition to the threat to public safety, sanctuary city policies are also expensive. The cost to taxpayers to provide education, health care, criminal justice, and other general services to illegal aliens is estimated by the Federation for American Immigration Reform (FAIR) to be \$113 Billion per year.

Sanctuary policies create a magnet for illegal immigration. In fact, Francisco Sanchez admitted that he sought to come to San Francisco because of the city's strong sanctuary city policy. Accommodating those who violate our immigration laws encourage others to follow the same path, and give prospective immigrants little incentive to pursue legal paths to immigration.

These policies also conflict with federal law. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act prohibits state and local governments from preventing

¹ <http://cis.org/ignoring-detainers-endangering-communities>

public employees from receiving or sharing information on illegal aliens with federal immigration officials.

Some opponents of this bill may argue that creating sanctuary cities is designed only to help protect crime victims who are in the country illegally. However, this assertion is largely false. Law enforcement rarely, if ever, inquire about the immigration status of crime victims or witnesses, and have the discretion to grant immunity to victims and witnesses of crimes. As we've seen in San Francisco, many of the sanctuary city policies are so extreme they are actually helping to shield dangerous convicted felons and putting law-abiding citizens in harm's way.

This is common sense legislation that will help protect Wisconsin citizens from unnecessarily becoming victims of crime. We are taking a proactive approach with this bill to make sure the tragic events in San Francisco and elsewhere do not happen here. Allowing cities to defy federal immigration law will threaten public safety.

Thank you again for the opportunity to provide testimony in support of AB 450. If any committee members have further questions, please do not hesitate to contact me.

Examples of Serious Crimes Committed by Illegal Aliens:²

- **December 2015** — A 40-year-old illegal alien, Michael Rodriguez Garcia, was sentenced to four life terms for the rape and sodomy of two children in Alabama. (Breitbart News, December 19, 2015)
- **November 2015** — Humberto Erazo-Medrano and Ricardo Castaneda, two illegal aliens, were arrested and charged with second-degree promoting prostitution in Alabama. The bond for each man is set at \$100,000. (Gadsden Times, November 2, 2015)
- **October 2015** — Marco Hernandez Ramirez, a 34-year-old illegal alien from Guatemala, was sentenced to 40 years in prison for killing a couple and their 5-year-old daughter in a car crash. (Athens Banner-Herald, October 14, 2015)
- **September 2015** — An illegal alien from Mexico, Martin Margarito-Casimiro, was sentenced to 40 years in federal prison for kidnapping a man in Texas. (U.S. Immigration and Customs Enforcement, September 24, 2015)
- **August 2015** — Jose Angel Villarreal-Sanchez, a 42-year-old illegal alien from Mexico, was convicted of possessing a firearm in Texas. According to federal law, illegal aliens are not permitted to possess firearms. Three baggies of cocaine were also found hidden in his backyard. Villarreal-Sanchez is expected to be sentenced in December. He could face up to 10 years in federal prison and a possible \$250,000 fine. (U.S. Immigration and Customs Enforcement, August 11, 2015)
- **July 2015** — Ever Olivos-Gutierrez, an illegal visa overstayer, was convicted of second degree murder in Colorado for the death he caused while driving intoxicated. It was the fourth time since 2000 he had been arrested for DUI, but there was no record of immigration authorities ever being notified. He was sentenced to 40 years imprisonment. (Denver Channel 7)
- **June 2015** — A Salvadoran, Mauricio Hernandez, convicted of rape and murder of the baby born to his victim was sentenced to 50 years in prison in Texas and faces deportation when he has served his sentence. (The Dallas Morning News, June 5, 2015)
- **May 2015** — A Salvadoran, Julio C. Saravia, faces deportation following a prison sentence of 29 years for rape of a minor, to which he pled guilty in Virginia.
- **May 2015** — Two Mexicans, Juan Hernandez-Sanchez and (FNU) Canela-Perez, pled guilty in Portland, Oregon and were sentenced to seven years in state prison for distribution of methamphetamines and heroin. (*Oregonian*, May 14, 2015)

² <http://www.fairus.org/issue/examples-of-serious-crimes-of-illegal-aliens>

- **May 2015** — Zeng Liang Chen and Dong Biao Lin, illegal aliens from China, were convicted of first degree murder and sentenced to life in prison in New Jersey. (NJ.com, May 5, 2015)
- **May 2015** —Bernabe Flores, a Mexican illegal alien, pled guilty to first-degree rape in California and was sentenced to eight years in prison. (*Times-Herald Record*, May 7, 2015)
- **April 2015** — Victor Garzon-Alvarez, a Mexican illegal alien pled guilty and was sentenced in New Jersey to 14 years in prison for murder. (NJ.com, April 22, 2015)
- **April 2015** — Sergio Quezada Lopez, a Mexican illegal alien who had been deported four times, was sentenced in Oregon to 15 years in prison for a heroin overdose death. His brother, Gerardo Chalke Lopez, also a previously deported alien, was earlier sentenced to 18 years in prison on the same charges. (Oregonian, April 29, 2015)
- **April 2015** — Three illegal aliens, Uriel Ramirez-Perez, Darwin Zuniga-Rocha, and Eliseo Mateo Perez, pled guilty to first-degree sexual abuse (rape) in New York and were sentenced to time served in jail and will be deported. (Daily News, April 29, 2015)
- **March 2015** — Javier Guerrero Molina, a Mexican illegal alien, was sentenced in federal court in Jacksonville, Florida to 10 years imprisonment for attempting to transport a minor to engage in sexual activity. Guerrero said he had entered the United States illegally in 1999 or 2000. (Dept. of Justice, Middle District of Florida, March 30, 2015)
- **March 2015** — An Idaho judge sentenced Phuong Hoang Le, a Vietnamese illegal alien, to prison for 36 months. Le was convicted of possession of a stolen car and stolen credit card. The judge commented, "Stealing cars and credit cards strike at the hearts of average middle class citizens." The prosecutor said that Le had 10 prior felony convictions, but that according to U.S. Immigration and Customs Enforcement, he is not likely to be deported because if Le were to be deported to Vietnam "he would be killed." (<http://magicvalley.com/news/local/mini-cassia/> — March 25, 2015)
- **March 2015** — Luis Daniel Cabrera-Guzman, a Mexican illegal alien, was sentenced in Kansas City to two years in federal prison for conspiracy to produce and distribute false and counterfeit identification documents that were sold to illegal aliens. He had previously been deported twice in 2009. Four other Mexican illegal aliens have pled guilty to the same conspiracy and await sentencing. (Kansas City infazine, March 25, 2015)
- **February 2015** — Sergio Cobaruvias-Romero, an illegal alien from Mexico, was convicted of possessing with intent to distribute drugs in Texas. He was found with 20 bundles of methamphetamine weighing 46 pounds and four bundles of heroine weighing 13 pounds. He was sentenced to 10 years in federal prison. (U.S. Immigration and Customs Enforcement, February 17, 2015)
- **January 2015** — Jaime Gerardo Serrano-Villegas, a 28-year-old illegal alien from Mexico, was convicted of transporting illegal aliens. He assisted in moving a boat filled with illegal aliens and faces up to 10 years in federal prison. (U.S. Department of Justice, Southern District of Texas, January 14, 2015)



Room 403
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703
Paul R. Soglin, Mayor

Room 417
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703
Denise DeMarb, President

January 20, 2016

To: Members of the Assembly Committee on Urban and Local Affairs

We urge you to oppose Assembly Bill 450.

The City of Madison values the diversity of its community and we are committed to providing a safe and healthy place for all to live, learn, work and play. We provide an inclusive environment where all of our residents, despite their immigration status, feel a part of this community.

This legislation will not change the way the Madison Police Department currently conducts itself, nor will it change the priorities we set as a community. We oppose this legislation because of the chilling affect it will have on our community, not because of some perceived notion that it will affect our police department policies

Immigration enforcement is, first and foremost, a federal responsibility. The job of the police department is to keep this community safe. Communities are safer and crime is reduced when law-abiding immigrants do not fear and shun the police. Any attempt to shift immigration enforcement onto local police departments will sow distrust in immigrant communities, and drive families even further into the shadows, making them less likely to report crimes.

We want those who live, work and visit Madison--everyone--to be included in the umbrella of public safety. For decades, community policing has been the cornerstone of service to people here in Madison. The trust-based relationships supported by our community policing philosophy, makes us a vibrant and safe and safe city.

This legislation sends a negative message to those undocumented individuals who are living in the shadows and are fearful of calling the police. Whether they are victims or witnesses to crime(s), calling the police will be perceived as a calculated risk for deportation. This is bad public policy, antithetical to creating safe communities.

There is a notion that Madison and other communities are actively thwarting, or refusing to comply with federal law. If the acts are illegal, we will hold ALL individuals accountable for their behavior and we will certainly cooperate with ICE.

Madison police will not use their lawful authority to patrol our streets or walk our neighborhoods engaging in pretextual stops for the purpose of targeting individuals for deportation.

We urge you not to thrust our local police departments into the eye of the immigration storm. Our city has worked hard to establish trust and eliminate barriers to our most vulnerable communities. AB 450 will erode that trust.

Thank you for your consideration.



Paul R. Soglin
Mayor



Maurice Cheeks
President Pro Tem



Michael C. Koval
Madison Police Department Chief of Police



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Jennifer Gonda
Director of Intergovernmental Relations

2015-2016 State Legislative Session

Assembly Committee on Urban and Local Affairs

January 20, 2016 Testimony for AB 450 / SB 369 Related to: Prohibiting "Sanctuary Cities"

I would like to thank Committee Chairman Brooks and Committee members for allowing the City to testify on this bill. The City of Milwaukee has serious concerns about the unintended consequences of AB 450/SB 369 on our local neighborhoods and law enforcement resources.

Before going into the logistical details of how this bill would impact Milwaukee, I want to clarify that the City of Milwaukee is not a "sanctuary city." The City of Milwaukee does not have any language in its ordinances that are defiant to the federal government. Instead, while Mayor Tom Barrett and the Common Council have passed several resolutions over the years in support of comprehensive immigration reform at the federal level, City of Milwaukee remains committed to working with its federal partners if called upon by those agencies. If federal officials conduct immigration inquiries in our City, and they request our assistance, we have and will continue to comply.

The Milwaukee Police Department's (MPD) written policy on immigration enforcement is based upon a strategy consistent with the mission of reducing crime, fear, and disorder. Our main priority in public safety must remain ridding our neighborhoods of violent offenders.

The effective engagement of our residents is an essential component of that police work. Arresting, charging, and prosecuting dangerous criminals does not happen without the participation of our residents. Therefore, we are committed to facilitating safe, sustainable communities where all of our residents are encouraged to report crime, provide useful information, and interact with our officers. We believe that proactive immigration enforcement conducted by local law enforcement, rather than the federal government, will deter some of our most vulnerable populations from reporting crime. As a result, these populations will continue to be victimized and exploited.

We also believe AB 450 / SB 369 will severely reduce our already limited resources by requiring our police officers to do a federal agent's job. Under State law, the City is subject to levy limits. Along with those limits, we continue to deal with a decline in state aid. Irrespective of this reality, our police budget continues to grow, exceeding our tax levy and making up nearly half of the City's general fund budget. We continue to manage this reality in manner that best serves our tax payers and still provides an elite police force to our residents. Enforcement of immigration laws is the federal government's responsibility. Taking on that role without limitation will result in more of our officers having to leave their patrols in order to fulfill the time-consuming process of coordinating with Immigration and Customs Enforcement (ICE).

For more information, please contact:

Paulina de Haan, Legislative Fiscal Manager
(414) 286-3336 or paulina.dehaan@milwaukee.gov

It is important for the committee to understand that the City of Milwaukee does recognize its partnership with the federal government. MPD's procedures do not preclude the department from cooperating with federal immigration officials when requested, or in serious situations where a potential threat to the public is perceived. However, our policies on immigration enforcement must be in balance with the realities of working real time in communities that are affected by significant quality of life issues and violent crime.

The Milwaukee Police Department's policies are pragmatic. Currently, a Milwaukee Police Officer can inform Federal immigration officials of a suspected illegal immigrant when that individual:

1. Is arrested for 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 terrorizing and/or subversive activities.
4. Is arrested for any offense involving the entry or fraudulent assimilation of undocumented foreigners into the country or reasonably suspected.
5. Is a previously deported felon.
6. Is reasonably suspected of participating in criminal street gang activity.

I implore this committee to consider the unintended consequences of forcing local governments to take on the responsibilities of the federal government without any regard to the fiscal and logistical strain on our already limited resources. More importantly, I hope the committee recognizes how a seemingly simple policy can create unnecessary harm when it ultimately deters vulnerable populations from their civil obligation to report crime and interact with the police, who work to protect our neighborhoods from crime and violence. Consequently, the City of Milwaukee is opposed to AB 450 / SB 369.

Thank you for your time. Please do not hesitate to contact me at the information below if you have further questions or need additional information.

Schmidt, Melissa

From: Peterson, Eric <Eric.Peterson@milwaukeecountywi.gov>
Sent: Wednesday, January 20, 2016 8:27 AM
To: Rep.Brooks; Rep.Hutton; Rep.Novak; Rep.Quinn; Rep.Steffen; Rep.Skowronski;
Rep.Genrich; Rep.Young; Rep.Subeck
Cc: Schmidt, Melissa; Flynn, John
Subject: AB 450 -- Information Only from Milwaukee County
Attachments: CB Adopted Resolution.pdf

Members, Assembly Committee on Urban & Local Affairs –

In the interest of allowing the public to testify today on AB 450 during your public hearing, I am submitting Milwaukee County's position via the email in regards to Assembly Bill 450. Milwaukee County neither supports nor opposes this legislation, but offers the following information to clarify the practice of the county in light of the discussions on the bill.

Since June 4, 2012 Milwaukee County has an established county policy regarding detainer requests from the Federal Immigrations and Customs Enforcement (ICE) agency. A copy of that policy is attached. As you can note, while this is an established policy of the county, the final clause of the resolution makes enforcement and action on the policy wholly voluntary on the part of the Milwaukee County Sheriff, who has jurisdiction over the jail and these matters. That clause reads, "BE IT FURTHER RESOLVED, that the County Board requests that, to the extent allowed by law, the Milwaukee County Sheriff adopt the directed County policy." Within the policy adopted by the county itself it recognizes and asks the Sheriff to only implement that which is legal, regardless of AB 450.

Because this policy is not enforceable on the Sheriff, Milwaukee County does not view this legislation as affecting our operations or endangering the shared revenue of the county. While the policy may "remain on the books", the discretion for ICE detainees falls with the Sheriff and, barring any radical change of policy from the Sheriff's department, there is likely to be no enforcement of the County policy by the Sheriff's department.

If you have questions, please feel free to contact me. I will be available in Madison today.

Thank you,

Eric M. Peterson

Government Affairs Liaison

Milwaukee County Executive Chris Abele

414-278-4191 (ofc) 608-772-2682 (cell)

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(ITEM) A resolution by Supervisors Romo West, Stamper, Dimitrijevic, Harris and Bowen establishing Milwaukee County policy with respect to honoring detainer requests from US Department of Homeland Security - Immigration and Customs Enforcement, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the United States Department of Homeland Security – Immigrations and Customs Enforcement’s (ICE) Secure Communities program uses data provided through local law enforcement agencies to identify undocumented aliens, and prioritizes the removal of aliens deemed criminal, a threat to public safety, or repeat immigration violators; and

WHEREAS, when ICE identifies an inmate detained by local law enforcement, the local agency is notified to place a hold of up to 48 hours beyond the time that inmate may have otherwise been released to allow ICE to investigate whether that person should be processed for deportation; this practice is known as an ICE detainer request; and

WHEREAS, it has been noted that some detained aliens choose to not post bail, preferring to sit in a local jail rather than being subjected to ICE proceedings, resulting in much longer – and much more costly – lengths of stay in local jails; and

WHEREAS, as part of its ongoing efforts to work collaboratively with outside law enforcement agencies, the Milwaukee County Sheriff’s Office (MCSO), as a practice, honors ICE detainer requests when received; and

WHEREAS, for 2010 and 2011 MCSO detained 246 and 193 inmates, respectively, as requested by ICE, for a period of up to 48 hours; and

WHEREAS, immigration enforcement is the responsibility of the federal government and, without proper reimbursement for the costs of housing alien inmates, ICE detainer requests represent, in effect, an unfunded mandate from the federal government; and

WHEREAS, many local law enforcement agencies nationwide are under the mistaken impression that ICE detainers are mandatory and that local law enforcement agencies are legally required to comply, although recent policy directives from the Department of Homeland Security – and, in fact, the immigration detainer request form itself – have clarified that the detainers are not mandatory but are considered ‘requests’; and

WHEREAS, despite ICE’s prioritization of certain classes of criminal aliens, ICE detainers are routinely imposed on individuals without any criminal convictions or whose cases have been dismissed, resulting in possible deportation proceedings against non-criminal aliens; and

46 WHEREAS, when local law enforcement honors all ICE detainer requests, including
47 those that target non-criminal aliens, community residents become less likely to cooperate with
48 local agencies, eroding public trust and unnecessarily hindering the law enforcement abilities of
49 MCSO Deputies on patrol; and

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51 WHEREAS, while the County Board recognizes that the Milwaukee County Sheriff has
52 broad latitude to administer his oversight over inmate detentions, Milwaukee County may
53 nonetheless adopt a policy regarding ICE detainer requests that respects and values the
54 community contributions of Milwaukee County's diverse population; now, therefore,

55
56 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby adopts the
57 following policy with regard to detainer requests from the US Department of Homeland Security
58 – Immigrations and Customs Enforcement:

- 59
60 1. Immigration detainer requests from Immigrations and Customs Enforcement shall be
61 honored only if the subject of the request:
- 62
 - 63 a) Has been convicted of at least one felony or two non-traffic misdemeanor
64 offenses
 - 65
 - 66 b) Has been convicted or charged with any domestic violence offense or any
67 violation of a protective order
 - 68
 - 69 c) Has been convicted or charged with intoxicated use of a vehicle
 - 70
 - 71 d) Is a defendant in a pending criminal case, has an outstanding criminal warrant, or
72 is an identified gang member
 - 73
 - 74 e) Is a possible match on the US terrorist watch list

75
76 ; and

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78 BE IT FURTHER RESOLVED, that the County Board requests that, to the extent
79 allowed by law, the Milwaukee County Sheriff adopt the directed County policy.

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81