



**City of Racine, Wisconsin
Common Council**

Agenda Item 0665-26

Ordinance 0004-26 – Immigration Enforcement

AGENDA BRIEFING MEMORANDUM

INTRODUCTION TO COMMON COUNCIL DATE: July 21, 2026

STANDING COMMITTEE DATE: TBD

FINAL ACTION COUNCIL DATE: TBD

DEPARTMENT: City Attorney's Office

Prepared By: Matthew Perz, Assistant City Attorney

Reviewed by: Scott Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason presenting proposed Ordinance 004-26, Immigration Enforcement.

EXECUTIVE SUMMARY:

Mayor Mason's requested ordinance would create Chapter 63 of the City of Racine Code of Ordinances. Chapter 63, if enacted, would establish municipal practices regarding immigration-related issues and ensuring accountability for law enforcement activities that occur within the City.

The proposed ordinance addresses four substantive areas where a municipality may attempt to regulate its own property, policies, and activities that affect civil immigration enforcement.

24 Proposed Section 63-3 identifies practices that the City will engage in to ensure municipal
25 resources are not used to subsidize federal civil immigration enforcement responsibilities.

26 Proposed Section 63-4 generally prohibits the use of City property that is not open to the
27 public without restriction for civil immigration enforcement activities.

28 Proposed Section 63-5 generally restricts the use of face coverings by law enforcement
29 while performing duties.

30 Proposed Section 63-6 designates the City as a “Safe Space for Immigration Enforcement
31 Purposes” and identifies practices that the City will use to prioritize municipal resources for
32 municipal purposes and assure residents that their immigration status will not unnecessarily sought
33 or used.

35 **BACKGROUND & ANALYSIS:**

36 In response to a visible increase in U.S. Immigration and Customs Enforcement (“ICE”),
37 some communities have created various resolutions and ordinances to ensure municipalities do not
38 subsidize ICE activities. The United States Department of Justice generally treats attempts by
39 municipalities to regulate ICE activities as violations of Article VI, Clause 2 of the United States
40 Constitution commonly referred to as the Supremacy Clause. There is on-going litigation, and
41 threatened litigation, in various stages and forums throughout the country on this issue. Given the
42 shifting legal landscape, communities choosing to pass such ordinances and resolutions have done
43 so with the understanding that legal attempts at enforcement may be subject to challenge by the
44 federal government and may be unenforceable.

45 Proposed Ordinance 0004-26 would create Chapter 63 of the Code of Ordinances of the
46 City of Racine. The purpose of this chapter would be to enact a set of Common Council approved
47 directives for City of Racine officers, employees, and agents to follow with respect to immigration
48 enforcement generally. It recognizes that immigration enforcement is a federal activity. It defines
49 how City funds, City-owned or City-leased property, equipment, or facilities may and may not be
50 used in matters related to the enforcement of a civil immigration law. By its terms, proposed
51 Ordinance 0004-26 would require the City and its officers, employees, and agents to obey all
52 federal and state laws and court orders.

53 Proposed Section 63-1 is a policy declaration. Proposed Section 63-2 creates relevant
54 definitions to be used in interpreting Chapter 63.

55 Proposed Section 63-3 identifies practices that the City will engage in to ensure municipal
56 resources are not used to subsidize federal civil immigration enforcement responsibilities. Unless
57 an individual needs to be investigated for purposes of determining whether there is a criminal
58 warrant, conviction or pending case for a felony, is a known gang member, compliance is required
59 by federal or statute statute, or cooperation is reasonably necessary to protect against an imminent

threat to public safety or prevent death or serious bodily harm, no City officer, employee, or agent shall:

- (1) arrest, detain or continue to detain a person solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;
- (2) arrest, detain, or continue to detain a person based solely upon an administrative warrant issued for an alleged civil immigration violation; or
- (3) detain, or continue to detain, a person based upon an immigration detainer, when such immigration detainer is based solely on a violation of a civil immigration law.

Finally, unless there is a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no City officer, employee or agent shall:

- (1) provide personnel, equipment, facilities, or other municipal resources to facilitate access by an immigration authority beyond that otherwise required by federal or state law or judicial process;
- (2) make municipal facilities available for activities undertaken primarily for civil immigration enforcement purposes except where required by law or authorized by written agreement approved by the common council or other lawful authority; or
- (3) expend municipal resources primarily to assist in civil immigration enforcement activities unless such assistance is required by federal or state law, judicial process, or is reasonably necessary to accomplish a legitimate local law enforcement objective or voluntarily approved by the chief of police or other authorized City official when reasonably determined to further a legitimate municipal public safety objective.

Proposed Section 63-4 generally prohibits the use of city property that is not open to the public without restriction for civil immigration enforcement activities. The City can make restrictions on areas that are not deemed open to the public. This proposed ordinance would restrict certain areas of the City from being used as “staging areas” for civil immigration enforcement activities. Specifically, a “staging area” means “an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out civil immigration enforcement operations.” The restriction would apply to non-public areas of City-owned or controlled buildings that are not accessible to the public, as well as City-owned or controlled parking lots, ramps, vacant lots, parks, and garages. This restriction would not apply if there is a court order or if state or federal law permits such activity.

Proposed Section 63-5 generally restricts the use of face coverings by law enforcement while performing duties. The proposed ordinance applies to all law enforcement agencies. There are exceptions for undercover operations, when there is a safety need, or when reasonably necessary to address an imminent threat to safety. When practicable and consistent with safety, a law enforcement officer wearing a face covering shall have the officer’s affiliation and badge number, or another unique identifier, displayed.

Proposed Section 63-6 designates the City as a “Safe Space for Immigration Enforcement Purposes.” The proposed ordinance states the City, to the extent permitted by applicable federal and state law, shall prioritize the use of municipal resources for municipal purposes and local public safety objectives. The proposed ordinance identifies practices that the City will use to prioritize municipal resources for municipal purposes and assure residents that their immigration status will not unnecessarily be sought or used. Overall, city officers, employees or agents will not:

- 1) request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person,
- 2) disclose information regarding the citizenship or immigration status of any person unless authorized,
- 3) or condition the provision of City benefits, opportunities, or services on matters related to citizenship or immigration status.

The ordinance as a whole establishes local rules regarding when City employees may participate in civil immigration enforcement, while expressly recognizing that the City will comply with all applicable federal and state laws and lawful court orders.

Proposed Section 63-7 makes clear that the enactment of Chapter 63 does not create a basis under which the City or its officers, employees, or agents could be sued for violating its provisions.

Throughout proposed Ordinance 0004-26, it is made clear that the intent of the provisions are to comply with federal and state law and should be interpreted consistent with that intent.

BUDGETARY IMPACT:

N/A

RECOMMENDED ACTION:

To approve, with the understanding that enforcement may be limited.
