

February 20, 2018

Sheriff Kleinberg  
Dakota County Sheriff's Office  
1601 Broadway  
PO Box 305  
Dakota City, NE 68731

RE: Section 287(g) Implementation

Dear Sheriff Kleinberg,

I write on behalf of the Winnebago Tribe of Nebraska ("Tribe") to request that you cancel Dakota County's recent agreement with U.S. Citizens and Immigration Services ("USICS") to allow Dakota County Sheriff's Deputies to act as Immigration and Customs Enforcement ("ICE") agents pursuant to Section 287(g) of the Immigration and Nationality Act ("Section 287(g)"). As set forth below, implementation of the Section 287(g) program in this community is unnecessary and has the potential to victimize people of color, damage the fragile public trust between the Tribe/tribal members and your agency, and erode the safety and security of all those who live in or travel to Dakota County.

First, I have reviewed your statements concerning the need for the Section 287(g) program in Dakota County and it is clear that there is no particular law enforcement need for ICE authority in this community. Instead, you have claimed that your deputies require ICE training because Dakota County has voluntarily accepted federal funds to house ICE detainees in order to help with your agency's budget shortfall. You have not referenced any data, nor have I seen any, that suggests that Dakota County has a statistically significant population of undocumented immigrants or any particular problem with crimes committed by undocumented immigrants.

In light the existing pattern of racial profiling by law enforcement in this State (which I will discuss further below), the lack of an enforcement-based justification for the Section 287(g) program in Dakota County causes me great concern. However, even if the program is justified by budgetary concerns, data generated from jurisdictions around the country that have already implemented Section 287(g) shows that the program is needlessly expensive for implementing counties. Numerous jurisdictions, including those in states that actually border Mexico and have a significant undocumented immigrant population, have terminated their Section 287(g) programs because it was too expensive and funneled critical resources away from combatting major crimes and protecting the public.

Second, it is an unpleasant fact of life for members of the Tribe that racial profiling is rampant in this State. As described in the 2014 report from the ACLU of Nebraska, *Building Public Confidence: Ending Racial Profiling in Nebraska*, minorities are significantly more likely

to be pulled over than Caucasians and almost twice as likely to be searched and arrested. Further, you may be aware that the rate of incarceration for American Indians in this State is nearly seven times greater than the rate for Caucasians—a fact that I believe is connected in part to racial profiling. Importantly, Winnebago Tribal members report that they routinely face racial profiling by law enforcement in Dakota County and other parts of the State. Tribal members know that they are much more likely to be pulled over by non-Indian law enforcement if their cars have Thurston County license plates. Racial profiling is a reality for Native people.

Studies have also shown that Section 287(g) programs increase racial profiling in communities that have implemented the program. It is no secret that the Section 287(g) program is intended to target immigrants from Spanish speaking countries and those populations bear an obvious physical resemblance to American Indians. The Section 287(g) program is likely to increase the amount of racial profiling against American Indians, who are already victims. Experts agree that racial profiling not only violates minorities' Constitutional rights, but also erodes the trust between minority communities and law enforcement. Your agency has jurisdiction over many members of the Tribe who live, work, and travel in Dakota County. When the people do not trust the law enforcement agencies that exist to protect them from crime, crimes go unreported and we are all less safe. Members of the Winnebago Tribe of Nebraska already have good reason to be distrustful of State law enforcement. The Section 287(g) program will only magnify that problem.

You stated in the press that members of the public have offered to pay for implementation of the Section 287(g) program if it proves to be too expensive for Dakota County. This concerns me greatly. You have already acknowledged that Dakota County's participation in the Section 287(g) program is related to generating revenue to help with a budget shortfall because there is no clear enforcement-based need for the program. The eagerness of some to privately fund this program, despite its stated justification, leads me to believe that at least some advocates of the Section 287(g) program are motivated, not by financial or enforcement-based concerns, but by racial prejudice and fear.

This community has come a long way to mending past differences and bridging the gap between people of color and the Caucasian community. Section 287(g) is a step back for Dakota County and I urge you to cancel existing agreement with USICS.

Very Truly Yours,

Chairman Frank White,  
Winnebago Tribe of Nebraska