



INSTITUTE ^{FOR} REFORMING GOVERNMENT

**House Committee on Judiciary
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“The Biden-Harris Border Crisis: Wisconsin Perspectives”**

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Mr. Chairman and members of the Committee, my name is Jacob Curtis, General Counsel and Director of the Center for Investigative Oversight at the Institute for Reforming Government (“IRG”).

Background

It happened fast and with little explanation or resources. In 2022, the City of Whitewater began to observe an increase in migrants from Central America. Whitewater Police Chief Daniel Meyer saw an increase in various law enforcement activity relating to issues not normally associated with local residents. He noted in an email to a Walworth County official that “[w]ithin the last month or so, our department has had contact with an increasing number of Nicaraguan migrants who have recently moved to our area. I don’t have much of an estimate of how many people have moved into the city at this point, but a number of the adults have found jobs at larger businesses in our area ... We recently have had a number of criminal investigations involving some of these individuals and we’ve also had children from some of these families within the school district who have been reported truant.”

All told from 2022 - 2023, the City estimates at least 1,000 migrants from Central America quietly established themselves in the sleepy college town of 15,000, a population increase of roughly seven percent. The City has struggled to deal with the increasing strain on law enforcement resources, housing overcapacity, and the challenges associated with educating children with no formal background in schooling and often lacking basic English skills. These increasing burdens culminated in the Police Chief authoring a letter to the White House on December 28, 2023, highlighting the strain that had been placed on existing resources and describing the challenge as a “critical humanitarian issue.” A nearly identical letter had been sent the previous week to DHS Secretary of Homeland Security Alejandro Mayorkas. These letters resulted in additional communications from Wisconsin’s Congressional delegation and the Wisconsin Legislature, as well as a deluge of state and national media requests.

While many media outlets moved on to the next story, the City of Whitewater has continued to struggle to meet the demands from the “newcomers.” In order to determine the full extent of the challenges, on March 14, 2024, IRG’s Center for Investigative Oversight submitted a series of

public records requests to the Police Chief, who fully complied with the request and provided over 400 responsive records.

Key Takeaways

IRG's review of the records provided by the City uncovered numerous revelations, which were detailed in a June report that is being provided to the Committee. The key takeaways include the following:

- While numerous public officials have attempted to highlight the challenges, the nation's broken immigration system and open borders continue to place an unmanageable burden on local units of government. Nationally touted funding programs are either unavailable or insufficient.

In response to the City's December letters, on February 22, 2024 FEMA responded and indicated "entities in Wisconsin were not awarded [Shelter and Services Program] funding in FY 2023" because the agency had relied on an allocation model to award funding in FY 2023 to entities that previously received an Emergency Food and Shelter Program – Humanitarian award.

- Unlike "sanctuary cities," it does not appear the City of Whitewater sought the immigrants. Instead, the City's "theory" explaining the sudden influx revolves around a complex web of ample student housing following Covid, a need for farm and manufacturing labor, and the congregation of sponsor families in and around the City that were then identified by migrants at the border.
- Despite the presence of notorious MS-13 gang members from Nicaragua and investigations that have led to the seizure of significant cartel funds, confusion remains as to the processing and potential deportation of violent criminals. Emails reflected uncertainty regarding the process for contacting ICE as migrants await immigration hearings in Chicago.

For example, in one internal communication, a member of the Whitewater Police Department noted that "ICE agents told me that we can inform them of our felony arrests when the person is confined. I know we are not agents working on behalf of ICE but this email can be used to notify ICE and DHS of our felony arrests. They then decide if a detainer needs to be placed on the person. It gives ICE and DHS a head start with paperwork when they need to place a detainer on someone. They said they are notified by the jail but the person may be released before they can get the proper paperwork completed." In a separate communication, the Police Chief explained we often times don't necessarily know an individual's immigration status unless we are notified that they have an ICE detainer etc...to my knowledge we don't have access to any type of database other than contacting ICE."

This is particularly troubling considering the identification of known international crime syndicates operating within the City. In December 2023, the Police Chief thanked ICE for the "recent assistance in our City removing an individual who had been identified as a

wanted MS-13 gang member from Nicaragua.” A member of this Committee in a January letter to the Police Chief made reference to “the infiltration of Mexico’s Gulf Cartel in Whitewater.” And while unrelated to the situation in Whitewater, it was recently reported that a woman was sexually assaulted in Prairie du Chien by a suspected member of Tren de Aragua, the violent criminal organization born a decade ago in Venezuelan prisons. Simply put, while the exact scope and extent of these criminal operations in Wisconsin is not clear, their very existence in the state should motivate every policymaker to secure the nation’s borders.

- In light of language barriers and a complete unfamiliarity with basic Wisconsin law, the City and Police Department were forced to expend considerable time and resources in providing basic public education on legal standards, including educating the migrant population on driving standards, public conduct, and avoidance of various familial and sexual crimes.
- At various points, City leadership sought assistance from the state, including the Governor’s office. While meetings took place, there was an emphasis on the private nature of the meeting and a request to keep the meeting “low profile” to “avoid the press.”
- Due to the rapid increase in population, the housing market in the City has been unable to accommodate the influx of migrants. City officials were made aware of deplorable living conditions, including children sleeping in sheds during sub-zero temperatures, children left at home unattended while parents worked, a 14-year old being forced to work 30 hours per week by her father, and small apartment units where children were forced to cohabit with 8-10 adults.

The pairing of non-family members has resulted in allegations of sexual assault involving young females and other acts against victims, including the discovery of a deceased child discarded in a ditch. In October 2020 police investigated multiple allegations of the same individual inappropriately touching victims, some of whom may have been minors. In November 2021, Whitewater police investigated allegations of a sexual assault by a student against another student on a school bus. According to summaries provided by the Police Department, at the time of the IRG report there were ten open sexual offense cases involving migrants in the City.

Some allegations went beyond assault. In October 2023, the Department responded to a situation involving the alleged kidnapping of a minor. Following a significant police response because the accused was believed to have access to firearms, the victim was secured and proceeded to communicate to officers that she had been held against her will for three days, had been thrown against a wall, choked, struck, and threatened with a firearm pointed to her head. Finally, in the worst example of all, a baby was found by a group of teenagers, wrapped in a garbage bag inside a box discarded alongside the roadside.

- As a result of increased costs to the City’s Police Department and School District, both taxing entities are considering referendums, possibly as soon as Spring of 2025.

- The increasing student population of “newcomers” has caused significant strain on the School District. In addition to language barriers associated with students that do not speak English and other barriers related to students that have no familiarity with U.S. education standards, school resource officers have spent considerable time locating students that either are uninterested in attending and are not being encouraged by working parents to do so or don’t have transportation options. One school resource officer noted “[m]any of the children are not even here with a biological parent, nor is there official ‘guardianship.’”
- Local businesses have been looked to for assistance in addressing some of the challenges faced by the City. Because of the need for labor from local farms and manufacturers, the City has encouraged employers to facilitate transportation to avoid unlicensed drivers traveling to and from their places of employment.
- The City has looked to local nonprofit organizations for assistance. While the City as a whole has appeared to take a nonpartisan approach to the challenge, certain nonprofit organizations may have partisan motivations. Planned Parenthood and organizations promoting increased immigration levels have been in communication with the City. Furthermore, at least one school board member in reference to Milwaukee Journal Sentinel coverage of the immigration debate asked that the story be “kept under the radar until publication, as one of my worries and concerns is that a certain political party is known to weaponize the topic of immigration as a political tactic.”
- Because of the focus on the unique law enforcement challenges associated with the migrant population, such as violations for driving without a license, the Police Department has identified a significant decrease in proactive policing. The issuance of violations for speeding and driving while intoxicated have decreased. Prior to 2021, the highest annual number of operating without a license (“OWL”) citations was 144 in 2019. In 2022, the City issued 305 OWL citations and another 282 in 2023. At the same time, while the City issued 191 operating while intoxicated (“OWI”) and absolute sobriety citations in 2018, it issued just 64 in 2023. With respect to overall traffic stops, the number of annual average stops from 2010-2021 was 2,437. In 2022 that number dropped to 1,719 and in 2023 it dropped even further to 1,447. In other words, as officers were forced to devote an increasing amount of time to issuing OWL citations and to responding to various living condition concerns at certain apartment complexes, the officers had proportionately less unobligated time to engage in proactive policing.
- In light of questions related to the legal status of migrants, questions have been raised regarding how individuals should be identified. In particular, the City appears unsure how migrants can obtain identification cards. Some members of the community have suggested paths for migrants to obtain driver’s licenses. It remains unclear how that is being accomplished under Wisconsin law.

For example, one officer noted some migrants “have stopped carrying these Nicaraguan voter ID cards with them to prevent themselves from being properly identified ... The officers feel that the drivers are now just making up names/DOB’s.” The officer also explained that searches incident to arrest have led to the discovery of documents in different

names and fraudulently obtained/made social security cards. According to summaries provided by the Police Department, at the time of IRG's report there were ten open fraud cases involving migrants in the City.

Despite this lack of clarity, at least one record suggests certain migrants have been able to obtain temporary driver's licenses from the Wisconsin Department of Motor Vehicles ("DMV"). The Police Chief himself explained he had "talked to staff at the DMV in Madison East and they were able to communicate with the Janesville DMV about servicing eligible immigrants who have passed the road test."

Conclusion

While numerous public officials have attempted to highlight the challenges, the nation's broken immigration system continues to place an unmanageable burden on local units of government. Overall, many of the communications, particularly those from the Police Chief, make clear the City has attempted to balance maintaining an objective posture on a highly charged public policy debate while recognizing the clear impact the influx of immigrants is having on the City's ability to protect its residents, ensure a quality public education for the City's school children, and maintain fiscal solvency.

Unless and until the federal government secures the border and repairs the nation's utterly broken immigration infrastructure, local units of government like those in Whitewater, Wisconsin will be left to respond to the federal government's continued failures.

IRG's June 2024 report, *Immigration Crisis in Wisconsin*, can be found here: [Immigration Crisis in Wisconsin - Institute for Reforming Government](#)