

Decorah Separation Ordinance

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The City of Decorah utilizes non-City detention facilities, such as Winneshiek County Jail, for the booking and detention of individuals arrested by Decorah Police Department officers. No written intergovernmental or 28E agreement currently governs this arrangement.

WHEREAS, the City of Decorah is committed to providing public safety and city services to all residents and visitors regardless of immigration status; and

WHEREAS, the enforcement of federal immigration law is not within the purview or mandate of the City of Decorah, and City resources should not be expended toward the detention, transfer, or deportation of individuals for civil immigration purposes; and

WHEREAS, written policies governing the use of non-City detention facilities promote transparency and protect the rights of individuals in custody;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Decorah that the following policies shall govern City personnel and the City's use of non-City detention facilities for individuals arrested by Decorah Police Department officers.

1. Rights Notification and Information Access

People who have been arrested in the City of Decorah should be informed of their right not to answer any questions about their country of origin or immigration status.

Additionally, "Know Your ICE Rights" informational materials related to interactions with immigration enforcement should be given to City arrestees and displayed in plain sight, in multiple languages, in Decorah Police Department squad cars and other appropriate City-controlled locations.

2. Collection of Personal Information

Decorah Police Department staff should not collect or transmit information about a person's country of origin or place of birth. City personnel may ask whether a person who has been arrested would like the consulate of their country of origin to be notified of their arrest.

3. Cooperation with Federal Immigration Enforcement

Decorah Police Department staff should follow the absolute minimum requirements for cooperation with federal immigration enforcement for all Decorah arrestees and cease:

- a. Unnecessarily informing U.S. Immigration and Customs Enforcement (ICE) or any similar agency of the release of a person who is suspected of being undocumented.

- b. Participating in direct "hand-offs" of people arrested by City officers being released from the Winneshiek County Jail directly into the custody of ICE or any similar agency.
- c. Directly or indirectly facilitating ICE or any similar agency taking custody of any person being released.

4. Oversight and Transparency

The City Manager and City Attorney shall permit the Decorah Human Rights Commission and outside attorneys invited by the City Attorney to observe booking and detention procedures at least every six months. These reports shall include:

- d. Any instance in which a Decorah Police Department officer inquired about a person's immigration status, including the circumstances and outcome of that inquiry.
- e. All city resources used to assist with or interact with immigration law enforcement, including a description of each interaction and its associated direct and indirect costs to the City
- f. All information shared with federal immigration authorities, both in response to requests and proactively, without a request from federal authorities

5. Communication with Federal Immigration Authorities

If communication with ICE occurs regarding an individual arrested by City officers, the City shall comply with the following:

- a. Ensure that the detainee's contact with ICE is truly 'voluntary' through the creation of a form, available in multiple languages, that the detainee reviews and signs, indicating whether the person does or does not want to speak with ICE.
- b. Provide a copy of the ICE detainer request form (Form I-247) to the detainee and detainee's counsel, and provide notification to the detainee's attorney or family member if ICE will be notified of the detainee's release.
- c. Every six months, provide the City Attorney with records on all ICE detainers.

6. City Responsibility

Decorah is responsible for the actions of its officers and for ensuring that City policies are followed when individuals are arrested by City personnel, even when using non-City detention facilities.

7. Public Safety and Identification

The City Council of Decorah urges that ICE immediately and comprehensively wear visible identification that clearly distinguishes them as ICE agents and not the police.

Decorah law enforcement protects and serves all Decorah residents and visitors, regardless of immigration status. Immigration enforcement is a federal responsibility and not a priority or an appropriate function of the Decorah Police Department.

Local law enforcement has a mandate to intervene if an Officer of any jurisdiction is operating in a manner that would violate constitutional rights or endanger an individual's safety or civil rights.

8. Severability

If any provision of this ordinance should be rendered invalid, the remainder of this ordinance should continue in full force and effect.