



Legislation Details (With Text)

File #: 17-0592 **Version:** 1 **Name:** 5/01/2017 Resolution Reaffirming Council Position on Immigration Enforcement

Type: Resolution **Status:** Passed

File created: 4/17/2017 **In control:** City Council

On agenda: 5/1/2017 **Final action:** 5/1/2017

Enactment date: 5/1/2017 **Enactment #:** R-17-140

Title: Resolution Reaffirming City Council's Position on Immigration Enforcement in the City of Ann Arbor

Sponsors: Jack Eaton, Christopher Taylor, Chuck Warpehoski

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/1/2017	1	City Council	Approved	Pass
4/17/2017	1	City Council	Referred	

Resolution Reaffirming City Council's Position on Immigration Enforcement in the City of Ann Arbor

Sponsored by: Mayor Taylor and Council Members Eaton and Warpehoski

Whereas, The Ann Arbor City Council recognizes that the City of Ann Arbor and the Ann Arbor Police Department have a longstanding and demonstrated history and tradition of commitment to principles of nondiscrimination incorporated in our local, state and federal law, to equal protection under the law and to fair, effective and just policing;

Whereas, The City of Ann Arbor and the Ann Arbor Police Department will continue to welcome all persons and community members regardless of race, creed, color, sex, sexual orientation, gender, gender identity or expression, ethnicity, religion, disability status, genetic information, protected veteran status, military service, nationality, national origin or citizenship status, and support policies that do the same;

Whereas, It has historically been and will continue to be the practice of the Ann Arbor Police Department and the City of Ann Arbor to recognize that all people present in the City of Ann Arbor are members of the Ann Arbor community and will be treated respectfully and fairly; and

Whereas, The Ann Arbor City Council believes that it is important to expand on the principles expressed in prior resolutions and ordinances, including the City's commitment to equity and inclusion, and to expressly reinforce the AAPD's existing practice and the City Council's position on immigration enforcement in the Ann Arbor community;

RESOLVED, That the City of Ann Arbor officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of the individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP);

RESOLVED, That City of Ann Arbor officials shall not arrest, detain, or transport an individual solely

on the basis of an immigration detainer request or other administrative document issued by ICE or CBP;

RESOLVED, That to the extent ICE or CBP has been granted access to City of Ann Arbor facilities for investigative interviews or investigative purposes, individuals with whom ICE or CBP engages will be notified that they are speaking with ICE or CBP. If there is a language barrier preventing or hindering this notification, the City shall make reasonable efforts to ensure that the individual understands that he or she is speaking to ICE or CBP;

RESOLVED, That understanding that City officials, officers and employees routinely honor inter-governmental agency requests for public records and will continue that practice, no City of Ann Arbor official, officer or employee shall, in the absence of a proper request, voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of civil immigration law;

RESOLVED, That no City of Ann Arbor agency or official shall, authorize or engage in the human or technological surveillance of a person or group based solely or primarily upon a person or group's actual or perceived religion, ethnicity, race, or immigration status;

RESOLVED, That any person who alleges a violation of this policy may file a written complaint for investigation with the City Administrator who shall then handle the complaint in a manner consistent with the City's existing practices, policies, rules and/or contracts;

RESOLVED, That City of Ann Arbor Officials, employees and officers shall abide by and respect all existing legal and constitutional protections and guarantees related to the treatment, interrogation, arrest, detention and custody of an individual.

RESOLVED, That no City of Ann Arbor official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's actual or perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity;

RESOLVED, That the City of Ann Arbor shall not enter into any agreement under 8 U.S.C. Section 1357(g) to have local police assist in the enforcement federal immigration law;

RESOLVED, That the Ann Arbor Police Department shall not assist or provide support to Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) in the interrogation, apprehension, detention or arrest of any individual suspected only of civil violations of federal immigration law. However, when deemed appropriate by Chief of Police to maintain order, protect persons or property within the City, or provide for the general welfare of City residents, a City officer may be present during ICE or CBP immigration enforcement activity. Any City presence shall be limited in scope and time to what is reasonably necessary to maintain order, protect persons or property within the City, or provide for the general welfare of City residents and shall not be to assist or provide support for the civil enforcement of federal immigration law. Nothing in this policy shall excuse or prevent the Ann Arbor Police Department from properly responding to emergency or non-emergency calls from residents in the community, nor shall this policy be carried out in violation of 8 USC 1373 or in any manner that prevents or hinders the enforcement of federal law;

RESOLVED, That the City of Ann Arbor reaffirms the Ann Arbor Police Department policy of not using threats of deportation or other abuse of persons based on immigration status;

RESOLVED, That the Ann Arbor City Council directs the Administrator or his/her delegates to support efforts to engage the other nine local law enforcement agencies in Washtenaw County to, as able, establish consistent policies that prevent profiling, protect civil liberties, and maintain a separation between local law enforcement agencies and federal immigration enforcement;

RESOLVED, That for purposes of establishing an individual's identity only, the City of Ann Arbor shall accept the Washtenaw County ID card, a driver's license from any U.S. state or foreign country, government-issued IDs from a United States jurisdiction, foreign passports, and consular ID cards so long as:

- a. The identification document includes a photograph of the individual, and;
- b. the form of identification offered is authentic and accurate.

The forms of identification referenced herein shall not replace a form of identification otherwise required to be presented by law;

RESOLVED, That the Ann Arbor City Council directs the Administrator or his/her delegates to implement appropriate training processes for staff to comply with this resolution; and

RESOLVED, That it is not the intention of the Ann Arbor City Council of the City of Ann Arbor to violate 8 U.S.C. Sec. 1373; this Resolution shall be construed and applied consistent with and to the extent permitted by law.