



## Legislation Text

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**File #:** 17-0177, **Version:** 2

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Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order No. 13,768 Dated January 25, 2017

Sponsors: Mayor Taylor, Council Members Eaton, Kailasapathy, Krapohl and Warpehoski

**..Body**

Whereas, Presidential Executive Order No. 13,768 was signed on January 25, 2017 related to immigration enforcement;

Whereas, Section 9 of said Executive Order states a policy and provides direction to Federal agencies relative to local units of government and compliance with 8 USC § 1373;

Whereas, The Ann Arbor City Council understands that 8 USC § 1373 is a federal statute that prohibits local and state governments and agencies from enacting laws or policies or engaging in practices that prohibit or restrict communication with the Department of Homeland Security (DHS) about “information regarding the immigration or citizenship status” of individuals;

Whereas, The Ann Arbor City Council acknowledges that 8 USC § 1373 does not require any action from local or state agencies, officers, or governments, only prohibits the enactment of certain policies about sharing immigration status information, and does not cover, include or mention information about criminal case information, custody status, or release dates of prisoners;

Whereas, The Ann Arbor City Council acknowledges that 8 USC § 1373 does not impose any affirmative obligation to share information or to collect information and only prohibits limitations on sharing immigration status information;

Whereas, The Ann Arbor City Council acknowledges that 8 USC § 1373 does not prohibit enactment of a local policy against informing Immigration and Customs Enforcement (ICE) about the release dates of inmates from jail and does not bar a local policy stating or affirming that employees are not required to share information about immigration status;

Whereas, The Ann Arbor City Council understands that warrantless detainer requests from ICE are voluntary, and that courts have found such detainers to raise significant legal concerns;

Whereas, In December 18, 2014, former President Barak Obama signed Executive Order 13684 establishing The President’s Task Force on 21st Century Policing with the mission of recommending to the President how policing practices can promote effective crime reduction while building public trust;

Whereas, The President’s Task Force on 21st Century Policing. 2015. *Final Report of the President’s Task Force on 21st Century Policing*. recommends that “Law enforcement agencies should build relationships based on trust with immigrant communities,” (Recommendation 1.9, Appendix E Recommendations and Actions) and that actions should be taken to “decouple federal immigration

enforcement from routine local policing for civil enforcement and nonserious crime;" (Action Item 1.9.1., Appendix E Recommendations and Actions);

Whereas, Ann Arbor City Council passed Resolution R-295-7-03, which directed the Chief of Police, to the extent permitted by law, to: "Continue to limit local enforcement actions with respect to immigration matters to penal violations of federal immigration law (as opposed to administrative violations) except in cases where the Chief of Police determines there is a legitimate public safety concern and in such public safety instances, to report the situation to the City Council no later than 60 days after the incident;"

Whereas, Ann Arbor City Council passed Resolution R-12-021 which "opposes policies that detain and/or deport low-priority removal cases - immigrants who have not committed a "serious criminal offense" and who have long-standing ties to our community - and endorses efforts to enforce prosecutorial discretion in such cases;"

Whereas, On December 14, 2016, the Immigrant Legal Resource Center (ILRC) produced a resource document titled, "Local Options for Protecting Immigrants: A Collection of City & County Policies to Protect Immigrants from Discrimination and Deportation" which identifies local options such as creation of U Visa policies and "don't ask" policies that may help the City of Ann Arbor and AAPD improve relationships of trust with immigrant communities;

Whereas, The Detroit News reported on January 26, 2017, that Michigan Governor Rick Snyder stated that he does not see immigration enforcement as "one of [the] primary functions" of state and local law enforcement officials;

Whereas, The Ann Arbor City Council acknowledges that local policies that might be considered "sanctuary policies" do not violate 8 USC § 1373 unless such policies prohibit or restrict communication with DHS about individuals' citizenship or immigration status;

Whereas, The Ann Arbor City Council seeks compliance with all applicable laws, rules and regulations, and also seeks to ensure that no person in Ann Arbor is hesitant to report crimes to law enforcement because of their or their family's race, immigration status, religion, or other identity;

Whereas, The City of Ann Arbor is committed to recognizing the dignity of all persons within its jurisdiction to be free from prejudicial treatment or discrimination; and

Whereas, The City of Ann Arbor is committed to continue building a welcoming and safe community, where all immigrants and refugees are welcomed, accepted, and integrated; and to encourage business leaders, civic groups, community institutions, and residents to join in a community-wide effort to adopt policies and practices that promote integration, inclusion, and equity;

RESOLVED, That the Ann Arbor City Council directs the City Attorney and City Administrator to review Presidential Executive Order No. 13,768 signed January 25, 2017 and provide advice and recommendations concerning:

- a. The effect of the Executive Order on Council's existing understanding, as set forth herein, of the City's obligations and requirements under Title 8 of the US Code;
- b. Administrative or legislative procedures and/or policy matters that should be reviewed

- or considered in light of the Executive Order;
- c. Federal funding the City receives that could be impacted by operation of the Executive Order; and
  - d. Actions that could enhance relationships of trust between the City and all persons within its jurisdiction;

RESOLVED, That the City Attorney be directed to research and provide advice regarding possible options or actions the City might take to protect the rights of the City and persons within its jurisdiction;

RESOLVED, That the City Council reiterates the indemnification policies stated in Resolution R-407-7-89 for employee not covered by a collective bargaining agreement, and in the collective bargaining agreements for City employees covered by those agreements, and reaffirms those commitments;

RESOLVED, That the Ann Arbor City Council opposes MI HB 4105 or any legislation that would mandate law enforcement practices that erode trust between local police departments and immigrant communities or that would impose an unfunded mandate to support federal immigration laws; and

RESOLVED, That the City Clerk shall distribute a copy of this resolution to State Representatives Zemke and Rabhi, State Senator Warren, and Governor Snyder.

**As Amended by Ann Arbor City Council on February 6, 2017**