

RESOLUTION NO. 2017-0158

Adopted by the Sacramento City Council

May 4, 2017

Reaffirming the City of Sacramento's Status as a City of Sanctuary, Clarifying the City's Policies and Procedures on the Enforcement of Federal Civil Immigration Laws, and Repealing Resolution No. 85-973

BACKGROUND:

The City Council finds and declares the following:

- A. The City of Sacramento ("City") has a long history of welcoming and embracing individuals of diverse racial, ethnic, religious, and national backgrounds. Immigrants have a strong history of loyalty and positive contributions to the City and the United States of America. Since the local Gold Rush beginnings in the mid-1800s, immigrants have long been part of the fabric of the region. Today, Sacramento's diverse immigrant population has been instrumental in the local economy as they form 22% of the work force in the region. Most of their contributions are reflected in the agricultural, manufacturing, and construction industries where they contribute 20% of the region's Gross Domestic Product or 9.3 billion dollars. The City has greatly benefited from being one of the most integrated and diverse cities in the United States of America.
- B. The City respects, upholds, and values equal protection and equal treatment for all of its residents, regardless of immigration status. Fostering a relationship of trust, respect, and open communication between City employees and all residents is essential to the City's core mission of ensuring public health, safety, and welfare, and serving the needs of everyone in the community, including undocumented immigrants.
- C. The City seeks to protect public safety, which is founded on, and dependent on, trust and cooperation between community residents and local law enforcement. The City has enacted numerous non-discrimination policies and modern police practices to strengthen communities and to build trust between communities and local law enforcement. However, this trust is threatened when the City's employees, including police officers, are entangled with federal immigration enforcement, instilling fear in immigrant communities of coming forward to report crimes and cooperate with local law enforcement agencies.
- D. It is the public policy of this City to protect the public from crime and violence by encouraging all persons who are victims of or witnesses to crimes, or who otherwise can give evidence in a criminal investigation, to cooperate with the criminal justice

system and not to penalize these persons for being victims, undocumented immigrants, or for cooperating with the criminal justice system.

- E. The City has an interest in ensuring that confidential information collected in the course of carrying out its municipal functions, including but not limited to, public housing programs and code enforcement, is not used for unintended purposes that could hinder collection of information vital to those functions. To carry out public housing programs, the City must be able to reliably collect confidential information from applicants. To solve code enforcement violations and respond to criminal activity, the City's Code Enforcement and Police Departments depend on the cooperation of all City residents. Information gathering, cooperation, and enforcement will be compromised if release of necessary confidential information results in a person being taken into immigration custody.
- F. The City's potential participation in federal immigration enforcement also raises constitutional concerns, including the prospect that City residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on perceived immigration status. The participation could also require the City to violate a person's right to privacy guaranteed under the California Constitution by forcing the City to disseminate a person's private and confidential information to the federal government.
- G. This Resolution is to reaffirm that the City has been, and continues to be, a city of sanctuary which means it is a place where all persons are treated equally, with respect and dignity, regardless of immigration status. This status is also intended to promote respect and trust between City employees, including police officers, and City residents; to protect and conserve limited local resources; and to ensure community safety and security for all.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Purpose and Intent. The City has long derived its strength and prosperity from its diverse community, including those who identify as immigrants, and prides itself on their achievements. The cooperation of the City's immigrants is essential to advancing the City's mission, vision, and guiding principles, including community safety and security, support for youth and education, economic development, and financial stability. In light of the City's limited resources, the complexity of federal immigration laws, the separate jurisdictions of the City and the federal government, the need to promote trust and cooperation between City employees and City residents, including undocumented immigrants, the City Council finds it necessary to clarify the communication and cooperation between the City and

the federal government to prevent the federal government's commandeering of local resources and City personnel in violation of the Tenth Amendment to the Constitution of the United States of America. Accordingly, the purpose of this Resolution is to establish the City's policies and procedures on the enforcement of federal civil immigration laws.

Section 2. Cooperation with Federal Immigration Authorities.

- A. No City official, employee or agent of the City, while in the course and scope of employment, shall use any City funds or resources to enforce federal civil immigration law. The prohibitions set forth in this Resolution shall include, but shall not be limited to:
1. Investigating, interrogating, or collecting or maintaining information about an individual solely to determine his or her immigration status, except as required to comply with Section 922(d)(5) of Title 18 of the United States Code or to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101 (a)(15)(T) or 1101 (a)(15)(U) of Title 8 of the United States Code;
 2. Arresting, detaining, or continuing to detain a person solely on the belief that the person is not present lawfully in the United States or on the basis of alleged violation(s) of the civil provisions of federal immigration laws;
 3. Arresting, detaining, or continuing to detain a person solely on the basis of an immigration detainer or federal administrative warrant, when such detainer or warrant is based solely on alleged violation(s) of the civil provisions of federal immigration laws;
 4. Notifying the federal government about the release or pending release of any person detained, arrested or imprisoned, solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws;
 5. Providing or responding to requests for confidential information about an individual, including, but not limited to, information about the individual's home address; work address; person's status as a victim of domestic abuse or sexual assault; sexual orientation; or disability solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws;

6. Absent a judicial warrant, detaining or arresting an individual solely on the basis of alleged violation(s) of the civil provisions of federal immigration laws; and
 7. Including on any application, questionnaire, or interview form used in relation to benefits or services, provided by the City, any question regarding immigration status other than those required by federal or state laws.
- B. The prohibitions in subdivisions one and five, above, shall not apply where the person to whom such information pertains provides his or her consent (or if such individual is a minor, the consent of that person's parent or guardian), where the information is necessary to provide a City service.
- C. Nothing in this Resolution prohibits or restricts any City official, employee or agent of the City from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of a person pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.
- D. Nothing in this Resolution shall be construed to apply to matters other than those relating to federal civil immigration and none of its terms shall be interpreted to prevent or prohibit City officials, employees or agents from enforcing criminal laws, including but not limited to, investigating criminal suspects that are participating or engaging in, human trafficking, sexual assault, domestic violence, and the sale, distribution, and manufacturing of illegal narcotics, and violent crimes. In all other respects, City officials, employees and agents may continue to comply with lawfully issued judicial warrants or subpoenas and cooperate with federal authorities to protect public safety. This collaboration includes, but is not limited to, participation in joint criminal investigations that are permitted under City policy and applicable federal or state law.

Section 3. Resolution No. 85-973 is repealed.

Adopted by the City of Sacramento City Council on May 4, 2017, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, and Mayor Steinberg

Noes: None

Abstain: None

Absent: Member Warren

Attest:

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.