

RESOLUTION NO. 73677

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUPPORTING PUBLIC SAFETY AND IMMIGRANT RIGHTS

WHEREAS, since June of 2006, the U.S. Immigration and Customs Enforcement agency (ICE) has conducted repeated immigration sweeps under “Operation Return to Sender,” which has targeted criminal aliens for deportation; and

WHEREAS, raids in recent months in Watsonville, Santa Cruz, Redwood City, Contra Costa County, and other locations--conducted for the purpose of arresting undocumented immigrants with serious criminal records--have also netted scores of immigrants with no criminal ties; and

WHEREAS, the *San Francisco Chronicle*, ICE reported that of the 119 arrested in a set of January sweeps in Contra Costa County, 18 were criminals, while 94 never appeared on ICE's original “wanted” list; and

WHEREAS, as a result of those raids, waves of fear have swept through immigrant communities in California, and within the City of San José; and

WHEREAS, the City of San José has a strong interest in assuring that legal and undocumented immigrants do not fear interacting with their local governmental authorities. In past years, the City has seen how the reluctance of immigrants to interact with local authorities can critically undermine the health and safety of our community. For example, the failure of victims to report crimes, the reluctance of witnesses to cooperate with the police, or the unwillingness of parents to take children to school or to a health clinic, can have grave impacts on the well-being of all of San José's residents, including U.S. citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City of San José reaffirms the San José Police Department's longstanding policy that its officers will not arrest persons merely for their unlawful presence in the United States; that no otherwise law-abiding undocumented immigrants should fear arrest or deportation for coming forward to report a crime as a victim or a witness; and that no otherwise law-abiding undocumented immigrants should fear arrest or deportation by contacting any employee of the City of San José to express concerns or to ask questions. Moreover, the City of San José, maintains that ICE raids—while laudable where they target violent or predatory criminals for deportation—can have harsh unintended consequences. Those sweeps that have cast the net widely to arrest otherwise law-abiding undocumented immigrants have raised the Council's concern, insofar as they undermine the ability of our police, fire department, and other city agencies to interact with fearful immigrants, leaving all of San José's residents less safe.

ADOPTED this 6th day of March, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4, DISTRICT 6

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk