

**Resolution Number: 30672**

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A RESOLUTION OPPOSING FEDERAL LEGISLATION THAT ENCOURAGES LOCAL ENFORCEMENT OF CIVIL IMMIGRATION LAWS.

**Status:** Adopted

**Date adopted by Full Council:** April 19, 2004

**Note:** *Homeland Security Enhancement Act; CLEAR Act*

**Vote:** 9-0

**Date introduced/referred to committee:** April 12, 2004

**Committee:** Full Council

**Sponsor:** LICATA

**Index Terms:** STATING-POLICY, US-GOVERNMENT, CITIZENSHIP, CIVIL-RIGHTS, CITY-EMPLOYEES, POLICE-DEPARTMENT, PUBLIC-REGULATIONS, DEPARTMENT-OF-HOMELAND-SECURITY

**References/Related Documents:** Related: Ord 121063

**Fiscal Note:** *(No fiscal note available at this time)*

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**Text**

RESOLUTION \_\_\_\_\_

A RESOLUTION OPPOSING FEDERAL LEGISLATION THAT ENCOURAGES LOCAL ENFORCEMENT OF CIVIL IMMIGRATION LAWS.

WHEREAS, the City of Seattle, to protect immigrants' access to police protection and public services, passed ordinance 121063 on January 27, 2003; and

WHEREAS, the Seattle Police Department issued Directive D02-40 on June 6, 2002, instructing police officers to refrain from enforcing civil federal immigration violations such as lack of immigration status; and

WHEREAS, over 56 other similar ordinances, police directives, resolutions, and polices designed to protect immigrants' access to police protection and public services have been passed in 21 states; and

WHEREAS, all City officials, including the Seattle Police Department, work diligently to gain the trust of immigrant residents so that all communities feel that it is safe to contact and work with police and to access other vital city services; and

WHEREAS, H.R. 2671, the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act, and S. 1906, the Homeland Security and Enhancement Act (HSEA), while purporting to enhance homeland security by requiring the country's over 600,000 state

and local police to operate as immigrant agents, would burden police with enforcement of technical civil immigration statutes, diverting them from priority tasks of public safety; and

WHEREAS the CLEAR Act and HSEA would negate our City's initiatives to protect immigrants' access to police protection and public services, by requiring, as a condition of receiving reimbursement for incarcerating non-U.S. citizens and obtaining funds for immigration enforcement, state and local jurisdictions to institute policies authorizing police to enforce immigration laws, or repeal any statutes, policies, or practices to the contrary, within two years of the law's enactment; and

WHEREAS, by requiring police officers to perform the functions of immigration agents, the CLEAR Act and HSEA would discourage immigrants from coming forward to report crimes and suspicious activity, making Seattle's street less safe; and

WHEREAS the policy of the Seattle Police Department is that officers shall not consider ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search; and

WHEREAS, legislation such as the CLEAR Act and HSEA would represent an unfunded and unsafe mandate imposed on local city police.

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

Section 1. The City of Seattle reaffirms its commitment to civil rights and equal access to all city services, including police protection, regardless of immigration status.

Section 2. The City of Seattle reaffirms ordinance 121063 and the policies of the Seattle Police Department which were instituted to protect immigrants' access to police protection and public services.

Section 3. The City of Seattle firmly adheres to the principle that no law enforcement agency, or other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall City of Seattle agencies assist other agencies in practices that violate these policies.

Section 4. The City of Seattle opposes enactment of HR 2671, the CLEAR Act, and S. 1906, the Homeland Security Enhancement Act because of the requirement that state and local police officers enforce civil federal immigration laws or lose Federal funding.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2004, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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President of the City Council  
Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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City Clerk