

**RESOLUTION NO. 4338**

**A RESOLUTION OF THE EAST PALO ALTO CITY COUNCIL REQUESTING THAT THE SAN MATEO COUNTY PROBATION DEPARTMENT REFRAIN FROM REPORTING JUVENILES TO IMMIGRATION AND CUSTOMS ENFORCEMENT ("ICE") AND FROM SUBMITTING TO JUVENILE ICE DETAINER REQUESTS**

**WHEREAS**, the City of East Palo Alto strongly encourages the San Mateo County Board of Supervisors to honor and support the City of East Palo Alto's commitment to the public safety of its citizenry; and

**WHEREAS**, the City of East Palo Alto in the County of San Mateo, is home to a diverse and vibrant community of people who represent many races, ethnicities, and nationalities, including immigrants from all over the world; and

**WHEREAS**, over half of all City of East Palo Alto residents are foreign born; and

**WHEREAS**, on February 6, 2007, the East Palo Alto City Council adopted a resolution reaffirming its support for comprehensive immigration reform that is fair, just, and humane, and ordering all City employees and police officers not to cooperate with Immigration and Customs Enforcement (ICE) officers for the purposes of enforcing immigration laws; and

**WHEREAS**, on July 6, 2010, the East Palo Alto City Council adopted a resolution encouraging the San Mateo County Board of Supervisors to uphold public safety and affirm the separation between county services and the enforcement of federal civil immigration law by opting out of the Secure Communities program; and

**WHEREAS**, the East Palo Alto City Council recognizes that fostering a relationship of trust, respect, and open communication between County employees and *all* County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

**WHEREAS**, the East Palo Alto City Council has consistently sought to protect the rights of all City and County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, and racial profiling; and

**WHEREAS**, the East Palo Alto City Council wishes to encourage all residents of the City of East Palo Alto and San Mateo County to report crimes to City and County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

**WHEREAS**, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the City or County; and

**WHEREAS**, counties such as Santa Clara County, California, and Cook County, Illinois have adopted similar policies that do not submit to detainer requests and separate local law enforcement from federal immigration. In particular, Santa Clara County adopted a specific provision that “In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold;” and

**WHEREAS**, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the East Palo Alto City Council has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

**WHEREAS**, in this time of economic difficulties, the East Palo Alto City Council remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all City and County residents; and

**WHEREAS**, the East Palo Alto City Council has sought to create a community that gives all its children a chance to thrive and pursue their dreams by providing resources and engaging in partnerships with the school districts, nonprofit agencies, civic institutions, and faith-based groups; and

**WHEREAS**, any policy that refers youth to ICE deprives youth of critical access to rehabilitative services, including their education and family support systems, that are central to the goals of the juvenile justice system as established by the state of California. Sending immigrant youth to detention centers far from their families, communities, and rehabilitative resources likely *increases* any delinquency.

**THEREFORE, BE IT RESOLVED** that the East Palo Alto City Council strongly encourages the San Mateo County Board of Supervisors and Probation Department not to submit to juvenile ICE detainer requests, not to report youth to ICE, and to create policy that ensures no County funds or resources shall be used to assist in the enforcement of federal civil immigration law.

**BE IT FURTHER RESOLVED** that, the East Palo Alto City Council direct the City Manager to send a copy of this resolution to all of the members of the County Board of Supervisors, Probation Chief Stuart Forrest, Congresswoman Anna Eshoo, and Senators Barbara Boxer and Dianne Feinstein.

I certify the foregoing resolution was passed and adopted by the Council of the City of East Palo Alto at a regular meeting thereof held on October 2, 2012, by the following vote:

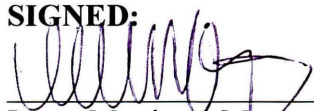
**AYES: WOODS, ABRICA, MARTINEZ, ROMERO, EVANS**

**NOES: 0**

**ABSENT: 0**

**ABSTAIN:0**

**SIGNED:**



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Laura Martinez, Mayor

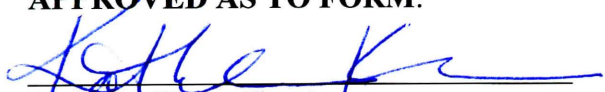
**ATTEST:**



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Ronald L. Davis, Interim City Clerk

**APPROVED AS TO FORM:**



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Kathleen Kane, City Attorney