

RESOLUTION NO. 88-04 (CM)**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE OPPOSING FEDERAL LEGISLATION THAT ENCOURAGES LOCAL ENFORCEMENT OF CIVIL IMMIGRATION LAWS**

WHEREAS, the City of Watsonville, in an effort to protect immigrants access to police protection and public services, passed Resolution No. 30-96 (CM) on January 23, 1996, requesting that random detentions and arrests by federal agencies be suspended; and

WHEREAS, the Watsonville Police Department policy requires that police officers refrain from enforcing civil federal immigration violations such as lack of immigration status; and

WHEREAS, over 56 other ordinances, police directives, resolutions, and policies similar to the ones effective in Watsonville to protect immigrants' access to police protection and public services have been passed in 21 states across the U.S.; and

WHEREAS, all City officials, including the Watsonville 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 forcing the country's over 600,000 state and local police to operate as immigrant agents, would instead burden police with enforcement of highly technical civil immigration statutes, diverting them from higher priority tasks of public safety; and

WHEREAS, the CLEAR Act and HSEA would eviscerate our City's initiatives and those passed in 21 other states 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 forcing 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 Watsonville's street less safe; and

WHEREAS, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who merely "look" or "sound like" immigrants; and

WHEREAS, community members, elected officials, and law enforcement agents across the country, including in Watsonville, have expressed their opposition to the CLEAR Act, HSEA, and generally to the practice of local enforcement of civil federal immigration laws; and

WHEREAS, the City of Watsonville has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the California Constitutions; and

WHEREAS, the policy of the Watsonville Police Department is, further, 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 have a corrosive effect on community policing efforts and represent an unfunded and unsafe mandate imposed on local City police.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

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

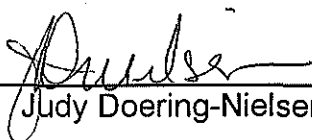
Section 2. That the City of Watsonville firmly adheres to the principle that no law enforcement agency, or other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall City of Watsonville agencies assist other agencies in practices that violate these policies.

Section 3. That the City of Watsonville opposes enactment of HR 2671, the CLEAR Act, and S. 1906, the Homeland Security Enhancement Act, and any other such legislation that encourages state and local police officers to enforce civil federal immigration laws.

Section 4. That copies of this resolution be sent to federal representatives and appropriate legislative committees, as well as representatives of the U.S. Bureau of Immigration and Customs Enforcement and Justice Department.

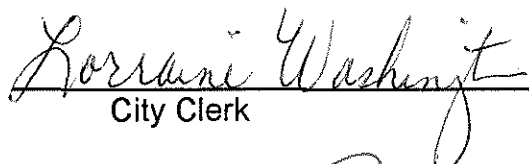
The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 27th day of April, 2004, by Council Member Gomez, who moved its adoption, which motion being duly seconded by Council Member Bersamin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Bersamin, de la Paz, Phares, Rivas, Gomez
NOES:	COUNCIL MEMBERS:	Skillicorn, Doering-Nielsen
ABSENT:	COUNCIL MEMBERS:	None



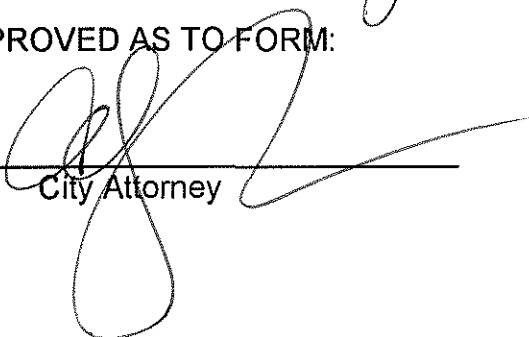
Judy Doering-Nielsen, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney