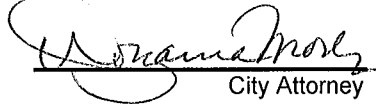


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. 86860 C.M.S.

Introduced by Councilmember Kaplan

RESOLUTION 1) RESCINDING RESOLUTION NO. 86156 C.M.S., WHICH AUTHORIZED THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE IMMIGRATIONS AND CUSTOMS ENFORCEMENT (“ICE”) AGENCY, FOR THE PURPOSE OF ALLOWING PARTICULAR OAKLAND POLICE DEPARTMENT (OPD) OFFICERS TO BE DESIGNATED AS UNITED STATES CUSTOMS TITLE 19 TASK FORCE OFFICERS (TFOS); AND 2) DIRECTING THE CITY ADMINISTRATOR TO IMMEDIATELY TERMINATE THE AGREEMENT WITH “ICE”

WHEREAS, on March 28, 2016, staff submitted a report to the Public Safety Committee, seeking approval for the Oakland Police Department (“OPD”) to enter a memorandum of understanding (“MOU”) with the Homeland Security Investigations (“HSI”), one of the two components of the Immigrations and Customs Enforcement (“ICE”) agency, the other being Enforcement and Removal Operations, for the purpose of allowing particular Oakland Police Department (OPD) Officers to be designated as United States Customs Title 19 Task Force Officers (TFOS); and

WHEREAS, the item was forwarded to and approved by the City Council on May 3, 2016, by Resolution No. 86156 C.M.S.; and

WHEREAS, on June 8, 2016, the MOU, which involved OPD participation in a task force, was executed, and on January 5, 2017, Acting Chief Downing entered into an additional agreement with HSI regarding reimbursement of overtime expenses related to the task force; and

WHEREAS, after holding several public meetings and discussing the matter with the Oakland Police Department, the Oakland Privacy Advisory Commission made the following findings: that no task force officers were ever assigned as contemplated by Resolution 86156, evidencing a lack of need for the agreement; that ICE has made no reimbursements to Oakland pursuant to the overtime agreement; and that ICE’s current policies and practices conflict with Oakland’s status as a Sanctuary City; and

WHEREAS, President Trump and Attorney General Sessions are threatening to deny sanctuary cities federal funding at the same time they are diverting scarce public safety resources away from fighting crime; and

WHEREAS, ICE has demonstrated that it is willing to lie to immigrant communities while posing as local police officers (e.g. Los Angeles), and to their local law enforcement partners (e.g. Santa Cruz Police Department); and

WHEREAS, the Department of Homeland Security Secretary John Kelly has authorized expansion of the controversial 287(g) program, which authorizes local law enforcement agents to enforce immigration law, and has eliminated exemptions to enforcement for certain categories, such as victims of trafficking; and

WHEREAS, ICE Director Thomas Homan recently told a congressional committee that an undocumented immigrant in the US “should be looking over his shoulder if he’s in this country in violation of the law and ordered removed. He should be worried that he’s going to be arrested;” and

WHEREAS, under the Trump Administration, ICE officials are targeting non-criminal immigrants, with ICE Director Homan saying, “you’re seeing an uptick in non-criminal (arrests) because we’re going from zero to 100 under the new administration;” and

WHEREAS, on June 1, 2017, the Privacy Advisory Commission voted unanimously to recommend to the City Council that Resolution No. 86156 C.M.S. be rescinded; and

WHEREAS, the presence of ICE in Oakland is causing trauma in the community, and causing a chilling effect that weakens cooperation with local law enforcement; now, therefore be it

RESOLVED: That the Oakland City Council hereby rescinds Resolution No. 86156 C.M.S., which authorized the City Administrator to enter into a Memorandum of Understanding (MOU) with the Immigrations and Customs Enforcement (“ICE”) Agency, for the purpose of allowing particular Oakland Police Department (OPD) Officers to be designated as United States Customs Title 19 Task Force Officers (TFOS); and be it

FURTHER RESOLVED: that the Oakland City Council directs the City Administrator to immediately terminate the agreement with “ICE.”

JUL 18 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID *— 8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST *LaTonda Simmons*
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California