


OAKLAND CITY COUNCIL

Approved as to Form and Legality

RESOLUTION No. 80584 C.M.S.


City Attorney

07:11:31 (1) 4:51

Introduced by Councilmembers Ignacio De La Fuente, Jane Brunner and Jean Quan

Resolution (1) Calling on the Federal Government to Impose a Moratorium on Federal Immigration Raids and to Adopt Fair Comprehensive and Humane Federal Immigration Reforms, (2) Affirming that Oakland is a City of Refuge for Immigrants, and (3) Declaring the City's Policy against Local Enforcement of Civil Immigration Laws while Permitting Cooperation with Federal Agents in Situations Involving Public and Serious Crimes

WHEREAS, Oakland Mayor Ronald Dellums has issued a proclamation (1) calling on the federal government to impose a moratorium on federal immigration raids and to adopt fair, comprehensive and humane federal immigration reforms, and (2) declaring the City's policy against local enforcement of civil immigration laws while permitting cooperation with federal immigration agents in situations involving criminal activity in order to protect the public safety; and

WHEREAS, the City of Oakland has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status; and

WHEREAS, the City of Oakland is made up of racially and ethnically diverse individuals, both native born and immigrants, whose collective cultures, backgrounds, and viewpoints join to form a highly cosmopolitan community which prides itself on being a place which welcomes persons and families of all backgrounds and nationalities; and

WHEREAS, in the past the Oakland City Council has recognized the contributions of immigrant communities in the City and throughout California, noting that "California's economy depends heavily on immigration labor" and that "Oakland has a large immigrant community whose investments have contributed to the revitalization of the City's neighborhoods;" and

WHEREAS, the Oakland City Council supports the civil rights of immigrant communities as reflected in past resolutions supporting state legislation aimed at removing impediments to an immigrant's ability to obtain a driver's license; providing for state and local agencies to accept identification cards issued by Consular offices; and declaring the City of Oakland a City of Refuge for immigrant refugees from Haiti, South Africa, El Salvador and Guatemala; and

WHEREAS, the Oakland City Council wishes to affirm and declare that Oakland is a City of Refuge for immigrants from all countries; and

WHEREAS, the Department of Homeland Security, Immigration and Customs Enforcement Agency, has increased the number of immigration raids and recently has begun to conduct raids in cities in the Bay Area including Oakland, causing concern and fear on the part of immigrant communities about the local police and the City's involvement in supporting the raids; and

WHEREAS, the federal government continues to call upon local police agencies to enforce civil immigration laws and legislative bills have been introduced in the United States Congress which, if passed, would mandate that local police agencies enforce civil immigration laws; and

WHEREAS, many national experts and policy makers agree that the country's immigration policy is broken, inconsistent and in need of reform, and local legislative action is an important way for cities and immigration advocates to positively influence the continuing national discussion about immigration reform; and

WHEREAS, the enforcement of civil immigration laws by local police agencies raises many complex legal, logistical, and resource issues for the City, including: (1) undermining the trust and cooperation with immigrant communities; (2) increasing the risk of civil liability due to the complexity of civil immigration laws and the lack of training and expertise of local police on civil immigration enforcement; and (3) detracting from the core mission of the Oakland Police Department to create safe communities; and

WHEREAS, the City Council is greatly concerned about crime in Oakland and the mission of the Oakland Police Department is to protect the safety of the public against crimes committed by persons who are native born or immigrants; and

WHEREAS, most immigrants in the City are law abiding citizens and are themselves the victims of crime, and the City wishes to foster the trust and cooperation with its immigrant communities and wishes to encourage immigrants to report crime and speak to the police without fear of being arrested or reported to the United States Immigration and Customs Enforcement agency; and

WHEREAS, consistent with the law and with Council policy, the Oakland Police Department does not enforce federal civil immigration laws, does not conduct immigration raids, and does not question, detain or arrest individuals solely on the basis that they might be in this country illegally in violation of federal civil immigration laws; and

WHEREAS, Chief of Police Wayne Tucker supports the Major Cities Chiefs Association's June 7, 2006 recommendation which, on behalf of law enforcement from across the United States, calls upon the United States Congress and the President to resolve the immigration crisis facing the United States and to pass immigration reform laws that are fair and humane; now, therefore be it

RESOLVED: That the Oakland City Council opposes the immigration raids and calls upon the federal government to impose a moratorium in order to protect the civil rights of immigrant communities, until such time as the U.S. Congress implements comprehensive immigration reforms that are fair and humane and which recognize the economic and cultural contributions of immigrants; and be it

FURTHER RESOLVED: That the Oakland City Council affirms and declares that Oakland is a City of Refuge for immigrants from all countries; and

FURTHER RESOLVED: That the Oakland City Council endorses Chief of Police Wayne Tucker's position supporting the Major Cities Chiefs Association's June 7, 2006 recommendation to the United States Congress and the President to resolve the immigration crisis facing America and to pass immigration reform laws that are fair and humane; and be it

FURTHER RESOLVED: That, in accordance with state and federal laws, City employees including members of the Oakland Police Department shall not enforce federal civil immigration laws and shall not use city monies, resources, or personnel to investigate, question, detect or apprehend persons whose only violation is or may be a civil violation of immigration law; and be it

FURTHER RESOLVED: That, in accordance with state and federal laws, the Oakland Police Department will continue to cooperate with federal immigration agencies in matters involving criminal activity and the protection of public safety; and be it

FURTHER RESOLVED: That nothing in this resolution shall be construed to prohibit City employees and Oakland police officers from cooperating with federal immigration agencies when they are required to do so by statute, federal regulation, court decision or a legally binding agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 15 2007, 20

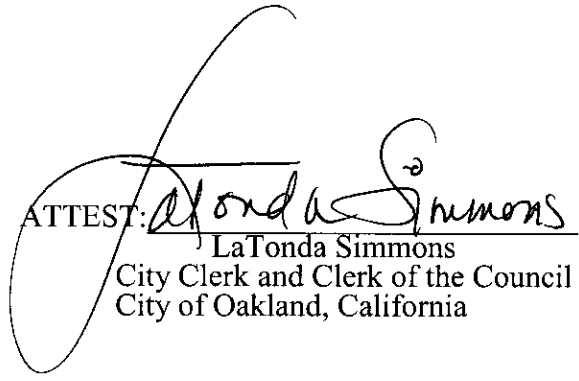
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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