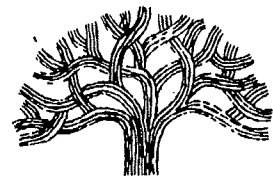


CITY OF OAKLAND  
OFFICE OF THE CITY CLERK  
OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA  
REBECCA KAPLAN  
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17 JUN 28 PM 3:36

OAKLAND, CALIFORNIA 94612  
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Date: June 28, 2017

To: City Council

From: Councilmember Kaplan

Re: Resolution Directing The City Administrator To Immediately Terminate The Agreement With "ICE"

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Dear Colleagues on the City Council and Members of the Public,

In 2016, City Council approved Resolution 86156, which allowed the Oakland Police Department ("OPD") to enter a memorandum of understanding 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.

On June 1, 2017, the Privacy Advisory Commission voted unanimously to recommend to the City Council that Resolution 86156 be rescinded. ICE's current policies and practices conflict with Oakland's status as a Sanctuary City. For example, 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 [Trump] administration."

Moreover, the presence of ICE in Oakland is causing trauma in the community, and causing a chilling effect that weakens cooperation with local law enforcement. For these reasons, I am introducing this Resolution that would rescind Resolution 86156, and immediately exercise the option to revoke the agreement with "ICE." We urge you to support this Resolution, which will be heard at the City Council Meeting on July 18, 2017.

Respectfully submitted,

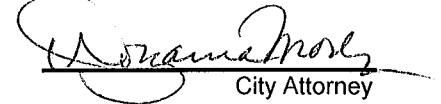
A handwritten signature in black ink, appearing to read "Rebecca Kaplan".

Councilmember At-Large Rebecca Kaplan

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OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

**OAKLAND CITY COUNCIL**

  
City Attorney

**RESOLUTION No. \_\_\_\_\_ 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.”

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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