



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT NIKKI FORTUNATO BAS

RESOLUTION IN SUPPORT OF ASSEMBLY BILL 937 (CARRILLO), THE VISION ACT, WHICH WOULD ENSURE THAT LOCAL LAW ENFORCEMENT AND OTHER CITY AND COUNTY AGENCIES ARE NOT ENGAGED WITH ANY FEDERAL PARTNERS FOR THE PURPOSE OF IMMIGRATION ENFORCEMENT IN ANY MANNER, UNLESS REQUIRED BY LAW

WHEREAS, Council recognizes that refugees and immigrants are a vital part of California's heart and identity, and we recognize the humanity of all people who call our community home; and

WHEREAS, California's criminal justice system unjustly and disproportionately harms communities of color, including Black, Latinx, Indigenous, and Asian and Pacific Islander American communities;¹ and

WHEREAS, with the passing of SB 260 (2013), SB 261 (2015), SB 1437 (2018), AB 1812 (2018), which amended paragraph (1) of subdivision (d) of Section 1170 of the Penal Code, and Proposition 47, the Legislature and California voters have demonstrated a strong commitment to reforming our criminal justice system and ending mass incarceration; and

WHEREAS, despite these reforms, California reinforces systemic racism when its jails and prisons voluntarily and unnecessarily transfer immigrant and refugee community members eligible for release from state or local custody to Immigration and Customs Enforcement (ICE) for immigration detention and deportation purposes;² and

¹ See Ashley Nellie, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," The Sentencing Project, June 14, 2016, available at: <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

² Mexican immigrants only make up 10% of the population, but compose 39% of the ICE detainee population in California. See Public Policy Institute of CA, "Just the Facts: California's Population" (Apr. 2020), <https://www.ppic.org/publication/californias-population> (there are 3.9 million Mexican nationals who are California residents within a total state population of 40 million); Office of the Attorney General, "The California Department of Justice's Review of Immigration Detention in California" (Feb. 2019), <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf> (last visited Jan. 28, 2021) at 15; and see, Ashoka Mukpo, "For Black Immigrants, Police and ICE Are Two Sides of the Same Coin," ACLU (Sept. 3, 2020), <https://www.aclu.org/news/criminal-law-reform/for-black-immigrants-police-and-ice-are-two-sides->

WHEREAS, jails and prisons serve as the main pipeline to fill immigration detention beds, and approximately 70% of people detained in ICE custody, nationally, have been funneled through our criminal justice system;³ and

WHEREAS, California should not subject these community members to a cruel “double punishment,” and disregard their humanity, records of rehabilitation, stable reentry plans, and community support, purely because they are refugees or immigrants; and

WHEREAS, ending ICE transfers in California reflects the state’s commitment to ending racial injustice and mass incarceration; and

WHEREAS, the VISION Act (Assembly Bill 937), authored by Assemblymember Carrillo, prohibits jails, prisons, and other public agencies from sharing information about community members who are eligible for release to ICE which could result in the community members becoming confined in ICE jails and enduring deplorable conditions and facing permanent separation from their families and communities; and

WHEREAS, through the passing of the VISION Act, California has an opportunity to set a model for the nation and advance a positive vision of a society based on care, healing, and transformation; and

WHEREAS, our community refuses to use local and state resources to separate children from their parents and detain and deport millions of parents, neighbors, co-workers, and friends; now, therefore, be it

RESOLVED, that the City of Oakland values all members of our community, embraces compassion, equality, and inclusion, and proudly defends the rights of all residents, including refugees and immigrants; and be it

FURTHER RESOLVED: that the City Council supports Assembly Bill 937 (Carillo), and urges the California legislature to pass and Governor Gavin Newsom to sign the bill into law; and be it

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[of-the-same-coin](https://www.theatlantic.com/politics/archive/2017/12/the-double-punishment-for-black-immigrants/549425); Jeremy Raff, “The ‘Double Punishment’ for Black Undocumented Immigrants,” The Atlantic (Dec. 30, 2017), <https://www.theatlantic.com/politics/archive/2017/12/the-double-punishment-for-black-immigrants/549425>; Refugee and Immigrant Center for Education and Legal Services, “Black Immigrant Lives Are Under Attack,” <https://www.raicetexas.org/2020/07/22/black-immigrant-lives-are-under-attack> (last visited Jan. 28, 2021).

³ ILRC, ACLU CA, IDP “Flatten the Curve: Protecting Public Health Requires that Jails Stop Transferring People to ICE” (p. 3), <https://www.ilrc.org/sites/default/files/resources/transfers-national-2020-ar.pdf>.

FURTHER RESOLVED: that the Oakland City Clerk shall submit copies of this Resolution to the Office of Assemblymember Carillo.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST _____
ASHA REED
City Clerk and Clerk of the Council of the City of
Oakland, California