



## Legislation Text

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RESOLUTION Affirming the City's Commitment to the Values of Dignity, Inclusivity, and Respect for All Individuals, Regardless of Ethnic or National Origin, Gender, Gender Identity, Race, Religious Affiliation, Sexual Orientation, or Immigration Status, and Declaring San Leandro a Sanctuary City

WHEREAS, the City of San Leandro recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedom of religion, freedom of speech, right to assembly, right to privacy and equal protection under the law for all persons, regardless of religious affiliation, race, national or ethnic origin, gender, gender identity, sexual orientation, or immigration status; and

WHEREAS, each of the City of San Leandro's duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, immigration has been a cornerstone of the City, the region, the state, and the nation's development throughout history; and

WHEREAS, the City of San Leandro welcomes, honors, and respects the contributions of all residents, regardless of their religious affiliation, race, national or ethnic origin, gender, gender identity, sexual orientation, or immigration status; and

WHEREAS, the Truth Act was signed into law on September 28, 2016, which states that if U.S. Immigration and Customs Enforcement (ICE) notifies a California jail that it plans to deport someone, it has to serve a copy upon that person in jail, thereby providing that person the "right to know" so they can seek counsel; and

WHEREAS, the San Leandro Police Department equally enforces the laws and serves the public without consideration of immigration status, and an individual person's lack of immigration documentation, alone, has no bearing on the manner in which police officers execute their duties; and

WHEREAS, the San Leandro Police Department has practices in place that prohibit police officers from detaining any individual, for any length of time, solely for a civil violation of federal immigration laws. Consistent with state law, local practice is that individuals who are otherwise ready to be released are not further detained solely for the purpose of providing notification to immigration authorities; and

WHEREAS, on February 7, 2017, the San Leandro Unified School District adopted a resolution declaring its commitment to the education of all children and making all its school campuses safe zones for students and families threatened by immigration enforcement, and

WHEREAS, on February 6, 2017, the San Lorenzo Unified School District conducted a first reading of a similar resolution that would declare San Lorenzo Unified School District schools to be safe havens and sanctuary campuses; and

WHEREAS the City of San Leandro's diverse population of different religious affiliations, races, national and ethnic origins, genders, sexual orientations, and immigration statuses positively contribute to the economic and social fabric of the City; and

WHEREAS fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering effective public services in partnership with the community, thereby advancing public safety and a high quality of life for residents; and

WHEREAS the City of San Leandro seeks to foster trust between City officials and residents to protect limited local resources, while encouraging cooperation to ensure public safety and due process for all, irrespective of immigration status; and

WHEREAS the City of San Leandro desires to demonstrate its commitment to its residents by unequivocally declaring that it will safeguard the values enshrined in the U.S. and State Constitutions by providing a safe community and by assuring them that the City will not expend any funds nor use its limited resources to administer federal immigration laws that are under the exclusive domain of the federal government.

NOW THEREFORE, the City Council of the City of San Leandro does hereby resolve as follows:

1. In accordance with State and Federal law, City of San Leandro officials, including its law enforcement officers, shall not actively collaborate with federal agents solely for the purpose of enforcing federal immigration law and shall not use City resources or personnel to investigate, question, detain, apprehend, and/or register persons based solely on a civil violation of federal immigration law; and
2. City of San Leandro officials, including its law enforcement officers, shall not take any direct action against any individual based solely on their actual or perceived immigration status, nor shall any individual be held in local custody solely for a civil immigration hold unless the individual has been convicted or charged with certain serious offenses, or is a sex or arson registrant; and
3. City of San Leandro officials will not use any public resources or follow any federal program requiring the registration of individuals on the basis of religious affiliation, race, national or ethnic origin, gender, gender identity or sexual orientation; and
4. In accordance with State and Federal law, City of San Leandro officials, including its law enforcement officers, may cooperate with federal immigration agencies in matters that involve criminal activity, and the protection of public safety; and
5. The City Manager shall report to the City Council requests or mandates from the federal government for use of City resources to enforce federal immigration laws. City staff shall also continue to monitor any efforts by the federal government to withhold or withdraw federal funding as a result of the City's policies to protect and defend its diverse community, and shall take action as necessary to protect such funding. The City Manager shall also transmit copies of this Council action to City Boards and Commissions, City Departments and employees; and
6. The City of San Leandro hereby declares that it is a Sanctuary City.