

RESOLUTION NO. 44 OF 2017

**CITY COUNCIL
CITY OF BEACON**

**A RESOLUTION DECLARING THE CITY OF BEACON
A WELCOMING, SAFE AND INCLUSIVE COMMUNITY**

WHEREAS, communities are made safer for all its residents when every resident – regardless of race, religion, gender identity or expression, national origin, nationality, preferred language, immigration status, age, disability, education or socio-economic status – feels comfortable and safe contacting, seeking help from, and cooperating with local police and other municipal employees and officials, and

WHEREAS, the City of Beacon Police Department already has strong policies in place that are designed and intended to encourage all residents to feel comfortable and safe contacting local police, and

WHEREAS, the City of Beacon wishes to clarify and extend such policies to apply to all city employees and officials, and to communicate such policies broadly to the entire community in order to further encourage stronger and more effective communication and cooperation between residents and municipal employees and officials, and

WHEREAS, the City Council has relied upon the recommendations and legal analysis set forth in the New York State Attorney General’s Guidance and Model Provisions (rev. 3/12/17) concerning the limitations which municipalities may lawfully observe insofar as their participation in federal immigration activities, has received advice on this matter from the City Attorney, and has carefully considered the input received from its Chief of Police,

THEREFORE, BE IT RESOLVED, that the City of Beacon promulgates to all city employees and officials the following policies regarding treatment of all individuals who come in contact with the city.

1. Citizenship Status. City employees and officials shall not:

(a) Stop, question, interrogate, investigate or arrest an individual based solely on (i) actual or suspected immigration or citizenship status, or (ii) a “civil immigration warrant,” administrative warrant, or an immigration detainer in the individual’s name, including those identified in the National Crime Information Center database;

(b) Inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual; or

(c) Perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to 8 U.S.C §1357(g) or any other law, regulation or policy.

2. Detainer Requests. City employees and officials shall decline to respond affirmatively to a “civil immigration detainer” or similar request, unless (a) the request is accompanied by a judicial warrant, or (b) the police chief has determined there is probable cause to believe that the individual either (i) has illegally re-entered the country after a previous removal and has been convicted of a New York Penal Law Class A felony or Class B violent felony (or of an equivalent federal crime or crime under the law of another state); or (ii) has or is engaged in terrorist activity.

3. Information Requests. Subject to the ability of supervisory police officials to exercise their sound judgment as necessary to protect public safety, all City employees and officials shall:

(a) Decline to respond affirmatively to requests from the U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) for non-public information about an individual unless the request is accompanied by a judicial warrant or has a legitimate law enforcement purpose exclusive of the enforcement of immigration laws; EXCEPT that nothing in this resolution shall restrict any City employee or official from complying with the requirements of 8 U.S.C. § 1373 insofar as (i) sending to, or requesting or receiving from ICE information regarding an individual’s citizenship or immigration status, whether lawful or unlawful, (ii) maintaining such information, (iii) exchanging such information with any other federal, state or local government entity; or (iv) otherwise disclosing information about an individual’s criminal arrests or convictions, or juvenile arrests, delinquency or youthful offender adjudications, where disclosure is otherwise permitted by state law or required pursuant to subpoena or court order;

(b) Limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law; and

(c) Inform the City Administrator of all requests received from ICE or CBP, who shall report on requests to the Mayor and City Council.

4. Custodial Interviews. Subject to the ability of supervisory police officials to exercise their sound judgment as necessary to protect public safety, absent a judicial warrant all City employees and officials shall decline to provide ICE or CBP with access to an individual in City custody to question or interview such individual if the sole purpose of such requested access is enforcement of federal immigration law.

5. Detainees. City employees and officials shall:

(a) Not delay bail, or the release from custody upon posting of bail, for an individual solely because of (i) immigration or citizenship status, (ii) a civil immigration warrant, or (iii) a request for the purpose of immigration enforcement; and

(b) Treat all individuals in the city’s custody under the same booking, processing, release and transfer practices of the city, regardless of actual or suspected citizenship or immigration status.

6. Local Resources. City employees and officials shall not use city funds, facilities, property, equipment, or personnel to investigate, enforce or otherwise assist any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity or national origin, including but not limited to ICE’s 287(g) program.

7. Nondiscrimination. City employees and officials shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where their receipt is contingent upon immigration or citizenship status, or where inquiries are otherwise lawfully required by federal, state, or local laws.

8. Complaints. Any person who wishes to file a complaint regarding the potential violation of this policy may do so in writing to the Beacon Human Relations Commission, which will be held in confidence pursuant to its publicly stated policies, or to the Police Chief or Mayor.

9. U-Visas. City employees and officials shall encourage the adoption of clear and transparent protocols for the certification of U-Visas for undocumented immigrant community members who have been victims of a serious crime and have cooperated in the investigation of the crime.

BE IT FURTHER RESOLVED, that this resolution shall be prominently posted on the City's website and workplace locations, and disseminated to local press and community groups of all types, including where relevant in commonly used languages other than English if this can be done at minimal cost, in order to more broadly communicate the city's policies to encourage stronger and more effective communication and cooperation between residents and municipal employees and officials, and in addition, sent to local school board and elected representatives, neighboring county and municipal governments to encourage them to do the same.

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| Resolution No. <u>44</u> of 2017 | | | Date: <u>April 3, 2017</u> | | | | |
| <input type="checkbox"/> Amendments | | | <input type="checkbox"/> 2/3 Required | | | | |
| <input type="checkbox"/> Not on roll call. | | | <input checked="" type="checkbox"/> On roll call | | | | |
| Motion | Second | Council Member | Yes | No | Abstain | Reason | Absent |
| | | Ali Muhammad | X | | | | |
| | X | Omar Harper | X | | | | |
| X | | Lee Kyriacou | X | | | | |
| | | George Mansfield | X | | | | |
| | | Pamela Wetherbee | X | | | | |
| | | Peggy Ross | X | | | | |
| | | Mayor Randy J. Casale | X | | | | |
| Motion Carried | | | X | | | | |