



Memorandum

**TO: RULES
COMMITTEE**

FROM: Vice Mayor Dave
Cortese,
Councilmembers
Sam Liccardo, Nora
Campos and
Madison Nguyen

**SUBJECT: RESOLUTION SUPPORTING
PUBLIC SAFETY AND
IMMIGRANT RIGHTS**

DATE: February 26, 2007

Approved

Date

RECOMMENDATION

We request that the following be agendaized for the March 6, 2007 evening Council meeting:

Approval of a resolution (see Attachment) that takes the following actions:

1. Reaffirm the San Jose Police Department's longstanding policy that its officers will not arrest persons merely for their unlawful presence in the United States.
2. Reaffirm that no otherwise law-abiding undocumented immigrants should fear arrest or deportation for coming forward to report a crime as a victim or a witness.
3. Reaffirm that no otherwise law-abiding undocumented immigrants should fear arrest or deportation by contacting any employee of the City of San Jose to express concerns or to ask questions.
4. Express the view of the San Jose City Council that continued ICE raids—while laudable where they target violent or predatory criminals for deportation—can have harsh unintended consequences. Those sweeps that have cast the net widely to arrest otherwise law-abiding undocumented

immigrants have raised the Council's concern, insofar as they undermine the ability of our police, fire department, and other city agencies to interact with fearful immigrants, leaving all of San Jose's residents less safe.

BACKGROUND

- Since June of 2006, the U.S. Department of Homeland Security, Immigration and Customs Enforcement Agency (ICE), has conducted repeated immigration sweeps under "Operation Return to Sender," which has targeted criminal aliens for deportation.
- Raids in recent months in Watsonville, Santa Cruz, Redwood City, Contra Costa County, and other locations--conducted for the purpose of arresting undocumented immigrants with serious criminal records--have also netted scores of immigrants with no criminal ties.
- For example, according to the *San Francisco Chronicle*, ICE reported that of the 119 arrested in a set of January sweeps in Contra Costa County, 18 were criminals, while 94 never appeared on ICE's original "wanted" list.
- As a result of those raids, waves of fear have swept through immigrant communities in California, and within the City of San Jose.
- The City of San Jose has a strong interest in assuring that legal and undocumented immigrants do not fear interacting with their local governmental authorities. In past years, we have seen how the reluctance of immigrants to interact with local authorities can critically undermine the health and safety of our community. For example, the failure of victims to report crimes, the reluctance of witnesses to cooperate with the police, or the unwillingness of parents to take children to school or to a health clinic, can have grave impacts on the well-being of all of San Jose's residents, including U.S. citizens.

cc: Honorable Mayor and City Council

Attachment: Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN JOSE SUPPORTING PUBLIC SAFETY
AND IMMIGRANT RIGHTS**

WHEREAS, since June of 2006, the U.S. Immigration and Customs Enforcement agency (ICE) has conducted repeated immigration sweeps under “Operation Return to Sender,” which has targeted criminal aliens for deportation; and,

WHEREAS, raids in recent months in Watsonville, Santa Cruz, Redwood City, Contra Costa County, and other locations--conducted for the purpose of arresting undocumented immigrants with serious criminal records--have also netted scores of immigrants with no criminal ties; and,

WHEREAS, the *San Francisco Chronicle*, ICE reported that of the 119 arrested in a set of January sweeps in Contra Costa County, 18 were criminals, while 94 never appeared on ICE's original “wanted” list; and,

WHEREAS, as a result of those raids, waves of fear have swept through immigrant communities in California, and within the City of San Jose; and,

WHEREAS, the City of San Jose has a strong interest in assuring that legal and undocumented immigrants do not fear interacting with their local governmental authorities. In past years, we have seen how the reluctance of immigrants to interact with local authorities can critically undermine the health and safety of our community. For example, the failure of victims to report crimes, the reluctance of witnesses to cooperate with the police, or the unwillingness of parents to take children to school or to a health clinic, can have grave impacts on the well-being of all of San Jose’s residents, including U.S. citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City of San Jose reaffirms the San Jose Police Department's longstanding policy that its officers will not arrest persons merely for their unlawful presence in the United States; that no otherwise law-abiding undocumented immigrants should fear arrest or deportation for coming forward to report a crime as a victim or a witness; and that no otherwise law-abiding undocumented immigrants should fear arrest or deportation by contacting any employee of the City of San Jose to express concerns or to ask questions. Moreover, the City of San Jose finds that ICE raids—while laudable where they target violent or predatory criminals for deportation—can have harsh unintended consequences. Those sweeps that have cast the net widely to arrest otherwise law-abiding undocumented immigrants have raised the Council's concern, insofar as they undermine the ability of our police, fire department, and other city agencies to interact with fearful immigrants, leaving all of San Jose's residents less safe.

ADOPTED this _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk