

ADOPTED BY THE
MAYOR AND COUNCIL

December 20, 2016

RESOLUTION NO. 22699

RELATING TO IMMIGRATION AND HUMAN RIGHTS; DECLARING THE CITY OF TUCSON'S SUPPORT OF THE RIGHTS OF ALL ITS RESIDENTS, INCLUDING IMMIGRANTS; REINFORCING THE COMMITMENT TO HUMANE TREATMENT OF IMMIGRANTS; CONDEMNING ANY THREAT OF MASS DEPORTATIONS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tucson, through the direction of the Mayor and Council, has for many years been at the forefront of issues relating to immigration, and has been a leader in supporting the constitutional and human rights of all people residing, working, and visiting the United States; and

WHEREAS, the Mayor and Council have taken many actions over the last decade to publicly declare and reinforce the City's positions relating to immigration and the protection of the rights of all persons; and

WHEREAS, those actions have included the adoption and approval of Resolutions and Memorials, including but not limited to the following:

1) Memorial adopted December 7, 2010, declaring support for the DREAM Act;

2) Resolution No. 21878, adopted April 10, 2012, endorsing the Arizona Accord, a declaration of five (5) principles to guide Arizona's immigration discussion. Those 5 principles include a recognition that immigration is a federal policy issue; that local law enforcement should focus on criminal activities rather than civil violations of

federal laws; that strong families are the foundation of successful communities, and opposing policies that unnecessarily separate families; that Arizona's economy is best served by maximizing individual freedom and opportunity, and acknowledging the economic role immigrants play as workers and taxpayers; and that the commitment to a free society includes the need to adopt a humane approach to immigrants, who are integrated into our community and communities throughout the state;

3) Memorial adopted February 26, 2013, declaring support for comprehensive immigration reform;

4) Resolution No. 21944, adopted August 7, 2012, committing to a community-wide dialogue on immigration and proclaiming Tucson an "Immigrant Welcoming City;"

5) Memorial adopted July 8, 2014 declaring support for the protection of all families and children; calling for action to suspend deportation of persons with no serious criminal history; and urging the federal government to provide appropriate care and shelter for children being processed under federal immigration laws; and

6) Memorial adopted September 23, 2014, urging the federal government to approve the administrative closure of the removal case involving Rosa Imelda Robles Loreto; and

7) Resolution No. 22657, condemning violence and hate speech, and expressing solidarity with all persons targeted for the ethnicity, race or religion; and

WHEREAS, the Mayor and Council have taken these actions in recognition of the fact that Tucson's identity is built upon its commitment to equality, esteem for

diversity, commitment to innovation, and recognition of the history, traditions and contributions of all of the cultures that make up the fabric of our community; and

WHEREAS, the City of Tucson, at the direction of the Mayor and Council, was the first city to file a legal challenge to the provisions of Arizona's SB 1070 after the law was enacted; and

WHEREAS, the Mayor and Council has established policy relating to the Tucson Police Department's law enforcement practices concerning immigration, to ensure that TPD's General Orders provide that the Department's activities emphasize the protection of civil rights, privileges and immunities of all persons; and

WHEREAS, following the 2016 presidential election, members of the immigrant community and all members of our community may be experiencing anxiety and fear related to potential changes to federal immigration laws and enforcement policies; and

WHEREAS, the Mayor and Council of the City of Tucson desire to once again publicly declare and reinforce the City's positions relating to immigration and the protection of the rights of all persons in our community, to help address the anxiety and fear produced by the uncertainties associated with federal immigration policies:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council reaffirm and ratify their approval and adoption of the Resolutions and Memorials described in this Resolution.

SECTION 2. The Mayor and Council reaffirm their support of the mission and policies of the Tucson Police Department, which includes the following, as embedded in the General Orders of the Chief of Police:

1) TPD shall conduct all its law enforcement activities in a manner that protects the civil rights, privileges and immunities of all persons;

2) Racial profiling is expressly prohibited;

3) TPD expressly recognizes that mere unauthorized presence in the United States is not a criminal offense, and enforcement of civil immigration violations is reserved for federal authorities;

4) The need for community trust and cooperation is an essential component of effective policing and public safety; in furtherance of this principle, victims and witnesses of crime should not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime;

5) TPD officers will not make immigration status inquiries during consensual contacts with members of the public; and will not make such inquiries of victims and witnesses of crime;

6) TPD officers shall not stop or detain a person without reasonable suspicion that the person is, has been, or is about to be engaged in criminal activity. Suspicion of unlawful presence in the United States is not a legal basis for a stop or detention. A vehicle may not be stopped to determine the immigration status of the driver or occupants;

7) If a person detained by TPD based on reasonable suspicion of criminal activity presents any form of presumptive identification to the officer, the officer shall presume the person is lawfully present in the United States;

8) When reasonable suspicion exists to believe that a detainee is unlawfully present in the United States, but there are no state or local criminal violations or any

other lawful basis to continue the detention, the officer shall release the detainee without delay;

9) TPD expressly recognizes that its officers do not have authority to transport a person or take any other enforcement action for a civil violation of federal law;

10) School Resource Officers, when interacting with minors, shall refrain from asking about immigration status;

11) An officer shall not prolong a field release arrest to make an immigration status inquiry or to request verification of immigration status.

12) With respect to interaction with Customs and Border Protection, any response by CBP shall not occur at a school; and CBP shall not be asked to respond to any detention solely to provide translation or similar services.

SECTION 3. The Mayor and Council support Tucson Police Chief Magnus in his establishing law enforcement priorities that consider the need to protect the public safety of all persons in the City of Tucson, and the need for community trust and cooperation, with a focus on combating violent crime in our community. The Mayor and Council support Chief Magnus' recent declaration that TPD's policies and practices relating to how officers interact with undocumented persons and handle immigration enforcement issues are not changing.

SECTION 4. The Mayor and Council condemn any threat, by any elected official, of mass deportations, and publicly proclaim through this Resolution that the City shall not participate in any such actions.

SECTION 5. The Mayor and Council further publicly proclaim through this Resolution the commitment to protect all members of our community so they can live their lives free of fear and can feel safe in our City.

SECTION 6. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Resolution become immediately effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, December 20, 2016 .

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:



CITY ATTORNEY

CITY MANAGER

MR/dg
7/31/12