

RESOLUTION NO. 20180614-074

WHEREAS, the City of Austin strives to adhere to the principles of the U.S. Constitution; and

WHEREAS, the City of Austin strives to be transparent in its operations, clear about the dedication of its resources, and vigilant in its protection of residents' privacy; and

WHEREAS, the City of Austin is responsible for determining how to utilize local law enforcement resources to address issues of public safety; and

WHEREAS, the City of Austin strives to be an inclusive community for all people, especially those who are marginalized or oppressed; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

In light of the legal mandates imposed by Senate Bill 4, the City Council supports the Police Chief's recent adoption of Austin Police Department general orders that comply with the law and protect the constitutional and legal rights of people who interact with the Police Department. The City Council also supports the Police Chief's recent adoption of general orders that help to ensure that city resources and police time are managed to accomplish Department priorities and ensure public safety.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to work with the Police Chief to take necessary and appropriate steps to reinforce constitutional and legal protections for detainees and arrestees who might be affected by Senate Bill 4; for instance by

ensuring that all people who are questioned about their immigration status or country of origin are well-informed, before answering such questions, that they have a constitutional right to remain silent and to refrain from answering such inquiries without retaliation.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to work with the Police Chief to take necessary and appropriate steps to further ensure, in light of unfunded mandates imposed by Senate Bill 4, that the City's policing resources are prioritized, and that requests for federal immigration enforcement assistance are appropriately vetted and scrutinized at higher levels of the department, with consideration for the urgency of the request, whether there is a criminal nexus involved, and whether officers are trained in the task they are being asked to perform.

Steps taken or implemented should help to achieve the City's goals as established by the City budget, the City's Comprehensive Plan, and the City's Strategic Plan.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to inform members of the City Council of requests or authorization of City policing resources for premeditated civil immigration enforcement.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to take necessary and appropriate steps to ensure that the City will provide confidential information

about people without their consent for the purposes of civil immigration enforcement only to the extent required by law.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to send a quarterly memorandum to City Council that provides data concerning the use of City resources for immigration enforcement. None of the reports should include information that would jeopardize any ongoing criminal investigation or prosecution. After two years, the Council and City Manager will re-evaluate the need for continued reports. The report shall document:

1. Anonymized and individualized records of every instance that a police officer inquires into the immigration status of a suspect. Such records should include a documented reason for the stop or the arrest, the reason for the inquiry into immigration status, the race and ethnicity of the person detained or arrested, a confirmation that the person was informed of their rights, the number of unduplicated officers involved, and the general location, such as the zip code of the incident.

2. All City resources used on immigration law enforcement assistance, and a justification for the use of those resources in relation to City's budget, public safety priorities, the city's strategic priorities, or legal requirement. Examples of immigration enforcement assistance include, at a minimum: contacting an immigration law enforcement agency to provide the agency information about a resident or person in custody, transferring custody of an individual to an immigration law enforcement agency, responding to an immigration law enforcement agency's request for information, providing backup for an immigration law enforcement agency operation, engaging in joint operations with

an immigration law enforcement agency, and facilitating immigration arrests or interrogations of individuals in conjunction with an immigration law enforcement agency. The report should include the number of officers that assisted immigration law enforcement, the amount of time those officers were involved in such assistance, the financial resources and human resources dedicated to such assistance, the number of individuals arrested as a result of immigration law enforcement assistance (if known), the number of these arrestees charged with criminal offenses, if any and if known, the number of arrestees taken into federal immigration custody for alleged civil immigration violations (if known), and, when it is possible to identify, what, if any, other criminal law enforcement work was scheduled to be completed and was delayed or was incomplete due to the immigration law enforcement assistance provided.

3. Any information that the City shared with a federal immigration enforcement agency at the request of a federal immigration agency. The information provided in the report to Council should be anonymized and aggregated. The information provided shall include, at a minimum, how many records, and what kind of records, were requested from and shared by the City, and with whom the records were shared with.

BE IT FURTHER RESOLVED:

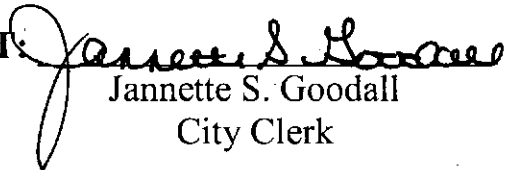
The City Council directs the City Manager to ensure that the public is informed about the procedures and practices of the Austin Police Department as they relate to detaining foreign nationals and handling requests for assistance from federal immigration officials, and should inform City Council if additional steps or resources are necessary to educate the public.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to complete the items directed in this resolution no later than September 1, 2018 and to provide a briefing or memorandum to Council by the same date detailing the changes that were made in response to this resolution. The City Manager is directed to consult with community stakeholders in the development of new policies, practices, and procedures related to this resolution.

ADOPTED: June 14, 2018

ATTEST:


Jannette S. Goodall
City Clerk