

# Cicero Safe Space Resolution

October 2008

## Preamble

**WHEREAS**, the town of Cicero established a police protocol with respect to citizenship or residency status with Cicero Police Department General Order 61-01-02 and General Order 301 and wishes to reaffirm their contents, and;

**WHEREAS**, Cicero is a home to immigrants, and more than 85% of its residents are of Latino descent, and;

**WHEREAS**, the Town of Cicero is dedicated to providing all of its residents with equal access to the services, opportunities, and protection that city government has been established to administer; and

**WHEREAS**, the Town of Cicero is dedicated to collaborating effectively and with the confidence of its residents, and;

**WHEREAS**, residents' perception that city agents may attempt to enforce federal civil immigration law undermines that confidence and poses barriers to public safety and harms the public trust, and;

**WHEREAS**, as a matter of public safety, this Safe Space policy will engender trust and cooperation between law enforcement officials and immigrant communities that will aid in solving and preventing crime, including human and drug trafficking, prostitution, domestic violence, gang violence, and even terrorism, and will discourage the threat of immigrant and racial profiling and harassment; and

**WHEREAS**, approximately 75 cities and several states have enacted similar measures, including Chicago, Los Angeles, St. Paul, Maine, and Oregon, and;

**WHEREAS**, immigration law is a complex area and properly enforced within the authority of the federal government, NOW THEREFORE;

**Be it Resolved**, that in order to assure that all residents of the Town of Cicero, regardless of nationality or citizenship, feel secure, safe, and have confidence in city government and to clarify local authority with respect to enforcement of federal civil immigration laws, the following is to be enacted upon signing:

## Definitions

**Section 1.** The following definitions shall apply to this resolution:

- (a) "Citizenship, immigration, or residency status": All matters regarding questions of citizenship of the United States or any other country, questions of authority from the Department of Homeland Security to reside or otherwise be present in the United States, and the time or manner of a person's entry into the United States. The use in this resolution of the term "residency" shall not mean street address or location of residence

in Cicero or elsewhere.

(b) "City agency": Any and each entity directly controlled by the city.

(c) "City agents": Any and each employee, including those who work in public safety, employed directly or under contract by the city.

(d) "General city services": All services except those specifically listed as public safety services.

(e) "Illegal activity": unlawful, criminal activity but shall not include mere status as an undocumented immigrant.

(f) "Immigrant": Any person who is not a citizen or a national of the United States.

(g) "Law enforcement entities": Police, sheriff's office, jails, juvenile department, and corrections department.

(h) "Public safety services": Police and fire departments, Emergency Medical Services (EMS) authorities

(i) "Undocumented immigrant": A non-citizen who does not have immigration or residency status, under federal civil immigration laws.

## Town Services

**Section 1.** No general city service or public safety service shall be denied on the basis of citizenship unless required by federal or state law. City agents shall not inquire into the citizenship, immigration or residency status of any individual, nor shall city agents enforce federal civil immigration laws unless required by federal or state law. Information about individuals' citizenship, immigration or residency status in the possession of or known to City employees and representatives, however received, shall not be maintained or recorded except as otherwise required by law.

**Section 2.** City agents shall follow general city, state, and federal guidelines to assess eligibility for services. A city agent shall not inquire about a person's citizenship, immigration or residency status unless: (1) such person's citizenship, immigration or residency status is necessary for the determination of program, service, or benefit eligibility or the provision of city services; or (2) such agent is required by law to inquire about an individual's citizenship, immigration or residency status.

**Section 3.** The City recognizes that U.S. citizen children of undocumented parents have the same rights to public benefits as all other U.S. citizens. Undocumented parents shall be permitted to apply on behalf of their citizen children for any benefits for which their children are eligible, and such parents shall not be discriminated against or in any way treated differently by city agents.

**Section 4.** The presentation of a foreign passport or matricula consular (consulate-issued document) shall be accepted as proof of identity and shall not subject the individual to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license. This paragraph does not apply to I-9 forms or identity verification for purposes of employment at the Town or for those paid for services by the Town of Cicero.

## Law Enforcement

**Section 5.** Unless otherwise required by law or court order, city agents shall refrain from the enforcement of federal immigration laws. No city agents, including agents of law enforcement

entities, shall use city monies, resources, or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be a civil immigration violation.

**Section 6.** City agents shall not single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity, or citizenship or residency status.

**Section 7.** City Agents will not provide venue or facilities for federal immigration agents in city offices, law enforcement vehicles, or other municipal locations for the purpose of enforcement of federal immigration laws

### **Victim and Witness Protection**

**Section 8.** It shall be the policy of public safety services departments not to inquire about the citizenship, immigration or residency status of crime victims, witnesses, or others who call or approach city agents seeking assistance.

### **Complaints and Investigation**

**Section 9.** Written complaints of a violation of this resolution shall be received and investigated by Cicero Police Office of Internal Affairs and/or the Inspector General. Complainants and witnesses shall not be asked to provide their citizenship, immigration or residency status at any point during the complaint process, and no investigation of the citizenship, immigration or residency status of the complainant and witnesses shall be made by any City agent in the investigation of such a complaint or thereafter. During said investigation, the Town will be required to ask the complainant for government issued proof of identity, which will be kept on file at Town Hall. The identification may be in the form of a passport, or matricula consular (consulate-issued document).

**Section 10.** The Town of Cicero agrees to meet with the Interfaith Leadership Project & Latino Union on an annual basis to discuss whether or not any complaints were filed with the Town and, if so, what action, if any, the Town pursued to either investigate and/or address the complaint.

### **Implementation**

**Section 11.** The resolution will be delivered to the Department heads of all city agencies in order to ensure operational procedures consistent with its content.

**Section 12.** If a court finds a portion of the resolution is invalid for any reason, the remaining parts of the resolution shall continue in full force and effect.

**Section 13.** The provisions of the resolution shall be given a liberal construction to effectuate the purposes for which the resolution was enacted. The purposes shall be determined by the resolution's legislative history, which consists of but is not limited to the Preamble and Town meeting testimony.

**Section 14.** This order takes effect two weeks after its signature by the President and its receipt and filing with the town Clerk.

**Exemption**

**Section 15.** The content of this resolution does not apply in instances where the Town of Cicero is otherwise bound to federal and state law.

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*Signature, President Larry Dominick*