

First Reading: _____
Second Reading & Vote: _____

CITY OF MOUNT RAINIER, MARYLAND

ORDINANCE No. 2-2008
Introduced by Council Member Briones

**AN ORDINANCE REAFFIRMING THE IMPORTANCE OF
IMMIGRANTS TO THE MOUNT RAINIER COMMUNITY
AND ESTABLISHING CITY POLICY REGARDING
FEDERAL IMMIGRATION LAWS**

WHEREAS, the City of Mount Rainier has a long and strong tradition of embracing and valuing diversity and respecting the civil and human rights and dignity of all residents regardless of their race, creed, ethnicity, national origin, immigration status, gender or sexual orientation; and

WHEREAS, the City of Mount Rainier actively welcomes, and is comprised of, racially and ethnically diverse populations, both native-born and immigrants, whose collective cultures, languages, heritage, arts, cuisines, backgrounds, and viewpoints enrich our community and our nation's capital; and

WHEREAS, neither Maryland nor Federal law requires or provides resources for municipal governments for the enforcement of Federal immigration laws; and

WHEREAS, enforcement of Federal immigration laws by the Mount Rainier Police Department would discourage immigrant residents from reporting crimes and suspicious activity and cooperating with criminal investigations; and

WHEREAS, current Mount Rainier Police Department policy prohibits staff from enforcing Federal immigration law or inquiring as to the citizenship status of individuals; and

WHEREAS, Mount Rainier is opposed to racial profiling, and granting local police officers the authority to enforce Federal immigration laws may lead to racial profiling; and

WHEREAS, as a matter of public safety, the protection of an individual's citizenship and immigrant status will engender trust and cooperation between law enforcement officials and immigrant communities to aid in crime prevention and solving, and will discourage the threat of immigrant and racial profiling and harassment; and

WHEREAS, the vast majority of immigrants in Mount Rainier are law-abiding residents and are themselves often the victims of crime; and

WHEREAS, the Mount Rainier Police Department has made it a priority to gain the trust and confidence of the entire community as part of its community policing program; and

WHEREAS, cooperation with or a perception of cooperation with the Federal Immigration and Customs Enforcement would create a loss of trust and confidence of the immigrant communities in the Mount Rainier Police Department; and

WHEREAS, loss of cooperation with the immigrant communities threatens the health, safety, and welfare of the entire Mount Rainier community; and

WHEREAS, the City of Mount Rainier believes that there is no inherent conflict between national security and the preservation of liberty and that government can protect public safety without impairing civil rights and liberties; and

WHEREAS, the due process and equal protection clauses of the 5th and 14th Amendments to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and,

WHEREAS, many jurisdictions throughout the United States are undertaking the enforcement of Federal immigration laws and adopting other policies that discriminate against immigrants; and

WHEREAS, recent Federal immigration raids in the metropolitan Washington area have caused fear throughout immigrant communities, including immigrants who reside within the City of Mount Rainier; and

WHEREAS, the City of Mount Rainier continues to believe that all persons should be treated equally, without regard to their immigration status.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND:

SECTION 1. NO CITY ENFORCEMENT OF IMMIGRATION LAWS.

A. Except as provided in subsection (B), no agent, officer, employee, contractor or subcontractor of the City, in the performance of official duties, shall assist the United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement in the investigation or arrest of any persons solely for civil violations of the immigration and nationality laws of the United States.

B. This chapter does not prohibit the Mount Rainier Police Department from:

- (1) carrying out its mandated duty to apprehend violators of the criminal laws;
- (2) contact with any Federal agency, other than the United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement, in assisting any federal agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the immigration and nationality laws of the United States;
- (3) carrying out its authorities under 8 U.S.C. § 1252c to arrest and detain certain aliens illegally present in the United States after a previous felony conviction; or,

(4) assisting any federal, state, county or other law enforcement authority with road closures, traffic diversions or other support services to ensure the safety of other officers, during the conduct of an enforcement action within Mount Rainier's jurisdiction. This exception shall not permit Mount Rainier officers to investigate or enforce immigration laws.

SECTION 2. NO INQUIRIES INTO CITIZENSHIP.

No agent, officer, employee, contractor or subcontractor of the City, in the performance of official duties, shall make any inquiry into the citizenship or residency status of any person seeking to enforce rights or obtain benefits, or discriminate in the enforcement of rights or the granting of benefits on such bases, unless Federal or Maryland law so requires and preempts local authority.

SECTION 3. DISCRIMINATION BASED ON CITIZENSHIP PROHIBITED.

No agent, officer, employee, contractor or subcontractor of the City, in the performance of official duties, shall discriminate against any person on the basis of citizenship or immigration status.

SECTION 4. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS

Except as required by state, federal or international law, no agent, officer, employee, contractor or subcontractor of the City, in the performance of official duties, shall release to any third party, any information regarding the citizenship or residency status of any City resident.