



Office of the City Clerk

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Legislation Text

File #: R2017-217, **Version:** 1

RESOLUTION

WHEREAS, The City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, in fulfillment of that duty, the City of Chicago ("City") enacted a law to ensure that access to its services, opportunities, and protection is unfettered by the immigration status of its residents; and

WHEREAS, that law, set forth in Chapter 2-173 of the Municipal Code of Chicago, dictates the circumstances under which City agents and agencies may communicate with federal immigration enforcement agents; and

WHEREAS, this regulation strives to keep City agencies from expending time and resources to act solely as a conduit to federal agents if verifying immigration status and federal immigration law enforcement are the sole or primary objectives; and

WHEREAS, the United States Attorney General recently announced that a local government's failure to communicate the immigration status of detainees in its custody will result in withholding and withdrawal of federal funds for law enforcement; and

WHEREAS, the U.S. Attorney General coupled that announcement with a caution that state, city, and county policies of not enforcing immigration laws make these cities and states less safe; and

WHEREAS, violent crime is a paramount public safety matter and federal immigration law enforcement and reform is a vital public policy matter; and

WHEREAS, conflating the two matters perpetuates the nefarious sentiment that the immigrant population is a criminal population, and basic humanity dictates that we separate the discourse; and

WHEREAS, effective approaches to address both violent crime and immigration must be targeted to each issue; and

WHEREAS, efforts and resources that group these issues are, at best, misguided and wasteful and, at worst, a smokescreen for harmful biases; and

WHEREAS, a less than rudimentary study of violent crime and of immigration concerns would show that-while they do not necessarily share roots, participants, or effects-global and historical social inequities have a role in the development of both; and

WHEREAS, measures such as those announced by the U.S. Attorney General threaten to cleave such inequities further into our social fabric through the misallocation of resources and the fostering of groundless biases; and

WHEREAS, local government is a steward of all who fall within its jurisdiction, and that charge is based on geography and not ideology; and

WHEREAS, law enforcement agencies widely agree that local policing is most effective when its residents can freely cooperate and interact with officers and agencies without fearing retribution due to their otherwise irrelevant immigration status; and

WHEREAS, withholding funds intended to support local law enforcement efforts belies the U.S. Attorney General's stated concern for public safety, particularly when the withholding is premised on the unrelated federal function of immigration law enforcement; and

WHEREAS, effective law enforcement at all levels is at risk when one encroaches upon or subjugates another at any level; and

WHEREAS, a recent Immigration and Customs Enforcement agent-involved shooting within the City underscores the need for independent and clearly demarcated law enforcement agencies; and

WHEREAS, with what due regard to the federal government's policies and initiatives there may be, the City cannot shoulder the brunt of executing them when there is no nexus to its law enforcement priorities and, further still, cannot stand to be penalized for adhering to its own objectives, issues, and laws; now, therefore,

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

That the Office of Budget and Management appear before the City Council Committee on Finance to address the type and extent of federal grants or other sources of federal funds appropriated for law enforcement related expenditures; and

BE IT FURTHER RESOLVED:

That the Department of Law initiate or formally join in support of any legal action within a jurisdiction encompassing the City of Chicago that seeks to enjoin the federal government from withdrawing or withholding federal funds on the basis of adherence to Chapter 2-173 of the Municipal Code of Chicago.

Alderman, 14th Ward