

ORDINANCE NO. 29-90 N.S.

AN ORDINANCE OF THE CITY OF RICHMOND, CALIFORNIA, ADOPTING CERTAIN POLICIES REGARDING THE REQUEST FOR INFORMATION, ASSISTANCE OR COOPERATION BY THE IMMIGRATION AND NATURALIZATION SERVICE OF THE UNITED STATES DEPARTMENT OF JUSTICE

WHEREAS, the Council of the City of Richmond desires to foster an atmosphere of trust and cooperation between the Richmond Police Department and all persons, regardless of immigration status, residing in the City of Richmond; and

WHEREAS, the creation of such trust and cooperation is important to law enforcement efforts in the City of Richmond in the war on drugs and criminal activity generally; and

WHEREAS, concerns have been raised that this positive environment may be compromised by certain actions engaged in by agents of the Immigration and Naturalization Service of the United States Department of Justice in the City of Richmond when aided by information or assistance provided by City of Richmond officers and employees; and

WHEREAS, the Council of the City of Richmond desires to respond to the community's concerns in an effective manner.

NOW, THEREFORE, the Council of the City of Richmond do ordain as follows:

Section 1. The Council of the City of Richmond hereby declares that it does not condone the detention of citizens and non-citizens by the Immigration and Naturalization Service based solely upon physical profiles or a lack of probable cause.

Section 2. In order to address the fears expressed by the immigrant and refugee community in the City of Richmond concerning Immigration and Naturalization Service activities in the City of Richmond while preserving the ability of the Richmond Police Department to utilize all available resources to fight criminal activity, the Council of the City of Richmond hereby adopts the following policy:

1. All officers and employees of the City of Richmond, while acting in their official capacities, who receive any oral or written request from the Immigration and Naturalization Service for information, cooperation or assistance shall refer

such request to the City Manager or the Chief of Police. The City Manager or the Chief of Police shall decide whether such information shall be given or whether such cooperation or assistance shall be provided to the Immigration and Naturalization Service. In exercising their discretion, the City Manager and the Chief of Police shall consider the possible disruption and inconvenience that may be experienced by the immigrant and refugee community in the City of Richmond and any requirements of any federal, state or local law or court decision. Nothing delineated in the foregoing policy shall be construed to prevent the City Manager or the Chief of Police from providing information, assistance or cooperation to the Immigration and Naturalization Service regarding the criminal violation of any federal, state or local law.

2. The City Manager and the Chief of Police shall report to the City Council regarding the activities of the Immigration and Naturalization Service within the City of Richmond as requested by the City Council or as the City Manager or Chief of Police may deem appropriate.

3. The City Manager shall distribute a copy of this policy to all current and new officers and employees of the City of Richmond and shall emphasize the importance of complying with this City Council policy.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

First read at a regular meeting of the Council of the City of Richmond, California, held August 13, 1990

and finally passed and adopted at a regular meeting thereof held August 20, 1990, by the following vote:

AYES: Councilmembers Niccolls, Corbin, Marquez, Ziesenhenné,
MacDiarmid, Griffin and Vice-Mayor McMillan

NOES: None

ABSENT: Councilmember Washington and Mayor Livingston

EULA M. BARNES
Clerk of the City of Richmond

Approved:

(SEAL)

GEORGE L. LIVINGSTON
Mayor

Approved as to form:

MALCOLM HUNTER
City Attorney

State of California)
County of Contra Costa : ss.
City of Richmond)

I certify that the foregoing is a true copy of Resolution No. 29-90 N.S. finally passed and adopted by the Council of the City of Richmond at a regular meeting held August 13, 1990, and published in accordance with law.

3 EULA M. BARNES
Clerk of the City of Richmond

By: *Dean Holmes*
Deputy City Clerk