

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 110536)

RESOLUTION

Condemning the City of Philadelphia's agreement with the United States Immigration and Customs Enforcement (ICE) to allow immediate access to arrest information, and urging the City to discontinue that agreement with ICE when it expires August 31, 2011 as well as any other involvement in the Secure Communities program or additional data-sharing agreements with ICE.

WHEREAS, Representatives from the Philadelphia Police Department, District Attorney's Office, and the First Judicial District of Pennsylvania decide whether the City of Philadelphia will renew an agreement with US Immigration and Customs Enforcement (ICE) pursuant to the federal Secure Communities program that allows ICE immediate access to the City's arrest information through the Preliminary Arraignment Reporting System (PARS) database; and

WHEREAS, A Police Department directive has been in force since 2001 which recognizes the crucial importance of protecting the confidentiality of immigration status in order for immigrants to trust and work with local law enforcement officers; and

WHEREAS, An executive order signed by Mayor Michael Nutter in November 2009 prohibits all City employees from asking about immigration status, unless specifically required by law, or to determine program eligibility. The order observes that the City's "ability to obtain pertinent information, which may be essential to the performance of government functions, is sometimes made more difficult or even impossible if some expectation of confidentiality is not preserved," and seeks to further the goal that "all individuals should know that they may seek and obtain the assistance of City departments and agencies regardless of their personal status, without negative consequences to their personal lives"; and

WHEREAS, The "Secure Communities" program piloted in 2008 is designed to enforce federal civil immigration laws and facilitate deportations by increasing collaboration between ICE and state and local law enforcement agencies. The involvement of state and

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local police in civil immigration enforcement runs counter to their historical role of focusing exclusively on criminal violations and public safety; and

WHEREAS, In August 2010, despite strong opposition by immigrant advocate groups and local elected officials to the Secure Communities program and specifically the City's involvement in federal immigration enforcement, the City's agreement with ICE was renewed; and

WHEREAS, This year the Department of Homeland Security opened an internal investigation of its Secure Communities program following release of statistical evidence that Secure Communities has failed to achieve its goal of targeting only dangerous and high-risk criminals, as well as the publication of documents showing that ICE repeatedly misled local government officials about the nature and operation of the program; and

WHEREAS, According to recently-released ICE data, 348 of the 583 Philadelphia suspects transferred from Philadelphia Police to ICE custody between October 27, 2008 and April 30, 2011 were never convicted of any crime; further, 480 of the 583 had no criminal history or only low-level, non-violent misdemeanor convictions, over 82% of those transferred to ICE. This is one of the highest such statistics in the country, and directly contradicts the stated goals of the program; and

WHEREAS, The practice of assisting in the deportation of immigrants hinders the City's ability to forge relationships with immigrant communities and is counter to public safety. Immigrants report they are fearful that any contact with the police or other City services could jeopardize their own security or that of their family members, and are reluctant to report crimes or serve as testifying witnesses. The fear of deportation has created a significant barrier between the Police Department and immigrant communities, and hampered the District Attorney's ability to prosecute and convict criminals; and

WHEREAS, There is growing national recognition that Secure Communities and local information-sharing with ICE is counterproductive. In the last month the governors of Illinois, Massachusetts, and New York have refused to continue participation in Secure Communities. The Major Cities Chiefs Police Association as well as other cities such as San Francisco and Washington D.C. have voiced concern, the Congressional Hispanic Caucus has called for the end of the program, and the New York Times editorial board denounced it as "misconceived and failing"; and

WHEREAS, All residents of Philadelphia have the right to remain in their neighborhoods with their communities and their families, regardless of their economic status, their immigration status or their criminal history; and

WHEREAS, Evidence now shows that Secure Communities has failed to meet its stated goals, and made Philadelphia less safe; now, therefore, be it

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RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council does hereby condemn the City of Philadelphia's agreement with the United States Immigration and Customs Enforcement (ICE) to allow immediate access to arrest information, and urges the City to discontinue that agreement when it expires August 31, 2011 as well as any other involvement in the Secure Communities program or additional data-sharing agreements with ICE.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-third of June, 2011.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Kenney and Sanchez

Sponsored by: Councilmembers Kenney, Sanchez, Green, Greenlee, Tasco, Goode, Miller, Blackwell, Clarke, DiCicco and Reynolds Brown