

AD HOC COMMITTEE ON IMMIGRANT AFFAIRS REPORT relative to how a sanctuary city is defined and how that definition applies to the City of Los Angeles, and protecting the City from regressive Federal immigration policies.

Recommendations for Council action:

1. INSTRUCT the Los Angeles Police Department (LAPD):
 - a. With the assistance of the City Attorney, to review the LAPD Manual to ensure all sections are consistent with current practices.
 - b. To report to the Ad Hoc Committee on Immigrant Affairs relative to Special Order 40 and to present recommendations for any revisions of the policy necessary to protect the City's residents.
2. INSTRUCT the Chief Legislative Analyst (CLA), with the assistance of the LAPD and the City Attorney, to continue to monitor federal and state legislation and administrative action that may impact the City's practices relative to immigration.
3. AFFIRM Council support for Mayor's Executive Directive 20 which among other statements, affirms the City's continued support for LAPD Special Order 40 and guarantees equal access to all City services for all City residents regardless of immigration status.
4. REQUEST the City Attorney to report to the Ad Hoc Committee on Immigrant Affairs relative to recommendations for undertaking a more proactive aggressive strategy to counter Federal immigration policies harmful to City residents, and to review and challenge the legality of the Federal government requirements for the City to check immigration status for recipients of existing and future City program services.

Fiscal Impact Statement: Neither the CLA nor the City Administrative Officer has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

In a report to the Ad Hoc Committee on Immigrant Affairs dated March 29, 2017, the CLA states that the terms sanctuary cities and sanctuary jurisdictions have not been defined by the Federal government. The terms generally refer to how federal immigration laws are enforced by local law enforcement agencies. The CLA also states that federal and state laws allow, require, or prohibit local law enforcement agencies to engage with federal immigration authorities.

The CLA report goes on to discuss the actions taken by other jurisdictions to declare sanctuary status to protect their residents, and various court cases and decisions regarding the role of local law enforcement in immigration matters. The CLA does not believe that the Federal government, under existing law, can withhold federal funding from sanctuary jurisdictions.

The CLA report further discusses immigration enforcement and LAPD. According to the CLA, LAPD officers will not make a stop or an arrest where the purpose is to discover the legal status of an individual. Additionally, LAPD representatives report that the City does not currently have a 287 (g) agreement with Immigrations and Customs Enforcement (ICE) which would authorize police officers to assume the role of federal immigration officers. LAPD does participate in joint task force actions with ICE. Participating officers are obliged, however, to comply with LAPD immigration status policies.

At its special meeting held March 30, 2017, the Ad Hoc Committee on Immigrant Affairs discussed this matter with a representative of the CLA. The CLA's representative reviewed the report's findings. A representative of the Mayor's Office discussed Executive Directive 20 recently released by the Mayor. In it, the Mayor reaffirms the City's continued support for LAPD Special Order 40 which states officers shall not initiate police action with the objective of discovering the alien status of a person, nor shall officers arrest or book persons for violation of the United States Immigration code. The Mayor's Executive Order 20 also commits the City to making program services available to all City residents regardless of immigration status.

During the public comment period, speakers urged the Committee to take strong and immediate action and declare the City of Los Angeles to be a sanctuary city. Speakers also urged the Committee to revise Special Order 40 to ensure it still achieves its intended purpose and to confirm it is being fully administered.

Committee recommended that Council approve the CLA's recommendations to instruct LAPD, with the assistance of the City Attorney, to review the LAPD Manual to ensure all sections are consistent with current practices; and, to instruct the CLA, with the assistance of the LAPD and the City Attorney, to continue to monitor federal and state legislation and administrative action that may impact the City's practices relative to immigration. Committee members expressed support for taking a more aggressive policy stance to counter harmful Federal immigration directives. To that end, Committee further recommended that Council affirm its support for the Mayor's Executive Directive 20, request the City Attorney to develop a more proactive aggressive strategy to counter Federal immigration policies harmful to City residents and to review and challenge the legality of the Federal government requiring the City to check immigration status for recipients of existing and future City program services, and direct LAPD to review and update Special Order 40.


Respectfully Submitted,

AD HOC COMMITTEE ON IMMIGRANT AFFAIRS

MEMBER VOTE

CEDILLO: YES

HUIZAR: ABSENT

MARTINEZ: YES

PRICE: YES

RYU: YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-