

*NEW*

**MOTION**

On November 27, 1979, Los Angeles Police Chief Daryl Gates issued Special Order 40, which prohibited officers of the Los Angeles Police Department from initiating, "police action with the objective of discovering the alien status of a person."

This policy was adopted on the principles that the role of local law enforcement is not to enforce federal immigration law, and furthermore that the act of doing so would make it more difficult to investigate crimes that occur in the City of Los Angeles.

As the department noted in 1979, "...effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The Department also recognizes that the Constitution of the United States guarantees equal protection to all persons within its jurisdiction. In view of those principles, it is the policy of the Los Angeles Police Department that undocumented alien status in itself is not a matter for police action."

Special Order 40 is still in force today. The Police Department recognized then, as it recognizes now, that an immigrant – undocumented or not - that might be a potential witness to a crime will not come forward to aid an investigation or testify against a criminal if they live in fear of police action against their immigration status. Without Special Order 40, our communities would be less safe.

On October 31, 2016, President Trump, as a candidate, stated, "[c]ities that refuse to cooperate with federal authorities will not receive taxpayer dollars, and we will work with Congress to pass legislation to protect those jurisdictions that do assist federal authorities."

On January 5, 2017, Pennsylvania Representative Lou Barletta introduced H.R. 83, the Mobilizing Against Sanctuary Cities Act, which would deprive State or local jurisdictions of federal funding for a minimum period of one year, based upon the determination of the Attorney General about that jurisdiction's cooperation with Federal immigration authorities.

I THEREFORE MOVE that the Council INSTRUCT the Chief Legislative Analyst, with the assistance of the City Administrative Officer, to REPORT by April 1, 2017 on the following:

1. A list of Federal funding that the City of Los Angeles receives or administers, the legal authority which allowed for those funds to be appropriated and remitted to the City of Los Angeles, and the nature of the City's programs that make use of them;
2. The budgetary and operational implications of a loss of Federal funding in the event that the Congress and President act to remove funds from cities that have policies similar to Special Order 40; and

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3. A plan to address the budgetary shortfall that would result from the loss of Federal funds

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