

City of Appleton – **Resolution #18-R-17**

September 20, 2017

*Submitted by: Alderperson Meltzer – District 2, Alderperson Baker – District 9, Alderperson Coenen – District 11*

*Referred to: Safety & Licensing Committee*

### Resolution Reaffirming the Public Safety Function of Local Law Enforcement

WHEREAS the City of Appleton devotes resources to law enforcement for the purpose of assuring the safety of all persons who reside in or visit our community; and

WHEREAS the power to regulate immigration is exclusive to the federal government and the enforcement of immigration law is a function of the federal government that currently resides with Immigration and Customs Enforcement (ICE) of the Department of Homeland Security; and

WHEREAS no federal law compels the local police to participate in the enforcement of federal immigration law and any such requirement would raise significant anti-commandeering issues under the Tenth Amendment to the Constitution of the United States; and

WHEREAS any perception that the local police are involved in the enforcement of immigration law will undermine the time and energy our police force has spent building trust with the immigrant community, and thereby undermine the ability of the police to keep the community safe; and

WHEREAS it is essential to public safety that every person, regardless of immigration status, who is a victim of or a witness to a crime feels comfortable reporting crimes or aiding in the investigation of crimes -

NOW THEREFORE BE IT RESOLVED THAT IN THE CITY OF APPLETON:

1. Except as necessary for public safety as determined by the Police Chief or designee, or as otherwise required by state or federal law, the Appleton Police Department shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons or devote any public resources to the enforcement of federal immigration law.
2. Except as necessary for public safety as determined by the Appleton City Council, the Appleton Police Department shall not enter into any partnership with ICE in order to receive delegated authority for immigration enforcement.

3. This resolution addresses the discretionary use of legal city resources and does not:

(i) Affect or limit the enforcement of federal immigration law by federal authorities within the City of Appleton;

(ii) Affect or limit ICE's Priority Enforcement Program whereby all fingerprints of adults arrested, or juveniles taken into custody, for a crime other than a simple misdemeanor are automatically included in the federal automated fingerprint identification system and cross checked against the ICE database, such that ICE is notified of that person's arrest and detention in the jail; or

(iii) In any way condone, encourage or assist the violation of federal law which makes it a crime for any person to "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation." (8 U.S.C. Section 1324)