

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner
Janese Chapman
Deputy Director

John Alexander
LaKisha Barclift, Esq.
M. Rory Bolger, Ph.D., AICP
Elizabeth Cabot, Esq.
Tasha Cowen
Richard Drumb
George Etheridge
Deborah Goldstein


City of Detroit

CITY COUNCIL

LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Christopher Gulock, AICP
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Carolyn Nelson
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood
Wilson, Ashley

TO: The Public Health and Safety Standing Committee

FROM: David D. Whitaker, Director
Legislative Policy Division Staff 

RE: Resolution In Opposition to House Bills 4083 and 4090, *The Local Government Sanctuary Policy Prohibition Act* and *The County Sanctuary Policy Prohibition Act*

DATE: March 6, 2019

In response to a request by Council Member Castañeda-López, the Legislative Policy Division (LPD) has prepared a resolution opposing proposed state legislation prohibiting local units of government from enacting or enforcing laws or policies limiting communication or cooperation between police or employees and federal immigration officials. The resolution is attached for your review and consideration.

Attachment

BY COUNCIL MEMBER CASTAÑEDA-LÓPEZ:

RESOLUTION OPPOSING HOUSE BILLS 4083 AND 4090, *THE LOCAL GOVERNMENT SANCTUARY POLICY PROHIBITION ACT* and *THE COUNTY SANCTUARY POLICY PROHIBITION ACT*

WHEREAS, On January 24, 2019, House Bills 4083 and 4090, entitled *The Local Government Sanctuary Policy Prohibition Act* and *The County Sanctuary Policy Prohibition Act*, respectively, were introduced in the Michigan Legislature with the stated purpose: “to prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits local officials, officers, or employees from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals; to prescribe the powers and duties of certain state and local officers, officials, and employees; and to prescribe penalties and remedies.” And

WHEREAS, The bills could negatively impact “welcoming communities”, including Detroit, across the state of Michigan. As stated in the Detroit City Council’s resolution affirming our *Welcoming City* status, “the City of Detroit believes in the innate dignity of all its residents and recognizes the importance of their valuable contributions to the social, religious, cultural, and economic life within the city. The City of Detroit acknowledges, honors, and values our immigrant and migrant roots, and embraces the values of family, faith, and hard work”; and

WHEREAS, If enacted, HB 4083 will likely undercut the policy and function of the City’s human rights ordinance, which was intended to reduce racial and ethnic profiling and to provide assurance to Detroit’s immigrant community that it is safe to seek City services and, particularly police assistance, without fear of needless exposure to Federal immigration authorities by the Detroit Police Department or other City of Detroit service providers. In contrast, the bill’s prohibition on any local law or policy limiting police communication with federal immigration authorities, such as Immigration and Customs Enforcement (ICE), about a person’s immigration status could have the unwelcomed effect of encouraging inquiries about status and therefore, incentivizing racial profiling; and

WHEREAS, The City’s commitment to providing our immigrant communities and all Detroiters with the opportunity to grow and thrive in an atmosphere of safety and security is evident in the City’s human rights ordinance, which was enacted to assure all members of the community that they can seek City services without fear, and that victims of crime can both seek police assistance as well as assist the police as witnesses when necessary. In

many instances, due to proximity to the issues, local government is more knowledgeable and better able to assess specific needs and prescribe such standards and regulations for their own local community than the State government; the community's sense of comfort when interacting with the police is perhaps the most sensitive of these situations; and

WHEREAS, The bills also place an undue burden on local governments, particularly local law enforcement, for training staff and officers on the evolving nuances and correct interpretation of immigration law; and

WHEREAS, The timing for enactment of this proposed legislation would intensify a climate of fear and intimidation among the immigrant population, which would make a population that has proven in the past to be very difficult to count during the decennial census, even more so. The under count of this critical population would translate to the potential loss of millions of federal tax dollars that are desperately needed to provide for the population; and

WHEREAS, Finally, while Detroit's human rights ordinance does not prohibit police communication with federal authorities regarding an individual's immigration status, it discourages the initial inquiry and might be misinterpreted as inconsistent with HB 4083; therefore, the bill's inappropriate creation of a personal cause of action for individual residents seeking to enforce the bill's prohibitions could result in misguided enforcement litigation against the City. **NOW, THEREFORE, BE IT**

RESOLVED, That the Detroit City Council strongly opposes House Bill 4083, applicable to local units of government, the "**local government sanctuary policy prohibition act**", as well as House Bill 4090, applicable to county government, both of which undermine the safety and security of all Detroiters and Michiganders; **AND NOW, THEREFORE, BE IT FINALLY**

RESOLVED, That copies of this resolution shall be transmitted to the Mayor and the City's lobbyists, the Governor and the Detroit delegation in the State Legislature.