



**SPECIAL SESSION MEETING  
AGENDA ITEM NO. 5**

FOR COUNCIL: July 9, 2018

**SUBJECT:** Consideration and action on an Ordinance recognizing the Importance of the Immigrant Community in the City of Bloomington, as requested by Mayor Tari Renner.

**RECOMMENDATION/MOTION:** The Ordinance recognizing the Importance of the Immigrant Community in the City of Bloomington be approved, and the Mayor and City Clerk authorized to execute the Ordinance.

**STRATEGIC PLAN LINK:** Goal 4 – Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:** Objective: a: Residents feeling safe in their homes and neighborhoods

**BACKGROUND:** On July 3, 2018, Mayor Tari Renner called a special meeting to be held for the object and purpose of discussing and acting on an Ordinance Recognizing the Importance of the Immigrant Community in the City of Bloomington. This follows discussion of a similar ordinance in December of 2017 by the City Council and many months of community action groups calling for the City to address various immigration issues.

The proposed ordinance incorporates language from the Trust Act, including that the City’s Police Department will not detain individuals solely on the basis of an immigration detainer or non-judicial immigration warrant or stop, arrest, search, detain a person solely based on the individual’s citizenship status. *See* 5 ILCS 805/15(a) & (b). The Trust Act, as well as the Ordinance, also specifically provide that it does not apply when the police are presented with a valid and enforceable warrant and that nothing shall prohibit communications with federal agencies. *See* 5 ILCS 805/15(c).

The proposed ordinance also incorporates the City’s current practices, including that the Police Department does not, as part of its routine practice, inquire regarding the citizenship status of individuals and instead responds to criminal activity without prejudice. There is also a continued emphasis on U Visas and the Police Department’s cooperation with this program so that undocumented individuals that are the victim of a crime can report same under various federal protections.

The United States Code, 8 U.S.C.A. § 1373, provides that states and local governments may not “prohibit, or in any way restrict,” their personnel from sharing (sending, requesting, receiving, maintaining, etc.) with federal immigration agencies information regarding the citizenship or immigration status, lawful or unlawful, of any individual. Accordingly, the proposed ordinance is clear that City officials and employees are free to exchange immigration and citizenship status

information with federal agencies, like ICE, and may further communicate and cooperate with ICE on criminal matters and criminal investigations. The ordinance does, however, add a new protocol that any work on civil immigration issues with federal agencies, except for the sharing of information under § 1373, must first be approved by the Police Chief, or his designee, in accordance with a written policy to be approved by the Police Chief.

One of the underlying calls for such an ordinance is to ensure people feel safe reporting crimes. Without doubt the Police Department wants any victim of a crime, regardless of their immigration status, to feel safe and secure in reporting crimes. The Police Department acts without prejudice in defending persons against crimes and has worked tirelessly to develop a Community Policing program to build relationships with all populations within the community. This includes responding to requests from the immigrant communities to defend them against all crimes, as well as assisting individuals with limited language proficiency and providing assistance under a Federal law that allows undocumented individuals to report certain crimes. This is known as U nonimmigrant status (also known as a U visa) and is an immigration benefit that can be sought by victims of certain crimes who are currently assisting or having previously assisted law enforcement and allows them to temporarily remain in the United States and, if certain conditions are met, an individual with U nonimmigrant status may adjust to lawful permanent resident status.

City staff believes the proposed ordinance is written in a way that does not violate any laws, that shows support for the immigrant community, that further encourages the reporting of crimes, and that will not interfere with or inhibit public safety.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** N/A

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION:** N/A

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- An Ordinance Recognizing the Importance of the Immigrant Community in the City of Bloomington
- Illinois Trust Act (P.A. 100-463)

- Attorney General - Guidance to Law Enforcement: Authority Under Illinois & Federal Law to Engage in Immigration Enforcement
- U Visa Law Enforcement Certification Resource Guide
- The United States Code, 8 U.S.C.A. § 1373

**ORDINANCE NO. 2018 – \_\_\_\_**

**AN ORDINANCE RECOGNIZING THE IMPORTANCE OF THE IMMIGRANT  
COMMUNITY IN THE CITY OF BLOOMINGTON**

**WHEREAS**, the City of Bloomington (“City”) is a home-rule municipality operating in McLean County, Illinois; and

**WHEREAS**, the City is a diverse community and stands by the famous and proud proclamation on the Statute of Liberty: Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!; and

**WHEREAS**, the diversity of the City helps make it the Jewel of the Midwest and adds to the cultural, social and economic engines of the community; and

**WHEREAS**, the creation of a welcoming community occurs when all parts of a community come together to enable all citizens to actively engage and when the City is committed to working with community advocates, policy experts, and legal advocates to defend the human rights of immigrants; and

**WHEREAS**, the provision of municipal benefits, services, and opportunities is not contingent on matters related to citizenship or immigration status unless required by state or federal law, or court order; and

**WHEREAS**, the City does not discriminate against any person based upon the person’s actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of the person’s family member; and

**WHEREAS**, the Bloomington Police Department responds to requests from immigrant communities to defend them against all crimes, including hate crimes, to assist people with limited language proficiency and to connect immigrants with social services; and

**WHEREAS**, on August 28, 2017, the Illinois Trust Act took effect, the provisions of which are followed by the Bloomington Police Department, to help establish reasonable, constitutional limits on local police interaction with ICE enforcement, and to help foster trust between local police and immigrant communities; and

**WHEREAS**, the Bloomington Police Department has worked tirelessly to develop a Community Policing program to build relationships with all populations within the community and help set the foundation for a safer and stronger community; and

**WHEREAS**, the City, along with its Police Department, acts without prejudice in defending persons against crimes; and

**WHEREAS**, it is the policy of the City to process in a timely manner certification requests by victims of a qualifying criminal activity; and

**WHEREAS**, the Mayor and Bloomington City Council desire to set forth a policy of openness and inclusion and approve this Ordinance in support of the City's strong and vibrant immigrant community;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bloomington, County of McLean, State of Illinois that:

**Section 1.** The City is committed to being a welcoming community where all our residents feel welcome, safe, and able to fully participate in, and contribute to, our City's economic and social life. The City Council urges all residents of Bloomington to do their part in reaching out and welcoming all those who live in and visit our great city.

**Section 2.** It shall be the policy of the City to abide by the Trust Act and the law enforcement officials of the City shall focus their efforts on the enforcement of local and state laws. In accordance with the Trust Act, the law enforcement officials of the City shall not: (1) detain or continue to detain any individual solely on the basis of any immigration detainer or non-judicial immigration warrant or otherwise comply with an immigration detainer or non-judicial immigration warrant; or (2) stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status. In further compliance with the Trust Act and federal law, the provision of this Section 2 shall not apply when the City's law enforcement officers are presented with a valid, enforceable federal warrant and nothing herein shall prohibit communications between federal agencies or officials and the City's law enforcement officers.

**Section 3.** To promote a welcoming and safe community, it shall further continue to be the practice of the City to: (1) respond to criminal activity without regard to the citizenship status of those involved; and (2) promote and encourage all individuals, regardless of their citizenship status, to report crimes. The Police Department shall remain focused on the enforcement of local and state laws and does not, as part of its routine practice, inquire regarding the citizenship status of those who either report crimes or commit crimes.

**Section 4.** As further encouragement of all individuals to report crimes, the Police Department, as well as any other investigatory agency within the City, shall consider certification requests related to an immigration benefit by any victim of a crime or their representative in a timely manner. In consideration of the certification request, the City will reference federal guidelines in determining the parameters of its discretion. The City shall promote the ability to file such requests and shall ensure its employees are properly trained and knowledgeable regarding the certification process and the importance of same.

**Section 5.** City officials and employees are free to exchange immigration and/or the citizen status information of individuals with federal agencies, including ICE, in accordance with 8 U.S.C. 1373, and the Police Department may otherwise continue to communicate with various federal agencies, including ICE, on criminal matters and criminal investigations as necessary. To remain focused on the enforcement of local and state criminal law, any additional cooperation or interactions with ICE on the enforcement of immigration matters, beyond the sharing/exchange of information as required by 8 U.S.C. 1373, shall be approved by the Chief of Police, or his designee, in accordance with a policy to be adopted by the Chief of Police.

**Section 6.** The City of Bloomington Police Department shall continue to receive training on the Illinois Trust Act and the provisions of this Ordinance, to include training on the risk of deportation even in cases where an individual is found not guilty of a crime.

**Section 7.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. Nothing in this Ordinance is intended to limit any communication by the City or any official that is allowed by 8 U.S.C. 1373. If there is any conflict between the provisions of this Ordinance and the provisions of 8 U.S.C. 1373, then the provisions of that federal statute shall prevail. Nothing within this Ordinance shall create or form the basis of any liability on the part of the City, its officers, agents or employees.

**Section 8.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**Section 9.** This ordinance shall be effective immediately after the date of its publication as required by law.

**Section 10.** This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

ADOPTED this 9<sup>th</sup> day of July 2018

APPROVED this \_\_\_\_\_ day of July 2018

**CITY OF BLOOMINGTON:**

**ATTEST:**

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Tari Renner, Mayor

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Cherry Lawson, City Clerk