

Memo

To: All Department Heads
From: Cynthia Updyke 
Re: Safe Space Policy
Date: November 18, 2008

Attached please find A Resolution Authorizing the Town President to Reaffirm the Town of Cicero's Safe Space Policy, which is contained therein. Pursuant to Article II of this Resolution, all Department Heads should be familiar with the operational procedures of this policy.

Should you have any questions, please do not hesitate to contact the Legal Department.

RESOLUTION NO. 277.08

A RESOLUTION AUTHORIZING THE TOWN PRESIDENT TO REAFFIRM THE TOWN OF CICERO'S SAFE SPACE POLICY FOR THE TOWN OF CICERO, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Town of Cicero (the "Town") was created by a charter enacted by the Illinois General Assembly (the "Charter"); and

WHEREAS, the Corporate Authorities of the Town (as defined below) are governed by the Charter and the Constitution of the State of Illinois and the statutes of the State of Illinois when not specified in the Charter; and

WHEREAS, the Town is a home rule unit of local government as is provided by Article VII, Section 6 of the Illinois Constitution of 1970, and as a home rule unit of local government the Town may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Town established a police protocol with respect to Citizenship (as defined below) and/or Residency Status (as defined below) by enacting Cicero Police Department General Orders 61-01-02 and 301 (known as the "Safe Space Policy") and wishes to reaffirm the contents of the same; and

WHEREAS, the Town is home to Immigrants (as defined below), and more than eighty-five percent (85%) of the Town's residents are of Latino descent; and

WHEREAS, the Town is dedicated to providing all of its residents with equal access to the services, opportunities and the protections that local government has been authorized to administer; and

WHEREAS, the Town President (the "President") and the Board of Trustees of the Town (the "Town Board" and with the President, the "Corporate Authorities") are

dedicated to collaborating effectively with Town residents and are determined to gain the confidence of its residents; and

WHEREAS, residents' perception that Town Agents (as defined below) may attempt to enforce federal civil immigration laws undermines confidence in Town Agents, poses barriers to public safety and harms the public trust; and

WHEREAS, as a matter of public safety, the Safe Space Policy will engender trust and cooperation between law enforcement officials and Immigrant communities, which will discourage the threat of Immigrant and racial profiling and harassment and aid in solving and preventing crime, including human and drug trafficking, prostitution, domestic violence, gang violence and even terrorism; and

WHEREAS, approximately seventy-five (75) municipalities and several states have enacted similar measures, including Chicago, Los Angeles, St. Paul, Maine and Oregon; and

WHEREAS, immigration law is a complex area of law and is properly enforced within the authority of the federal government; and

NOW, THEREFORE, BE IT RESOLVED by the President and the duly authorized Board of Trustees of the Town of Cicero, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 1.0 Findings.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Resolution are full, true and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section 2.0 Purpose.

The purpose of this Resolution is to authorize the President to reaffirm the Safe Space Policy, to assure that all residents of the Town, regardless of nationality or Citizenship, feel secure, safe and have confidence in local government and to clarify local authority with respect to the enforcement of federal civil immigration laws by enacting this Resolution.

**ARTICLE II.
SAFE SPACE POLICY**

Section 3.0 Definitions.

The following words, terms and phrases, when used in this Resolution, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where applicable, words used in the present tense include the future tense of the word and words in the singular include the plural form of the word.

“Citizenship,” “Immigration” or “Residency Status” shall mean all matters regarding questions of citizenship of the United States or any other country, questions of authority from the Department of Homeland Security to reside or otherwise be present in the United States, and the time or manner of a person’s entry into the United States. The

use of the term "Residency" in this Resolution shall not mean street address or location of residence in the Town or elsewhere.

"Town Agency" shall mean any and each entity directly controlled by the Town.

"Town Agents" shall mean any and each employee, including those who work in public safety, employed directly or under contract by the Town.

"General Town Services" or "Town Services" shall mean all services except those specifically listed as Public Safety Services (as defined below).

"Immigrant" shall mean any person who is not a citizen or a national of the United States.

"Law Enforcement Entities" shall mean police, sheriffs' offices, jails, juvenile departments and corrections departments.

"Public Safety Services" shall mean police and fire departments and emergency medical services authorities.

"Undocumented Immigrant" shall mean a non-citizen who does not have Immigration or Residency Status pursuant to federal civil immigration laws.

Section 3.1 Authorization.

That the Town Board hereby authorizes and directs the President to reaffirm the Safe Space Policy and authorizes the President or his designee to execute any and all documentation that may be necessary to carry out the intent of this Resolution. The Town Clerk is hereby authorized and directed to attest to and countersign such documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Town Clerk is also authorized and directed to affix the Seal of the Town to such documentation as is deemed necessary.

Section 3.2 Town Services.

No General Town Service or Public Safety Service shall be denied on the basis of Citizenship unless required by federal or state law. Town Agents shall not inquire into the Citizenship, Immigration or Residency Status of any individual, nor shall Town Agents enforce federal civil immigration laws unless required by federal or state law. Information about individuals' Citizenship, Immigration or Residency Status in the possession of or known to Town employees and/or representatives, however received, shall not be maintained or recorded except as otherwise required by law.

Town Agents shall follow general local, state and federal guidelines to assess eligibility for services. Town Agents shall not inquire about a person's Citizenship, Immigration or Residency Status unless: (1) such person's Citizenship, Immigration or Residency Status is necessary for the determination of a program, service, benefit eligibility or the provision of Town Services; or (2) such agent is required by law to inquire about an individual's Citizenship, Immigration or Residency Status.

The Town recognizes that U.S. citizen children of Undocumented Immigrant parents have the same rights to public benefits as all other U.S. citizens. Undocumented Immigrant parents shall be permitted to apply on behalf of their citizen children for any benefits for which their children are eligible, and such parents shall not be discriminated against or in any way treated differently by Town Agents.

The presentation of a foreign passport or matricula consular (consulate-issued document) shall be accepted as proof of identity and shall not subject the individual to a higher level of scrutiny or different treatment than if the person had provided an Illinois

driver's license. This paragraph does not apply to I-9 forms or identity verification for purposes of employment at the Town or for those services paid for by the Town.

Section 3.3 Law Enforcement.

Unless otherwise required by law or court order, Town Agents shall refrain from enforcing federal immigration laws. No Town Agents, including agents of law enforcement entities, shall use Town monies, resources or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be a civil immigration violation.

Town Agents shall not single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or Citizenship or Residency Status.

Town Agents shall not provide a venue or facilities for federal immigration agents in Town offices, law enforcement vehicles, or other municipal locations for the purpose of enforcement of federal immigration laws.

Section 3.4 Victim and Witness Protection.

It shall be the policy of the Public Safety Services departments not to inquire about the Citizenship, Immigration or Residency Status of crime victims, witnesses or others who call or approach Town Agents seeking assistance.

Section 3.5 Complaints and Investigation.

Written complaints regarding violations of this Resolution shall be received and investigated by the Cicero Police Office of Internal Affairs and/or the Inspector General. Complainants and witnesses shall not be asked to provide their Citizenship, Immigration or Residency Status at any point during the complaint process, and no investigation of the

Citizenship, Immigration or Residency Status of a complainant or witness shall be made by any Town Agent in the investigation of such a complaint or thereafter. During said investigation, the Town will be required to ask the complainant for government issued proof of identity, which will be kept on file at Town Hall. The identification may be in the form of a passport or matricula consular (consulate-issued document).

The Town agrees to meet with the Interfaith Leadership Project & Latino Union on an annual basis to discuss whether or not any complaints were filed with the Town and, if so, what action, if any, the Town pursued to either investigate and/or address the complaint.

Section 3.6 Implementation.

This Resolution will be delivered to the heads of all Town Agencies to ensure that all Town Agencies' operational procedures are consistent with the content of this Resolution.

The provisions of this Resolution shall be liberally construed to effectuate the purposes for which this Resolution was enacted. The purposes shall be determined by the legislative history of this Resolution, which consists of, but is not limited to, the recitals set forth herein and testimony from the November 12, 2008 meeting of the Town Board.

Section 3.7 Exemption.

The content of this Resolution does not apply in instances where the Town is otherwise bound by federal and/or state law.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

Section 4.0 Headings.

The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

Section 5.0 Severability.

The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

Section 6.0 Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 7.0 Publication.

A full, true and complete copy of this Resolution shall be published in pamphlet form or in a newspaper published and of general circulation within the Town as provided by the Illinois Municipal Code, as amended.

Section 8.0 Effective Date.

This Resolution shall be effective and in full force two (2) weeks after it is signed by the President and received and filed with the Town Clerk.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)


ADOPTED this 12 day of November, 2008, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Viruso	X			
Alanis	X			
Reitz	X			
Garcia	X			
Punzo-Arias	X			
Raleigh	X			
Walsh	X			
(President Dominick)	—			
TOTAL	7	0	0	0

APPROVED by the President on November 12, 2008


 LARRY DOMINICK
 PRESIDENT

ATTEST:


 MARYLIN COLPO
 TOWN CLERK