

RESOLUTION PROMOTING COMMUNITY SAFETY IN ACCORDANCE WITH CONSTITUTIONAL PRINCIPLES

Adopted by the Arlington County Board – September 28, 2010

WHEREAS, Arlington County strives to be a diverse and inclusive world-class urban community where people unite to form a caring, learning, participating, sustainable community in which each person is important; and

WHEREAS, Arlington County has a racially, ethnically, and culturally diverse population and more than one third of our residents are Hispanic/Latino, African-American, Asian-American or multi-racial; and

WHEREAS, nearly one quarter of Arlington residents were born outside of the United States, and Arlington County public school children speak 93 languages and hail from 124 countries; and

WHEREAS, public trust in law enforcement officers and their reciprocal respect for the rule of law are vital to promoting public safety; and

WHEREAS, the mission of the Arlington County Police Department is to reduce the incidence of crime and improve the quality of life in Arlington County by making it a place where all people can live safely and without fear; and

WHEREAS, it is not the role of Arlington County law enforcement to enforce federal immigration laws; and

WHEREAS, it is long-standing policy that Arlington County law enforcement has not and will not perform immigration status checks on our residents or visitors, and has not and will not arrest individuals to determine their immigration status; and

WHEREAS, the Arlington County Police Department is committed to a community-oriented policing strategy which emphasizes collaboration with other county agencies as well as partnerships with advocacy groups and neighborhood associations, and to a respect for the Constitutional rights and personal dignity of all people in Arlington; and

WHEREAS, in Arlington County we believe our capacity to maximize public safety depends on the ability of our residents to interact with our local law enforcement authorities without fear due to actual or perceived race, national origin, ethnicity, or immigration status; and

WHEREAS, the United States Constitution vests the federal government with the sole authority to prescribe the rules governing which foreign nationals are granted entrance into the country and the sole responsibility for determining who among them may stay; and

WHEREAS, there are concerns among Arlington County law enforcement and our residents that the Secure Communities Initiative will create divisions in our community and promote a culture

of fear and distrust of law enforcement that threatens public safety and makes communities less safe; and

WHEREAS, in a letter to Representative Zoe Lofgren dated September 8, 2010, U.S. Secretary of Homeland Security Janet Napolitano said, “if a local law enforcement agency chooses not to be activated in the Secure Communities deployment plan, it will be the responsibility of that agency to notify its local ICE field office of suspected criminal aliens,” indicating that jurisdictions have the option of not participating in the program; and

WHEREAS, the unilateral imposition of the Secure Communities Initiative on Arlington County law enforcement agencies has deprived the residents of Arlington County, its elected officials, and its law enforcement officials of the opportunity to give full and proper consideration to the impact the program may have on our community, including the possibility of not activating the program,

THEREFORE BE IT RESOLVED, THAT:

1. Arlington County remains firmly committed to the protection of civil rights and civil liberties for all people;
2. The Arlington County Board re-affirms the Arlington County Police Department’s commitment to the following:
 - a. the Arlington County Police Department does not monitor, stop, detain, question, interrogate, search or investigate a person solely for the purpose of determining that individual’s immigration status;
 - b. the Arlington County Police Department has a long standing policy regarding racial profiling that prohibits law enforcement action against an individual based solely on that individual’s race, ethnicity, or national origin rather than on reasonable suspicion or probable cause;
 - c. the Arlington County Police Department does not initiate a criminal investigation based solely on information or suspicion that an individual has committed a civil violation by residing in the United States without proper authorization; and
 - d. unless required by a criminal investigation, the Arlington County Police Department does not inquire about the immigration status of any crime victim or witness, nor do they refer such information to federal immigration enforcement authorities;
 - e. the Arlington County Police Department does not request passports, visas, “green cards,” or travel documents, unless they are required to establish or verify an individual’s identity;
 - f. a person’s right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status;

3. The Arlington County Board commends the Arlington County Police Department and Arlington County Sheriff's Office for their commitment to a robust dialogue with our community regarding the Secure Communities Initiative. The Board calls on all parties to continue to work together to develop a joint strategy to minimize the negative impacts of the program on our community and to maintain the safety of all County residents without regard to actual or perceived race, national origin, ethnicity or immigration status. Particular emphasis should be placed on the program's potential impacts on the ability of law enforcement to prevent, respond to and prosecute crimes involving domestic violence and human trafficking;

4. The Arlington County Board calls on the United States Congress to enact meaningful and comprehensive immigration reform that provides a path to citizenship, provides the resources necessary to ensure an effective and timely processing of those eligible for legal permanent residency or naturalization; and promotes the integration of immigrants into our community;

5. The Arlington County Board calls on federal immigration enforcement agencies to not impose federal mandates which are burdensome to local agencies or which interfere with the effectiveness of community oriented policing strategies, which have proven effective in reducing crime;

6. The Arlington County Board wishes to discontinue participation in the Secure Communities program. The County Manager is directed to formally notify Immigration and Customs Enforcement (ICE) and the Virginia State Police of Arlington's intent to withdraw from the program and to meet with representatives of both agencies to:

a. definitively outline the procedure and actions required for Arlington County to not participate in the Secure Communities program, and

b. identify the actions that would be required of Arlington County regarding notification to ICE of "suspected criminal aliens" once Arlington becomes a non-activated community.