

## Seattle City Council Ordinance

**Council Bill Number: 114436**

**Ordinance Number: 121063**

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AN ORDINANCE concerning **inquiries** by Seattle City officers and employees into **immigration status**, and activities designed to ascertain such **status**; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

**Date introduced/referred:** Dec 9, 2002

**Date passed:** Jan 27, 2003

**Status:** Passed As Amended

**Vote:** 9-0

**Date of Mayor's signature:** Feb 5, 2003

**Committee:** Neighborhoods, Arts and Civil Rights

**Sponsor:** LICATA

**Index Terms:** CITIZENSHIP, CIVIL-RIGHTS, CITY-EMPLOYEES, POLICE-DEPARTMENT, PUBLIC-REGULATIONS

### Text

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AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade Center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being reported to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are

consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, this ordinance is not intended to interfere with the enforcement of laws.

WHEREAS, amending SMC Ch. 4.18 is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed

by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a yearly basis as to the actions taken and being taken in support of this chapter.

Section 3. Seattle Municipal Code Section 4.18.030 is amended as follows:

4.18.030 City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of this chapter, and maintain actions enforcing provisions of this chapter.

Section 4. A new Section 4.18.035 is added to Seattle Municipal Code

Chapter 4.18, as follows:

4.18.035. Required cooperation not prohibited.

Nothing in this Chapter shall be construed to prohibit any Seattle City officer or employee from cooperating with federal immigration authorities as required by law.

Section 5. Nothing in this chapter is intended to create or form the basis for Liability, on the part of the City, or its officers, employees, or agents.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open session in authentication of its passage this

\_\_\_\_\_ day of \_\_\_\_\_, 2003.

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President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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City Clerk

January 27, 2003