

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 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 City recognizes the arrest of a non U.S. citizen increases that individual’s risk of deportation even in cases where the individual is found to be not guilty, creating a disproportionate impact from law enforcement operations and putting both police officers and community members at risk; 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 8, 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; and (3) abstain from obtaining information regarding the immigration status of any individual. The Police Department shall remain focused on the enforcement of local and state laws and will not spend municipal resources, including time, to assist or take part in any arrest based solely on immigration status.

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. The City of Bloomington will not exchange any information with ICE other than solely the immigration or citizenship status of an individual, which is left to city employee discretion in accordance with 8 USC 1373. This section shall not apply to investigations of felony sex or labor trafficking as defined by Federal law.

Section 6. The City of Bloomington Police Department shall continue to receive training on the Illinois TRUST Act and all the provisions of this Ordinance.

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.

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 _____ day of _____, 2018

APPROVED this _____ day of _____, 2018

APPROVED

Mayor

ATTEST:

City Clerk