OCA R-1703: RESOLUTION SUPPORTING SAFER CITIES AND OPPOSING
SANCTIONS ON "SANCTUARY CITIES"

WHEREAS OCA – Asian Pacific American Advocates, one of the oldest Asian Pacific American civil
ing rights organizations in the United States, is committed in the fair and effective
administration of justice; and

WHEREAS The U.S. Constitution guarantees the right not to be imprisoned without probable cause
and due process of law; and

WHEREAS Asian and Pacific Islanders are the second largest undocumented immigrant group in the
United States; and

WHEREAS U.S. Immigration and Customs Enforcement ("ICE") routinely issues detainers to ask
local officials to continue holding people in jail beyond the time when they should be
released so that ICE can investigate whether they might be subject to deportation; and

WHEREAS There is no clear process for challenging a detainer or getting a detainer lifted or
cancelled once it has been issued; and

WHEREAS ICE detainers are not arrest warrants, and are issued by federal immigration enforcement
agents without any authorization or oversight by a judge; and

WHEREAS Without the procedural safeguards required by due process and the Fourth Amendment,
ICE has mistakenly issued thousands of detainers for U.S. citizens and non-citizens who
are lawfully present in the United States; and

WHEREAS Local law enforcement collaboration with ICE undermines community trust in the police,
leading many immigrants to avoid coming forward to seek police protection, report
crimes, and cooperate in investigations; and

WHEREAS ICE detainers raise the cost of incarceration for counties and municipalities because the
federal government does not reimburse local facilities for the costs of imprisoning people
pursuant to ICE detainers; and

WHEREAS ICE detainers are merely requests, not commands, and local law enforcement agencies
are not required to hold anyone based on an ICE detainer alone; and

WHEREAS Immigration enforcement is a job for federal immigration authorities and not for local
law enforcement, whose job is to protect all residents, regardless of immigration status;
and

WHEREAS Using local law enforcement agencies to enforce federal immigration laws invites law
enforcement officers to engage in unconstitutional racial and ethnic profiling and to treat
people perceived to be "foreign" differently; and

WHEREAS In light of the many concerns raised by ICE detainer requests, there is a growing trend of
cities, counties, and states nationwide choosing to preserve their own much-needed
resources for local priorities by refusing to allow ICE to dictate who should be detained
in local detention facilities; and