

RESOLUTION NO. 98-07 (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE REQUESTING SUSPENSION OF RANDOM DETENTIONS AND ARRESTS OF RESIDENTS IN THE CITY OF WATSONVILLE BY THE U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND DIRECTING THE MAYOR TO SEND COPIES OF RESOLUTION TO STATE AND FEDERAL REPRESENTATIVES AND TO U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**WHEREAS**, as the rights of immigrants is the current most important civil rights issue in the country, it is known and understood that a certain small percentage of the population of the City of Watsonville is composed of persons who have no documentation to prove that they are either citizens of the United States or non-citizens residing in the United States with the permission of the United States Government; and

**WHEREAS**, these non-documented persons are taxpayers, consumers of City services and are entitled to many of the constitutional protections afforded to United States citizens; and

**WHEREAS**, the ethnic, cultural and linguistic diversity of the City of Watsonville is one of its strengths; and

**WHEREAS**, both growers and food processors in the Pajaro Valley rely on a labor force that is in large part, immigrant; and

**WHEREAS**, it is unconstitutional for U. S. Immigration and Customs Enforcement (ICE) to detain and arrest persons solely on the basis of their ethnic origin; and

**WHEREAS**, the Immigration and Customs Enforcement raids in private homes, churches, schools and service agencies are inhumane, discriminatory and often violate constitutional protections; and

**WHEREAS**, Immigration and Customs Enforcement activities spread fear and intimidation throughout a substantial segment of the Watsonville community; and

**WHEREAS**, all residents of the City of Watsonville, who contribute to their community and live in peace with their neighbors should not be subject to harassment, intimidation, or discrimination by any governmental authority; and

**WHEREAS**, such conduct by Immigration and Customs Enforcement is a violation of residents fundamental human rights as outlined in the Universal Declaration of Human Rights, which the United States ratified in 1948; and

**WHEREAS**, Immigration and Customs Enforcement agency under the Bush Administration denied that deportation orders had been served in the middle of the night when in fact various local residents reported being awakened on the night of Thursday, September 7, 2006, by Immigration and Customs Enforcement agents who claimed to be serving deportation orders on specific individuals; and

**WHEREAS**, Immigration and Customs Enforcement agents also took into custody other individuals living in the home for whom they did not have deportation orders.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

1. That the City of Watsonville respectfully requests the President and the Attorney General of the United States direct the Commissioner of the U. S. Immigration and Customs Enforcement to suspend random detentions and arrest of residents without probable cause on the basis of their skin color or appearance in the City of Watsonville by the U. S. Immigration and Customs Enforcement.

2. That the City Council does hereby insist that the U. S. Immigration and Customs Enforcement comply with the U.S. Constitution, federal guidelines and recent United States Court decisions regarding the detentions, holds and arrests of residents of an ethnic appearance for immigration violations, to wit:

(a) That a Watsonville resident should only be detained on "reasonable suspicion" that the individual is an undocumented alien. Ethnic appearance, or more specifically "Mexican" appearance, alone is not sufficient to establish reasonable suspicion to stop an individual.

(b) That a Watsonville resident may only be held or arrested if there exists "probable cause" that an illegal entry into the United States has occurred or that some other offense has been committed. Ethnic appearance and/or lack of proper documentation, alone, are not sufficient to establish probable cause.

3. That the City Council urges the U. S. Immigration and Customs Enforcement to issue a clear written policy that prohibits enforcement activities at or in the vicinity of schools, places of employment, courts, churches, and social service agencies.

4. That the City Council urges the U. S. Immigration and Customs Enforcement to issue regulations prohibiting the separation of minor children from their parents due to U. S. Immigration and Customs Enforcement arrest or deportation and urges the federal government to put a moratorium on the raids that have created "anxiety and apprehension" in Watsonville's Latino community and throughout the Monterey Bay Area.

5. That the City Council also asks the federal government to adopt an "inclusive and humanitarian" plan that establishes a clear path to citizenship for immigrants.

6. That copies of this Resolution be sent to federal representatives and appropriate legislative committees, as well as representatives of the U. S. Immigration and Customs Enforcement, Office of Detention and Removal.

7. That the City Council directs that no officer or employee of the City of Watsonville shall use any City funds or resources to cooperate in the enforcement of federal law or to gather or disseminate information regarding the immigration status of individuals in the City of Watsonville except that funds may be expended and/or cooperation allowed related to alleged violations of City of Watsonville, County, State, or federal criminal or traffic laws.

8. That the City Council by this resolution, is determined to encourage more immigrants not to live in a state of isolation and to come forward and report crimes and cooperate with investigations.

9. That the City Council hereby declares the City of Watsonville a sanctuary for immigrants who live and work in our community.

10. That the City Council hereby declares it shall be the intent of the City Council to work with the City's Federal legislators to have Immigration and Customs Enforcement conduct community education forums in 2007 regarding Immigration and Customs Enforcement activities, protocols, programs, and procedures.

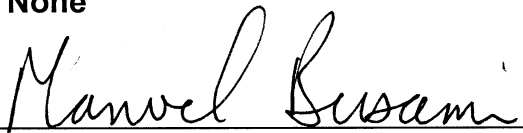
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The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 8<sup>th</sup> day of May, 2007, by Member Rios, who moved its adoption, which motion being duly seconded by Mayor Bersamin, was upon roll call carried and the resolution adopted by the following vote:


AYES: COUNCIL MEMBERS: **Caput, Rios, Petersen, Bersamin**

NOES: COUNCIL MEMBERS: **Din, Rivas, Skillicorn**

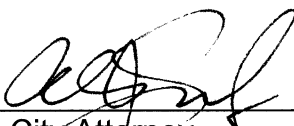
ABSENT: COUNCIL MEMBERS: **None**

  
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Manuel Bersamin, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
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City Attorney