



TO: City of Takoma Park Mayor and City Council, Suzanne Ludlow, Jason Damweber, Alan Goldberg, Jessie Carpenter

FROM: Kenneth Sigman and Susan Silber, City Attorneys

RE: Takoma Park's "Sanctuary City" policy

DATE: November 15, 2016

The purpose of this memorandum is to summarize the provisions of Takoma Park law that relate to the City's role in the enforcement of U.S. immigration law and render Takoma Park a "Sanctuary City."¹

Chapter 9.04, Rights of Non-U.S. Citizens in Takoma Park, of the Takoma Park Code, is the primary source of law establishing Takoma Park as a Sanctuary City. The City enacted its sanctuary law in 1985 to protect refugees from Guatemala and El Salvador from being deported to their countries, which were in a state of civil war. The law was revised (based on changes in federal law) in 2007/2008. It includes the following provisions:

1. Prohibits City employees from assisting federal officials with the investigation and arrest of any person for civil or criminal violations of *U.S. immigration law*. (The TPPD is still permitted to assist federal law enforcement agencies with non-immigration-related crimes and to turn over persons wanted for non-immigration-related crimes to federal officials, regardless of the person's immigration status.)
2. Prohibits City employees from inquiring about an individual's citizenship or immigration status, except when required by federal or state law. (Currently, the City must inquire about an individual's citizenship status when they apply for a law enforcement officer position, must determine whether an individual selected for employment with the City is legally authorized to work in the United States, and may inquire about citizenship when an individual applies for a U.S. passport.)
3. Prohibits City employees from discriminating against individuals based on their citizenship or immigration status in the performance of their official duties.

¹ Numerous jurisdictions are characterized as "sanctuary cities". But the laws are not uniform and key provisions vary. We await details to know how Takoma Park will be impacted by any anticipated federal action.

4. Prohibits City employees, in the performance of their duties, from releasing information about an individual's citizenship or immigration status to any third party. (The City Code excepts situations where disclosure of such information is required by federal or state law.)

Under current City law and TPPD General Orders, Takoma Park Police officers do not take individuals into custody based solely on violations of federal immigration law and would not take a person into custody solely because the person is the subject of an order of deportation. However, the fact that an individual is the subject of an order of deportation or an immigration warrant or is otherwise wanted for violating the immigration laws of the United States does not prevent our officers from taking the individual into custody because of suspected criminal activity or pursuant to a valid non-immigration criminal warrant.

Regarding potential changes to federal law, we will monitor developments and advise the City regarding the applicability of such changes to the City's sanctuary law and advise the Council regarding any changes in policy that may be required to comply with federal law or the implications of retaining an immigration sanctuary policy.