

ORDINANCE NO. 2017 _____

AN ORDINANCE pertaining to public Safety; adding a new section 6.02.200, entitled, “Inclusive Policing Policy,” concerning police interactions with people of different religious and national backgrounds.

WHEREAS, the City of Yakima is a diverse and vibrant community with residents of varying religious and national backgrounds; and

WHEREAS, the City of Yakima also has a diverse labor force which includes and relies on immigrant labor; and

WHEREAS, the City of Yakima believes in the dignity, equality, safety, justice, and constitutional and civil rights of all people and will not tolerate hate, intolerance, discrimination, exclusion, harassment or any behavior that creates fear, isolation or intimidation; and

WHEREAS, it is the policy of the City of Yakima Police Department to serve all in the community regardless of religious or national background; and

WHEREAS, it is the Federal Government’s role to bear the cost associated with enforcing federal immigration law, not local governments; and

WHEREAS, to enhance public safety, local law enforcement officers want to encourage the reporting of crime by victims and witnesses, and inquiring into a person’s immigration status or religious affiliation could result in decreased willingness of individuals to participate in such reporting; and

WHEREAS, the Yakima Police Department wishes to provide public service to all residents without inquiring into religious affiliation or national background so as to avoid any appearance that an individual’s religious or national background may affect the level of service or may lead to bias; and

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 6.02.200 shall be added to the Yakima Municipal Code as a **new section** to read as follows:

6.02.200 Inclusive Policing Policy

Residents of the City of Yakima are encouraged to support public safety by reporting crime. When reporting crime, a resident can expect the following:

a. Requests of certain information prohibited: Yakima Police Department will not request religious, national origin or immigration status information during an investigation unless the information is relevant to protect the victim, or necessary to investigate an element or the motive for the criminal act under investigation.

b. Maintenance of databases prohibited: The Yakima Police Department will not maintain any new database that will include religious affiliation, national origin or immigration status of residents.

c. Immigration enforcement actions - federal responsibility: Yakima Police Department will not participate in the 287(g) Federal Program or any program in which Yakima Police Department officers will be empowered to enforce Federal Immigration and Nationality laws.

d. Holds pursuant to Judicial Warrant: Yakima Police Department will not hold an individual solely for Immigration and Customs Enforcement (ICE) except pursuant to a Court Order or a warrant signed by a Judge.

e. No violation of Federal Law: Nothing in this Chapter shall be construed to prohibit any Yakima Police Officer from cooperating with federal immigration authorities as required by federal law. If any clause, part or section of this title is adjudged invalid or contrary to federal law, such judgement shall not affect or invalidate the remainder of this section, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgement was rendered.

f. Nothing in this Section is intended to create or form the basis for liability, on the part of the City of Yakima, or its officers, employees, or agents. This Ordinance is not intended to create a right of action for any third party.

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this ___ day of March, 2017.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:

Effective Date:

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