

Council,

In light of the outcome of the presidential election, we are starting to receive inquiries about Charlotte's status as a "sanctuary city." So that you're all up to speed, Mayor Roberts asked that I share the below email exchange which will remind you of the impact of HB 318 on the Council's Civil Liberties Resolution.

Bob

From: Hagemann, Robert
Sent: Tuesday, November 15, 2016 9:48 AM
To: 'maureen.lynch@cms.k12.nc.us'
Cc: Roberts, Jennifer; Cantrell, Emily; Gordon, Alexis
Subject: FW: Charlotte as a "Sanctuary" City

Ms. Lynch,

Mayor Roberts asked me to respond to your email.

There is no common definition or agreement on what constitutes a "sanctuary" city. In August of 2015, the City Manager's Office provided the Mayor and Council this explanation:

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"Sanctuary Cities

Staff Resource: Carol Jennings, City Manager's Office, 704-336-7285,
cljennings@charlottenc.gov

During the Mayor and Council Topics portion of the meeting, Council member Smith requested that the City Manager investigate the sanctuary cities issue.

Recently the City received inquiries regarding the designation of a "sanctuary city". This is due to the fact that Charlotte appears -- without authorization from us -- on some websites with this designation. There is no current legal or consistent definition of what constitutes a "sanctuary city;" the meaning varies from place to place and by perception. The term is used politically by both sides of the immigration debate.

The term only has substantive meaning where some cities, such as San Francisco, have explicitly adopted a city policy, declaring themselves as a "sanctuary city" and have adopted policies and practices that operationalize the designation.

There is no record of the Charlotte City Council considering proclaiming itself a "sanctuary city" nor adopting policies related thereto. It is not a term used by staff or in any City policies or procedures.

Charlotte is a participant in Welcoming America - Welcoming Cities and Counties, a program that maximizes opportunities for economic growth and cultural vitality and positions

communities as globally competitive, 21st century leaders. This is not the same as adopting a policy to be a "sanctuary".

Charlotte, as a local government, does not enforce federal immigration laws, but does comply fully with US Immigration and Customs Enforcement requirements when undocumented immigrants are arrested for criminal activity.”

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On June 8, 2015, the City Council adopted a “Civil Liberties Resolution.” Among other things, the resolution provided that “Officers shall not question any person regarding his or her citizenship or immigration status unless there is Reasonable Suspicion, supported by objective and clearly defined evidence, that the person is involved in criminal street gang activity or terrorism related activities.”

Then last fall, the General Assembly passed HB 318 which, among other things, established a new statute that prohibits local governments from adopting “sanctuary city” ordinances. Included in the new law is a directive that cities cannot prohibit law enforcement from gathering, or direct law enforcement not to gather, information regarding the citizenship or immigration status of any person. In response, we advised the Mayor and Council that the quoted provision from the June 8, 2015 Resolution was preempted and rendered inoperative. A copy of our memo and the annotated resolution are attached.

Please note that while officers are no longer directed to refrain from inquiring about a person’s immigration status, there is no directive that they affirmatively do so.

Bob

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