

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RECOGNIZING THOSE PROTOCOLS TO BE UTILIZED BY THE MIAMI BEACH POLICE DEPARTMENT PERTAINING TO THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS THROUGHOUT THE CITY.

WHEREAS, the City of Miami Beach celebrates its ethnic diversity and its multicultural community; and

WHEREAS, the City of Miami Beach has a long history of anti-discrimination legislation, and is committed to supporting inclusiveness in its laws and policies; and

WHEREAS, the Miami Beach Police Department utilizes the best practices of community policing and relies on all members of the community it serves – visitors and residents alike – to continuously build trust and to partner in solving crimes, thereby improving the quality of life, and maintaining a safe City; and

WHEREAS, any policy or practice that makes any person fearful of contact with the Miami Beach Police Department or any City official is inconsistent with the City's vision and the Police Department's interest to ensure witnesses and victims of criminal conduct fully cooperate with the police so that criminals can be arrested and successfully prosecuted and that justice is administered and served in the City; and

WHEREAS, the Miami Beach Police Department is determined to provide quality police services to all residents and visitors, regardless of their immigration status with the United States of America.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, setting forth those protocols on immigration enforcement to be utilized throughout the City as follows:

1. The Judicial Warrant Rule: Miami Beach Police Officers recognize that a judicial warrant or federal criminal arrest warrant would be necessary to detain an individual or maintain the prolonged detention of an individual at the request of U.S. Immigration and Customs Enforcement or Customs and Border Protection. The provision(s) set forth herein shall not apply in those circumstances when there is probable cause to arrest an individual for a violation of a federal criminal statute or other criminal violation(s).
2. No Facilitation Rule: Miami Beach Police Officers shall not arrest, detain or transport an individual solely on the basis of a civil immigration detainer or other civil administrative document issued by U.S. Immigration and Customs Enforcement or Customs and Border Protection without a judicial warrant.

3. Clear Identification Rule: U.S. Immigration and Customs Enforcement or Customs and Border Protection employees, who have been granted access to the Miami Beach Police Department, will be required to notify those individuals with whom they are speaking that they are U.S. Immigration and Customs Enforcement or Customs and Border Protection employees, unless the U.S. Immigration and Customs Enforcement or Customs and Border Protection employees are assisting in a Miami Beach criminal investigation and disclosing their identities would impede the local criminal investigation.

4. Don't Ask Rule: Miami Beach Police Officials shall not make unreasonable inquiry into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by State or Federal law to verify eligibility for a benefit, service or license conditioned on verification of certain status.

5. Privacy Protection Rule: Miami Beach Police Officials shall only release to the U.S. Immigration and Customs Enforcement or Customs and Border Protection documented information that is considered a public record pursuant to the Florida Public Records Act. The provision set forth herein will not apply if the Miami Beach Police Department determines that there is a legitimate law enforcement purpose unrelated to the enforcement of a civil immigration law.

6. Discriminatory Surveillance Prohibition Rule: No Miami Beach Police Officer shall authorize or engage in the human or technological surveillance of a person or group based solely or primarily upon a person or group's actual or perceived religion, ethnicity, race or immigration status.

7. Redress Rule: Any person who alleges a violation of these protocols by a Miami Beach Police Officer may file a written complaint with the Police Department's Internal Affairs Unit.

8. Fair and Impartial Policing Rule: No Miami Beach Police Officer shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language or immigration status, unless such personal characteristics have been included in timely, relevant, credible information that links the specific individual to a particular criminal event or activity.

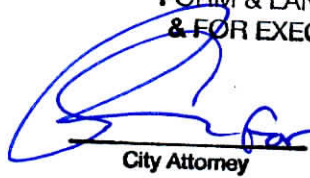
PASSED and ADOPTED this _____ day of September, 2017.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9/6/17

Date