

Public Testimony from Teresa Venkatchalapathy
To share with the Portland City Council on July 19th at 9:30am

Thank you all for allowing me to speak today. I come on behalf of myself and many other Portland residents to advocate for Portland's adoption of 9 Policies for Law Enforcement that have been provided by the ACLU. (Enclosed.)

We find ourselves grateful to live in a city and state that welcome immigrants and refugees, and we appreciate the legal code that prevents local officials from implementing federal immigration programs. We are impressed by Resolution 37277, which declares Portland a Welcoming City, a Sanctuary City, and an Inclusive City for All. And we have been touched by how many City Officials have been willing to engage with us and share information with us on the current city code and current law enforcement practices of the Portland Police Bureau.

We find that many of the current practices align well with our hopes for the city of Portland, and we want those practices to be codified into official policies so they will be more explicit and more permanent. Portland's Resolution 37277 only limits the Police Bureau from cooperating with ICE in very general terms. It does not currently apply to other city officials outside of the police bureau, and it does not say anything about cooperation with Customs and Border Protection (CBP) agents.

We want city code to more explicitly **prohibit local enforcement of federal immigration law**:

- Portland should explicitly require a judicial warrant before arresting, OR detaining, OR transporting an individual at the request of ICE or CBP (Rules 1 & 2). Current state code ORS181A.820 only covers arrests.

We want city code to more explicitly **limit ICE and CBP operations here**:

- ICE and CBP officials should be prohibited entry to Portland facilities unless the agents are acting pursuant to a court order or unless they have a legitimate law enforcement purpose that is unrelated to enforcement of civil immigration law (Rule 3).
- When ICE and CBP officials are granted access to a Portland facility, we want them to be required to wear duty jackets and make their badges visible at all times (Rule 4).

We want city code to more explicitly **limit information gathering and information sharing**:

- Law enforcement agents and *all* city officials should be prohibited from collecting information on individuals' immigration status or citizenship status unless there is a legitimate law enforcement need for it that is unrelated to civil immigration law, or unless this information is required by the state or federal law to verify eligibility for a benefit, service, or license (Rule 5).
- Law enforcement agents and *all* city officials should be prohibited from disclosing any voluntary information with ICE or CBP when it is not mandated by federal law through a court order. Current federal code can require the release of information on citizenship and legal immigration status. But we can prohibit law enforcement agents from sharing information on custody status, release dates, home address, race, ethnicity, religion, work schedules – anything beyond what is federally mandated (Rule 6).

We want city code to more explicitly **protect citizens from discrimination**:

- City officials should be prohibited from surveilling Portland residents on the basis of race, ethnicity, perceived religion, or immigration status (Rule 7), or from conducting law enforcement based on those attributes (Rule 9). Police directive 810.10 does not specify ethnicity, religion, or immigration status. It does not prohibit discriminatory surveillance. And it only pertains to the Police Bureau, instead of all city officials.

Finally, we want entities to **provide oversight of these policies for redress** (Rule 9):

- Once these policies have been codified, the Independent Police Review Board can oversee their compliance at the Portland Police Bureau. And the Ombudsman's office can oversee compliance by other city officials.

We hope that you'll continue to engage with us about the ACLU's 9 model policies and incorporate them into Portland city code. We know that by capturing these measures in official city policy we will be able to establish Portland more faithfully as a Welcoming City, a Sanctuary City, and an Inclusive City for all.

Thank you again for your time. Sincerely,
Teresa Venkatachalapathy
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email: teresa.d.venkat@gmail.com
address: 9125 NE Glisan Street, Portland OR 97220

The ACLU's 9 "Model" State and Local Law Enforcement Policies
<https://peoplepower.org/freedom-cities.html>

- 1) *The Judicial Warrant Rule:*** City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).
- 2) *No Facilitation Rule:*** City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.
- 3) *Defined Access/Interview Rule:*** Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no City official shall permit ICE or CBP agents access to City facilities or any person in City custody for investigative interviews or other investigative purposes.
- 4) *Clear Identification Rule:*** To the extent ICE or CBP has been granted access to City facilities, individuals with whom ICE or CBP engages will be notified that they are speaking with ICE or CBP, and ICE or CBP agents shall be required to wear duty jackets and make their badges visible at all times while in City facilities.
- 5) *Don't Ask Rule:*** City officials shall not inquire 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.
- 6) *Privacy Protection Rule:*** No City official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.
- 7) *Discriminatory Surveillance Prohibition Rule:*** No City agency or official may engage in any surveillance that is based, to any extent or degree, upon a person or group's actual or perceived religion, ethnicity, race, national origin, or immigration status, except where doing so is based on a reliable, specific description of a suspect and adheres to appropriate Constitutional standards.
- 8) *Redress Rule:*** Any person who alleges a violation of this policy may file a written complaint for investigation with an Oversight Entity.
- 9) *Fair and Impartial Policing Rule:*** No City official 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 from a reliable source, linking a specific individual to a particular criminal event/activity.

Parsons, Susan

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July 19

From: teresa.d.schmidt@gmail.com on behalf of Teresa Venkatachalapathy
<teresa.d.venkat@gmail.com>
Sent: Sunday, May 21, 2017 1:27 PM
To: Moore-Love, Karla; Parsons, Susan
Subject: Freedom Cities as a Council Meeting Agenda Item

Dear Karla Moore-Love and Susan Parsons,

It's a pleasure to meet both of you.

I am writing on behalf of myself and several other Portland residents who would like to see Portland become a 'Freedom City' as defined by the ACLU. (see <https://peoplepower.org/freedom-cities.html>)

We would like the opportunity to address the Mayor and the City Council and explain why we think this is important. We also want to make sure we are doing this in a totally respectful and appropriate manner.

My understanding is that we can't simply show up to a Wednesday meeting and bring up a random topic. So I am wondering what the process is for us to get a topic added to a Council Meeting Agenda.

Can you give us any advice on how to approach this?

Thanks so much for your time and consideration,

Teresa

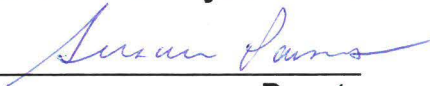
Request of Teresa Venkatachalapathy to address Council regarding
Freedom Cities (Communication)

JUL 19 2017

PLACED ON FILE

Filed JUL 11 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By 
Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Eudaly		
Wheeler		