

MOTION: STIRRUP
SECOND: CADDIGAN

July 10, 2007
Regular Meeting
Res. No. 07-609

RE: IMMIGRATION - REAFFIRM COUNTY POLICY WITH RESPECT TO COMPLIANCE WITH FEDERAL LAW AND ISSUE DIRECTIVES INCIDENT TO SUCH REAFFIRMATION TO THE PRINCE WILLIAM COUNTY POLICE DEPARTMENT AND THE PRINCE WILLIAM COUNTY STAFF

ACTION: APPROVED

WHEREAS, the Virginia State Code, Section 15.2-1700, states that any locality may provide for the protection of its inhabitants and property and for the preservation of peace and good order therein; and

WHEREAS, the Virginia State Code, Section 15.2-1200 states that "Any county may adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth"; and

WHEREAS, the Prince William Board of County Supervisors believes that legal immigration has been a benefit to Prince William County and the Commonwealth of Virginia, has enriched countless communities across our nation, and is one of the very bedrock principles upon which our thriving society is built; and

WHEREAS, the Prince William Board of County Supervisors has determined that illegal immigration is causing economic hardship and lawlessness in this County and that illegal immigration may be encouraged by public agencies within the County by failing to verify immigration status as a condition of providing public services;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby commend the Prince William County Police Department for rescinding General Order 26.05;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby reaffirms County policy with respect to the County's compliance with federal law and does also hereby issue the following directives incident to such reaffirmation to the Prince William County Police Department and the Prince William County staff:

- A. Incident to any lawful detention for a violation of a state law or county ordinance, Prince William County Police Officers shall inquire into the citizenship or immigration status of the detained person if there is probable cause to believe such person is in violation of federal immigration law and when such inquiry will not expand the duration of the detention. During such an inquiry, where a person indicates that he or she is not a citizen of, or legally present in, the United States, the Police Department shall verify whether or not the person is lawfully present in the United States, pursuant to United States Code Title 8, Subsection 1373(c). If the person is verified to be unlawfully present in the United States, the Police Department shall cooperate with any request by federal immigration authorities to detain the alien or transfer the alien to the custody of the federal government. Pursuant to the foregoing, the Prince William County Police Department shall, consistent with applicable police practices and procedures, establish
- i) the appropriate standards for probable cause in such cases; and,
 - ii) the methods for verification of lawful presence in the United States in such cases. The Prince William County Police Department shall report back to Board of County Supervisors within sixty (60) days to update the Board as to the implementation of this directive.
- B. The Police Department of the County shall as quickly as practicable enter into a cooperative agreement with the United States Department of Homeland Security, pursuant to United States Code Title 8, Subsection 1357 (g), to designate specific County law enforcement officers qualified to exercise the enforcement powers of federal immigration officers in the United States; and to revise the Police Department immigration policy to incorporate the Adult Detention Center training and authority; and to establish a protocol for the expedited transfer of verified illegal aliens into federal custody. The Police Department may negotiate the cooperative agreement or participate in its implementation in partnership with other state or local law enforcement agencies.
- C. Except as otherwise restricted by federal or state law, no official, personnel or agent of the County, including officer and personnel of the Police Department, may be prohibited or in any way restricted from sending, receiving, or maintaining, lawfully obtained information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity for the following purposes:

1. Determination of eligibility for any federal, state or local public benefit, service or license which is restricted, in whole or in part, to persons who are not United States Citizens or non-qualified aliens, pursuant to Virginia Code Ann. 32.1-325.03; Virginia Code Ann. 63.2 – 503.1; and United States Code Title 8, Section 1621;
 2. Verification of any claim of legal domicile within the County by a person who asserts that he or she is not a citizen, national or legal resident of the United States; where legal domicile is required by law or contract;
- D. The County Executive shall, within ninety (90) days of the passage of this directive, provide the Board with a work session that outlines the enabling authority and legal conditions under which Prince William County provides public benefits and services to local residents.

This work session will assist the Board in identifying:

- i) those local public benefits that must be provided to county residents regardless of immigration status pursuant to state or federal law;
 - ii) those local public benefits that must not be provided to county residents who are unlawfully present in the country pursuant to state or federal law;
 - iii) those local public benefits for which the county has the discretion to require legal presence for the use of those services. This work session will also identify implementation strategies for verifying legal presence for those services for which the discretion to deny services to those who are not legally present exists, as well as the staff's analysis of the relative merits of exercising that discretion for each public benefit identified.
- E. The preceding directives shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens and aliens. They shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law or the reporting of a crime or criminal activity to any law enforcement agency.

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BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors shall send a letter to our federal delegation in Congress and the President of the United States and the Governor of Virginia, advising them of the passage of this directive and requesting that they act expeditiously to enact meaningful immigration reform, which includes securing the borders of the United States to prevent unlawful entry into the country.

Votes:

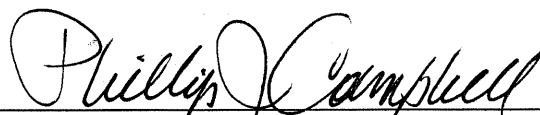
Ayes: Barg, Caddigan, Covington, Jenkins, May, Nohe, Stewart, Stirrup

Nays: None

Absent from Vote: None

Absent from Meeting: None

CERTIFIED COPY


Clerk to the Board