

DRAFT – FILL IN YOUR MUNICIPALITY DETAILS

Massachusetts [City/Town] Welcoming Community  
[Ordinance/Policy/Warrant Article]

*PURPOSE.*

*The purpose of this ordinance is to establish our [city or town] as a Welcoming Community, to declare that all are welcome here, and to increase public confidence in [city/town] government by providing guidelines associated with our [city or town's] voluntary involvement in federal immigration enforcement.*

*PREAMBLE*

*It is not within the purview nor mandate of [city or town] to enforce federal immigration law or seek the detention, transfer or deportation of [city or town] residents for civil immigration purposes, nor should [city or town] resources be expended toward that end.*

*The [City or town] of [name] will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.*

**1. DEFINITIONS**

“ICE” means the federal agency “Immigration and Customs Enforcement (“ICE”), and any other federal agency charged with the enforcement of immigration laws.

“Immigration detainers” and “ICE detainers” are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

“ICE administrative warrant” means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

**2. ORDER**

- a) **Equal treatment.** [City or town] will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of [city or town] agencies

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or departments.

- b) **Inquiries about immigration status.** Officers and employees of the [city or town] may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.
- c) **Role of police in immigration enforcement.** The [city or town] police department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest. The [city or town] Police Department shall not take part in or assist with any federal immigration enforcement efforts.
- d) **ICE detainers and administrative warrants.** Consistent with Massachusetts law, no officer or employee of the [city or town] Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being transferred to court or admitted to bail.
- e) **Federal requests for information.** No officer or employee of a the [city or town] Police Department shall provide a federal officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).
- f) **Encountering persons driving without a license.** When taking action against a person who is found to be driving without a valid driver's license, officers of the [city or town] Police Department shall, whenever possible and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle.
- g) **Notice to individuals subject to ICE interventions.** If the [city or town] Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.

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- h) **ICE access to facilities.** Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.
- i) **U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, the [city or town] Police Department shall consider and sign a U Visa certification request if an individual (i) is the victim of a qualifying crime, and (ii) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
- j) **Raids and other immigration enforcement actions.** No officer or employee of the [city or town] Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort.
- k) **Deputizing of local officials.** No officer or employee of any the [city or town] Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
- l) **School records and enrollment.** No employee of the [city or town] Public Schools shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the [city or town] Public Schools, such information shall not be kept or distributed, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.

### 3. COMPLAINTS

Allegations of violations of the present policy and may be filed with [corresponding department] and in the case of a complaint against an officer or employee of the [city or town] Police Department, the Department's Internal Affairs office, who shall investigate the complaint and take appropriate disciplinary action.

### 4. REPORTING

Beginning on the date of passage of this ordinance and every six months thereafter, the [city or town] Police Chief shall submit a report, with the information detailed

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below, to the Clerk of the [city or town], forward to the [Mayor or other executive], docket said report, and include the docket on the agenda of the next-occurring meeting of the [Public Safety Committee of the City Council or similar entity].

- a) The total number ICE holds, administrative warrants, and notification requests lodged with [city or town] Law Enforcement officials, organized by the reason(s) given for the request;
- b) The total number of individuals detained on an ICE hold or administrative warrants, if any;
- c) The total number of individuals transferred to ICE custody, if any; and
- d) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.

### 5. COMPLIANCE WITH FEDERAL LAW

Nothing in this [ordinance or name of policy] shall be construed to violate any valid federal law, or to prohibit any [city or town] agency or department from providing another law enforcement agency citizenship or immigration status, consistent with 8 U.S.C. § 1373.