

Chapter 50, Article IV - Welcoming City Ordinance

Sec 50-100 - Purpose

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

Sec 50-101 - Preamble

It is not within the purview nor mandate of the City of Medford to enforce federal immigration law, nor should Medford resources be expended toward that end.

The City of Medford, and all employees of the City of Medford, welcome and will equally enforce the law for everyone regardless of their age, citizenship, disability, ethnicity, gender, gender identity, immigration status, race, religion, or sexual orientation.

Sec 50-102 - Definitions

"Federal immigration agency" means any agency, department, or part of the federal government that enforces immigration laws, including but not limited to the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP).

"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 state or local agencies to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal immigration agency before the pending release of an individual.

"Administrative warrant" means a warrant, notice to appear, removal order, warrant of deportation, or other order of arrest or detention issued by a federal immigration agency, including but not limited to federal forms I-200, I-203, I-203a, I-205, I-247A, I-286, I-862, or G-391 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 or court order.

Sec 50-103 - Order

- a. **Equal treatment.** The City of Medford will treat all persons equally, enforce laws, and serve the public without consideration of individuals' immigration status. The City of Medford shall protect the rights of all individuals and ensure their fair and just treatment.
- b. **Use of local resources.** No City funds, resources, facilities, property, equipment, or personnel may be used to assist or participate in the enforcement of federal immigration laws except as required by law or a court of competent jurisdiction, as well as any incidental use, such as fingerprints, that may be acquired by ICE or other federal agencies in the ordinary course of the Police Department's operations. This Ordinance shall not prohibit the Medford Police Department from carrying out its duty to apprehend violators of criminal law, nor does it prohibit police contact with any state or federal agencies in connection with criminal or suspected criminal activity that is not connected to the enforcement of federal immigration laws.
- c. **Inquiries about immigration status.** No officers or employees of the City of Medford may inquire about the immigration status of a victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required by state law or to provide a public benefit.
- d. **Role of police in immigration enforcement.** No officer or employee of the Medford Police Department may initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, or an arrest. No officer or employee of the Medford Police Department may participate in or assist with an operation led by a federal immigration agency to detain persons for civil immigration enforcement purposes unless it is in direct response to a request for immediate assistance on a temporary basis for "Officer Safety" purposes or for assistance in the apprehension of an individual for whom there is an active arrest warrant issued by the Commonwealth of Massachusetts at the time of the request, or as required by law or a court of competent jurisdiction.
- e. **ICE detainers and administrative warrants.** No officer or employee of the Medford Police Department may arrest or detain an individual on the basis of suspected or known immigration status, an ICE detainer, an ICE administrative warrant, or otherwise at the request of a federal immigration agency

unless the request is accompanied by a judicial order, judicial warrant or showing of probable cause that the individual has committed a crime for which the Police Department has jurisdiction. 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. If the Medford 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 documents received from a federal immigration agency relating to the person.

- f. **Communications with a federal immigration agency.** To the extent permitted by state and federal law, officers or employees of the Medford Police Department may not initiate a communication with a federal immigration agency regarding a member of the public, except in exigent circumstances relating to an imminent threat to public safety. No officer or employee of the Medford Police Department shall provide any officer or employee of a federal immigration agency with the following information relating to a person in the custody of the Department or who has come to the attention 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, court 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). Nothing in this Ordinance shall prohibit or restrain any Medford law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with state or federal law, including, but not limited to, 8 U.S.C. § 1373, or an order from a court of competent jurisdiction.
- g. **Access to facilities.** Except in response to a judicial warrant or other court order, no officer or employee of a federal immigration agency shall be allowed access to individuals in the custody of the City of Medford, either in person or via telephone or videoconference.
- h. **Deputizing of local officials.** No officer or employee of the Medford 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.
- i. **U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act and as provided in M.G.L. c. 258F, the Medford Police Department shall in the Chief's sole discretion 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. **School records and enrollment.** No employee of the Medford 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 Medford Public Schools, such information shall not be maintained or distributed and shall have no bearing on 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, to the extent permitted by state and federal law, including but not limited to the Public Records Law.

Sec 50-104 - Complaints; Enforcement; Remedies; Penalties; Whistleblower Protections.

- a. **Enforcement.** This ordinance shall be enforced by the Mayor's office or the Mayor's designee.
- b. **Whistleblower protections.** Subject to the limitations and requirements set forth in G. L. c. 149., any City employee as defined in Section 185 who reports an alleged violation of this Ordinance (the Whistleblower or as it may be amended from time to time), shall, to the extent permitted by law, be afforded protections against retaliation if applicable pursuant to Section 185, as set forth in and subject to the limitations and requirements of Section 185.

Sec 50-105 - Reporting

Beginning on the date of passage of this ordinance and every six months thereafter, the Medford Police Chief shall submit a report with the information detailed below in a de-identified manner relating to the preceding six months to the Mayor, docket said report, and include the docket on the agenda of the next-occurring meeting of the Public Health and Community Safety Committee of the Medford City Council, in accordance with the provisions of the Open Meeting Law.

- a. The total number of ICE detainers, administrative warrants, and other requests for information or assistance received from a federal immigration agency;
- b. An account of each instance in which information was given to a federal immigration agency, with the names of individuals redacted; and

- c. Names and descriptions of all task forces in which the Medford Police Department participated in which a federal immigration agency also participated, if known, so long as such information may be provided without violating any state or federal law or impacting any active law enforcement investigation and/or court order in the sole discretion of the Chief of Police.

Sec 50-106 - Compliance with Federal Law

Nothing in this Welcoming City Ordinance shall be construed to preempt or violate any valid federal law, or to prohibit any Medford agency or department from providing another law enforcement agency citizenship or immigration status, consistent with 8 U.S.C. § 1373. Nothing in this Ordinance shall prohibit or restrain any Medford law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with federal law, including, but not limited to, 8 U.S.C. § 1373 or in response to an order from a court of competent jurisdiction. Federal law prohibits city officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status, lawful or unlawful, with any federal, state, or local government entity. No City ordinance, policy, procedure, or regulation is intended to preempt or violate those federal laws or the laws of the Commonwealth of Massachusetts.

This ordinance shall go into effect immediately following compliance with Section 55 of the City's Charter.