

# ENFORCEMENT OF IMMIGRATION LAWS

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO. 1.23	ISSUE DATE: 29 JAN 2008
	EFFECTIVE DATE: 29 JAN 2008
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>1.1.4</b>	REVISION DATE: 05/03/18 (04/20/11)

## POLICY

The enforcement of the nation's immigration laws is a primary responsibility of the federal government. Accordingly, the Everett Police Department shall not initiate immigration-related investigations and shall not routinely inquire into the immigration status of persons encountered during police operations.

This prohibition does not preclude the department from cooperating with federal immigration officials when requested, or from notifying those officials in serious situations where a potential threat to the public is perceived.

## PROCEDURES [1.1.4]

### A. Members of the Everett Police Department will:

1. Not stop a person on the suspicion they may be an undocumented foreign national.
2. Cooperate with ICE when it serves a public safety interest of the City of Everett
3. Not initiate police action where the primary objective is discovery of the citizenship or lawful resident status of any person.

4. Not initiate a citizenship or lawful resident status check unless the person is:
  - a. Arrested for any felony or misdemeanor and/or has questionable or no identification
  - b. Arrested for a terrorism-related offense, or is otherwise reasonably suspected of involvement in terrorism and/or subversive activities
  - c. Reasonably suspected of participating in criminal street gang activity

## **B. Inquiries into Immigration Status**

1. A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status.
2. Consequently, officers shall not question any person about his or her citizenship or immigration status unless that person is reasonably believed to be involved in one or more of the activities identified in section A (above).
3. Officers shall not request passports, visas, "green cards," or travel documents in lieu of, or in addition to, driver's licenses and similar standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable, or when the officer is proceeding under section C.
4. Officers may request a passport, visa, "green card", or travel documents in addition to driver's license and similar standard forms of identification in order to confirm or prove the validity of a foreign drivers license.

Officers shall not confiscate a foreign document, license or immigration document unless they have probable cause that the document is the evidence of a crime of forgery or fraud etc.

## **C. Notification to Federal Immigration Authorities.**

Officers shall not inform federal immigration authorities of the whereabouts or behavior of any immigrant or foreign visitor, except when

the immigrant or foreign visitor:

1. Is arrested for any violent felony, felony drug charge or sex offense.
2. Has been convicted of any felony, regardless of whether that felony involved violence
3. Is arrested for a terrorism-related offense, or is otherwise reasonably suspected of involvement in terrorism and/or subversive activities.
4. Is arrested for any offense involving the entry or fraudulent assimilation of undocumented foreigners into the country, or is reasonably suspected of Participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country.
5. Is a previously deported felon, or is reasonably suspected of participating in criminal street gang activity
6. Has a warrant (civil or criminal).

The provisions of section B notwithstanding, officers may make appropriate inquiries about the immigration status of, and may request immigration-related documents from, any person meeting one of the criteria bulleted immediately above.

#### **D. Public Transparency**

1. Transparency is the key to building strong police-community relations. To that end, the Everett Police Chief, in furtherance of the US Victims of Trafficking and Violence Prevention Act, 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.
2. In addition, the Everett Police Department will share statistical data on information related to ICE Detainers and/or actions that has occurred in the City Of Everett, on a yearly basis.