



Somerville Police Department 	TYPE: GENERAL ORDER		POLICY NUMBER: 143		VERSION: 2.01	
	Subject: Enforcement of Federal Immigration Law					
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Purpose

The Somerville Police Department recognizes and values the diversity of the community it serves. Many of the city’s residents have emigrated to this community from other countries and some may not be citizens of the United States with “legal” status as recognized by the federal government. We as sworn police officers of the City of Somerville are responsible for providing effective police services to all people within our jurisdiction.

The City of Somerville and the Somerville Police Department are committed to promoting safety and providing proactive community policing services to all who live, work, or visit our community. To further the police department’s community policing philosophy, all community members and stakeholders are encouraged to seek and obtain police assistance and police protection regardless of their specific immigration status without fear of status checks.

The Somerville Police Department relies upon the cooperation of all persons located in the City of Somerville to achieve important goals such as protecting life and property, investigating and preventing crime, and resolving community problems. This includes citizens, legal residents, and those without a specific documentation status. Regardless of legal status, assistance from various immigrant populations is important when they are the victim of or witness to a serious crime. This is especially important in cases of domestic violence and sexual assault. It is essential that these victims do not feel apprehensive about coming forward with knowledge to aid investigators so that those responsible may be held accountable by the criminal justice system.

The Somerville Police Department understands that perceived enforcement of federal immigration laws by Somerville Police Officers could have a “chilling effect” on the local immigrant community, which could limit this community’s cooperation with police. The Police Department depends on cooperation from all residents and community stakeholders including undocumented persons. Without assurances that they will not be subjected to an immigration enforcement action, many undocumented immigrants with critical information will not come forward with information about crimes perpetrated against them or their families. Many families within the immigrant community might have relatives with undocumented immigration status

and therefore might choose not to assist law enforcement if they believe their family members could face potential deportation.

Race, religion, gender, sexual orientation, age, occupation, immigration status and other arbitrary characteristics have no bearing on the decisions made by Somerville Police Officers. This is especially true when the decision is made by an Officer to stop detain, or arrest an individual during regular police operations.

The specific immigration status of an individual or group of individuals shall not a matter of concern for the Somerville Police Department unless reliable and credible information about a potential threat to public safety and/or national security exists. It is incumbent upon all employees of the Somerville Police Department to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of immigration-documentation status. This valued commitment will undoubtedly increase the public's confidence and trust in the police department's effectiveness and efficiency in protecting and serving the citizens of Somerville.

Definitions

ICE: Immigration and Customs Enforcement" (ICE) and any other federal agency charged with the enforcement of immigration laws.

ICE Administrative Warrant: 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.

Immigration Detainers and ICE Detainers: 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.

U-Visa: A visa set aside by U.S. Citizenship and Immigration Services (USCIS) for nonimmigrant victims of certain crimes.

Policy

The enforcement of the nation's federal immigration laws are the responsibility of the federal government. Accordingly, the Somerville Police Department shall not undertake immigration-related investigations and shall not inquire into the specific immigration status of any person(s) encountered during normal police operations.

- A. Officers and employees of the city 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.
- B. The Somerville Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including without limitation the initiation of a stop, apprehension, or arrest. The Somerville Police Department shall not take part in or assist with federal immigration enforcement operations.
- C. When taking action against a person who's immigration statuses in question and found to be driving without a valid driver's license, officers of the Somerville 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.
- D. Consistent with Massachusetts law, no officer or employee of the Somerville Police Department may arrest or detain an individual solely based on an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or released on bail. [Commonwealth v Lunn 477 Mass. 517 \(2017\)](#)
- E. No officer or employee of the Somerville Police Department shall provide a federal officer with the following information relating to a person in the custody of the Somerville Police 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, M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7.
- F. 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, via telephone or videoconference.
- G. No officer or employee of the Somerville 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 a requests to establish traffic perimeters, control traffic, or provide police escort. Somerville Police Officers WILL NOT have a direct role in an operation initiated by federal authorities to arrest or detain an individual sought for an immigration violation.

- H.** No officer or employee of the City of Somerville 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.

Procedures

A. ICE Administrative Warrant or Immigration Detainer

1. If the Somerville 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.

B. Documentation received from ICE

1. All documentation received from ICE will be forwarded to the Compliance Sergeant and the Senior Crime Analyst. The Compliance Sergeant will be responsible for tracking and maintaining the required data in accordance with the Somerville Welcoming Community Ordinance Sec 2-6.

C. Reporting

1. The Compliance Sergeant will present All documentation received from ICE to the Chief of Police on or before June 30th and December 31st of each calendar year. The Chief of Police will submit the required report to the Mayor and City Council.

D. U-Visa

1. In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Somerville Police Department shall consider and sign a U-Visa certification request if an individual.
 - a. Is the victim of a qualifying crime, has information about the crime or criminal activity; and
 - b. Has been, is being, or will likely be helpful in the investigation or prosecution, or conviction, of the perpetrator of a qualifying crime or criminal activity.
2. Examples of qualifying crimes may include but are not limited to:
 - (1). Crimes of Violence
 - (2). Human Trafficking
 - (3). Domestic Violence
 - (4). Sexual Crimes
 - (5). Exploitation
 - (6). Incest

- (7). Prostitution
- (8). Attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

E. Complaints

- a.** Allegations of violations of this policy may be filed by any method provided for filing of complaints. Such complaints may be filed with the City of Somerville's Personnel Department, or the Somerville Police Department's Office of Professional Standards. A complete investigation into the complaint will be completed and appropriate disciplinary action shall be issued for a violation of this policy, consistent policy [204 - Professional Standards](#)

F. School Records and Enrollment

- a.** No employee of the Somerville Police Department shall require a student of the Somerville Public Schools or parent to provide information regarding their immigration or citizenship status. If such information becomes known to an employee of the Somerville Police Department, such information shall not be kept or distributed.

G. In-Service Training:

- a.** All Officers of the Somerville Police Department shall undergo two (2) hours of In-service training each calendar year on the provisions of this policy and any existing changes to the Federal Government's Policy on Immigration Enforcement.