

# IMMIGRATION & DOCUMENTATION

## GENERAL ORDER Chapter 3 Section 11

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## POLICY

The Department recognizes and values the diversity of the community it serves. Some of its residents have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. The Town of Maynard and the Maynard Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. In furtherance of the Department's enforcement of bias-based profiling policy, **all community members and stakeholders should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.**

The Maynard Police Department relies upon the cooperation of all persons, documented citizens and residents as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime, as well as resolving recurring neighborhood issues. Assistance from the many various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a crime. It is absolutely essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is absolutely crucial in preventing and solving crime incidents, as well as maintaining public order, safety, and security in the entire community.

It is not within the purview nor mandate of Maynard to enforce federal immigration law or seek the detention, transfer, or deportation of Maynard residents for civil immigration purposes, nor should Town resources be expended toward that end. Under no circumstances shall a person be contacted, detained, or arrested by the Maynard Police Department based on immigration status, whether known or unknown.

- A. Equal treatment.** All persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States

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and the Commonwealth of Massachusetts and the Town of Maynard and treaties of the United States, as applicable, irrespective of their immigration status. No officer or employee of the Department shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person's immigration status shall have no bearing on his or her treatment by officer or employees of the Department.

- B. ICE holds, detainees or administrative warrants.** Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of the Department shall arrest or detain an individual solely based on an immigration hold-detainer or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody. See *Lunn v. Commonwealth*, 78 N.E.3d 1143 (Mass. 2017)
- C. ICE access to facilities.** Unless ICE demonstrates a criminal warrant signed by a judge based on probable cause, no officer or employee of the Department shall allow ICE agents in the holding area of the Maynard Police Department. There may be exceptions to this rule for investigations of certain felonies, therefore the Chief of Police must give prior approval before access under this section may take place.
- D. Communications with ICE.** No officer or employee of the Department shall provide to ICE (1) information about the pending release of a person in Department custody, or (2) personal information about a person who is known to and/or in custody of the Department, except information that is available to the public under the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7. There may be exceptions to this rule for certain felonies, therefore the Chief of Police must give prior approval before communications under this section may take place.

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**E. U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Department shall consider and sign a U Visa certification request if an individual is:

1. the victim of a qualifying crime, and
2. have been, are being, or will likely be helpful in the investigation/prosecution of that crime.

**F. Raids and other civil immigration enforcement actions.** No officer or employee of any Maynard agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes or otherwise use Maynard funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of civil federal immigration law.

**G. Deputizing of local officials.** No officer or employee of any the 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.

**H. Compliance with federal law.** Nothing in this Section shall be construed to violate any valid federal law, or to prohibit any Maynard agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

**I. Reporting.** The Department shall, on a quarterly basis, report to the Human Relations Committee, any instances in which the police communicated or worked with ICE, without providing personal information about the subjects of these interactions.