


CHELSEA POLICE DEPARTMENT		Department Manual: Policy No. 1.33
Subject: Enforcement of Federal Immigration Laws		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.7, 42.2.8 a		GENERAL ORDER 2008-38
Effective Date July 17, 2008	Issuing Authority _____ Brian A. Kyes Chief of Police	

I. PURPOSE AND SCOPE

The Chelsea Police Department recognizes and values the diversity of the community it serves. Many of its residents have emigrated to this community from other countries and some may not be citizens of the United States. The City and the Chelsea Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. Community members should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration status.

The Chelsea Police Department relies upon the cooperation of all persons, documented citizens and residents as well as those without documentation status, to achieve our goals of protecting life and property, investigating and preventing crime as well as resolving neighborhood issues. Assistance from 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 feel comfortable in coming forward with the requisite information and general first hand knowledge to aid in investigating crime. This cooperation is crucial in preventing and solving crime incidents as well as maintaining public order, safety and security in the entire community. One of the department's most important goals is to enhance our relationship with the immigrant community, as well as to establish new and strong partnerships consistent with our community policing philosophy.

We as police officers are responsible for providing effective police services to everyone in the City of Chelsea in an equal, fair, and just manner. The Chelsea Police Department is concerned primarily for the safety and welfare of all individuals found within the territorial jurisdiction of the City of

Policy # 1.33, Enforcement of Federal Immigration laws

Chelsea. Thus, detection of criminal behavior is of primary interest and concern in dealing with any subject suspected of violating the law. Race, religion, gender, sexual orientation, age, occupation, immigration status or any other arbitrary characteristic pertaining to any specific individual have absolutely no bearing on any decision for a Chelsea Police Officer to affect an arrest.

The immigration status of individuals alone is not and shall not be a matter of police concern or subsequent enforcement action. It is incumbent upon all officers and employees of the Chelsea Police Department to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of documentation status. Confidence in this valued commitment will not only protect individual's rights and freedoms from being adversely affected but shall also increase the police department's effectiveness and efficiency in protecting and serving the members of the entire community.

II. POLICY

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

This prohibition does not preclude the Chelsea Police Department from cooperating and assisting with federal immigration officials from the Immigration and Customs Enforcement (ICE) Agency when formally requested, or from notifying those officials in serious situations where a potential threat to public safety or national security is perceived. [See III (B), (C) below]

III. PROCEDURE

A. Inquiries into Immigration Status:

- (i) A person's right to file a police report; participate in police-community activities (i.e., Community Action Team Meetings); or otherwise benefit from general police services is not and shall not be contingent upon the individual providing proof of citizenship or documented immigration status.
42.2.8 a
- (ii) Consequently, officers shall not question any person about his or her specific citizenship or immigration status unless that person is reasonably believed to be involved in one or more of the activities identified in Subsection III (B) below.
- (iii) Officers shall not request passports, visas, resident alien cards (i.e., "*green cards*"), or travel documents in lieu of, or in addition to, driver's licenses and other standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable or when the officer is proceeding under Subsection III (B) below.

Note: An exception to the above could occur if an operator of a lawfully stopped motor vehicle presents what appears to be a valid Foreign Country's Driver's License (not an "International License" which is just a translated document and is not required), in which the license is valid in this state for only one (1) year and requires the operator to produce proof to the investigating officer of last admission date to the United States (i.e., Form I-94 or Passport with entry stamp).

B. Notification to Federal Immigration Authorities:

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

1. is **arrested** for any **violent felony** including but not limited to:

- ❖ Murder,
- ❖ Assault with intent to Murder,
- ❖ Assault & Battery by means of a Dangerous Weapon,
- ❖ Assault by means of a Dangerous Weapon,
- ❖ Armed Burglary,
- ❖ Rape, (or any Sex Offense)
- ❖ Mayhem, or
- ❖ Armed Robbery;

Please See [CPD Policy No. 4.36, titled Consular Notification and Access](#) for further procedural requirements.

2. When the CPD has knowledge that the individual has been **convicted** in a court of competent jurisdiction of **any felony**, regardless of whether the felony involved violence;
3. is **arrested** for any **terrorism-related offense**, or is otherwise *reasonably suspected* of involvement in any terrorist and/or subversive activities;
4. is **arrested** for any offense involving the entry or fraudulent assimilation or **trafficking of undocumented foreigners** into the United States, or is reasonably suspected of participating in an *organized venture* to bring or fraudulently assimilate undocumented foreigners in this country; OR
5. is *reasonably suspected* based upon *probable cause* (basis of knowledge and veracity) of **participating in criminal street gang activity involving violence and/or distribution of illegal drugs.**

C. Immigration and Customs Enforcement (ICE) Requests for Assistance:

1. The U.S. Bureau of Immigrations and Customs Enforcement has primary jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.

Policy # 1.33, Enforcement of Federal Immigration laws

2. If a specific request for assistance is made by an ICE Officer/Agent or any other officer/agent from any federal agency, the Chelsea Police Department shall provide any available support services deemed necessary ensure Officer Safety or to prevent a breach of the peace such as traffic control or keeper of the peace efforts during the duration of the federal operation or as requested.
3. Chelsea Police Officers shall not directly participate in any such ICE tactical operations solely for the civil enforcement of federal immigration laws as part of any Detention or Arrest Team unless:
 - it is in direct response to a request for assistance on a temporary basis for "Officer Safety" purposes; or
 - for the assistance in the apprehension of any an individual who is also wanted on a Massachusetts issued Warrant Management System Warrant (WMS) which remains in full force and effect at the time of the request.
4. Any detention by a member of the Chelsea Police Department during the request for assistance by ICE should be based upon a reasonable belief that the detained individual is either involved in criminal activity other than a civil violation of federal immigration laws or is wanted by the Commonwealth of Massachusetts on a WMS Active Warrant.