



City Council

ADOPTED

Meeting: 12/17/18 07:00 PM

Initiator: Tasheena Davis

Sponsors: Gomez, Lederman, Ramos, Fenton, Hurst

DOC ID: 4870 B

Welcoming Community Trust Ordinance

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING CHAPTER 415 THEREOF

Be it ordained by the Council of the City of Springfield, as follows:

Chapter 415, WELCOMING COMMUNITY TRUST, of the Code of the City of Springfield, is hereby added to state as follows:

§415-1 Purpose.

This ordinance shall be known as the City of Springfield **Welcoming Community Trust Ordinance**. The purpose of the Ordinance is to affirm that Springfield is a welcoming city, to promote trust between employees of the city and all members of our community, and to facilitate effective law enforcement and public safety.

§415-2 Definitions.

"City official" means any City of Springfield department and its employees and any officer or employee of the City authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.

"Civil immigration detainer request" means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement ("ICE") or by any other federal immigration officer or agency to a local law enforcement official, either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.

"Eligible for release from custody" means that there is no judicial warrant, judicial order or law that prevents an individual from being released from the custody of a Springfield official.

"ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

§415-3 *Maintaining Community Trust*

- A. A city official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit. Nothing in this subsection shall prohibit the Springfield Police department from using other investigatory tools to establish information about a suspect of crime.
- B. A city official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
- C. A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
- D. Notwithstanding sections 415-3(A) and 415-3(C) above, a person's immigration status shall not prohibit or inhibit the City or any city official's participation in any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.
- E. When an individual is eligible for release from custody, a city official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
- F. A city official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, or phone number of a person in custody.
- G. To the extent permissible by law, a city official shall not 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. Nothing in this ordinance shall prohibit or restrain any city official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

§415-4 Reporting.

- A. Upon written request of a member of the City Council of the City of Springfield ("the Council"), the City Clerk shall submit a report to the Council, which shall be placed on

the agenda of its next occurring meeting. The report shall include the following information for the immediately preceding calendar year:

1. The number of civil immigration detainer requests submitted to city officials by ICE and/or any other federal immigration officer or agency, and the reason(s) given for each request;
2. The number of individuals that city officials detained pursuant to a judicial warrant requested by ICE or any other federal immigration officer or agency and submitted to the City;
3. The number of individuals taken into custody by ICE who immediately preceding that had been in the custody of city officials;
4. The number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.

§415-5 Implementation.

- A. The provisions of this ordinance shall be effective immediately upon passage.
- B. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed, promulgated, and implemented by the City and its departments.
- C. If any part of this ordinance is declared invalid for any reason, the remainder of the ordinance shall remain in full force and effect.

Approved as to form:

Associate City Solicitor

Welcoming Community Trust Ordinance

RESULT: **ADOPTED [10 TO 3]**
MOVER: Adam Gomez, Ward 1 Councilor
SECONDER: Jesse Lederman
AYES: Williams, Twiggs, Gomez, Fenton, Lederman, Edwards, Whitfield, Hurst, Ryan, Ramos
NAYS: Kenneth E. Shea, Kateri B. Walsh, Timothy C. Allen

PRESENTED TO THE MAYOR ON DECEMBER 18, 2018

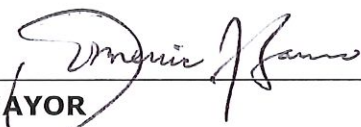
CITY CLERK:



APPROVED:

MAYOR

DATE: 12/18/18



NOT

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please see attached VED message. Thank you - 