

Be it ordained by the City Council of the City of Lawrence that the Revised Ordinances of the City of Lawrence are hereby further amended by adding the following new Chapter 9.20 (Lawrence TRUST Ordinance), to be inserted in the proper numerical order:

### LAWRENCE TRUST ORDINANCE

#### **Section 9.20.010 Purpose**

The purpose of this LAWRENCE TRUST Policy and Order is to increase public confidence in Lawrence Law Enforcement by providing guidelines associated with federal immigration enforcement, arrests, and detentions.

#### **Section 9.20.020 TRUST Policy.**

1. It is not within the purview nor mandate of the City to enforce federal immigration law or seek the detention, transfer or deportation of Lawrence residents for civil immigration purposes, nor should City resources be expended toward that end. Under no circumstances shall a person be contacted, detained, or arrested by City of Lawrence law enforcement personnel based on immigration status, whether known or unknown.
2. The City of Lawrence will equally enforce the law and serve the public without consideration of immigration status. Citizenship, immigration status, lack of immigration documentation, national origin, race, and ethnicity shall have no bearing on an individual's treatment by Lawrence law enforcement personnel (including but not limited to classification status, eligibility for work programs, eligibility for alternative to incarceration programs, right to release on bail), or on decisions to initiate stops, make arrests, or extend the length of custody.

#### **Section 9.20.030 Definitions**

"Immigration & Customs Enforcement" (or "ICE") is the agency within the US Department of Homeland Security with primary responsibility to investigate and enforce immigration law.

"Immigration Holds" are requests, often called "ICE holds" or "immigration detainers", by federal immigration officials, including but not limited to those using federal form I-247 (authorized under Section 287.7 of Title 8 of the Code of Federal Regulations) to local Law Enforcement to voluntarily maintain custody of an individual once that individual is released from local custody.

"Administrative warrant" means 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.

"Released from local custody" means an individual may be released from the custody of a law enforcement agency because any of the following conditions has occurred:

- (a) All criminal charges against the individual have been dropped or dismissed;
- (b) The individual has been acquitted of all criminal charges filed against him or her;

- (c) The individual has served the time required for his or her sentence;
- (d) The individual has posted a bail or bond, or has been released on his or her own recognizance;
- (e) The individual has been referred to pre-trial diversion services;
- (f) The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
- (g) The individual is otherwise eligible for release under state or local law.

#### **Section 9.20.040 Regulations**

**a.) ICE holds or administrative warrants.** Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a City of Lawrence law enforcement agency shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.

**b.) ICE notification requests.** No officer or employee of a City of Lawrence law enforcement agency shall respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.

**c.) ICE access to records or facilities.** Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a City of Lawrence law enforcement agency shall allow ICE agents access to or use of facilities, records/databases, booking lists, or individuals in custody either in person or via telephone or videoconference.

**d.) Individuals subject to ICE interventions.** Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where Lawrence law enforcement acquiesces to the ICE request, shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.

**e.) U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, City of Lawrence law enforcement personnel shall consider and sign a U Visa certification request if an individual is (i.) the victim of a qualifying crime, and (ii.) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.

#### **Section 9.20.050 Complaints**

Allegations of violations of the present TRUST policy and order shall be filed with the Mayor of the City of Lawrence.

#### **Section 9.20.060 Reporting**

Beginning on September 1, 2015 and on every other month thereafter, the Lawrence Police Chief shall submit a report, with the information detailed below, to the Clerk of the City of Lawrence, with a copy sent to the Mayor of the City of Lawrence. The City Clerk shall docket said report, and include the docket on the agenda of the next-occurring meeting of the Lawrence City Council.

- (a) The total number ICE hold, administrative warrant, and notification requests lodged with City Law Enforcement officials, organized by the reason(s) given for the request;
- (b) The total number of individuals detained pursuant to Section 9.20.040 (d), if any;
- (c) The total number of individuals transferred to ICE custody, if any; and
- (d) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.

To the extent that there exist any ordinances to the contrary, they are hereby repealed in that respect only.

Office of the City Attorney

June 8, 2015