

**BOARD OF SELECTMEN
POLICY ON FEDERAL IMMIGRATION ENFORCEMENT
AND RELATED MATTERS**

Voted, April 25, 2017

The Board of Selectmen of the Town of Brookline (the “Board”), in consultation with the Brookline Police Chief (the “Chief”) and pursuant to authority granted under Massachusetts General Laws, c. 41, §97 relative to the making of suitable regulations governing the police department and the officers thereof, including for regulating the involvement of the Brookline Police Department (the “Department”) in the enforcement of federal immigration laws and related matters, hereby adopts the following regulation to be issued as a General Order of the Chief:

POLICY:

It Shall be the Policy of the Town of Brookline and the Department that:

1. 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 and the Commonwealth of Massachusetts and the Town of Brookline and treaties of the United States, as applicable, irrespective of their immigration status.
2. No police officer or other employee of the Department shall inquire about a person's immigration status, nor shall such officer or employee take any policing action against a person based solely on the person's real or suspected immigration status, except in limited circumstances specifically identified by the Chief and approved by the Board in public session as not inconsistent with this Policy. All persons shall have the right to file police reports and serve as witnesses to crimes, participate in police-community activities, and otherwise benefit from general police services without fear of having their immigration status being used against them or made available to federal or state officials who may use such status against them.
3. No funds, resources, facilities, property, equipment, or personnel of the Department shall be used for any federal immigration custody or detainment or other enforcement purpose, except incidental use, such as fingerprints, that may be acquired by Immigration and Customs Enforcement or other federal agencies in the ordinary course of the Department's operations.
4. No police officer or civilian employee of the Department shall make any information in its databases or other record-keeping systems available to any entity for enforcement of any federal statute or program requiring registration of persons on the basis of race, gender, sexual orientation, gender identity, religion, national or ethnic origin, or political or social beliefs.
5. Any person who is arrested by the Department shall be booked in accordance with pre-existing policy. If, in the course of standard processing procedures, Immigration and Customs Enforcement files an immigration detainer, the arrestee shall be made aware of the detainer and provided a copy. The arrestee shall also be made aware that the Brookline Police Department will not hold them in custody on the Immigration and Customs Enforcement detainer if they post bail or are released on their own recognizance.

6. No person shall be held in custody by the Department based solely on the existence of an Immigration and Customs Enforcement detainer or any other administrative warrant. The Department shall adhere to General Order 3.0 pertaining to the arrest of persons.
7. While the Department is prohibited from detaining persons on ICE detainers, it is not prohibited from detaining an arrestee, regardless of immigration status, for any lawful reason such as a judicial arrest warrant.
8. The Department shall keep a record of all arrestees who have been the subject of an Immigration and Customs Enforcement detainer after arrest by the Brookline Police Department. Included in the record shall be the following:
 - a. The person's name.
 - b. The charges or other grounds on which the person was arrested.
 - c. Whether a decision was made not to proceed with prosecution and the person was released.
 - d. The amount of bail set by the bail commissioner after arrest.
 - e. Whether the person was released from the Department after booking or whether they were transferred to court.
9. The Department shall provide a copy of the General Order pertaining to this policy and training on the procedures related to such General Order, to all police officers employed by the Brookline Police Department.
10. The Chief may issue Procedures to implement this Policy that shall be included in the Department's "Rules and Regulations – Policies and Procedures" Manual and shall be kept up-to-date on the Department's public website.