Chapter 50

IMMIGRATION STATUS

§ 50-1. Findings.

§ 50-2. Policy established.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Pelham 5-12-2018 by Art. 47. Amendments noted where applicable.]

§ 50-1. Findings.

A.   The Town of Pelham seeks to assure equal, just and fair treatment of all persons who live in and visit the Town;

B.   Effective police work requires relationships of trust between the Police Department and the communities of the Town;

C.   Enforcement of immigration laws is a federal, not local, responsibility; and that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Pelham;

D.   The noncriminal immigration detainer (Form I-247 Request) is not an arrest warrant, nor does it provide probable cause for an arrest.

§ 50-2. Policy established.

To the extent permissible by law, it will be the ongoing policy of the Town of Pelham, MA. that;

A.   Municipal employees of the Town of Pelham, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual's immigration status.

B.   Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual's immigration status unless directly relevant to the offenses charged.

C.   To the extent permissible by law, the Pelham Police Department will not honor or enforce any detainer requests from Immigration and Customs Enforcement (I.C.E.) that are noncriminal in nature and not subject to a judicially issued warrant, nor will the Pelham Police Department hold people past the point when they would ordinarily be released.