



FEDERAL IMMIGRATION ENFORCEMENT

General Order Number: 43.0

Effective Date: December 17, 2024

POLICY:

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 preexisting 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. From time to time the Chief may issue procedures to implement this Policy. These procedures may be included in the Department's "Rules and Regulations – Policies and Procedures" Manual that shall be kept up-to-date on the Department's public website.

IMMIGRATION RAIDS

1. DEFINITIONS

A. "Immigration Raid" shall be defined as any action involving one or more agents from U.S. Immigration and Customs Enforcement, (ICE), or other federal agency, where said agents are seeking to apprehend one or more person, within the Town of Brookline, for violations of federal immigration law.

B. "ICE agent" shall be defined as any federal law enforcement officer, or deputized local law enforcement officer, enforcing federal immigration law.

2. POLICY:

- A. Under no circumstance, will any member of the Brookline Police Department provide consent to any ICE agent to pose as a Brookline Police Officer. All such requests shall be documented and made available upon request from the public.
- B. When notified that an Immigration Raid is going to take place in the Town, the Department shall request that all ICE agents visually identify themselves as ICE agents while in the Town.
- C. The Department shall notify the Town Administrator as soon as it is feasible to do so, of any Immigration Raid which takes place in the Town.
- D. The Department shall request a copy of any administrative or judicial warrants prior to, or while on the scene, of an Immigration Raid. The Department shall endeavor to verify the validity of any such warrants and keep a record of such warrants and actions taken. To the extent possible, the Department will endeavor to verify the identity of individuals presenting themselves as ICE agents.

- E. No member of the Department shall assist ICE agents during an Immigration Raid, nor shall any member of the Department participate in an Immigration Raid. However, members of the Department may, separate and apart from ICE agents, engage in law enforcement activities designed to ensure the safety of the public during an Immigration Raid. Insofar as it is possible, members of the Department shall endeavor to make themselves visibly distinguishable from ICE agents. Notwithstanding this directive, no member of the Department may engage in any of the following activities during an Immigration Raid:
1. Arrest any person unless there is a judicial warrant for that person's arrest or there is probable cause to arrest such person pursuant to Massachusetts General Law.
 2. Physically control any person, unless:
 - a. the person is subject to a lawful arrest by the Department pursuant to a judicial warrant or;
 - b. there is probable cause to arrest the person pursuant to Massachusetts General Law or;
 - c. such physical control is necessary to prevent harm to that person or another
 3. Maintain supervision over any person unless subject to a lawful arrest by the Department pursuant to a judicial warrant or based on probable cause for pursuant to Massachusetts General Law.
 4. Interrogate any person at the request of an ICE agent, or independently facilitate an Immigration Raid.
 5. Facilitate an ICE agent's access or entry into any dwelling, business, or other building.
 6. Impede the rights of any person engaging in lawful peaceful protest or assembly.
- F. The Department shall provide a copy of this General Order 43.1 and related procedures and provide training on the procedures related to such General Order to all police officers employed by the Brookline Police Department.