

CITY OF SOMERVILLE
ORDINANCE NO. 2026-
IN CITY COUNCIL: _____, 2026

Be it ordained by the City Council, in session assembled, that Section 2-6 of the Code of Ordinances of the City of Somerville is amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

Sec. 2-6. – Somerville Welcoming Community Ordinance.

- (a) Purpose: The purpose of this ordinance is to establish our city as a welcoming community, to declare that all are welcome here, and to increase public confidence in Somerville’s government by providing guidelines associated with our city’s voluntary involvement in federal immigration enforcement. This welcoming community ordinance shall replace section 2-6 of the Somerville Municipal Code (“The Trust Act”) in its entirety.
- (b) Background: The City of Somerville first declared itself to be a Sanctuary City by Resolution of the Board of Aldermen in 1987. Policies regarding the city’s voluntary involvement in federal immigration enforcement were formally established by Executive Order in May of 2014 and in October of 2014 the Board of Alderman ordained the “Trust Act,” which codified certain aspects of those policies. In 2016 the Board of Aldermen, by Resolution, reaffirmed Somerville as a Sanctuary/Trust Act City. This welcoming community ordinance further codifies existing policy and serves to reinforce the city’s ongoing commitment to the immigrant community and sanctuary city status.
- (c) Preamble: It is not within the purview nor mandate of the City of Somerville to enforce federal immigration law or seek the detention, transfer, or deportation of Somerville residents for civil immigration purposes, nor should the City of Somerville’s resources be expended toward that end. The City of Somerville will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.
- (d) Definitions:
ICE means the federal agency “Immigration and Customs Enforcement” (ICE), and any other federal agency charged with the enforcement of immigration laws.
ICE 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.
Immigration detainers and ICE detainers are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts, to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.
- (e) Order:
- (1) Equal treatment: The City of Somerville ~~will~~shall treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of city agencies or departments.
 - (2) Inquiries about immigration status: Officers and employees of the city may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.
 - (3) Role of city staff in law enforcement action: A person acting in their capacity as a city employee may not, except as required by federal or state law, assist or cooperate with, or allow time, money,

facilities, property, equipment, personnel, or other resources to be used to assist, cooperate with, or facilitate an operation executed in whole or in part by a federal or out-of-state agency that seeks:

- (A) to arrest or otherwise impose a penalty, or civil or criminal liability upon a person or entity based on their engaging in an activity protected by the First Amendment of the U.S. Constitution, or Articles 2 or 19 of the Massachusetts Declaration of Rights, including assembly, petitioning, or speech; or,
 - (B) to identify, locate, arrest, or otherwise impose a penalty upon a person for purposes of civil federal immigration enforcement and except as required by federal law or a court order.
- (4) Role of police in immigration enforcement: The Somerville Police Department ~~will~~may not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including ~~without limitation~~ the initiation of a stop, an apprehension, or an arrest. The Somerville Police Department ~~shall~~may not take part in or assist with federal immigration enforcement operations except as required by federal law or a court order.
- (5) ICE detainers and administrative warrants: Consistent with Massachusetts law, ~~no~~an officer or employee of the Somerville Police Department may not arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
- (6) Federal requests for information: No officer or employee of the Somerville Police Department shall provide a federal officer with the following information relating to a person in the custody of the Somerville Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, § 10 and G.L. c. 4, § 7 (twenty-sixth), in the course of enforcing federal civil immigration.
- (7) Encountering persons driving without a license: When taking action against a person who is found to be driving without a valid driver's license, officers of the Somerville Police Department shall endeavor, whenever possible and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle.
- (8) Notice to individuals subject to ICE interventions: If the Somerville Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
- (9) ICE access to facilities: Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.
- (10) U Visa Certification: In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Somerville Police Department shall consider and sign a U Visa certification request if an individual:
- (A) is the victim of a qualifying crime; and,
 - (B) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
- (11) Raids and other immigration enforcement actions: ~~No~~An officer or employee of the Somerville Police Department may not participate in an operation led by a federal agency to detain persons for deportation purposes, ~~except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic, or provide police escort.~~ An officer or

employee of the Somerville Police Department shall enhance public safety and perform actions and services deemed necessary to protect the safety of all on scene. When dispatched to the scene of a federal immigration enforcement action, an officer or employee of the Somerville Police Department shall take reasonable steps to verify the identity of the federal agents conducting federal immigration enforcement. The officer or employee of the Somerville Police Department shall document the activity on scene and document any identification information provided by federal agents.

- (12) Deputizing of local officials: No officer or employee of the City of Somerville shall 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.
- (13) Prior to the award of a new agreement for goods or services, or renewal of any such agreement, the relevant city agency shall seek an opinion from the Law Department as to whether the agreement violates the provisions of this paragraph and, if it does, the city shall amend or terminate the agreement. A city agency, employee or police officer may not take part in or seek to enter an agreement or contract with federal or out-of-state agencies, that directly facilitate information sharing or surveillance for activities that include sharing personal information, providing assistance with surveillance, investigations, or prosecution for a civil immigration enforcement operation if the agreement or contract is for the express purpose of permitting federal or out-of-state agencies:
- (A) to engage in conduct amounting to a violation of individual liberties and rights guaranteed under the U.S. Constitution or Massachusetts Constitution, including racial profiling, unlawful surveillance or investigation, excessive use of force, or unlawful detention;
- (B) to apprehend, arrest, or impose civil liability, including civil immigration detention, removal, or deportation proceedings, upon a person or entity for:
- (I) engaging in activities protected by the First Amendment of the U.S. Constitution or Articles 2 or 19 of the Massachusetts Declaration of Rights, including assembly, existing outside, petitioning, and speech;
- (II) provision of food, medicine, clothing, shelter, transportation, health services, legal advice or representation by or under the direct supervision of an attorney, or other aid to benefit a person, if that provision would be lawful if it occurred entirely in the commonwealth;
- (III) offenses related to immigration status, including violations of 8 U.S.C. §§ 1253, 1301 et seq, 1304(e), 1306(a) or (b), 1325, or 1326, or 18 U.S.C. §§ 1028A or 1546; or,
- (IV) nonfederal misdemeanors or violations, including motor vehicle offenses or violations.
- (14) School records and enrollment: No employee of the Somerville Public Schools shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the Somerville Public Schools, such information shall not be kept or distributed, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth (if any) for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.
- (f) Complaints: Allegations of violations of this ordinance may be filed by any method provided for filing of complaints, including without limitation with the personnel department or, in the case of a complaint against an officer or employee of the Somerville Police Department, the Department's Internal Affairs office, who shall investigate the complaint and take appropriate disciplinary action.
- (g) Enforcement:
- (1) This section shall be enforced by the mayor's office or the mayor's designee.
- (2) A violation of this section constitutes an injury. An injured person may institute proceedings against the city for injunctive relief, declaratory relief, or writ of mandamus in any court of competent jurisdiction to enforce this section.

- (3) Subject to the limitations and requirements set forth in M.G. L. c. 149, § 185, the "Massachusetts whistleblower statute", as it may be amended from time to time, a city employee, as defined in § 185, who reports an alleged violation of this section, shall be afforded protections against retaliation if applicable pursuant to § 185.
- (4) Nothing in this section shall be construed to limit or affect any individual's rights under state or federal laws.
- (h) Reporting: Beginning on the date of passage of this ordinance and every six months thereafter, the Somerville Chief of Police shall submit a report, with the information detailed below, to the mayor and the city clerk and such report will be placed on the agenda of the next-occurring meeting of the city council, with notification provided to the local immigration nonprofits in the city.
 - (1) The total number ICE holds, administrative warrants, and notification requests lodged with Somerville Law Enforcement officials, organized by the reason(s) given for the request;
 - (2) The total number of individuals detained on an ICE hold or administrative warrants, if any;
 - (3) The total number of individuals transferred to ICE custody, if any; and
 - (4) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.
- (i) Compliance with federal law: Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any city agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. section 1373.
- (j) Other: The provisions of this ordinance shall be effective immediately upon passage. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed and promulgated by the administration, the Somerville Police Department, and all other relevant entities.

~~If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.~~

Approved:

President

Approved:

Mayor