

## STATEMENT OF POLICY ON IMMIGRATION ENFORCEMENT AND DISCRIMINATION

IT IS THE POLICY OF FAIRFIELD that its law enforcement officials not engage in activities solely for the purpose of enforcing federal immigration laws. In furtherance of that policy:

- (A) FAIRFIELD Police shall not stop, question, interrogate, investigate, or arrest an individual solely on the basis of:
  - (1) Actual or suspected immigration or citizenship status, or
  - (2) A “civil immigration detainer”<sup>1</sup> or administrative warrant in the individual’s name, including those identified in the National Crime Information Center (NCIC) database.
- (B) FAIRFIELD Police shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual.
- (C) FAIRFIELD Police shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law – whether pursuant to 8 U.S.C. §1357(g) or under any other law, regulation, or policy.

IT IS THE FURTHER POLICY OF FAIRFIELD that its law enforcement officials not honor detainer requests from U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) without a judicial warrant, except in very limited circumstances. In furtherance of that policy:

FAIRFIELD Police may respond affirmatively to a “civil immigration detainer” or other request from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours ONLY IF the request is accompanied by a judicial warrant, except that the Police may detain a person for up to 48 hours on a detainer if:

- (1) There is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return, as defined by 8 U.S.C. § 1326, and the

---

<sup>1</sup> A “civil immigration detainer” is sometimes called a “civil immigration warrant.”

individual has been convicted at any time of (a) a specifically enumerated set of serious crimes under CONNECTICUT Penal Law (e.g., Class A felony, attempt of a Class A felony, Class B violent felony, etc.), or (b) a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under the CONNECTICUT Penal Law, or (c) there is probable cause to believe that the individual has or is engaged in terrorist activity.

IT IS THE FURTHER POLICY OF FAIRFIELD that in those cases in which the FAIRFIELD Police do receive federal immigration enforcement requests, the Police shall give the detainee notice of the request and protect the detainee's due process rights. In furtherance of that policy,

- (A) FAIRFIELD Police shall not delay bail and/or release from custody upon posting of bail solely because of: (1) an individual's immigration or citizenship status, (2) a civil immigration warrant, or (3) an ICE or CBP request – for the purposes of immigration enforcement – for notification about, transfer of, detention of, or interview or interrogation of that individual.
- (B) Individuals in the custody of the FAIRFIELD Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies and practices the Department ordinarily uses, regardless of actual or suspected citizenship or immigration status.
- (C) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request with respect to an immigrant in custody, the FAIRFIELD Police shall provide a copy of that request to the individual named in it and inform the individual whether FAIRFIELD Police will comply with the request, before communicating the FAIRFIELD Police response to the requesting agency.

IT IS THE FURTHER POLICY OF FAIRFIELD that FAIRFIELD Police shall not provide ICE or CBP with access to an individual in the IPD's custody nor permit the use of town facilities to question or interview such individual if ICE's or CBP's sole purpose is enforcement of federal immigration law.

IT IS THE FURTHER POLICY OF FAIRFIELD that, in the absence of a judicial warrant, the FAIRFIELD Police shall not honor ICE or CBP requests for certain personal information about an individual.

IT IS THE FURTHER POLICY OF FAIRFIELD that the FAIRFIELD Police shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state or local law.

IT IS THE FURTHER POLICY OF FARIFIELD that town resources (i.e., money, facilities, property, equipment or personnel) not be used to create or assist in the creation of any registry, including a federal registry, that is based on race, gender, sexual orientation, religion, ethnicity or national origin.

IT IS THE POLICY OF FAIRFLED that FAIRFIELD personnel not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits is contingent on one's immigration or citizenship status or where such inquiries are otherwise lawfully required by federal, state or local laws.

IT IS FURTHER THE POLICY OF FAIRFIELD that nothing in this policy is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644. Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits Fairfield officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any Federal, State, or local government entity.