



Medford City Council
Medford, Massachusetts

Resident Services and Public Engagement Committee, December 10, 2024

Voting Members

Matt Leming, Chair
George A. Scarpelli, Vice Chair
Anna Callahan
Emily Lazzaro
Justin Tseng

This meeting will take place at 7:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/85408084033>

Call-in Number: +19292056099,,85408084033#

Live: Channel 22 (Comcast), Channel 43 (Verizon), [YouTube](#), and medfordtv.org.

To submit written comments, please email AHurtubise@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

23-055 - Offered by Councilor Tseng

Resolution to Consider Welcoming City Ordinance

24-073 - Offered by Anna Callahan, City Councilor, Justin Tseng, City Councilor, Emily Lazzaro, City Councilor

Resolution to Establish City Council Listening Sessions

24-354 - Offered by Matt Leming, City Councilor, Isaac Bears, Council President

Resolution to Publish City Council Newsletter

PAPERS IN COMMITTEE

To view Papers in Committee, please email ahurtubise@medford-ma.gov.

Adjournment

CHAPTER 50, ARTICLE II, DIVISION 3 - Welcoming City Ordinance

Sec 50-80 - Purpose & Preamble

PURPOSE

The purpose of this ordinance is to establish Medford as a Welcoming City, to declare that all are welcome here, and to increase public confidence in Medford's government by providing guidelines associated with our city's voluntary involvement in federal immigration enforcement.

PREAMBLE

It is not within the purview nor mandate of the City of Medford to enforce federal immigration law, nor should Medford resources be expended toward that end.

The City of Medford will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

Sec 50-81 - Definitions

"Federal immigration agency" means any agency, department, or part of the federal government that enforces immigration laws, including but not limited to the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP).

"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 state or local agencies to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal immigration agency before the pending release of an individual.

"Administrative warrant" means a warrant, notice to appear, warrant of deportation, or order of arrest or detention issued by a federal immigration agency, including but not limited to federal forms I-200, I-203, I-203a, I-205, I-247A, I-286, I-862, or G-391. Such administrative warrants are not issued by a judicial officer.

Sec 50-82 - Order

- a. **Equal treatment.** The City of Medford will 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 Medford agencies or departments.
- b. **Use of local resources.** No City funds, resources, facilities, property, equipment, or personnel may be used to assist or participate in the enforcement of federal immigration laws.
- c. **Inquiries about immigration status.** No officers or employees of the City of Medford may inquire about the immigration status of a victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required by state law or to provide a public benefit.
- d. **Role of police in immigration enforcement.** No officer or employee of the Medford Police Department may initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, or an arrest. No officer or employee of the Medford Police Department may participate in or assist with an operation led by a federal immigration agency to detain persons for immigration enforcement purposes.
- e. **ICE detainers and administrative warrants.** No officer or employee of the Medford Police Department may arrest or detain an individual on the basis of suspected or known immigration status, an ICE detainer, an ICE administrative warrant, or otherwise at the request of a federal immigration agency unless the request is accompanied by a judicial order, judicial warrant or showing of probable cause that the individual has committed a crime for which the Police Department is authorized to make an arrest. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being transferred to court or admitted to bail. If the Medford 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 documents received from a federal immigration agency relating to the person.

- f. **Communications with a federal immigration agency.** No officer or employee of the Medford Police Department may initiate a communication with a federal immigration agency regarding a member of the public, except in exigent circumstances relating to an imminent threat to public safety. No officer or employee of the Medford Police Department shall provide any officer or employee of a federal immigration agency with the following information relating to a person in the custody of the Department or who has come to the attention of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, court hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).
- g. **Access to facilities.** Except in response to a judicial warrant or other court order, no officer or employee of a federal immigration agency shall be allowed access to individuals in the custody of the City of Medford, either in person or via telephone or videoconference.
- h. **Deputizing of local officials.** No officer or employee of the Medford Police Department 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.
- i. **U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act and as provided in M.G.L. c. 258F, the Medford Police Department shall consider and sign a U Visa certification request if an individual (i) is the victim of a qualifying crime, and (ii) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
- j. **School records and enrollment.** No employee of the Medford 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 Medford Public Schools, such information shall not be maintained or distributed and shall have no bearing on the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.

Sec 50-83 - Complaints; Enforcement; Remedies; Penalties; Whistleblower Protections.

- a. **Complaints.** Allegations of violations of the present policy may be filed with the Medford Police Department or an authorized oversight body and, in the case of a complaint against an officer or employee of the Medford Police Department, the Department's Internal Affairs office, which shall investigate the complaint and take appropriate disciplinary action.
- b. **Enforcement.** This ordinance shall be enforced by the Mayor's office or the Mayor's designee.
- c. **Cause of action.** Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandamus in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with this ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
- d. The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law, and contractual obligations.
- e. Municipal employees or agents, except in the event of exigent circumstances, or in response to a declared municipal, state, or federal state of emergency, shall not use any Surveillance Technology except in a manner consistent with policies approved pursuant to the terms of this Ordinance, and may in no circumstances utilize Surveillance Technology in a manner which is discriminatory, viewpoint-based, or violates the City Charter, the Massachusetts Constitution, or the United States Constitution.
- f. **Whistleblower protections.** Subject to the limitations and requirements set forth in G. L. C. 149, (the Whistleblower or as it may be amended from time to time, any City employee as defined in Section 185 who reports an alleged violation of this Ordinance, shall be afforded protections against retaliation if applicable pursuant to Section 185, as set forth in and subject to the limitations and requirements of Section 185.

Sec 50-84 - Reporting

Beginning on the date of passage of this ordinance and every six months thereafter, the Medford Police Chief shall submit a report with the information detailed below relating to the preceding six months to the Clerk of the Medford, forward to the Mayor, docket said report, and include the docket on the agenda of the next-occurring meeting of the Public Health and Community Safety Committee of the Medford City Council.

- a. The total number of ICE detainees, administrative warrants, notification requests, and other requests for information or assistance received from a federal immigration agency;
- b. A detailed account of each instance in which information was given to a federal immigration agency, with the names of individuals redacted; and
- c. Names and descriptions of all task forces in which the Medford Police Department participated in which a federal immigration agency also participated.

Sec 50-85 - Compliance with Federal Law

Nothing in this Welcoming City Ordinance shall be construed to violate any valid federal law, or to prohibit any Medford agency or department from providing another law enforcement agency citizenship or immigration status, consistent with 8 U.S.C. § 1373.



Medford City Council
Medford, Massachusetts

MEETING DATE

December 10, 2024

SPONSORED BY

Anna Callahan, City Councilor,
Justin Tseng, City Councilor, Emily
Lazzaro, City Councilor

AGENDA ITEM

24-073 - Resolution to Establish City Council Listening Sessions

FULL TEXT AND DESCRIPTION

Whereas many studies have shown that local governments primarily hear from a small proportion of their residents in addition to corporate interests, and those residents who do reach out tend to be more affluent than the average resident,

Be it Resolved, that the Committee on Resident Services and Public Engagement reach out to city staff, residents, and community groups to develop and implement a series of listening sessions where councilors listen to residents to extend Council outreach to residents, particularly of various underrepresented or under-served neighborhoods and backgrounds.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

December 10, 2024

SPONSORED BY

Matt Leming, City Councilor, Isaac
Bears, Council President

AGENDA ITEM

24-354 - Resolution to Publish City Council Newsletter

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the Resident Services and Public Engagement Committee shall have the authority to draft and approve a regular newsletter summarizing the activities of the City Council and can vote to publish the newsletter by whatever mechanisms available without referring the draft newsletter to a regular Council meeting for a vote.

Be it Further Resolved that this paper be referred to the Resident Services and Public Engagement Committee as a standing agenda item

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None