



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #181
IN CITY COUNCIL
June 30, 2025

To the Honorable, the City Council:

Please find attached response from City Solicitor Megan Bayer, regarding Awaiting Report #25-36 which requested that the language of the Welcoming Community Ordinance be amended to clarify that City employees shall not participate in federal immigration enforcement operations and that the sole role of City employees during any action by ICE is only to protect public safety, and be amended to clarify that if Cambridge Police Department Officers respond to the scene of ICE action, CPD Officers should document the actions of ICE including their badge numbers.

Very truly yours,

Yi-An Huang
City Manager



Megan B. Bayer
City Solicitor

Elliott J. Veloso
Deputy City Solicitor

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CITY OF CAMBRIDGE

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June 30, 2025

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Response to AR 25-36 Requesting that the exception language in Chapter 2.129.040 Section J of the Cambridge Municipal Code be revised with language clarifying that Cambridge city employees shall not participate in federal immigration enforcement operations and that the sole role of Cambridge city employees during any action by ICE is only to protect public safety and not to assist or facilitate the work of ICE

Dear Mr. Huang:

I am writing in response to the above Council Order that requested that the language of the Welcoming Community Ordinance be amended to clarify that City employees shall not participate in federal immigration enforcement operations and that the sole role of City employees during any action by ICE is only to protect public safety, and be amended to clarify that if Cambridge Police Department Officers respond to the scene of ICE action, CPD Officers should document the actions of ICE including their badge numbers.

We have reviewed the language of the Welcoming Community Ordinance and are recommending the redlined changes in the attached in response to the Council Order. We previously met with representatives of the Cambridge Police Patrol Officers Association and the Cambridge Police Superior Officers Association and heard their concerns and took those concerns into consideration when drafting the proposed language. Also, we provided them with the proposed language for review and did not receive a response back at the time of drafting this letter.

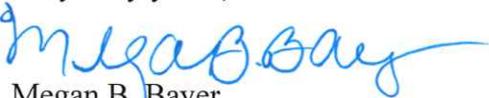
One concern identified by the unions was the possibility that it could appear that CPD Officers are unlawfully obstructing immigration enforcement activities if Officers are required to obtain identification from federal officers. The Department of Homeland Security's regulations only require that immigration officers "Identify himself or herself as an immigration officer who is authorized to execute an arrest," and only when it is safe and practicable to do so. 8 C.F.R.

§287.8(c)(2)(iii). They are not required to provide their name and a badge number. Therefore, we have recommended language that requires CPD Command Staff members to take measures to verify that the individuals on scene are federal agents conducting federal immigration enforcement. The specific procedures will be addressed through internal CPD procedures and will include contacting the regional Homeland Security office upon a report of what appears to be immigration enforcement activity in the City to confirm the operation is being performed by Homeland Security.

Additionally, the Council Order requests that CPD comply with the reporting requirements in Section 2.129.060 of the Ordinance. CPD plans to submit a report under this requirement to the Council in September of this year, and then will do so every six months per the Ordinance.

We will be available to discuss with the Council.

Very truly yours,



Megan B. Bayer
City Solicitor

Attachment

Chapter 2.129 WELCOMING COMMUNITY ORDINANCE

Sections:

2.129.010 Purpose.

The purpose of this Chapter is to establish the City of Cambridge as a Welcoming City, to declare that all are welcome here, and to increase public confidence in the City of Cambridge's government by establishing standards associated with the City's voluntary involvement in federal immigration enforcement.

(Ord. No. 2020-3, 2-10-2020)

2.129.020 Preamble.

It is not within the purview nor mandate of the City of Cambridge to enforce federal immigration law or seek the detention, transfer or deportation of Cambridge residents for civil immigration purposes, nor should the City's resources be expended toward that end.

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

(Ord. No. 2020-3, 2-10-2020)

2.129.030 Definitions.

"ICE." The federal agency known as the U.S. Immigration and Customs Enforcement, and any other federal agency charged with the enforcement of immigration laws, including but not limited to the Department of Homeland Security.

"Immigration detainers and ICE detainers." 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.

"ICE administrative warrant." 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.

(Ord. No. 2020-3, 2-10-2020)

2.129.040 Requirements.

(A) Equal treatment. The City 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 City employees or officials.

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- (B) Inquiries about immigration status. City employees and officials 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 by 8 U.S.C. § 1373.
- (C) Role of Police Department in immigration enforcement. The Cambridge Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest. The Cambridge Police Department shall not take part in or assist with federal immigration enforcement operations, except as permitted with Subjection (j) below. This section shall not limit the Cambridge Police Department's ability to actively assist in Federal human trafficking operations.
- (D) ICE detainers and administrative warrants. Consistent with state law, no officer or employee of the Cambridge Police Department may 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.
- (E) Federal requests for information. No officer or employee of the Cambridge Police Department shall provide an officer or employee of ICE with the following information relating to a person in the custody of the 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, section 10 and G.L. c. 4, section 7 (twenty-sixth). Nothing in this section shall prohibit or restrain an officer or employee of the Cambridge Police Department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.
- (F) 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 Cambridge Police Department shall, whenever possible in the officer's discretion 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, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.
- (G) Notice to individuals subject to ICE interventions. If the Cambridge Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Police 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.
- (H) 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 Cambridge Police Department custody either in person or via telephone or videoconference.
- (I) Programs that protect removal. In furtherance of the US Victims of Trafficking and Violence Prevention Act, as well as the Violence Against Women Act ("VAWA"), the Cambridge Police Department shall consider a U or T Visa request, or other protections conferred by VAWA 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, or is the victim of domestic violence and removal will place them in immediate danger.
- (J) Raids and other immigration enforcement actions. No officer or employee of the Cambridge Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes. However, an officer or employee of the Cambridge Police Department is required to ensure public safety and shall except in response to a request to assist with support perform actions and services deemed necessary to ensure officer-the safety of all on scene 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.

(K) If the Cambridge Police Department is dispatched to the scene of federal immigration enforcement action, members of the Police Department Command Staff shall take reasonable steps to verify that the individuals on scene are federal agents conducting federal immigration enforcement. The responding officers of the Cambridge Police Department shall document the activity on scene and document any identification information provided by Command Staff or federal officers or agents.

~~(L)~~ Deputizing of local officials. No officer or employee of the Cambridge Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal, except as required by federal or state law or regulations.

~~(M)~~ School records and enrollment. No employee of the Cambridge School Department 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 Cambridge School Department, such information shall not be kept or distributed, except as required by federal or state law or regulations, 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 for the purpose of providing appropriate services to any student shall be used only for that purpose and not distributed further, except as required by federal or state law or regulation.

(Ord. No. 2020-3, 2-10-2020)

2.129.050 Complaints.

Allegations of violations of this Chapter may be filed with the City Manager's Office, who shall investigate the complaint and take appropriate disciplinary action. In the case of a complaint against an officer or employee of the Cambridge Police Department, allegations of violations of this Chapter shall also be filed with the Department's Professional Standards Unit. In the case of a complaint against an employee of the Cambridge School Department, allegations of violations of this Chapter shall also be filed with the Superintendent of Schools.

(Ord. No. 2020-3, 2-10-2020)

2.129.060 Reporting.

Beginning on the date of passage of this Chapter and every six months thereafter, the Cambridge Police Commissioner shall submit a report, with the information detailed below, to the City Clerk, with a copy to the City Manager, and the City Clerk shall include the report on the agenda of the next-occurring meeting of the Public Safety Committee of the City.

The report shall contain:

- (A) A statistical breakdown of the total number of ICE detainers requests and, administrative warrants lodged with Cambridge Police Department;
- (B) The total number of individuals detained as a result of an ICE detainer or administrative warrants, if any;
- (C) The total number of individuals transferred to ICE custody, if any;
- (D) The total reimbursements received from the federal government pursuant to any granted ICE detainer or administrative warrant, organized by case; and

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- (E) The total number of investigations where the Cambridge Police Department cooperated with or provided information to ICE unless any part of such information cannot be publicly disclosed.

(Ord. No. 2020-3, 2-10-2020)

2.129.070 Compliance with federal law.

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

(Ord. No. 2020-3, 2-10-2020)