



# Agenda Item Report

## City Commission - Jun 28 2022

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Department	Staff Contact
City Attorney's Office	Toni R. Wheeler, City Attorney

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### Recommendations

Consider declaring an emergency and adopt on first and second reading Ordinance No. 9920, amending Chapter 1, Article 10, Sections 1-1003, and 1-1004 of the Code of the City of Lawrence, 2018 Edition, and amendments thereto, pertaining to city services, and repealing existing sections 1-1003 and 1-1004.

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### Executive Summary

At its June 14, 2022 City Commission meeting, Commissioners deferred this item to be revisited at a Special Meeting on June 28, 2022. At that time, staff was directed to work alongside community partners and their immigration attorney to review the requested amendments to Chapter 1, Article 10, Sections 1-1003, and 1-1004.

In 2020, the City Commission adopted an ordinance, later codified at Chapter 1, Article 10 of the City Code, related to City policies concerning immigrants. In doing so, the City Commission set forth policies that were welcoming to all residents and visitors to Lawrence, regardless of their immigration status.

In April of 2022, the Governor signed HB 2717 which restricts Kansas municipalities' authority in this area. Specifically, the bill prohibits municipalities from passing, implementing, or enforcing a resolution, ordinance, rule, or policy that prohibits or restricts a local officer, law enforcement officer, or employee from doing the following with information on a person's immigration status: (1) Communicating or cooperating with federal officials; (2) Sending to or receiving information from the U.S. Department of Homeland Security; (3) Obtaining maintaining information; or (4) Exchanging information with another federal, state, or local government entity. The bill states that any such ordinance, resolution, rule, or policy is null and void. Municipalities would also be prohibited from limiting or restricting the enforcement of federal immigration laws. The law goes into effect on July 1, 2022. Staff recommends that an ordinance amending certain sections of our local code provisions be passed to bring the City into compliance with the State law.

The recommended ordinance repeals sections that conflict with the state law. The Lawrence Police Department's policy related to immigration also requires updating to conform to the legislation. It is also attached. We have added language to the ordinance and the policy expressing the continued commitment to being a welcoming community to persons regardless of immigration status.

### Alignment to Strategic Plan

Safe and Secure

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**Fiscal Impact**

There is no fiscal impact.

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**Action Requested**

Adopt on first and second reading Ordinance No. 9920.

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**Previous Agenda Reports:**

- [October 8, 2019 Work Session](#)
  - [November 12, 2019 Work Session](#)
  - [February 11, 2020 Work Session](#)
  - [July 21, 2020 1st Reading Ord. 9736](#)
  - [September 15, 2020 2nd Reading Ord. 9736](#)
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**Attachments**

- [Ord9920](#)
  - [LKPD Policy-Immigration Enforcement](#)
  - [Public Comment - Added 06/28/22](#)
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**ORDINANCE NO. 9920**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER 1, ARTICLE 10, SECTIONS 1-1003 AND 1-1004 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION AND AMENDMENTS THERETO, PERTAINING TO CITY SERVICES, AND REPEALING EXISTING SECTIONS 1-1003 AND 1-1004.**

**WHEREAS**, on September 15, 2021, the City of Lawrence passed Ordinance No. 9736, finding that “the City is an inclusive community that values immigrants and the diversity they bring to the City’s cultural fabric, economic growth, and global competitiveness. The City is committed to building a welcoming and neighborly atmosphere in our community, where all people, including immigrants, are accepted and able to access all City services regardless of their immigration status. It is the intent of the City to comply with local, state, and federal laws while strongly discouraging unlawful discrimination and fostering a welcoming and safe environment for all individuals;”

**WHEREAS**, during the 2022 Kansas Legislative session, the Legislature passed, and the Governor signed, House Bill 2717 that, among other provisions, prohibits municipalities from enacting, implementing, or enforcing an ordinance that prohibits or in any way restricts a law enforcement officer, local official, or local government official from sharing information about the citizenship or immigration status of an individual with other government entities or maintaining such information, and prohibits a municipality from limiting or restricting enforcement of federal immigration laws. The bill goes into effect on July 1, 2022; and

**WHEREAS**, the City of Lawrence is dedicated to building an inclusive community that creates a welcoming and safe environment for all individuals, regardless of their immigration status. The City will continue to comply with State law while discouraging unlawful discrimination. The City also reaffirms its commitment to embrace immigrants and their numerous contributions to the cultural fabric and economic strength of the City while protecting the rights of all individuals.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Chapter 1, Article 10, Section 1-1003 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

1-1003           **PROVISION OF CITY SERVICES.**

(A)     ~~No employee or department shall request or document immigration status information in the provision of City services, including policing, unless otherwise required by law, regulations, or federal or state policies. For purposes of this Section, “document” shall mean reducing to or placing into written form. This directive shall not apply to the collection of immigration status information for the purpose of assisting a crime victim or witness with a T visa or a U visa, or any similar programs that may benefit an immigrant, when such information is volunteered to the employee or department. (Whether a visa is granted is a matter of federal discretion).~~

- ~~(A)(B)~~ No employee shall discriminate on the basis of alienage or immigration status. City employees will serve all residents and City services will be accessible to all residents regardless of alienage or immigration status.
- ~~(B)(C)~~ Unless otherwise required by law, employees and departments that require individuals to provide identification shall accept any valid photo identification that provides the person's name and photo. Such identification includes, but is not limited to, documents issued by the person's nation of origin such as a Consular identification, student identifications, drivers' licenses (including foreign), and passports. This policy shall not apply to the completion of the federally mandated I-9 forms, in the presentation of lawful authorization to operate a motor vehicle within the City, or if law enforcement is attempting to identify a suspect of a crime and requires a particular form of identification.
- ~~(C)(D)~~ Any service, benefit, or opportunity provided by a City of Lawrence department shall be made available to all persons residing in the City, regardless of immigration status, unless otherwise required by law.
- ~~(D)(E)~~ In addition to the interpretation services specifically required herein, ~~enumerated elsewhere in this policy~~, employees and departments shall generally provide language services whenever possible so that foreign language and/or non-English speakers are able to access City services, regardless of a person's primary language.
- ~~(E)(F)~~ The enforcement of federal immigration laws is a matter that falls under federal jurisdiction and as such is outside the scope of duties of City employees, including Lawrence police officers. The Lawrence Police Department shall not enter into a Memorandum of Understanding with the United States under Section 287(g) of the Immigration and Nationality Act in order to enforce federal immigration law without the prior approval of the City Commission. See 8 U.S.C. § 1357(g).
- ~~(F)~~ The City respects and observes the Fourth Amendment to the United States Constitution that states: "The right of the people be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Except as required by law, nothing in this Article requires an employee or department of the City to request or document the immigration status of an individual.

**SECTION 2.** Chapter 1, Article 10, Section 1-1004 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

1-1004

**DEPARTMENT PRACTICES.**

This section addresses department operations within the City. All City departments, including any not specifically listed herein, and all City employees, shall abide by all applicable sections, including the general provisions set out in Section 1-1003 herein ("Provision of City Services").

(A) **Lawrence Police Department**

- (1) Members of the Lawrence Police Department shall comply with the department's internal "Immigration Administrative Policy," "Outside Agency Assist" Policy, and any other department policies applicable to immigration or immigrants.
- (2) The Lawrence Police Department's internal "Immigration Administrative Policy" shall endeavor to further the findings of the Governing Body under this Article and shall include, at a minimum, the following:
  - (a) A provision that states "Except as required by law, nothing in Chapter 1, Article 10 of the City Code requires an employee or department of the City to request or document the immigration status of an individual." ~~Provisions which prohibit requesting or documenting immigration status information from any individual including victims, witnesses and suspects, unless otherwise required by law, regulations, or federal or state policies. Such language shall be consistent with this Article. For purposes of this Section, "document" shall have the same meaning as prescribed in Section 1-1003(A) herein;~~
  - (b) Provisions which prohibit the Lawrence Police Department and its members from detaining, arresting, transporting, or holding any individual based solely upon a civil immigration detainer or administrative warrant.
  - (c) Provisions which require the Lawrence Police Department to provide an alert to the public, as soon as possible without violating state or federal law, of any communication of reported or planned civil immigration activity by ICE or other federal agencies working on immigration matters within the Department's jurisdiction, including a request for assistance, received by the Department from ICE or other federal agencies working on immigration matters which would result in contact with any individual or individuals within the City. Such alert shall be followed by a publicly available report of the outcome of such communication or resulting contact. Such report shall be available within 48 hours of the resolution of the request or activity or once the request or communication has been completed. The form and content of the report shall be specified within Department policy.
  - (d) Provisions for the prohibition of retaliation and penalties applicable to the violation of the Immigration Administrative Policy.

- (3) The Lawrence Police Department shall not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual. This does not create a responsibility for any law enforcement officer or any other government entity or official to collect immigration information.
- (4) The Lawrence Police Department shall provide public notice of and make publicly available any revisions to its Immigration Administrative Policy, Outside Agency Assist Policy, and any other department policies applicable to immigration or immigrants prior to the effective date of such policy change. Nothing herein prohibits a temporary change or modification by general order of the Chief of Police, provided however, that notice of such temporary change or modification and any formal updates to the applicable policies are made without unreasonable delay.

(B) **Lawrence-Douglas County Fire Medical Department**

The department's core mission is to provide emergency services to individuals in need. Immigration status shall never be a factor when providing emergency services.

(C) **Lawrence Municipal Court**

- (1) Except as required by law, nothing in this Article requires an employee or department of the City to request or document the immigration status of an individual. The Lawrence Municipal Court (Court) shall not inquire about the immigration status of any person charged with a crime except as otherwise required by law, to include, but not limited to, compliance with K.S.A. 21-2501 and K.S.A. 12-4517 which require the Court to ensure a fingerprint card is completed upon a conviction of a class A or class B misdemeanor.
- ~~(2)~~ In the event the Court becomes aware of a person's immigration status, the Court shall not initiate contact with federal immigration enforcement officials to report that information, except as otherwise required by law.
- ~~(2)(3)~~ (3) The Court shall provide interpretation services for defendants who do not speak English, in compliance with the law. See K.S.A. 75-4351.
- ~~(3)(4)~~ (4) When interpretation services are provided, no inquiry shall be made regarding the person's immigration status.
- ~~(5)~~ (5) The City prosecutor shall not initiate the transfer of immigration information to ICE, unless otherwise required by law.

~~(4)(6)~~ The City prosecutor shall negotiate plea agreements in a just and appropriate manner. A person's immigration status shall never be a bar to diversion programs.

~~(5)(7)~~ Public defenders under contract with the City shall be encouraged to ~~affirmatively and competently~~ advise defendants affirmatively and competently of the potential immigration consequences to criminal offenses, in compliance with applicable case law and any other applicable law addressing the duties of a criminal defense attorney in providing information regarding immigration. Public defenders under contract with the City should also advise such defendants to seek counsel from a trained immigration attorney. The City shall provide reference to a repository listing immigration attorneys that such defendants may contact, when appropriate.

**(D) Finance**

(1) City utility services, to include water, sewer, solid waste, and storm water, shall never be denied to any City resident on the basis of a person's immigration status.

(2) To set up a utilities account, a person must provide their:

(a) Name

(b) Social Security Number or federal tax identification. If neither are available, a passport is requested

(c) Second form of identification

(d) Date of birth

(e) Phone number

(f) Email address (optional)

(3) In an attempt to prevent loss to the City and to keep rates reasonable for all customers, an additional deposit may be required of any person who cannot provide the information requested above.

(4) Any person making payment to the City may be required to present a valid photo identification. A photo identification means any document containing the person's name and picture on it and which is issued by a government, whether municipal, state, federal, or foreign.

**(E) Parks and Recreation**

(1) City facilities and services shall never be denied to any resident of the City on the basis of a person's immigration status.

- (2) A person may establish proof of residency by providing documentation that includes but is not limited to:
  - (a) Driver's License
  - (b) State Issued ID
  - (c) Current Homeowners Insurance Policy
  - (d) Property Tax Statement
  - (e) Vehicle Registration
  - (f) Mortgage or lease document

**(F) Transit**

Immigration status shall not be a factor in determining whether a person may utilize the City's transit services.

**(G) City Clerk's Office**

- (1) A person's immigration status shall not prohibit such person from applying for and being granted a license, permit, or registration through the City Clerk's office, except as required by law.
- (2) The City Clerk's office shall provide language translation services to any person upon request.

**(H) Human Resources**

- (1) The City's Human Resources Department shall strive to recruit and hire a diverse workforce on behalf of the City of Lawrence. To meet this goal, the Department shall utilize diversity-focused job boards and minority associations in its recruitment activities, whenever possible.
- (2) The department shall comply with federal and state laws regarding employment eligibility and employment records, such as the I-9 verification process, ~~but shall not otherwise collect, inquire, or disseminate information about an applicant's immigration status.~~ Except as required by law, nothing in this Article shall require the department of the City to request or document the immigration status of an individual.
- (3) The department shall conduct a periodic review of the City's internal policies, training on diversity, the City's "Statement of Individual Respect," and shall recommend and assist in the implementation of any appropriate amendments.

**(I) Communications & Creative Resources**



- (1) Communication on behalf of the City shall endeavor to be accessible to the widest possible audience through its website and social media.
- (2) A translation subscription service shall be implemented for the purpose of translating documents and allowing staff to speak with non-English speaking customers on the phone or in person.
- (3) Any written materials posted on the City's webpage and drafted by the City of Lawrence should have an option to translate the webpage into other languages. Such option to translate shall be clearly identified on the webpage.
- (4) When appropriate, written materials distributed to the public should be translated into other languages.

**SECTION 3:** Chapter 1, Article 10, Sections 1-1003 and 1-1004 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, are hereby repealed in their entirety, it being the intent of the Governing Body that the provisions of this ordinance supersede the repealed Code sections.

**SECTION 4.** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 5.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
Courtney Shipley  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

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Toni R. Wheeler  
City Attorney

# Immigration Enforcement

## 414.1 PREAMBLE

In alignment with the City of Lawrence philosophy, the Lawrence Police Department acknowledges the City is an inclusive community that values immigrants and the diversity they bring to the City's cultural fabric, economic growth, and global competitiveness. The Lawrence Police Department is committed to building a welcoming and neighborly atmosphere in our community, where all people, including immigrants, are accepted and able to access Police Department services regardless of their immigration status. It is the intent of all City Departments to comply with local, state, and federal laws while strongly discouraging unlawful discrimination and fostering a welcoming and safe environment for all individuals.

## 414.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for officer interactions with the United States Immigration and Customs Enforcement (ICE) with the members of the Lawrence Police Department.

## 414.3 POLICY

It is the policy of the Lawrence Police Department (LPD) that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons. ~~No member shall stop, question, arrest, or detain any individual based solely upon actual or suspected citizenship or immigration status. No member shall request or document immigration status information from an individual, including victims, witnesses and suspects, unless otherwise required by law, regulations, or federal or state policies.~~

Generally, immigration enforcement is not a local law enforcement matter. It falls under the jurisdiction of the United States Immigration and Customs Enforcement (ICE). Lawrence Police Department (LPD) officers lack the jurisdiction to enforce federal immigration law. However, there are situations where ICE may request the assistance of the LPD, and such request shall be addressed in department policy.

## 414.4 DEFINITIONS

**Reasonable Suspicion** – A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity. A police officer must have a reasonable suspicion to stop a person in a public place. Black's Law Dictionary (11th ed. 2019)

**Probable Cause** – Reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause — which amounts to more than a bare suspicion but less than evidence that would

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justify a conviction — must be shown before an arrest, arrest warrant or search warrant may be issued. Black's Law Dictionary (11th ed. 2019)

**Emergency-** A sudden and serious event or an unforeseen change in circumstances that calls for immediate action to avert, control, or remedy harm; an urgent need for relief or help. Black's Law Dictionary (11th ed. 2019)

**Member-** Any sworn employee of the Lawrence Police Department. This term may be used interchangeably with “LPD” and “officers” throughout this policy.

### **414.5 VICTIMS AND WITNESSES**

The need for community trust and cooperation is an essential component of effective policing and public safety. In furtherance of this principle, victims and witnesses of crime should not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color, or national origin in any way that would violate the United States or Kansas Constitutions. All persons residing in the United States, documented or undocumented, are protected under the rights outlined in the U.S. Constitution, including the Fourth Amendment right against unnecessary search and seizure.

When identification is requested, Members shall accept presentation of a photo identity document issued by a non-government organization or a verbal statement of the person's full name and date of birth. Members shall not require that a person produce a foreign passport or non-U.S. driver's license as evidence of identity. **No such document or statement will be valid proof of identity for the purposes of state law.**

Although not required as evidence of identity or citizenship, a driver's license is required for operation of a motor vehicle, regardless of a person's immigration status. Member may request the driver of a motor vehicle to produce a driver's license. The failure of a motor vehicle operator to produce a driver's license upon request after a moving violation or traffic stop may subject the operator to the appropriate charge (i.e. driving without a license).

### **414.6 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

**Generally, a member will not need to notify ICE when booking arrestees at the jail. Notification will be handled according the jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of this notification. However, under certain circumstances, such as some felony investigations contact with ICE may be appropriate.**

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~~When determining whether notification of immigration authorities is appropriate, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:~~

- ~~• **Seriousness of the offense:** The investigation of the following felony crimes, including but not limited to: murder, kidnapping, robbery, rape, aggravated assault, aggravated arson, aggravated burglary, aggravated battery, and abuse of a child. (K.S.A. 21-5402(c) (listing "inherently dangerous felonies"))~~
- ~~• **Flight Risk:** The potential that a person would to flee the jurisdiction prior to the resolution of any pending criminal matters.~~

### 414.7 INTERVIEWS

The Lawrence Police Department does not conduct suspect interviews for civil immigration violations only. Any suspect that is in police custody and that is being interrogated regardless of immigration status will be provided with a Miranda warning prior to any questioning taking place by LPD. Miranda warnings are rooted in fundamental constitutional protections. Their purpose is to protect and preserve a suspect's Fifth Amendment constitutional rights against self-incrimination.

Members will ensure that suspects are advised of which law enforcement agency that they are speaking with prior to the start of any interview [conducted by Lawrence Police Department employees and will advise a person in custody if ICE or DHS requests to talk to them.](#) Translation services will be made available if needed for language clarification purposes or upon the request of any suspect.

### 414.8 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. [The supervisor may direct available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.](#) ~~Under no circumstances will an LPD member become involved in the service of civil detainees or administrative immigration matters with ICE, unless a listed policy exception has been met. If a listed policy exception has been met officers should respond as they would when addressing any other law enforcement matter.~~

~~Unless otherwise required by law, LPD members shall not engage in, assist, or support immigration enforcement except as follows:~~

- ~~In response to an articulated, direct threat to life or public safety.~~
- ~~To safely execute a criminal warrant or court order issued by a local, state, or federal judge.~~
- ~~Sending to ICE, or receiving from ICE, information regarding the citizenship or immigration status of an individual as provided in Section 414.8.~~
- ~~To assist an officer in an emergency. In these situations, dispatch will immediately send officers to the location and notify an on-duty supervisor, who will immediately respond to the scene. The LPD will respond the same as they would for any other~~

# Lawrence Police Department

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~~public safety agency during an emergency situation. Once on scene a determination will be made by an on-duty supervisor if the situation is one which LPD should legally be involved.~~

- (e) ~~Traffic control for the benefit of the traveling public only.~~

If a member receives a request directly from an ICE employee, the member will immediately contact their on-duty supervisor for guidance.

An on-duty supervisor will contact the requesting ICE employee and determine if the situation is one in which the LPD should be involved. If it is determined that the LPD will provide support in any way, an on-duty supervisor will respond to the scene prior to any assistance being rendered if practical.

If there is probable cause to believe that the individual may be armed, has a history of violence, or presents a danger to ICE agents or to other members of the public, the LPD may respond as backup. In those cases, LPD members will assume non-contact positions, such as securing the perimeter or observational positions, unless a public safety situation occurs.

ICE may issue civil detainers or administrative warrants for people believed to be in violation of United States immigration laws.

In order for members of the LPD to detain, arrest, or transport an individual, they must be wanted on a criminal warrant issued by a court or there must be underlying probable cause for criminal charges.

Validity of warrants will be verified prior to a service attempt if practical.

~~LPD members will not initiate contact with an individual for the sole purpose of assisting ICE in making a contact.~~

~~LPD members may not detain, arrest, or transport a person solely based on a civil immigration detainer or administrative warrant. The individual must have a criminal warrant issued by a court or underlying probable cause for criminal charges in order to be detained or arrested.~~

Through routine patrol, officers may also encounter individuals with immigration warrants. To verify if a warrant is civil, administrative, or criminal in nature, LPD members will have Dispatch contact the ICE Law Enforcement Support Center at the phone number listed on the NCIC hit or by calling (802) 872-6050. The ICE Law Enforcement Support Center is available 24 hours a day, seven (7) days a week, and 365 days a year. If the immigration warrant is for a criminal violation and has been issued by a federal judge or magistrate, members will honor this warrant and handle it in the same manner as any other criminal warrant.

The Lawrence Police Department does not enter immigration status information into the NCIC data base, except as required by law.

Members will notify a supervisor if they are not already on the scene and assistance has been rendered to ICE or another federal agency.

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Incidents of assistance that are not documented in a crime report will be documented in the call notes or as directed by the on-duty supervisor.

### **414.9 SUPERVISOR RESPONSIBILITIES**

The on-duty supervisor should respond to the scene, and is expected to:

- (a) Contact the requesting ICE or other federal agent and determine if and what assistance the Lawrence Police Department may provide.
- (b) ~~Ensure that members of this department are not providing assistance to ICE solely for the purpose of civil detainees or administrative immigration violations only. In situations where there is probable cause to believe the individual may be armed, has a history of violence, or presents a danger to others, officers may provide assistance, such as securing the perimeter or observational positions, unless a public safety situation occurs that requires additional action.~~
- (c) ~~Ensure that officers do not assist in detaining, arresting, or transporting an individual based solely on a civil detainer or administrative warrant. Officers are authorized to assist in detaining, arresting, or transporting an individual if there is probable cause for a state or local violation, or if the individual has a criminal warrant issued for their arrest.~~
- (d) Ensure that notification is made to the Public Affairs Office when LPD has provided assistance to ICE, when notification can be done without interfering with an ongoing federal law enforcement action.
- (e) Ensure that officers properly document their assistance in call notes, or when applicable an incident report.

### **414.10 INFORMATION SHARING**

This policy is to be construed in accordance with 8 U.S.C. §1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual". This does not create a responsibility for any law enforcement officer or any other government entity or official to collect immigration information.

This policy is also to be construed in accordance with 2022 Kansas House Bill 2717, which states that: "No municipality shall enact, implement or enforce an ordinance, resolution, rule or policy that prohibits or in any way restricts a law enforcement officer, local official or local government employee, from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual: (1) Communicating or cooperating with federal officials; (2) sending to or receiving information from the United States Department of Homeland Security; (3) obtaining or maintaining information; or (4) exchanging information with another federal, state, or local government entity"; "A municipality shall not limit or restrict the

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[enforcement of federal immigration laws"; and "A municipal identification card shall not be used to satisfy any requirement of state law for proof of identity \(..\)".](#)

### **414.11 U VISA AND T VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer, victim, or victim's attorney in order for a U visa to be issued. The following should be considered when deciding on providing a signature for a U visa:

- Is a victim of a qualifying criminal activity; and
- Was, is or is likely to be helpful in the investigation or prosecution of that activity

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer, victim, or victim's attorney in order for a T visa to be issued. The following should be considered when deciding on providing a signature for a T visa:

- Is or has been a victim of a severe form of trafficking in person; and
- Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.

The Chief of Police or designee shall make the final determination on whether to approve certification status of a U visa or T visa for signature based upon the evidentiary facts presented within the documentation presented along with any other supporting documentation.

The Chief of Police shall complete a memorandum to the City Manager containing the number of U and T visa's received for signature and those approved for certification status each calendar year no later than January 31<sup>st</sup> of the following calendar year.

### **414.12 TRAINING**

Officers will participate in annual review on this policy in order to demonstrate their knowledge and understanding of it.

### **414.13 VIOLATIONS OF POLICY 414**

Violations of Policy 414 or retaliation against anyone reporting a violation of this policy will be investigated in accordance with department policy and practice based on the alleged violation.

### **414.14 PUBLIC NOTICE**

If ICE or another federal agency contacts the department for assistance while working on civil immigration matters which would result in contact with any individual or individuals within the City, the Public Affairs Office shall provide an alert to the public, as soon as possible without violating state or federal law. The Chief of Police or designee should consult with the involved agency to



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ensure the alert does not jeopardize a criminal investigation or judicial process. Such alert shall be followed by a publicly available report created in the Office of Public Affairs.

The public report shall detail the following:

- (a) The agency requesting assistance from the Lawrence Police Department.
- (b) The assistance requested.
- (c) The assistance that was provided.

The report shall be available within 48 hours of the resolution of the request or activity or once the request or communication has been completed. The report shall be posted on the department website and available upon request.

### **414.15 PUBLIC NOTICE OF POLICY REVISION**

The Lawrence Police Department shall provide public notice of and make publicly available any revisions to this policy prior to the effective date of such policy change. The Chief of Police or designee may temporarily change or modify this policy by general order, provided however, that notice of such temporary change or modification and any formal updates to the applicable policies are made without unreasonable delay.

## Sandra Fangohr

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**From:** Gabi Sprague <sprague.gabi47@gmail.com>  
**Sent:** Tuesday, June 28, 2022 9:08 AM  
**To:** City Commission Agendas  
**Subject:** Written Comment for City Commission Meeting

External Email. Be careful with links and attachments.

- City of Lawrence IT Helpdesk

Hello,

This written comment is in regards to Regular Agenda Item 1 regarding ordinance number 9920.

My name is Gabi Sprague, and I am writing to the Lawrence City Commission today as a concerned community member. Consider taking a stance, as what is often deemed the most progressive city in Kansas, against a racist and xenophobic law passed without due process by our state legislature and *keep the ordinance as is*. The state of our country is such that we must start pushing back – what does the City have lawyers for if not for defending the rights of our most marginalized and vital community members? We are watching fascism take hold in our County and our state at a greater rate than ever before, and if you will not take the necessary stance, then you are part of the problem. I applaud Lawrence often for being a safer space than many, but appealing to liberalism and authority has only been to the benefit of white, liberal, economically safe Lawrencians while our more marginalized community members are kept out of housing and overly policed. If you think that cowering to fascism is going to keep our community safe, you are wrong. Please keep the ordinance as is – we are all in this together. Do not let our state threaten our immigrant community. This is our city, and I hope it remains as safe and welcoming as it can be as we look towards a threatening future.

Please let me know if you need any additional information with my public comment.

Thank you,

Gabi Sprague