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Mayor Issues Executive Order Clarifying City Policy Re: Treatment of Immigrants and Refugees

(LANSING) – Mayor Virg Bernero today issued an executive order that will, for the first time, codify and clarify city policies used when interacting with, detaining or processing immigrants and refugees who may be undocumented.

“It’s time to put clear policies in place to give city officials, including law enforcement, the tools they need to help keep our entire community safe,” Mayor Bernero said. “With the various immigrant and refugee-related controversies coming out of the Trump White House and from Attorney General Jeff Sessions, many in our community have raised questions,” Bernero continued. “I am issuing this executive order to empower our officers in these legal gray areas, while still protecting the interests of all Lansing residents.”

The mayor’s order will help develop new procedures, designed to preserve and enhance existing relationships between the Lansing community and our police officers, building upon the Department’s longstanding record of credibility and community policing orientation.

Along with his new executive order, Mayor Bernero will continue to work with the police chief, the city attorney, a citizen task force of immigration advocates, and the Lansing Board of Police Commissioners to develop and update detailed policies and procedures on these matters. Under sections 4-101 and 4-102, the Lansing City Charter grants the mayor authority over such issues.

“We are confident these new policies do not violate federal law, but we are also prepared to take legal action to protect the prerogatives and powers of local government and local law enforcement,” Mayor Bernero said. “We do not want our local police to become *de facto* immigration agents— especially under the divisive and draconian direction of the Trump administration.”

“Police work involves strong relationships with the community,” Bernero said. “It’s about building bridges, not walls. The Trump approach is divisive and dangerous.”

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The mayor's order includes the following provisions:

- Lansing officials, officers and employees will not ask about, nor record information on, any person's immigration status, except as required by federal or state statute or court decision.
- Lansing Police Department personnel will not, independently or in assisting other law enforcement agencies, stop, pursue, interrogate, investigate, arrest or otherwise detain a person based solely on their immigration status or suspected violations of immigration law.
- Lansing Police Department personnel are prohibited from soliciting information regarding immigration status from persons who are seeking police services or are the victims of, or witness to, a crime.
- Individuals in the custody of the Lansing Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of the Department, regardless of actual or suspected citizenship or immigration status.
- Lansing Police Department shall not continue to detain an individual beyond their initial release time pursuant to an immigration detainer request without a valid judicial warrant. In addition, officers shall not arrest or detain individuals based on administrative immigration warrants, including those entered in Michigan Law Enforcement Information Network (LEIN) or National Crime Information Center (NCIC) database.
- Lansing Police Department personnel will not enter into any agreement or Memoranda of Agreement to perform the functions of federal immigration agents for the Department of Homeland Security (DHS) under Section 287(g) of the Immigration and Nationality Act (INA).
- When dealing with persons who lack a State identification card or a driver's license, the methods used for establishing identification shall be uniform. Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to: current or previous driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. Individuals should not be stopped or detained solely for the purpose of establishing their identity.
- Lack of government-issued identification or limited English ability shall not be used as a pretext to contact federal immigration authorities. Enlisting the assistance of the Immigration Customs and Enforcement Division of the Department of Homeland Security should only be utilized when crimes of a serious nature are being investigated.
- Nothing in the Executive Order is intended to, or should be construed to, limit communication with federal immigration authorities about an individual's citizenship or immigration status as prohibited by 8 USC § 1373.