

AMENDED

LUIS E. COTTO, COUNCILPERSON
 RJO WINCH, MAJORITY LEADER
 JAMES M. BOUCHER, ASSISTANT MAJORITY LEADER
 LARRY DEUTSCH, MINORITY LEADER
 MATTHEW D. RITTER, COUNCILMAN
 PEDRO E. SEGARRA, COUNCILMAN

AN ORDINANCE CONCERNING THE CITY OF HARTFORD'S POLICY OF PROVIDENCE OF CITY SERVICES AS IT RELATES TO RESIDENTS' IMMIGRATION STATUS (NEW)

July 23, 2008

That Article XXI be added to Chapter 2 of the Municipal Code and that it reads as follows:

Sec. 2-925. Purpose.

The purpose of this ordinance is to codify the policies of the City of Hartford regarding its residents and usage of City services as it relates to their immigration status.

Sec. 2-926. Definitions.

Administrative warrant means a non-criminal, civil warrant that is created by an administrative agency of the United States.

Confidential information means any information obtained and maintained by a City agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

Criminal Activity means participation in an activity that violates federal or state criminal law, or Hartford municipal code.

Immigration status means a person's classification as determined by the sections of the United States Code covered by the Immigration and Nationality Act (Public Law No. 82-414) and its amendments.

National Crime Information Center means the computerized index of criminal justice information maintained by the Federal Bureau of Investigation of the United States Department of Justice.

Resident means any person whose primary place of habitation falls within the geographic boundaries of the City of Hartford, as defined by Chapter 1 § 2 of Charter of the City of Hartford.

United States Bureau of Immigration and Customs Enforcement (ICE) refers to said branch of the Department of Homeland Security as defined in Title 6 Chapter 1 Subchapter XII Part A § 542 of the U.S. Code.

Sec. 2-927. Usage of City Services - Generally

- (a) Any service provided by a City of Hartford department shall be made available to residents, regardless of immigration status, unless such agency is required by Federal law to deny eligibility for such service to residents because of their immigration status.
- (b) Every City of Hartford department shall encourage residents, regardless of immigration status, to make use of all City services provided by City departments for which residents are not denied eligibility by Federal law as it relates to their immigration status.
- (c) Referrals to medical or social service agencies will be made in the same manner for all residents, without regard to immigration status.
- (d) Nothing in this section shall be construed to prohibit any employee of the City of Hartford from cooperating with federal immigration authorities as required by law.

Sec. 2-928. Usage of City Services – Police matters specifically

- (a) Hartford police officers shall not inquire about a person's immigration status unless such an inquiry is necessary to an investigation involving criminal activity as defined in § 2-926 above.
- (b) Hartford police shall not inquire about the immigration status of crime victims, witnesses, or others who call, approach or are interviewed the Hartford Police Department.
- (c) No person shall be detained solely on the belief that he or she is not present legally in the United States, or that he or she has committed a civil immigration violation. There is no general obligation for a police officer to contact Immigration and Customs Enforcement regarding any person.

- (d) Hartford police officers shall not make arrests or detain individuals based on administrative warrants for removal entered by ICE into the National Crime Information Center database, including administrative immigration warrants for persons with outstanding removal, deportation or exclusion orders. Enforcement of the civil provisions of United States immigration law is the responsibility of Federal immigration officials.
- (e) The Hartford Police Department shall conduct necessary training and education to ensure that its officers are knowledgeable about provisions set forth in this policy.
- (f) Nothing in this section shall be construed to prohibit any Hartford police officer from cooperating with federal immigration authorities as required by law.

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Sec. 2-929. Privacy.

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No employee of the City of Hartford shall inquire about or disclose confidential information as defined in §2-926 or other personal or private attributes except when either required by law or when this information is necessary to the provision of the City service in question.