

City of Framingham



The City Council of Framingham



ORDER NO. 2026-010 REQUEST OF COUNCILOR WARD

UPON THE REQUEST OF COUNCILOR WARD, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the Council votes to refer to the Rules, Ordinances and Ethics Subcommittee consideration of a Trust in Local Law Enforcement Ordinance, as attached.

YEAS: Alexander, Bryant, Feeney, King, Leombruno, Mallach, Ottaviani,
Stefanini, Ward
NAYS: Cannon, Long
ABSTAIN: None
ABSENT: All members were present in person or via teleconference

PASSED IN COUNCIL: January 20, 2026

A True Record, Attest:

1/20/2026

Date Approved

Lisa A. Ferguson

Lisa A. Ferguson, City Clerk

Emily L. Butler, Assistant City Clerk

DRAFT

Framingham Trust in Local Law Enforcement Ordinance

(A) Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL IMMIGRATION DETAINER REQUEST. A non-mandatory request issued by an authorized federal Immigration Officer under 8 U.S.C. § 287.7 to a local law enforcement official to maintain custody of an individual for a period not to exceed 48 hours, excluding Saturdays, Sundays and holidays, and advise the authorized federal Immigration Officer prior to the release of that individual.

CONVICTED. A state of having been proved guilty in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.

ELIGIBLE FOR RELEASE FROM CUSTODY. The individual may be released from custody because any of the following conditions has occurred:

- (a) All criminal charges against the individual have been dropped or dismissed;
- (b) The individual has been acquitted of all criminal charges filed against him or her;
- (c) The individual has served all the time required for his or her sentence;
- (d) The individual has posted a bond, or has been released on his or her own recognizance;
- (e) The individual has been referred to pre-trial diversion services; and
- (f) The individual is otherwise eligible for release under commonwealth or local law.

ICE ADMINISTRATIVE WARRANT. A warrant issued by a federal Immigration Officer, not a Judicial Officer, that does not confer detention authority on a local jurisdiction.

ICE-HSI. The Department of Homeland Security Investigations division of ICE whose purpose is to work alone or in concert with other federal, commonwealth and local law enforcement to investigate and enforce laws prohibiting human smuggling and trafficking; narcotics and weapons smuggling and trafficking; transnational gang activity; cybercrimes; money laundering, financial crimes, bulk cash smuggling; document and benefit fraud; human rights violations; commercial fraud and intellectual property theft; export enforcement; and international art and antiquities theft.

IMMIGRATION AND CUSTOMS ENFORCEMENT or ICE. The federal Agency whose enforcement and removal division enforces federal immigration laws, including issuance and action on civil detainers and detainer requests.

IMMIGRATION ENFORCEMENT. Identifying, arresting, detaining or assisting in the arrest or detention of any person solely on the basis of their immigration status or a suspected violation of federal civil immigration law.

LAW ENFORCEMENT OFFICIAL. Any City Department, or Officer or employee of a City Department, authorized to enforce criminal statutes, regulations or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.

PERSONAL INFORMATION. Any information that is maintained by an Agency that identifies or describes an individual, that can be used, either alone or in combination with other information, to identify individual subjects, such as his or her name, Social Security number, physical description, home address and/or work address.

(B) Detainer requests. A Framingham law enforcement official shall not detain an individual solely on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a Judicial Officer, for the individual.

(C) Reporting. No later than December 31 of each year, the Framingham Police Chief shall submit a report to the City Clerk, and the Clerk shall forward the report to the Mayor of the city and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Framingham City Council. The report shall include the following information for the preceding 12-month period:

(1) A statistical breakdown of the total number of civil immigration detainer requests lodged with the city's law enforcement officials, organized by the reason(s) given for the request;

(2) A statistical breakdown of the total number of individuals that city law enforcement officials detained, organized by the reason(s) supporting the detention;

(3) The total number of individuals transferred to ICE custody; and

(4) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to division (B) above, organized by individual case.

(D) Law enforcement.

(1) A law enforcement official or an employee of a City Department, Agency or Commission, shall not:

(a) Use Agency or Department monies or personnel to interrogate, detain or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement Agency, including any of the following:

1. Inquiring of an individual his or her immigration status;
2. Detaining an individual solely on the basis of a civil immigration detainer request;
3. Providing personal information, as defined in division (A) above, or regarding a person's release date or time to the federal Immigration and Customs Enforcement Agency;
4. Providing personal information, as defined in division (A) above, or regarding a person's release date or time to ICE-HSI solely for the purpose of enforcing civil violations of United States immigration laws;
5. Making arrests based solely on ICE administrative warrants including administrative warrants after the individual is eligible for release from custody; and
6. Performing the functions of an Immigration Officer.

(b) Transfer an individual to immigration authorities unless authorized by a judicial warrant or other judicial order.

(2) Notwithstanding the limitations in division (A) above, this Section does not prevent any Framingham law enforcement official or an employee of a City Department, Agency or Commission from doing any of the following:

(a) Investigating, enforcing or detaining upon reasonable suspicion of, or arresting for a criminal violation of, 8 U.S.C. § 1326(a) that may be subject to the enhancement specified in 8 U.S.C. § 1326(b)(2) and that is detected during an unrelated Framingham Police activity. Any arrests executed under this provision by any Framingham law enforcement official shall be included in the annual report of the Framingham Police Chief to the City Clerk, in accordance with division (C) above;

(b) Responding to a request from ICE-HSI for information about a specific person's criminal history, including, but not limited to, previous criminal arrests, convictions or CORI, where otherwise permitted by commonwealth law;

(c) Conducting enforcement or investigative duties associated with partnerships with federal authorities or task forces, including the sharing of confidential information with the Framingham Police or other Agencies for purposes of joint investigations, so long as the primary

purpose of the partnership or task force is not to enforce civil violations of United States immigration laws;

(d) Certifying an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to 8 U.S.C. §§ 1101(a)(15)(T) or 1101(a)(15)(U);

(e) Enforcing 18 U.S.C. § 922(d)(5); and

(f) An inquiry into an individual's citizenship status by the Framingham City Clerk Office to determine their eligibility to vote in local, commonwealth and federal elections.

(3) This Section does not prohibit or restrict any government Agency from complying with 8 U.S.C. §§ 1373 and 1644.

(4) Nothing in this Section shall prohibit the Framingham Police from asserting its own jurisdiction over criminal law enforcement matters.

(5) Within six months of the passage of this Section, the Framingham Police Department shall incorporate the requirements of this Section into its regular training for all Officers.