

Executive Order

*Revised
Order*

An Executive Order Concerning Undocumented Immigrants

WHEREAS, the City of New Haven is home to a diverse population which contributes to the City's economy and cultural richness; and

WHEREAS, the City's Administration is committed to promoting the health and safety of all its residents, without regard to their immigration status, in order to achieve the city's goals of protecting life, liberty and property:

NOW THEREFORE: I, Toni N. Harp, by virtue of the power vested in me, as Mayor of the City of New Haven, by the Charter and the laws of the State of Connecticut, hereby proclaim as follows:

- a. This nation's creed is well-spelled out by the Emma Lazarus sonnet, displayed at the Statue of Liberty, which states in part...

"a mighty woman with a torch...she with silent lips [proclaims] Give me your tired, your poor. Your huddled masses yearning to break free...Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door."

- b. This American promise of welcome to the immigrants of the world, from wherever they come, has long-defined the true spirit of our nation; it drives the Constitution State and the goals of our City.

- c. In support of that commitment to promoting the safety of all who live here and in recognition of the fact that all persons resident need to feel comfortable in their interacting with City officials for the safety and security of the entire community, I declare:

1. New Haven introduced the Elm City Resident Card in 2007 which allows all city residents to obtain a government issued ID, regardless of

immigration status;

2. The New Haven Police Department issued General Order 06-2 in 2006, providing, inter alia, that City police officers may not inquire about immigration status;

3. The City's Board of Alders is presently considering an ordinance consistent with federal laws, regarding cooperating with federal immigration authorities;

4. In the interim, it shall be the policy of the City that no New Haven officer or employee shall inquire about a person's immigration status unless required by state or federal law; and

5. No New Haven officer or employee shall engage in activities designed to ascertain a person's immigration status unless required by state or federal law; and

6. No New Haven officer or employee shall use agency or department monies, facilities, property, equipment or personnel to investigate, enforce or assist in the investigation or enforcement of any federal program, requiring registration of individuals on the basis of race, gender, sexual orientation, religion or national or ethnic origin; and

7. Concerning confidential information, meaning information obtained and maintained by a New Haven officer or employee, 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, recipient of public assistance, or immigration status, no New Haven officer or employee shall disclose confidential

information unless such disclosure:

- a. has been authorized in writing by the individual to whom the information pertains, or by the parent or guardian of same if the individual is a minor or not legally competent; or
- b. is authorized by law; or
- c. is necessary to apprehend an individual suspected of engaging in criminal activity other than mere status as an undocumented immigrant, or
- d. is necessary in furtherance of a criminal investigation of potential terrorism.

8. Local law enforcement agencies, school police and security

departments shall not use agency or department monies, facilities, property, equipment or personnel to:

- a. Inquire about the immigration status of crime victims, witnesses or others who call or approach the police (law enforcement) seeking assistance;
- b. Detain or arrest a person solely on the belief that she or he is not present legally in the United States, or that she/he has committed a civil immigration violation. There is no general obligation for a police officer to contact U.S. Immigration and Customs Enforcement (ICE) regarding any person;
- c. Detain or arrest a person, based on ICE detainer requests or administrative warrants entered by ICE into the FBI's National Crime Information Center (NCIC) database.

9. The New Haven Police Department and the New Haven Office of

Human Resources shall conduct all necessary training and education to ensure its officers and the city's employees are knowledgeable about all the provisions of this Executive Order.

10. Complaints of a violation of this Executive Order by an employee of

any City department shall be received and investigated by the director of the

office of human resources. The results of any such investigation shall be provided to the complainant in writing within 90 days of receipt of the complaint. Neither complainants nor witnesses shall be required to provide their immigration status at any point during the complaint process, and no investigation of their immigrant status shall be made by any city personnel in the investigation of such complaint, or thereafter.

11. Any employee of the City who violates this Executive Order may be subject to discipline in accordance with applicable union contract, civil service rules or department work rules.

12. The Mayor shall be responsible to prepare and file an annual report with the Board of Alders regarding implementation of this Executive Order.

Respectfully Submitted

Toni N. Harp,
Mayor