

## **A Bylaw Declaring Conway to be a Safe Community** *(from the May 14 Town of Conway Annual Town Meeting Warrant)*

### Purpose:

The citizens of Conway would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through town, you are welcome here.

Conway police shall not act as immigration officers and will not honor non-criminal, civil immigration detainer requests. In all interactions with Conway law enforcement and town employees you will be treated with respect.

We ask for your cooperation to help us insure the safety and well being of others.

### Definitions:

“Law enforcement official” means Conway department, or officer or employee of town department, authorized to enforce criminal statutes, regulations, or local bylaws.

“Civil immigration detainer request” means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from custody, or to notify the requesting immigration office prior to the release of that individual.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

### “Safe City Provisions”

A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, and apprehension, arrest, or any other contact. Victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA)

A law enforcement official shall not detain an individual on the basis of a civil immigration 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.

To the extent permissible by law, no employee of any Conway Town department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

### Effective Date

This Bylaw will become effective upon passage.

### Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

### Compliance with Federal Law

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.