**ORDINANCE NO. \_\_\_\_\_\_\_\_**, **SERIES 2025**

**AN ORDINANCE RELATING TO EMPLOYEE AUTHORITY**

**IN MATTERS OF IMMIGRATION**

**WHEREAS,** Lyndon is a city of compassion, a city that embraces our foreign-born neighbors and strives to be welcoming, hospitable and safe; and

**WHEREAS,** Lyndon values our growing immigrant and refugee community and wants to ensure its safety and access to needed resources and city services; and

**WHEREAS,** the Lyndon Police Department's ("LPD") role is to protect and serve all the residents of our community; and

**WHEREAS,** LPD works with the community to build relationships that are essential in helping people stay safe and in solving crimes; and

**WHEREAS,** a broad coalition of police chiefs across the country have taken the position that, "build[ing] trusting and supportive relations with immigrant communities ..

. is essential to reducing crime and helping victims"; and

**WHEREAS,** studies have shown statistically that crime is significantly lower in jurisdictions that have adopted policies that promote positive relationships between residents - regardless of their immigration status - and police, showing on average 35.5 fewer crimes per 10,000 people in such jurisdictions; and

**WHEREAS,** clarity is needed to define local and federal roles, responsibilities, authorities and procedures relating to Lyndon Government employees in immigration matters.

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE CITY OF LYNDON GOVERNMENT AS FOLLOWS:**

**SECTION 1: A new ordinance relating to immigration is hereby adopted as follows:**

1. *Purpose and policy statement.* This section clarifies the communication and enforcement relationship between Lyndon Government and the United States Department of Homeland Security ("DHS") and other federal agencies with respect to the enforcement of civil immigration laws. Lyndon Government is committed to working cooperatively with OHS, as it does with all state and federal agencies. Lyndon Government respects the role of DHS in enforcing immigration laws in the United States, Kentucky, and Lyndon. This section is not intended to limit the proper enforcement of generally applicable laws, but rather to state the policy of Lyndon Government that all residents are equally entitled to protection, and that all residents should be able to access Lyndon Government services to which they are entitled, without regard to their immigration status under federal law.
2. *Public safety services.*
   1. To the extent permitted by law, in providing public safety services, employees of the Lyndon Police Department ("LPD") (collectively, "Public Safety Officials"), shall be governed by the following requirements:
      1. Public safety officials may not undertake any law enforcement action, such as entering into Section 287(g) agreements with U.S. Customs and Immigration Enforcement ("ICE"), for the purpose of detecting the presence of undocumented persons, persons out of status, or persons unlawfully residing in the United States (collectively "undocumented"), or to verify immigration status, including but not limited to questioning any person or persons about their immigration status.
      2. Public safety officials may not question, arrest or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when enforcing 8 U.S.C. 1324(c).
      3. Nothing in this section shall prohibit public safety officials from investigating criminal activity involving individuals present in the United States who may also be in violation of federal civil immigration laws. Public safety officials may provide support to ICE only when a judicially authorized warrant exists or ICE articulates a reasonable suspicion of a risk of violence or an emergency situation when there is a clear danger to the public.
      4. Nothing in this section prohibits public safety officials from adequately identifying criminal suspects or assessing the risk of flight of criminal suspects.
      5. Where presentation of a state issued identification card or driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the persons nation of origin, such as a driver's license, passport, or consulate-issued document, or of a photo identity document issued by any Kentucky county, should be accepted as adequate evidence to establish identity and should not subject the person to an inquiry into the person's immigration status.
   2. All such use of Lyndon public safety officials relating to immigration matters under this section shall be documented, including any applicable OHS mission statement and operational policy or guidelines, the reason for the dispatch of officials, the name of the requesting DHS agent, and the name of the officer authorizing the use of Lyndon personnel.
   3. Supervisors of public safety officials shall include information regarding Lyndon Government's policy and expectations as set forth in this section, in the orientation of new employees and as part of Lyndon Government's employee on-going in-service training.
3. *General Lyndon Government services.*
   1. General Government services defined. General Lyndon Government services shall mean all Lyndon Government services excepting those services specifically listed as public safety services in subsection (B) *above.*
   2. To the extent permitted by law, in determining eligibility for, and providing general Lyndon Government services, Lyndon employees shall be governed by the following requirements:
      1. Lyndon employees are to carry out their regular duties for the purpose of administering general Lyndon Government services and programs. With the exception of inquiries required by law, no Lyndon officer or employee should inquire into the immigration status of any person or request any documents or information verifying the immigration status of any individual.
      2. Lyndon employees shall follow general city, state and federal guidelines to assess eligibility for services. Employees shall only solicit immigration information or inquire about immigration status when specifically required to do so by law or program guidelines as a condition of eligibility for the service sought. Lyndon employees may require evidence of a person's identity and may ask to see a person's personal identifying documents only when specifically authorized and required to do so by the employee's work duties. The confidentiality of such information shall be maintained to the fullest extent permitted by the laws of the United States and the Commonwealth of Kentucky. Lyndon employees shall not discriminate against any current or potential service users on the basis of actual or suspected immigration status.
      3. Lyndon employees and representatives shall not use Lyndon Government resources or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be being undocumented.
      4. Where presentation of a state issued identification card or driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or consulate-issued document, or of a photo identity document issued by any Kentucky county, should be accepted as adequate evidence to establish identity and should not subject the person to an inquiry into the person's immigration status.
   3. Supervisors of general Lyndon Government services employees shall include information regarding Lyndon Government's policy and expectations as set forth in this section in the orientation of new employees and as part of Lyndon Government's employee on-going in-service training.
4. *Complaints and discipline.*
   1. An employee of Lyndon Government who violates this section may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and/or discharge, under the appropriate union contract, civil service commission rules, or department work rules.
   2. Complaints of a violation by an employee of LPD shall be received and investigated by the appropriate city agency. The results of any such investigation shall be provided to the complainant in writing within seven (7) days of the completion of the investigation, which shall occur no later than one year after receipt of the complaint absent extraordinary circumstances that require a longer investigation. Complainants and witnesses shall not be asked to provide their immigration status at any point during the complaint process, and no investigation of the immigration status of the complainant and witnesses shall be made by any Lyndon Government personnel in the investigation of such a complaint or thereafter.
   3. LPD shall prepare and file in April of each year with the Lyndon Council and the Mayor's Office an annual report and recommendations regarding the implementation of this section.
5. *Subpoena.* Nothing in this section prohibits Lyndon Government employees from responding to a properly issued subpoena.
6. Nothing in this section prohibits Lyndon Government from sending to, or receiving from, any local, state or federal agency information regarding an individual's citizenship or immigration status. Federal law does not allow any such prohibition.

SECTION 2: This Ordinance shall take effect upon its reading, passage, approval, and publication according to law.

First reading:

Second Reading:

Passed and Approved:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brent Hagan, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stacey Woodward, City Clerk

“Aye” Votes \_\_\_\_\_\_\_

“Nay” Votes \_\_\_\_\_\_\_