


# CITY COMMISSION POLICY

 <b>GRAND RAPIDS</b>  <b>MICHIGAN</b>	<b>NUMBER:</b> 600-17	<b>HISTORY</b>
	<b>DATE:</b> 11/14/2017	<b>FILE #</b>
	<b>FILE NUMBER:</b> 87201	<b>DATE</b>
	<b>DEPARTMENT:</b> Diversity and Inclusion	

**SUBJECT:**     **EQUAL SERVICES REGARDLESS OF IMMIGRATION STATUS AND/OR NATIONAL ORIGIN**

**PURPOSE:** To set forth the City’s commitment to ensuring equal services to all persons, regardless of immigration status and/or national origin.

**POLICY:**

**Background**

In addition to diversity and inclusions policies in existence at the city, it is also the policy of the City of Grand Rapids to respect the rights of, and provide equal services to, all persons regardless of immigration status and/or national origin; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; to prevent coercion or abuse based on national origin or immigration status; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Grand Rapids government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Grand Rapids enacts this policy as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection for, and under federal law, while protecting the dignity, safety, and health of all members of the Grand Rapids community regardless of immigration status or national origin.

**Definition**

*Public servant* means the mayor, members of the city commission, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Grand Rapids Charter or by its Code of Ordinances, and any appointee, any employee, or any individual who provides services to the City of Grand Rapids pursuant to a personal services contract.

### **Threats Based on National Origin or Immigration Status Prohibited**

No public servant shall coerce, including making improper or unlawful threats of deportation, or engage in verbal abuse of any person based upon the person's or the person's family members' actual or perceived immigration status or national origin.

For purposes of this section, "family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece or nephew; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step, or half), aunt, uncle, niece or nephew.

### **Impartial Policing**

A public servant, who is a police officer, shall not exercise differential or disparate treatment of individuals in rendering police services based on a person's national origin or immigration status. A public servant, who is a police officer, shall adhere to the Grand Rapids Police Department's Impartial Policing Policy (Manual of Procedures 8-15.1), and all other applicable Department policies.

### **Solicitation of Immigration Status by Public Servants Prohibited; Exceptions**

a) A public servant, who is not a police officer, shall not inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person, while acting within the scope of public service employment and/or authority.

b) Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants are expressly permitted to engage in the following activities, which shall not constitute a violation of this policy:

1. Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought;
2. Solicitation of information or documentation concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or
3. Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of City documents or for testimony of a public servant, including where related to immigration issues or other security issues.

### **Compliance with Federal Law**

Nothing in this policy shall be construed to prohibit, or in any way restrict, any public servant from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual as required by 8 U.S.C. § 1373, or otherwise cooperating with federal law enforcement as required by 8 U.S.C. § 1373.

### **Violations and penalties**

Where a public servant is alleged to have violated this policy, the matter shall be referred, as appropriate, to the city manager, city commission or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the Grand Rapids Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The City Manager or his/her designee shall provide an annual report to City Commission of all violation complaints of this policy and their disposition.



