

HOMELAND SECURITY

POLICY & PROCEDURE NO. 7.01	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE: 02/25/2019

I. GENERAL CONSIDERATIONS AND GUIDELINES

**Fusion Center Terrorism Tip Hotline: 888-USA-5458
888-872-5458**

Given the threats of domestic and international terrorism to this nation, the Commonwealth and this community, the employees of this department must be prepared do their part in the war on terror. Police officers must be vigilant for signs of terrorist activities and be prepared to address them directly or to report them to the appropriate authority for an interagency response.

Terrorist acts often appear to be intended to:

- Intimidate or coerce a civilian population;
- Influence the policy of a government by intimidation or coercion; or
- Affect the conduct of a government by mass destruction, assassination, or kidnapping.

II. POLICY

It is the policy of this department to:

- A. Establish procedures for reporting and relaying terrorism-related intelligence or information; and
- B. Provide all employees of this department with awareness level guidelines for events involving chemical, biological, radiological, and nuclear weapons.

III. DEFINITIONS

- A. Information: Facts, observations or claims which are raw, unevaluated and uncorroborated, which are not yet analyzed against other information or put into context.
- B. Intelligence: Information that has been processed through an intelligence cycle, has been validated, analyzed and given meaning.
- C. Homeland Security: A concerted national effort to prevent terrorist attacks within the United States, to reduce America's vulnerability to terrorism, and to minimize the damage and recover from attacks that do occur.¹
- D. W.M.D.: Weapon of Mass Destruction.

IV. PROCEDURES

A. Terrorism Intelligence Liaison

- 1. Liaison: The Chief of Police shall designate an employee as a liaison between this department and the Commonwealth Fusion Center, as well as other local, state, and federal agencies and organizations that deal with terrorism-related intelligence, preparedness planning, and training.
- 2. The liaison shall: [46.3.1]
 - a. Coordinate the reporting and distribution of terrorism-related information and intelligence developed within the department; and
 - b. Receive, filter, and disburse terrorism-related intelligence, bulletins, and strategic assessments from outside sources to affected employees or to owners or operators of critical infrastructure, as appropriate and in accordance with intelligence sharing protocols.

B. Intelligence Sharing Resources

- 1. FUSION CENTER
 - a. The Commonwealth Fusion Center collects information from all sources for intelligence purposes in order to keep public safety stakeholders in Massachusetts informed and prepared. The Fusion Center follows the principles and recommendations set forth in the National Criminal Intelligence Sharing Plan.
 - b. Contact Information, 7 X 24:
 - 1) Commonwealth Fusion Center, 124 Acton Street, 2nd Floor, Maynard, MA 01754
 - 2) Phone: 978-451-3700
 - 3) Fax: 978-451-3707
 - 4) E-mail: fusion@pol.state.ma.us

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- c. The Fusion Center works to share relevant information and intelligence in a timely manner with the appropriate public and private sector partners. Access to certain information is restricted based on a need-to-know, right-to-know basis, as required by law and the national criminal intelligence standards.
2. HOMELAND SECURITY INFORMATION CENTER (HSIN-MA)
- a. A website has been created for the Fusion Center by the Department of Homeland Security, for information sharing among public safety and critical infrastructure partners in Massachusetts. The information can be accessed by three community specific portlets:
 - 1) Law Enforcement;
 - 2) General Public Safety; and
 - 3) Critical Infrastructure.
 - b. Law Enforcement Sensitive information will appear in the Law Enforcement portlet only.

C. Information Sharing Guidelines

1. INFORMATION SHARING CLASSIFICATIONS:
- a. UNCLASSIFIED: Dissemination has no restrictions.
 - b. FOR OFFICIAL USE ONLY (FOUO): Dissemination is restricted to those who have law enforcement or public safety responsibilities with regard to homeland security, or to individuals who have a need to know/right to know based on the execution of their official duties in order to protect the public. This includes critical infrastructure partners whose position or role gives them a need to know/right to know.
 - c. LAW ENFORCEMENT SENSITIVE (LES): Dissemination is restricted to law enforcement only. This may have to do with the conclusions reached by analysts, or may involve C.O.R.I. or LES information contributed by a third party.
 - d. CONFIDENTIAL. This is the designation that shall be applied to information or material the unauthorized disclosure of which could be reasonably expected to cause damage to the national security that the original classification authority is able to identify or describe.
 - e. SECRET. This is the designation that shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.
 - f. TOP SECRET. This is the designation that shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe

2. THIRD PARTY RULE: Dissemination of information contributed by another agency will be controlled by that agency.

D. Reporting and Relaying Intelligence and Information [46.3.2]

1. FIELD PERSONNEL
 - a. Any employee receiving information or intelligence concerning possible terrorism activities shall immediately notify a Supervisor or OIC.
 - b. The Supervisor or OIC will determine the appropriate response from the department. This may include notification of the detective Supervisor or OIC, Chief of Police, other local law enforcement agencies, the Fusion Center or other appropriate state and federal agencies.
2. SUPPORT PERSONNEL: Managerial, clerical, communications, or other personnel who become aware of information of possible intelligence value (while reviewing a report, etc.) should bring the information to the attention of Chief of Police, who will determine the appropriate response from the department.

E. EQUIPMENT [46.3.4]

1. All equipment utilized shall meet the standard for the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.
2. Current issued equipment (first responders) includes:
 - a. Gas mask (if available);
 - b. Hand sanitizer;
 - c. Latex gloves (med bag)

F. Department of Homeland Security Color-coded Threat Level System

1. The color-coded threat level system is used to communicate with public safety officials and the public at-large through a threat-based, color-coded system, **so that protective measures can be implemented to reduce the likelihood or impact of an attack.**
2. Raising the threat condition has economic, physical, and psychological effects on the nation; therefore, the Homeland Security Advisory System can place specific geographic regions or industry sectors on a higher alert status than other regions or industries, based on specific threat information.
3. The color-coded threat system has five levels:
 - a. Red: Severe - Severe risk of terrorist attack;
 - b. Orange: High - High risk of terrorist attack;
 - c. Yellow: Elevated - Significant risk of terrorist attack;
 - d. Blue: Guarded - General risk of terrorist attack; and

- e. Green: Low - Low risk of terrorist attack.

G. Hazardous Materials Awareness and Response

1. GENERALLY

- a. A responder must resist the urge to “rush in” to the scene and risk becoming a casualty. Others cannot be helped until the situation has been fully assessed.
- b. Do not walk into or touch the spilled material.
- c. Avoid inhaling fumes, smoke or vapors.
- d. A hazardous materials response is a multidisciplinary response involving police, fire and other government agencies and private entities. Police responders shall coordinate their efforts with other responding entities to support the response effort. The senior fire official will generally be the incident commander.

2. POLICE RESPONSE

- a. It is best to assess the scene from an upwind direction.
- b. Before approaching the scene of a hazardous materials incident, responders must stop and assess the situation from a distance. Try to identify the material by:
 - 1) Having persons involved with the material approach the responder; and
 - 2) Reading placards on vehicles using binoculars.
- c. Report the situation and the material to the Fire Department.
- d. Hazards and risks of hazardous materials, and the appropriate response and precautions, may be determined through the use of the Hazardous Materials Emergency Response Guide booklet or software.
- e. Consider the following:
 - 1) Is there a fire, leak or spill?
 - 2) What is the wind speed and direction?
 - 3) What are the weather conditions?
 - 4) What is the terrain?
 - 5) Are there risks to people, property, and environment?
 - 6) What can be done immediately?
- f. Set up an appropriate perimeter, isolate the area, and ensure the safety of persons in the hazard area. Such actions may include:
 - 1) Shelter in place; or
 - 2) Evacuate.
- g. Address pedestrian and vehicular traffic.

- h. Provide support for those personnel trained for and tasked with addressing the hazardous material.
3. ALL HAZARDS PLAN: For further information, see the department's **All Hazards Plan**.

H. **Public Terrorism Awareness Education [46.3.3]:** The department shall make terrorism awareness information available to the public using the following methods:

1. Public speaking engagements upon request;
2. Information and links on the department web site; and
3. Informational pamphlets; and

V.W. M.D. AWARENESS LEVEL GUIDELINES [46.3.4]

A. Chemical Weapons Awareness Level Guidelines

1. GENERALLY

- a. Chemical agents are poisonous vapors, aerosols, liquids, and solids that have toxic effects on people, animals, or plants. They can be released by bombs or sprayed from aircraft, boats, and vehicles. They can be used as a liquid to create a hazard to people and the environment. Some chemical agents may be odorless and tasteless. They can have an immediate effect (a few seconds to a few minutes) or a delayed effect (two to forty-eight hours).
- b. While potentially lethal, chemical agents are difficult to deliver in lethal concentrations. Outdoors, the agents often dissipate rapidly. Chemical agents also are difficult to produce.
- c. A chemical attack could come without warning. Signs of a chemical release include people having difficulty breathing; experiencing eye irritation; losing coordination; becoming nauseated; or having a burning sensation in the nose, throat, and lungs. Also, the presence of many dead insects or birds may indicate a chemical agent release.

2. DECONTAMINATION GUIDELINES:

- a. Decontamination is needed within minutes of exposure to minimize health consequences. A person affected by a chemical agent requires immediate medical attention from a professional. If medical help is not immediately available, decontaminate yourself and assist in decontaminating others.
- b. Use extreme caution when helping others who have been exposed to chemical agents. When possible:
 - 1) Remove all clothing and other items in contact with the body.
 - a) Contaminated clothing normally removed over the head should be cut off to avoid contact with the eyes, nose, and mouth.

- b) Put contaminated clothing and items into a plastic bag, and seal it. Decontaminate hands using soap and water.
 - c) Remove eyeglasses or contact lenses. Put glasses in a pan of household bleach to decontaminate them, and then rinse and dry.
- 2) Flush eyes with water.
 - 3) Gently wash face and hair with soap and water before thoroughly rinsing with water.
 - 4) Decontaminate other body areas likely to have been contaminated. Blot (do not swab or scrape) with a cloth soaked in soapy water, and rinse with clear water.
 - 5) Change into uncontaminated clothes. Clothing stored in drawers or closets is likely to be uncontaminated.
 - 6) Proceed to a medical facility for screening and professional treatment but **DO NOT ENTER THE FACILITY** without being screened for further decontamination. The presence of a contaminated person in the medical facility may cause the facility to have to cease operation for decontamination!

B. Biological Weapons Awareness Level Guidelines

1. GENERALLY

- a. Biological agents are organisms or toxins that can kill or incapacitate people, livestock, and crops. The three basic groups of biological agents that would likely be used as weapons are:
 - 1) Bacteria;
 - 2) Viruses; and
 - 3) Toxins.
- b. Most biological agents are difficult to grow and maintain. Many break down quickly when exposed to sunlight and other environmental factors, while others, such as anthrax spores, are very long lived.
- c. Biological agents can be dispersed by spraying them into the air, by infecting animals that carry the disease to humans and by contaminating food and water. Delivery methods include:
 - 1) Aerosols: biological agents are dispersed into the air, forming a fine mist that may drift for miles. Inhaling the agent may cause disease in people or animals.
 - 2) Animals: some diseases are spread by insects and animals, such as fleas, mice, flies, mosquitoes, and livestock.
 - 3) Food and water contamination: some pathogenic organisms and toxins may persist in food and water supplies. Most microbes can be killed, and toxins deactivated, by cooking food and boiling water. Most

microbes are killed by boiling water for one minute, but some require longer boiling. Follow official instructions.

- 4) Person-to-person: spread of a few infectious agents is also possible. Humans have been the source of infection for smallpox, bubonic plague, and the Lassa viruses.
2. RESPONSE: If you become aware of an unusual and suspicious substance nearby:
 - a. Move away quickly;
 - b. Contact dispatch and report the incident;
 - c. When possible, wash with soap and water; and
 - d. Seek medical attention if you become sick.
 3. EXPOSURE: If you are exposed to a biological agent:
 - a. When possible, remove and bag your clothes and personal items. Follow official instructions for disposal of contaminated items.
 - b. When possible: Wash yourself with soap and water and put on clean clothes.
 - c. Seek medical assistance.
 - 1) You may be advised to stay away from others or even quarantined.
 - 2) If you believe you have recently been exposed to a biological weapons agent, **DO NOT ENTER A MEDICAL FACILITY** without being screened for further decontamination. The presence of a contaminated person in the medical facility may cause the facility to have to cease operation for decontamination!

C. Radiological Weapons Employee Awareness

1. GENERALLY
 - a. Terrorist use of a Radiological Dispersion Device (RDD) (often called "dirty nuke" or "dirty bomb") is considered far more likely than use of a nuclear explosive device. An RDD combines a conventional explosive device, such as a bomb, with radioactive material. It is designed to scatter dangerous and sub-lethal amounts of radioactive material over a general area.
 - b. Such RDDs appeal to terrorists because they require limited technical knowledge to build and deploy, compared to a nuclear device. Also, the radioactive materials in RDDs are widely used in medicine, agriculture, industry, and research, and are easier to obtain than weapons grade uranium or plutonium.
 - c. The primary purpose of terrorist use of an RDD is to cause psychological fear and economic disruption.

- d. Some devices could cause fatalities from exposure to radioactive materials. Depending on the speed at which the area of the RDD detonation was evacuated or how successful people were at sheltering-in-place, the number of deaths and injuries from an RDD might not be substantially greater than from a conventional bomb explosion.
- e. The size of the affected area and the level of destruction caused by an RDD would depend on the sophistication and size of the conventional bomb, the type of radioactive material used, the quality and quantity of the radioactive material, and the local meteorological conditions, primarily wind and precipitation. The area affected could be placed off-limits to the public for several months during cleanup efforts.

2. REACTION

- a. While the explosive blast will be immediately obvious, the presence of radiation will not be known until trained personnel with specialized equipment are on the scene. It would be safer to assume radiological contamination has occurred—particularly in an urban setting or near other likely terrorist targets—and take the proper precautions.
- b. As with any radiation, avoid or limit exposure. This is particularly true of inhaling radioactive dust that results from the explosion. As you seek shelter from any location (indoors or outdoors) and visible dust or other contaminants are in the air, breathe through the cloth of your shirt or coat to limit your exposure. If you manage to avoid breathing radioactive dust, your proximity to the radioactive particles may still result in some radiation exposure.
- c. If the explosion or radiological release occurs inside, get out immediately and seek safe shelter.
- d. Contamination from an RDD event could affect a wide area, depending on the amount of conventional explosives used, the quantity and type of radioactive material released, and meteorological conditions. Thus, radiation dissipation rates vary, but radiation from an RDD will likely take longer to dissipate due to a potentially larger localized concentration of radioactive material.

D. Nuclear Weapons Awareness Level Guidelines

1. GENERALLY

- a. A nuclear blast is an explosion with intense light and heat, a damaging pressure wave, and widespread radioactive material that can contaminate the air, water, and ground surfaces for miles around.
- b. A nuclear device can range from a weapon carried by an intercontinental missile launched by a hostile nation or terrorist organization, to a small portable nuclear device transported by an individual.

- c. All nuclear devices cause deadly effects when exploded, including blinding light, intense heat (thermal radiation), initial nuclear radiation, blast, fires started by the heat pulse, and secondary fires caused by the destruction.
2. Hazards of Nuclear Devices: The extent, nature, and arrival time of these hazards are difficult to predict. The geographical dispersion of hazard effects will be defined by the following:
 - a. Size of the device: a more powerful bomb will produce more distant effects.
 - b. Height above the ground the device was detonated: this will determine the extent of blast effects.
 - c. Nature of the surface beneath the explosion: some materials are more likely to become radioactive and airborne than others. Flat areas are more susceptible to blast effects.
 - d. Existing meteorological conditions: wind speed and direction will affect arrival time of fallout; precipitation may wash fallout from the atmosphere.
3. RADIOACTIVE FALLOUT: Even if individuals are not close enough to the nuclear blast to be affected by the direct impact, they may be affected by radioactive fallout. Any nuclear blast results in some fallout. Blasts that occur near the earth's surface create much greater amounts of fallout than blasts that occur at higher altitudes. This is because the tremendous heat produced from a nuclear blast causes an up-draft of air that forms the familiar mushroom cloud.
 - a. When a blast occurs near the earth's surface, millions of vaporized dirt particles are also drawn into the cloud. As the heat diminishes, radioactive materials that have vaporized condense on the particles and fall back to Earth. The phenomenon is called radioactive fallout. This fallout material decays over a long period of time, and it is the main source of residual nuclear radiation.
 - b. Fallout from a nuclear explosion may be carried by wind currents for hundreds of miles if the right conditions exist. Effects from even a small portable device exploded at ground level can be potentially deadly.
 - c. Nuclear radiation cannot be seen, smelled, or otherwise detected by normal senses. Radiation can only be detected by radiation monitoring devices. This makes radiological emergencies different from other types of emergencies, such as floods or hurricanes.
 - d. Monitoring can project the fallout arrival times, which will be announced through official warning channels. However, any increase in surface build-up of gritty dust and dirt should be a warning for taking protective measures.
4. ELECTROMAGNETIC PULSE
 - a. In addition to other effects, a nuclear weapon detonated in or above the earth's atmosphere can create an electromagnetic pulse (EMP), a high-

density electrical field. An EMP acts like a stroke of lightning but is stronger, faster, and shorter. An EMP can seriously damage electronic devices connected to power sources or antennas. This includes communication systems, computers, electrical appliances, and automobile or aircraft ignition systems. The damage could range from a minor interruption to actual burnout of components.

- b. Most electronic equipment within 1,000 miles of a high-altitude nuclear detonation could be affected. Battery-powered radios with short antennas generally would not be affected. Although an EMP is unlikely to harm most people, it could harm those with pacemakers or other implanted electronic devices.

5. REACTION

- a. The three factors for protecting oneself from radiation and fallout are distance, shielding, and time.
 - 1) Distance: the more distance between you and the fallout particles, the better. An underground area such as a home or office building basement offers more protection than the first floor of a building. A floor near the middle of a high-rise may be better, depending on what is nearby at that level on which significant fallout particles would collect. Flat roofs collect fallout particles, so the top floor is not a good choice, nor is a floor adjacent to a neighboring flat roof.
 - 2) Shielding: the heavier and denser the materials, such as thick walls, concrete, bricks, books and earth, between you and the fallout particles, the better.
 - 3) Time: fallout radiation loses its intensity fairly rapidly. In time, you will be able to leave the fallout shelter. Radioactive fallout poses the greatest threat to people during the first two weeks, by which time it has declined to about one percent of its initial radiation level.
 - 4) Remember that any protection, however temporary, is better than none at all, and the more shielding, distance, and time you can take advantage of, the better.
- b. Take cover as quickly as you can, below ground if possible, and stay there until instructed to do otherwise. Distance and shielding are defenses against a nuclear blast.
- c. Listen for official information and follow instructions.
- d. Do not look at the flash or fireball; it can blind you.
- e. Take cover behind anything that might offer protection.
- f. Lie flat on the ground and cover your head. If the explosion is some distance away, it could take thirty (30) seconds or more for the blast wave to hit.

- g. Take shelter as soon as you can, even if you are many miles from ground zero where the attack occurred.
- h. Cover your mouth and nose with a damp cloth. The danger from fallout is greatest from contaminated particles you may breathe into your lungs. Radioactive fallout can be carried by the winds for hundreds of miles. Remember the three protective factors: distance, shielding, and time.
- i. Decay rates of the radioactive fallout are the same for any size nuclear device. However, the amount of fallout will vary based on the size of the device and its proximity to the ground. Therefore, it might be necessary for those in the areas with highest radiation levels to shelter for up to a month.
- j. The heaviest fallout would be limited to the area at or downwind from the explosion, and eighty (80) percent of the fallout would occur during the first twenty-four hours.
- k. People in most of the areas that would be affected could be allowed to come out of shelter within a few days and, if necessary, evacuate to unaffected areas.

6. RISKS

- a. The danger of a massive strategic nuclear attack on the United States is predicted by experts to be less likely today. However, terrorism, by nature, is unpredictable.
- b. If there were the threat of an attack, people living near potential targets could be advised to evacuate, or they could decide on their own to evacuate to an area not considered a likely target. Protection from radioactive fallout would require taking shelter in an underground area or in the middle of a large building.
- c. In general, potential targets include:
 - 1) Strategic missile sites and military bases;
 - 2) Centers of government;
 - 3) Important transportation and communication centers;
 - 4) Manufacturing, industrial, technology, and financial centers;
 - 5) Petroleum refineries, electrical power plants, and chemical plants; and
 - 6) Major ports and airfields.

¹ The National Strategy for Homeland Security.

SPECIFIC ROLE OF HADLEY POLICE IN THE ENFORCEMENT OF FEDERAL CIVIL IMMIGRATION LAW

POLICY & PROCEDURE NO. 7.02	ISSUE DATE: 8/4/17
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I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department recognizes and values the diversity of the community it serves. Many of its residents have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. The Town and the Hadley Police Department are committed to promoting safety and providing proactive community policing services to all who live, work or visit our community. In furtherance of the adherence to the department's community policing philosophy, all community members and general stakeholders should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status without fear of status checks.

The Hadley Police Department relies upon the cooperation of all persons located in the Town of Hadley including citizens, legal residents as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime as well as resolving recurring neighborhood issues. Assistance from the many various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a serious crime including the intimate partner issue of domestic violence. It is absolutely essential that these victims do not feel apprehensive or intimidated in any way in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime and holding those responsible accountable to our criminal justice system. This type of essential mutual trust and spirit of cooperation is absolutely crucial

in preventing and solving crime incidents, as well as maintaining public order, safety and security in the entire community.

We fully realize that federal civil immigration enforcement or perceived enforcement by the Hadley Police Department could have a “chilling effect” in our local immigrant community and could limit cooperation with police by members of the community at large. As stated, we depend on the cooperation of all of our residents and stakeholders including immigrants, legal and undocumented, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subjected to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them and/or their families.¹ Because many families with undocumented family members also include legal immigrant members, this would drive a potential wedge between the Hadley Police and huge portions of the legal immigrant community as well.

We as duly sworn police officers are responsible for providing effective police services to everyone in the Town of Hadley in an equal, fair, and just manner. The Hadley Police Department is concerned primarily for the safety and welfare of all individuals found within the territorial jurisdiction of the Town of Hadley. Thus, detection of criminal behavior is of primary interest and concern in dealing with any individual suspected of violating the law. Race, religion, gender, sexual orientation, age, occupation, immigration status or any other arbitrary characteristic pertaining to any specific individual have absolutely no bearing on any decision for a Hadley Police Officer to effectuate a stop or detention of an individual or have any impact whatsoever on the decision to make a lawful arrest for a violation of a criminal law.

The specific immigration status (or lack thereof) of an individual or group of individuals in and of itself, is not and shall not be a matter of local police concern or subsequent enforcement action by the HPD unless there exists through reliable and credible information a potential threat to public safety and/or national security. It is incumbent upon all officers and employees of the Hadley Police Department to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of immigration-documentation status. Confidence in this valued commitment will not only protect an individual’s rights and freedoms from being adversely affected but shall also increase the public’s confidence in the police department’s effectiveness and efficiency in protecting and serving the members of the entire Town of Hadley community.

¹ **Note:** The U-Visa protection provides a specific avenue through which immigrant crime victims and witnesses who cooperate with law enforcement can obtain temporary lawful immigration status and protection against deportation. See policy link: **U-Visa Policy No.1.22**

II. POLICY

The enforcement of the nation's federal civil immigration laws are the primary responsibility of the federal government. Accordingly, the Hadley Police Department shall not undertake immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations. Exceptions may be made under Section IV (C) below. Further, the Hadley Police Department shall not enter into any voluntary Federal 287(g) Program that would have local officers trained and sworn to enforce federal civil immigration laws.

This prohibition does not preclude the Hadley Police Department from cooperating and assisting with federal immigration officials from the DHS Immigration and Customs Enforcement (ICE) Agency when formally requested as part of an on-going *criminal investigation*, or from **notifying those federal officials in serious situations** where a potential threat to public safety or national security is perceived. [See §§ IV (C), (D) below].

III. DEFINITIONS

DHS renews ICE *Secure Communities Program* (“S-Comm”) via Presidential Executive Order 13768

1. Procedural Background:

The Commonwealth of Massachusetts officially became part of what was previously known as the Federal *Secure Communities Program* on May 15th, 2012. The Federal Program was operational nationwide until it was ordered discontinued on November 20th, 2014 by then Secretary of Homeland Security Jeh Johnson and replaced by what was known as the *Priority Enforcement Program* (“PEP”) which was in effect from January 1st of 2015 – January 25th of 2017 which allowed for a more focused approach regarding enforcement priorities for those undocumented individuals who were either previously convicted of felonies, 3 or more serious misdemeanors or were considered recent border crossers and/or were subjected to final orders of deportation.

However on January 25th of 2017 the President of the United States issued Executive Order No. 13768 titled *Enhancing Public Safety in the Interior of the United States* which revoked the *Priority Enforcement Program* and restored the former *Secure Communities Program* (“S-Comm”).

2. S-Comm online 1/25/17: Biometric Fingerprint Submissions:

Under the newly reinstated Federal *Secure Communities Program*, the fingerprints of all persons arrested by state and local law enforcement agencies, in which those agencies routinely submit these electronic biometric prints to the FBI (via the Massachusetts State Police server) for criminal justice database checks, are also automatically shared with the Department of Homeland Security (DHS-ICE). During that electronic submission Immigration and Customs Enforcement (ICE) personnel will check the local arrestee's (currently being held in a police lock-up by the local or State PD) personal biographical information against the active DHS-ICE immigration databases. If ICE determines that it has what was deemed to be an "actionable interest" in the local arrestee based on a hit (match) on that database with the submitted fingerprints, ICE will then determine what specific enforcement action, if any, to take based on their DHS Enforcement Priorities and available personnel resources in existence at the time of the hit.

3. **Request for an Immigration Detainer by ICE:**

If the local arrestee appears to have violated the federal immigration laws and the arrestee is deemed to fall within any of the applicable enforcement priorities listed below (II-4), ICE will decide whether or not to issue what is known as a **Request for an Immigration Detainer** form for the arrested individual currently held in local police custody. A Request for a Detainer form, which is sent via a fax after an initial phone call is made to the local police department's OIC, is an official *request* from DHS-ICE directed to the specific state or local law enforcement agency to hold the individual for a period not to exceed 48 hours so that ICE has the opportunity to arrange for the potential transfer of the individual into federal custody in situations when gaining immediate custody is either impracticable or impossible.²

4. **ICE's Enforcement Priorities:**

In a Memo dated 2/20/17 from DHS Secretary John Kelly to federal law enforcement agencies that these enforcement priorities are now more wide ranging than under the previous PEP including not just felony convictions (as was previously the case under PEP):

- but all convictions on the arrestee's BOP of "any crime" including misdemeanors,
- as well as those arrestees currently being charged with an offense without a conviction record,
- those alleged to have committed acts of fraud,
- abuses of any benefit program,
- subject of final orders of deportation
- or those who commit acts that constitute threats to national security or public safety in general. See DHS Memo dated 2/20/17 from DHS Secretary John Kelly.

² 8 CFR 287.7(a) and 8 CFR 287.7(d). Federal law provides that an individual cannot be held on a detainer for longer than **48 hours**, excluding weekends and holidays. **At the end of the 48 hour period, the detainer expires.**

If the local arrestee appears to have violated the federal immigration laws (e.g., overstayed a visa, crossed the border without inspection) and the arrestee is deemed to fall within any of the aforementioned enforcement priorities, ICE will now decide whether to issue the **Request for a Detainer** for the arrested individual.³

5. **DHS Secure Communities (“S-Comm”) and Potential Impacts on Local Community Policing Efforts:**

DHS-ICE and the DHS *Secure Communities Program* do not operate in a vacuum and local law enforcement must always be mindful that the resulting enforcement actions that are undertaken by ICE can run the risk that these actions can potentially adversely impact the local police agencies and the long standing relationships that they have with their respective communities in what some stakeholders may conclude is a negative fashion. According to DHS, S-Comm only entails the sharing of information known as “*interoperability*” between local law enforcement, MSP and the FBI and DHS. Any subsequent immigration enforcement action that is taken after that information is shared is not part of the S-Comm Program, but instead is the result of an independent determination by ICE Enforcement and Removal Operations (ERO). Similarly, any action taken by the local law enforcement agency at the time of the arrest and prior to booking and submission of fingerprints to the federal databases is not part of the S-Comm Program.

However, with this in mind, it is important to note that much of the criticisms of the S-Comm Program relate to the enforcement activities before (with the local police making an arrest) and after (with ICE Officials potentially transferring custody of the arrestee) the actual information sharing of biometrics which defines the process takes place. While ICE has distinguished between S-Comm’s “*interoperability*” function and the subsequent detention and/or removal of an individual via the ERO process, the distinction is often times lost on many community stakeholders, advocates and even some law enforcement officials.

As a result, we anticipate that the reinstatement of the S-Comm Program may be commonly viewed and perceived by many as the entire process which begins with an initial arrest by the local law enforcement agency and often times ends in deportation of the local arrestee. To the community at large, especially urban inner-city, immigrant communities, local law enforcement agencies participating in the S-Comm Program run the risk of being viewed by many as immigration agents, regardless of the actual limited role that they play in the process.

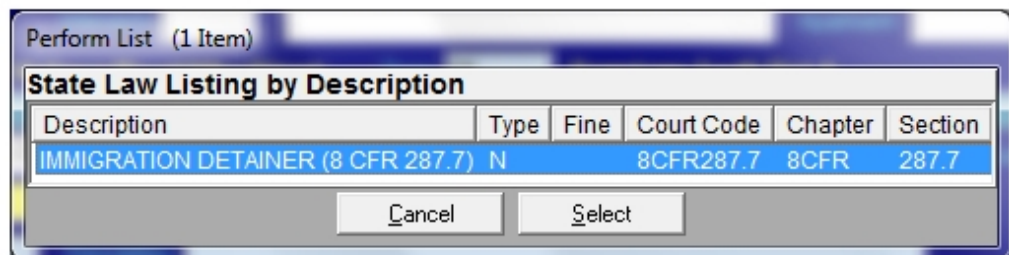
³ **Note:** Once a state or local law enforcement agency voluntarily submits fingerprint data of an arrestee for the purposes of a record check to the federal government, no specific agreement or MOU with the individual state is legally necessary for one agency of the federal government (e.g., FBI) to share the data with another federal agency (e.g., DHS-ICE).

Therefore, it is imperative that the local community is informed and educated at appropriate venues and community forums at appropriate intervals as to the specifics of the local law enforcement agencies' actual role in the S-Comm process so as not to jeopardize the trust, confidence and spirit of cooperation that the police department and the community at large have formed over the course of several years.

IV. PROCEDURE

A. Immigration Detainer – Notice of Action

- Whenever any Officer in Charge (OIC) or Prisoner Control Officer of the Hadley Police Department receives either an ***Immigration Detainer*** (Form I-247 – issued 12/12) in the form of a fax from DHS-ICE, the OIC shall immediately upon arrival at Headquarters inform the bailing Clerk or Assistant Clerk Magistrate of the existence of the Federal ICE Detainer when they respond to Police Headquarters to make the decision of setting bail on those currently in custody.
- It shall be decision of the bailing Clerk of Court to decide whether to set a monetary bail, release on personal recognizance or order that the arrestee be held in police custody via the Immigration Detainer until court is next in session.
- The OIC shall ensure that the arresting Officer adheres to the following procedure when an Immigration Detainer is received:
 1. Make a copy of the detainer and staple it to the report in the Records drawer
 2. Put the original detainer in the arrest envelope
 3. Make note of the detainer on the white board behind the desk
 4. Add the proper charge to the arrest report, adding the proper language in the report narrative



- Although the issuance of a Detainer by ICE is not a criminal charge please add the ‘Description’ above under charges so that we can accurately track each Detainer that is received.

- If a decision is made to bail the arrestee DHS-ICE: ERO shall be notified by the OIC.
- The **arrestee SHALL always be afforded a copy** of the applicable ICE Immigration Detainer Form.
- A copy of the ICE Detainer Form shall be placed in the arrestee's arrest folder.
- Federal law provides that the individual cannot be held on a Detainer for longer than 48 hours, **excluding** weekends and holidays. At the end of the 48 hour period, the Detainer shall expire forthwith.

B. Inquiries into Immigration Status:

- (i) A person's right to file a police report; participate in any police-community activities (i.e., Community Action Team Meetings, Neighborhood Watch, National Night Out, etc); or otherwise benefit from general police services shall not be contingent upon the individual providing proof of citizenship or any type of documented immigration status.
- (ii) Consequently, officers **shall not** question any person about his or her specific citizenship or immigration status **unless** that person is reasonably believed to be involved in one or more of the activities identified in **Subsection IV (C)** below.
- (iii) Officers shall not request passports, visas, resident alien cards (i.e., "*green cards*"), or travel documents in lieu of, or in addition to, driver's licenses and other standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable or when the officer is proceeding under **Subsection IV (C)** below.⁴

C. Notification to Federal Immigration Authorities:

In furtherance of the department's community policing philosophy and continued engagement and outreach efforts, Hadley Police Officers shall not participate in any federal civil immigration related investigations of any immigrant or foreign national, **except** when the **immigrant or foreign national**:

1. is **arrested** for any **violent felony** by HPD Personnel including but not limited to:

⁴ **Note:** An exception to the above could occur if an operator of a lawfully stopped motor vehicle presents what appears to be a valid Foreign Country's Driver's License in which the license is valid in this state for only one (1) year and requires the operator to produce proof to the investigating officer of the most recent admission date to the United States so as to effectively toll the one year time period. (e.g., Form I-94 or Passport with the entry stamp).

- ❖ Murder,
 - ❖ Assault with intent to Murder,
 - ❖ Assault & Battery by means of a Dangerous Weapon,
 - ❖ Assault by means of a Dangerous Weapon,
 - ❖ Armed Burglary,
 - ❖ Rape, (or any Sex Offense)
 - ❖ Mayhem, or
 - ❖ Armed Robbery;
2. When the HPD acquires reliable information that the individual in Hadley Police custody has been **convicted** in a court of competent jurisdiction of **any violent felony**;
 3. is **arrested** by HPD Personnel for any **terrorism-related offense**, or is otherwise *reasonably suspected* of involvement in any terrorist and/or subversive activities;⁵
 4. is **arrested** for any offense involving the entry or fraudulent assimilation or **trafficking of individuals** into the United States, or is reasonably suspected of participating in an *organized venture* to bring or fraudulently assimilate undocumented foreigners in this country; **OR**
 5. is **suspected** based upon the legal standard of **probable cause** (basis of knowledge and veracity) of **participating in criminal street gang activity involving violence and/or distribution of illegal drugs/weapons**.

D. Immigration and Customs Enforcement (ICE) Investigations and/or Requests for Assistance:

1. The U.S. Bureau of Immigrations and Customs Enforcement has primary jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.
2. Hadley Police Officers **shall not** directly participate in any such ICE tactical operation(s) solely for the *civil enforcement* of federal immigration laws as part of any Detention or Arrest Team unless:
 - it is in direct response to a request for immediate assistance on a temporary basis for “Officer Safety” purposes; or
 - for the assistance in the apprehension of any individual who is also wanted on a Massachusetts issued Warrant Management System

⁵ **Note:** The FBI Joint Terrorism Task Force (JTTF) shall also be contacted forthwith.

Criminal Warrant (WMS) which remains in full force and effect at the time of the request.

3. Whenever ICE has occasion to be in the Town of Hadley, whether looking for a target(s) who is the subject of a **criminal warrant** (usually the criminal investigatory side of ICE - *Homeland Security Investigations* (HSI) or looking for individuals who have **Final Orders of Deportation** (Civil side - *Enforcement & Removal Operations*-ERO) the OIC shall send a **Code Red or Serious Incident Notification Text forthwith to the Chief of Police and other Command Staff Personnel.**
 - In addition the OIC shall ascertain from the notifying ICE Agent or Supervisory Agent who called the OIC - pursuant to national de-confliction protocol to alert the presence in the Town at a specific address - the specific “*reason*” that they are looking to place the wanted individual into federal custody.
 - If it is for a Massachusetts Criminal Warrant or other State Warrant⁶ for which we as duly sworn Hadley Police Officers have the right of arrest then we may assist.
 - If it is for **civil reasons only** then we shall stand down and not respond and only assist if a situation rises where an officer’s (Agent’s) safety is at risk where there is an emergency call for assistance.
 - In all cases the OIC shall ensure that a call number is generated on the Dispatch Log by emergency Communications (e.g., Immigration Enforcement).
 - The ICE Agent shall be asked to call back the OIC with the results of the investigation (e.g., no service, one in custody, etc.) so that the Dispatch Log can be updated.
 - Those individuals placed in custody by ICE Officials solely for civil enforcement reasons shall not be entitled to a courtesy booking process unless extenuating circumstances arise and it shall first be approved by a supervisor.
4. Any detention by a member of the Hadley Police Department during the request for assistance by ICE should be based upon a reasonable belief that the detained individual is either involved in criminal activity other than a civil violation of federal immigration laws or is wanted by the Commonwealth of Massachusetts on a WMS Active Warrant.

⁶ See G.L. Chapter 276 Sections 10(a)(b) for authorization for arrests from Fugitives from Justice from other States.

U and T Visa Certification Policy

POLICY & PROCEDURE NO. 7.04	ISSUE DATE: 01/03/2023
	EFFECTIVE DATE: 01/03/2023
HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department (HPD) is required by chapter 258F of the Massachusetts General Laws to process requests for U and T visa certification.

DEFINITION OF U VISA

The U visa is an immigration benefit for victims of certain violent crimes who meet eligibility requirements under federal law. The U.S. Citizenship and Immigration Services (USCIS) may find an individual eligible for a U visa if the victim:

- (1) is the direct or indirect victim of qualifying criminal activity;
- (2) has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- (3) has information about the criminal activity; and

- (4) was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.

INA § 101(a)(15)(U), 8 U.S.C. § 1101(a)(5)(U).

The following are criminal activities that qualify a victim for the U visa:

Abduction	Obstruction of Justice
Abusive Sexual Contact	Peonage
Blackmail	Perjury
Domestic Violence	Prostitution
Extortion	Rape
False Imprisonment	Sexual Assault
Felonious Assault	Sexual Exploitation
Female Genital Mutilation	Slave Trade
Fraud in Foreign Labor Contracting	Stalking
Hostage	Torture
Incest	Trafficking
Involuntary Servitude	Witness Tampering
Kidnapping	Unlawful Criminal
Manslaughter	Restraint
Murder	Other Related Crimes

The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While in U visa status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to lawful permanent resident status (i.e., seek a green card in the United States) after three years.

Certain family members of a U visa recipient may also be eligible to live and work in the United States as “derivative” U visa recipients based on their relationship with the principal recipient. These include:

- (1) unmarried children under the age of 21;
- (2) spouse;
- (3) parents of U visa petitioners under age 21; and
- (4) unmarried siblings under 18 years old of U visa petitioners under age 21.

U VISA CERTIFICATION

In order to be eligible for a U visa, the victim must submit a U visa certification completed by a certifying agency or official on Form 1-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B) to USCIS. The certification explains the role the victim had, has, or will have in being helpful to the investigation or prosecution of the case. The certification must be signed by the certifying official with an original signature within the six months (6 months minus one day) immediately preceding the U visa petitioner's submission. The certifying official is not required to assess whether the victim suffered substantial physical or mental abuse as a result of the criminal activity.

USCIS has the sole authority to grant or deny a U visa. The certification does not guarantee that the U visa petition will be approved by USCIS. By signing a U visa certification, the HPD is not sponsoring or endorsing the applicant for a U visa. No federal agency has the authority to require or demand that the HPD sign the certification. The HPD has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.

As requested on the Form 1-918B, the certifying official should document the helpfulness of the victim and whether that victim refused to be helpful at any time throughout the investigation or prosecution. Pursuant to chapter 258F of the Massachusetts General Laws, a decision on the request for Form 1-918B must be made within 90 days, absent extenuating circumstances beyond the control of the agency.

For U visa certification requests, the HPD shall determine whether, pursuant to the standards set forth in federal law, the applicant:

- (1) is a victim of a qualifying criminal activity; and
- (2) was, is, or is likely to be, helpful in the investigation or prosecution of that activity.

If the request is approved, the HPD will issue Form 1-918B to the applicant or counsel for the applicant within 90 days of receipt of the request. If the request is denied, the HPD will issue a written decision that indicates the reason for the denial within 90 days of receipt of the request. If extenuating circumstances are present, this agency will issue a written notice to the applicant within 90 days of receipt of the request, including the reason for the delay, the process the office will take to respond to the request, and the expected timeframe for the decision. The HPD will make every effort to expedite a certification request if the applicant shows there are compelling circumstances to support expeditious processing.

DEFINITION OF T VISA

The T visa is an immigration benefit for victims of severe forms of trafficking in persons who meet certain eligibility requirements. USCIS may find an individual eligible for a T visa if the victim:

- (1) is or was the victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;
- (2) is in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands or at a U.S. port of entry due to trafficking;
- (3) has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and
- (4) would suffer extreme hardship involving unusual and severe harm if removed from the United States.

INA § 101(a)(15)(T), 8 U.S.C. § 1101(a)(15)(T).

The T visa allows eligible victims to temporarily remain and work in the U.S., generally for four years. While in T visa status, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking. If certain conditions are met, an individual with a T visa may apply for adjustment to lawful permanent resident status (i.e., apply for a green card in the United States) after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier.

Certain family members of a T visa recipient may also be eligible to live and work in the United States as "derivative" T visa holders. These are:

- (1) unmarried children under the age of 21;
- (2) spouse;
- (3) parents of principal T visa recipients under age 21 at the time of application;
- (4) unmarried siblings under 18 years old of principal T visa applicants under age 21; and
- (5) adult or minor children of certain immediate family members of the T visa recipient.

T VISA CERTIFICATION

Unlike the U visa, in order to be eligible for a T visa, the victim is not required to submit a T visa certification completed by a certifying agency or official on Form 1-914, Supplement B, Declaration of Law Enforcement Officer or Victim of Trafficking in Persons (Form I-914B) to USCIS. However, a T visa certification can provide important evidence of a victim's assistance to law enforcement that a federal, state, local, tribal, and territorial law enforcement agency, prosecutor, judge, or other government official can complete for a T visa applicant.

USCIS has the sole authority to grant or deny a T visa. The certification does not guarantee that the T visa petition will be approved by USCIS. By signing a T visa certification, the HPD is not sponsoring or endorsing the applicant for a T visa. No federal agency has the authority to require or demand that the HPD sign the certification. The HPD has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.

As requested on the Form 1-914B, the certifying official should document the helpfulness of the victim and whether that victim refused to be helpful at any time throughout the investigation or prosecution. Pursuant to chapter 258F of the Massachusetts General Laws, a decision on the request for Form 1-914B must be made within 90 days, absent extenuating circumstances beyond the control of the agency.

For T visa certification requests, the HPD shall determine whether, pursuant to the standards set forth in federal law, the applicant:

- (1) is or has been a victim of a severe form of trafficking in persons; and
- (2) has complied with requests for assistance in the investigation or prosecution of the crime of trafficking.

If the request is approved, the HPD will issue Form 1-914B to the applicant or counsel for the applicant within 90 days of receipt of the request. If the request is denied, the HPD will issue a written decision that indicates the reason for the denial within 90 days of receipt of the request. If extenuating circumstances are present, this agency will issue a written notice to the applicant within 90 days of receipt of the request, including the reason for the delay, the process the office will take to respond to the request, and the expected timeframe for the decision. The HPD will make every effort to expedite a certification request if the applicant shows there are compelling circumstances to support expeditious processing.