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KATHY SHEEHAN
MAYOR

EXECUTIVE ORDER No. 1-17

April 24, 2017

City of Albany Policy Regarding Community Policing and Protection of Immigrants

WHEREAS, the City of Albany is a diverse City where more than one in ten of our residents were born in a country other than the United States; and

WHEREAS, access to city services is essential to all residents and visitors regardless of their immigration status; and

WHEREAS, the City of Albany ensures equity and social justice guide all decisions; and

WHEREAS, the City of Albany is committed to community policing and 21st century policing strategies, and law enforcement is more effective as a result of the partnerships cultivated from continued interaction and trust between all residents, visitors, and the Albany Police Department; and

WHEREAS, the Albany Police Department's role is to protect all individuals, and individuals should not be afraid to contact the police if they are the victim or witness of a crime because they are concerned the police will inquire as to their immigration status; and

WHEREAS, the Federal Government is best suited, and required by law, to enforce federal immigration laws; and

WHEREAS, in furtherance of these policies, the City of Albany will not inquire as to the immigration status of any individual as provided herein;

NOW, THEREFORE, I, Kathy M. Sheehan, Mayor of the City of Albany, by the authority vested in me by the charter and laws of the City of Albany do hereby order:

Section 1. Definitions. As used herein,

- a. "Alien" means any person who is not a citizen or national of the United States.
- b. "Employee" means any officer, official, board or committee member, agent, or person employed by or acting on behalf of the City of Albany.
- c. "Law enforcement officer" means any person employed by or acting on behalf of the Albany Police Department.

Section 2. Law Enforcement Officers

- a. The Albany Police Department and its law enforcement officers shall not inquire as to an individual's immigration status, including a crime victim, a witness, or a person who contacts or approaches a law enforcement officer seeking assistance, unless necessary to investigate criminal activity by that individual.
- b. The Albany Police Department and its law enforcement officers shall not stop, question, interrogate, investigate, or arrest an individual based solely on the following:
 - (1) Actual or suspected immigration or citizenship status; or
 - (2) A "civil immigration warrant," administrative warrant, or a civil immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database.
- c. As per the Tenth Amendment to the United States Constitution, the Albany Police Department and its law enforcement officers shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law pursuant to 8 U.S.C. § 1357(g).

Section 3. Information Regarding Aliens

- a. Employees of the City of Albany shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws.
- b. Any service provided by the City of Albany shall be made available to all individuals who are otherwise eligible for such service. The City of Albany shall encourage all aliens to make use of those services provided for which aliens are not denied eligibility by law.

Section 4. Communication with Federal Officials

- a. The Albany Police Department shall not collect information regarding immigration or citizenship status except as required by law, and shall prohibit the use or disclosure of such information except as required by law. Nothing in this Executive Order shall be construed to direct the Albany Police Department to violate 8 U.S.C. § 1373.


- b. The Albany Police Department shall not respond to a U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) request for non-public information about an individual, including but not limited to non-public information about an individual's release, home address, or work address, unless the request is otherwise permitted by law.

Section 5. Effective Date

- a. This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Albany to be affixed this 24th day of April, 2017.




Kathy M. Sheehan
Mayor, City of Albany