



Introduction and Background

Over the last six weeks, the Safe and Welcoming Roeland Park steering committee met to discuss our collective concerns and policy ideas surrounding our city's role in federal immigration enforcement. The group consists of 13 Roeland Park residents, three leaders from local organizations serving immigrants and one immigration attorney with experience working with Johnson County police departments.

Each of the members has unique reasons for their membership and experiences with the federal immigration system. The only universal commonalities are a desire to improve the City of Roeland Park and to make it a safer and more welcoming place for all people, especially immigrants.

In addition to these dedicated members, we have gathered 129 signatures on a petition that calls upon the city government to, "move beyond current police policy and practice to codify an ordinance that is clear and direct about prohibiting assistance with federal immigration enforcement."

Building upon the work and information gathered by members since December, the steering committee met weekly via Zoom conference. The work included, not only discussion, but outreach to friends and neighbors, consultation of individuals with expertise and personal experience with the immigration system, and information gathered from the Chief of Police and City Administrator.

Over the course of six meetings, the group developed the following document, which outlines 1) the need for a definitive policy on federal immigration enforcement, 2) gaps in the current police policy that merit improvement, and 3) essential items that must be included in any policy for it to be both impactful and lasting.

Please contact the group via Grant Mayfield and Stephanie Iser with any questions or actions on the subject.

Thank you for your time and consideration,

The Members of Safe and Welcoming Roeland Park

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The Need

Immigrants are already a part of the community.

As we know, Roeland Park is already a diverse community. Immigrants from all parts of the world are members of our church congregations, live in our houses and apartments and shop at our stores, some of which are extremely reliant on immigrant customers. While 6.6% of Roeland Park's population is foreign born ([US Census Data](#)), many more immigrants travel to and through our city each day from neighboring communities to shop and work here.

When immigrants are safe to call for help, all of us are safer as a result.

Public safety is dependent upon an ecosystem of organizations, departments and information sharing that includes police and fire departments, public health officials, and ultimately, all of us. When a certain population is afraid to access that system due to fear of outing themselves as undocumented, all of us are less safe.

While it is easy for many of us in Roeland Park to decide to call 911 in a time of crisis, undocumented people often must weigh the potential risk in calling for help, even during the worst of circumstances. An undocumented person may view a structure fire, gas leak or break-in as less dangerous than a call to first responders given that it could result in the breaking apart of their family, sometimes permanently. Not only is this an unthinkable choice for anyone, it puts even those of legal status at risk.

This issue involves more than just the police force.

The focus of this discussion has often been on the police department. While law enforcement officers certainly play a major role in this issue, they are not the only entity to deal with it. Issues of federal immigration enforcement touch our city at nearly all of its departments and personnel. This includes any time or place that information about immigration status is or could be collected. That is why our work has not focused solely on the police department and why the problem begets a broader solution.

Local governments have local priorities.

Roeland Park officials and employees work hard to allocate limited tax dollars responsibly. These limitations require the city government to focus solely on the most pressing community concerns, despite the desire to offer a myriad of further programs and supports. Immigration enforcement is not one of those priorities, and we do not believe that the limited resources and time of any city department should be used for that purpose. This is especially important given that much larger and better resourced agencies exist at the federal level for that sole purpose.

Other cities both [regionally](#) and [nationally](#) have dealt with this issue with varying degrees of success. Those that did not have a clear policy in place have become subject to lawsuits based on the decisions made in the moment by officials who were not fully aware of jurisdictional duties and limitations. A proactive approach to determine the city's role in federal immigration enforcement would protect Roeland Park residents and visitors as well as the city from costly and unnecessary litigation. Courts have also [ruled recently](#) that municipalities cannot be punished for non-cooperation ordinances.

We are a city that promotes diversity and inclusion through action.

Since the beginning of colonialism in this country, governments have found countless ways to criminalize non-white people. This continues to be true today and, for immigrants in particular, has

dramatically increased in the last several years. Roeland Park has in recent years placed a strong focus on issues of diversity and inclusion. Though contentious at the time, difficult conversations about who is welcome and safe in our city have brought us closer together and created tangible protections for members of our community. This is especially important in a city like Roeland Park with a history of discrimination and restrictive covenants.

Protections for all of our residents and guests regardless of identity are part of our history through the LGBTQ non-discrimination ordinance and our stated goal as in the city's Diversity Proclamation.

Roeland Park leaders must also take steps to ensure all residents are included in the Strategic Plan. For example, one strategic goal is to "support the image of Roeland Park as a safe community by developing programs that encourage resident involvement." In order to reach this goal, we must remove barriers that prevent immigrant community members from participating in said programs and move from an "image" of a safe community to safety in practice.

In order to continue our tradition of grappling with the past and improving our city, we must take action to make this city a place for all people. We're called as neighbors and community members to materially improve our city rather than touting ourselves as welcoming.

Our city welcomes transparency, accountability and community input in public policy.

An ordinance is by far the most visible form of municipal public policy and would provide the highest possible degree of community contribution for such an important subject. Even the process for creating and passing an ordinance ensures public vetting and transparency.

A more open and widely publicized policy, while understandably complicated due to the controversial nature, would also send the strongest message to the immigrant community. Even the most powerful and well-intentioned policy on the subject, is only impactful if it is also respected and trusted within immigrant communities. The same is true of a policy's enforceability, which is much stronger when codified in city law versus a department's internal policy.

It is the role of the community to advise on how they want to be policed in conjunction with the Chief and department, like any other part of the city government.

Current Police Policy Gaps

We're lucky to have a leader like Chief Morris in Roeland Park who is willing to work with the community, answer questions and ultimately tackle extremely difficult, but important topics like this. His initial policy regarding ICE and immigration enforcement offered a great starting place for our work. We've identified a few issues with the existing policy that would be addressed in an ordinance and ensure that the policy is as impactful and clear as possible.

Limited to Police Department

The first and perhaps most important gap in the existing police policy is its limited scope. As mentioned above, issues of federal immigration enforcement deal with all city departments and personnel. This leaves major vulnerabilities to Roeland Park community members.

Public Access

The current police policy is not widely available and is subject to change without notice or approval of any elected officials or Roeland Park residents. It is also subject to the will of whichever individual is currently acting as Chief of Police and may not outlast Chief Morris's tenure in that office.

Enforcement and Durability

It is unclear to what extent the existing policy is binding. There is also a question as to whether officer action contrary to the policy would be considered misconduct, or if training on the policy is required or included in existing procedure documentation. The version of the policy that was initially made available to the public does not clearly indicate a start date or date of issue or effectiveness.

Complete Individual Discretion

While we appreciate the willingness of Chief Morris to bear full and final authority over when the department chooses to collaborate with federal immigration authorities, we do not believe it to be necessary, nor a best practice. This chain of command creates issues with enforcement during the Chief's absence that are not outlined in the existing policy. It also places an immense burden on a single official or designee that we don't believe to be necessary.

The immigration legal system is extremely complex. There are various ways for a person to be in the country legally, yet be undocumented. For example, those that come to the United States in order to seek asylum are often free to stay within the country pending court hearings and administrative interviews. It is not feasible to expect law enforcement officials, including the Chief of Police, to make these determinations in such complex situations, often through a language barrier. To account for the complexities of immigration law and the high stakes for immigrant families, the city would have to develop detailed enforcement procedures based upon federal statute and constantly changing case law. Because that is likely not feasible in policy or practice, it is most prudent for a city like ours to decline participation in federal immigration enforcement to avoid liability for unjustly denying an individual's civil rights.

We believe the most reasonable place for any policies related to immigration enforcement is in city code as enacted by the City Council. This would create clear and useful standards for city employee training, provide immigrants with documentation about their rights within city limits and work to mitigate the effects of unacknowledged personal biases.

Lack of Clarity

The current police policy is much too vague to provide consistency in enforcement, clarity of purpose or a sense of security to immigrant communities. While there are certainly specifics on the policy in practice, very little is made clear in its text or publicly available. For instance, the Chief of Police has made clear to us that the department does not enforce civil immigration warrants. However, that is not stated in this policy and is therefore subject to the Chief's discretion and unclear to undocumented communities.

Under existing policy, Roeland Park police officers may, without the approval of the Chief:

- Enforce civil immigration warrants,
- Investigate an individual based in part on immigration status,
- Question an individual about their immigration status as part of a separate investigation, or
- Notify federal immigration enforcement agencies of an individual's immigration status.

It is also unclear to what extent the policy is binding or enforceable. Any lack of clarity in permissible actions under this policy leaves the city open to legal action for unlawful detention or unintended breaches in civil liberties for legal residents incorrectly identified as arrestable.

The last sentence in the Scope of Enforcement states “however, we do cooperate with all our Federal partners...” It is difficult to imagine that an undocumented person or loved one would perceive this to mean that they were safe to call the police in a dangerous situation. It also leaves open to interpretation the definition of “cooperate.”

Similarly, phrases like, “unless a threat to public safety is known” fail to outline criteria for making the determination that cooperation with federal immigration authorities is warranted or permissible. These problems with clarity are amplified when coupled with total individual discretion and simply do not promote equitable policing or accountability.

This lack of clarity includes many aspects of federal immigration enforcement that are unmentioned in the existing police policy, including but not limited to:

- Creation, maintenance and sharing (intentional or inadvertent) of data or nonpublic information regarding immigration status,
- Access to detained individuals,
- Contracts or agreements with federal authorities, and
- Access to city resources for federal authorities.

Framing

The upfront “Scope of Enforcement” of the current policy speaks primarily to concerns about non-compliance with federal law, rather than to fear within immigrant communities. While this policy represents the beginnings of a good faith effort to reach out to immigrant communities, much clearer communication is needed to combat widely-held beliefs that local law enforcement cooperates with federal immigration authorities.

Essential Items

Using the draft ordinance proposed by the ACLU of Kansas as a starting point, the group worked through the document line by line to identify aspects of the policy that were vital to the success of any Roeland Park policy. We also consulted multiple immigration attorneys and several immigrant services and advocacy organizations to make sure there were no gaps in our work. We also reviewed similar policies from other municipalities, comments made about the issue at previous Roeland Park City Council meetings and recent news stories related to cities’ roles in immigration enforcement. We believe the following items to be essential in any policy passed by the Roeland Park City Council and suggest them as a starting point in drafting a customized ordinance for our city.

Administrative

- Severability of each item in the event that any one aspect of the policy is found to be illegal by a court with Roeland Park in its jurisdiction.
- Clear statement that no part of the ordinance shall be interpreted to conflict with federal law.

Conditioning of Benefits

- No municipal benefits or services may be conditioned upon immigration status or providing information regarding immigration status.
 - Applications for benefits or services should clearly state that they are not conditioned upon immigration status.
- All individuals will be viewed and treated equally within municipal courts.

Data and Information

- The city government, including but not limited to the police department, shall not gather, create or maintain data or information regarding immigration status.
- No forms or surveys, written or digital, shall ask about immigration status.
- No government official, including but not limited to the police department, shall ask, question or inquire about immigration status in the course of their interactions with individuals.
- Regardless of how it was acquired, information regarding individual or household immigration should not be kept by the city in any form.
- The city shall not participate in any program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, national origin or immigration status, unless required by federal or state law.
- Roeland Park shall not share non-public information with federal immigration authorities, including but not limited to time or location of birth, home address, place of work, immigration status, next court appearance or release date.

Cooperation with federal immigration authorities:

- The city and its departments must continue to comply with valid judicial warrants pertaining to immigration enforcement.
- The city and its departments shall not enter into any contract or agreement with the federal government to act as agents of federal immigration enforcement.
- The city and its departments will provide receipt of federal immigration authority detainer, transfer, notification, interview, & interrogation requests to the subject of said request and shall inform the subject as to the city's intention to comply with the request.
- The city and its departments shall not recognize civil or administrative warrants pertaining to immigration status.
- The city and its departments may respond to federal immigration authority requests for nonpublic information ONLY if it is accompanied by a valid judicial warrant for an alleged felony.

Issues of shared use or access

- Roeland Park shall not lend or share any resources to federal immigration authorities for the sole purpose of immigration enforcement. This includes but is not limited to, non-public facilities, property, equipment, databases, personnel OR nonpublic portions of otherwise public databases OR people in Roeland Park custody.

Detention

- Roeland Park police shall not provide access to anyone in their custody to federal immigration authorities.
- Roeland Park shall not delay bail or release for any reason related to immigration status or pending federal immigration authority investigation or notification.

Other Items

In addition to the above items outlining the essential components of a quality policy, we have also identified other measures that would ensure that the enacted ordinance is impactful and lasting. These include:

Training

The enforcement of the policy, as well as compliance should be added to existing employee and officer training programs. Changed or clarified procedures should be communicated to city staff in a timely manner.

Outreach

The passed policy should be paired with a robust outreach and communication plan. It is vital that this plan be multilingual to reach as many affected city residents and guests as possible. Aspects of this outreach could include:

- Designed information and graphics posted in public and heavily trafficked parts of the city, especially those frequented by immigrant communities.
- Notice on any public forms that benefits and services are not contingent upon immigration status.
- Public training, such as “Know Your Rights” and “Rapid Response” that are tailored to Roeland Park and our unique policy. Our organizational partners would be happy to design, advise on, and perform these training sessions.
- Community events, celebrations, or proclamations related to ordinance passage. The city could also work toward a joint proclamation with any nation from which Roeland Parkers immigrated, as many cities have done with the Mexican consulate.

Additional Policy Objectives

As part of this group’s work, other policy issues affecting our city inevitably came up. We often discussed these policies and saved a record of them for future consideration in Roeland Park. These include:

- Issuance of municipal IDs and honoring of those issued by other cities,
- Further support of and cooperation with applications for U-Visas,
- A review of contracts or agreements with the county regarding the detention of people apprehended by Roeland Park law enforcement in light of county policy to contact federal immigration authorities upon suspicion of undocumented status.



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