

The City of Richmond's Commitment to Strengthening Trust with Our Immigrant Communities

10.19.26

I. Purpose and Scope

The City of Richmond (the “City”) recognizes that its ethnic, racial, and linguistic diversity is a core strength. One pillar of the Mayoral Action Plan is “Thriving and Inclusive Communities – where everyone’s rights are protected.” In alignment with this goal, the City is committed to being a welcoming and inclusive community where every person is important, their rights are protected, and every person has an equal opportunity to participate in our economy, regardless of immigration or citizenship status.

The City believes that community health, safety, welfare, security, and trust are best served when immigrant residents can access City benefits and services without fear that their personal information or immigration status--actual or perceived--will be shared with federal immigration officials. Enforcing federal immigration law is the sole responsibility of the federal government, and the City will not use its resources to assist in these enforcement actions.

The City, including the Richmond Police Department, will comply with all applicable federal and state laws requiring cooperation with Immigration and Customs Enforcement (ICE) and other federal immigration authorities, as well as any judicial warrants or subpoenas requiring City action. Outside of these legal obligations, however, the City will not share personally identifiable information that could be used to further immigration enforcement efforts.

This policy applies only to City agencies and departments reporting to the Mayor or Chief Administrative Officer, including their respective offices.

Nothing in this Trust Policy shall be construed to conflict with federal law.

II. Standards to Protect Confidentiality and Enhance Public Trust

A. Requesting, Accessing or Disclosing Information is Prohibited

1. *Citizenship or immigration status.* No City employee shall request, record, access in City records or disclose to any person or entity the

citizenship or immigration status of an individual, unless the action:

(a) is required by applicable state or federal law or regulation, judicial warrant, court order or subpoena; or

(b) complies with 8 U.S.C. § 1373(a), which states that “[n]otwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Department of Homeland Security information regarding the citizenship or immigration status, lawful or unlawful, of any individual”; or

(c) is authorized by the individual or a legal guardian of the individual.

2. *Other personally identifiable information.* No City employee may request, record, access, or disclose any personally identifiable information in City records unless the action is:

(a) required by state or federal law or regulation, judicial warrant, court order, or subpoena;

(b) authorized by the individual or legal guardian of the individual; or

(c) required to fulfill the mission or obligations of City departments/agencies and disclosure is limited to the recipients necessary to fulfill such mission or obligations. The determination of necessity shall be made in accordance with department/agency specific directives and subject to a supervisor’s approval.

3. *Other Exceptions.*

(a) *Protections or benefits:* If the disclosure of personally identifiable information of an individual is required by state or federal law or regulation, the employee or department may notify the impacted individual of the relevant requirement or provide them the opportunity to voluntarily disclose their citizenship or immigration status.

(b) *Demographic data for program evaluation:* Nothing in this section is intended to prevent the collection and publication of data, other than citizenship and immigration status, useful to program evaluation (e.g. disparity studies), so long as the underlying data is kept confidential and

not disclosed outside the City. Nothing herein shall be construed to restrict the sharing of (1) de-identified aggregated data outside the City or (2) information pursuant to a Freedom of Information Act (FOIA) request that does not fall into a valid FOIA exception.

B. Law Enforcement

The City acknowledges that enforcement of federal immigration law is the sole responsibility of the Federal government and that the City will not dedicate its resources to such enforcement nor cooperate with civil administrative immigration enforcement.

As set forth in the Richmond Police Department's General Orders, including General Orders 01-02, Constitutional Rights and 01-04, Bias Reduction, the Richmond Police Department (RPD) is committed to protecting the rights of all residents and visitors, regardless of their immigration or citizenship status.

Furthermore:

1. The right of all persons to file a police report, participate in police-community activities or otherwise benefit from police services is not contingent upon citizenship or immigration status. Consequently, RPD officers shall not question any person about their immigration status;
2. RPD shall not monitor, detain, interview, or investigate a person solely for the purpose of determining immigration status;
3. The City shall not enforce federal immigration law;
4. As required by Code of Virginia §19.2-11.02, RPD officers shall not, in connection with a report, investigation, or prosecution of a criminal violation of state or local law, inquire into the immigration status of any person who is a victim of a crime, the parent or guardian of a minor victim of a crime, a witness in the investigation of a crime, or the parent or guardian of a minor witness to a crime. Section 19.2-11.02 does not prohibit an inquiry into the immigration status of a parent or guardian of a minor victim when that parent or guardian has been arrested for, charged with, or is being investigated for a crime against the minor victim;

5. RPD officers shall request identification documents only for the purpose of establishing a person's identity. RPD officers may rely on government issued identification and other forms of reasonably acceptable identifications (e.g. school IDs, foreign government IDs). RPD officers shall not request identification documents for the purpose of establishing a person's immigration status or for immigration enforcement purposes. Except as explicitly set forth in Code of Virginia §19.2-82.1, failure to provide identification shall not constitute a criminal offense; and
6. RPD officers may not detain or arrest a person based solely on federal administrative or civil immigration warrants or detainers. Any execution of such warrants or detainers is prohibited.

C. Use of City Resources for Civil Immigration Enforcement is Prohibited

City employees shall not use City resources (including, but not limited to, facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time while on-duty) to provide access to any personally identifiable information to immigration enforcement officials, unless the employee's action is expressly authorized by this Trust Policy and, in the case of RPD, in accordance with law and established Department policy.

D. Threats or Conditioning Action Based on Citizenship or Immigration Status is Prohibited

City employees shall not threaten, coerce, or intimidate anyone based on their citizenship or immigration status, actual or perceived, or the actual or perceived citizenship or immigration status of a member of the person's household. Employees shall not condition the provision of City benefits, opportunities or services on actual or perceived citizenship or immigration status unless required by state or federal law or regulation or court order. In compliance with Title VII of the Civil Rights Act of 1964, the City shall not discriminate on the basis of national origin in any employment action.

E. Facilitation of Civil Immigration Enforcement is Prohibited

1. No City employee, in the execution of their duties in their official capacity, shall participate in or facilitate civil immigration enforcement operations,

unless otherwise required by an applicable state or federal law, valid criminal judicial warrant, or court order.

2. No City department or employee, including law enforcement employees, shall enter into any contract, agreement or arrangement that would grant federal immigration enforcement authority or power to the City or its agents or local law enforcement officers, including but not limited to agreements created under 8 U.S.C. § 1357(g).

F. Participation in Federal Registries is Prohibited

No City resources shall be used to assist or participate in any federal program requiring registration of individuals based on citizenship, immigration status, race, national or ethnic origin, language proficiency, gender, gender identity, sexual orientation, religion, disability, or age. The City may collect and aggregate information about the foregoing categories for the purpose of providing certifications to applicable state/federal agencies to qualify for grants, certify compliance with grant conditions and/or agreements. Such certifications shall not identify specific individuals or divulge personally identifiable information.

G. Access to Public Facilities and Resources is Prohibited

Employees and departments shall not provide federal immigration authorities with access to any City facility, property surrounding any facility, equipment, records or databases or funds not accessible to the public unless required by a state or federal law or grant funding requirement, valid criminal judicial warrant, court order or subpoena specifying the information or individuals sought.

III. Access to Public Services

The City will provide equitable access to public services and facilities to all residents.

Unless required by federal or state law, the City does not and will not require any resident to provide proof of legal presence in the United States in order to access the City's local government services, including the following services: local

police, fire, emergency medical services, parks, recreation, libraries, aging and disability services, emergency financial assistance, health, mental health, healthcare, food, shelter, educational or substance abuse services. Some federally funded programs and services require legal documentation to meet eligibility requirements.

IV. Compliance and Accountability

The Mayor directs the Chief Administrative Officer to ensure all City departments and agencies comply with this Trust Policy. The City Attorney shall provide legal advice as requested, but final operational decisions on compliance with this policy rest with the department director and the Chief Administrative Officer, subject to the Mayor's direction.

All alleged violations of this Trust Policy shall be (1) promptly reported to the director of the department or agency in which the violation occurred and Deputy Chief Administrative Officers overseeing the applicable department or agency, and (2) handled in accordance with applicable human resources policies, department policies, administrative regulations, and the collective bargaining agreements, as applicable.

The City will request annual data regarding the contact and engagement with federal immigration authorities from the Sheriff's Office for transparency and informational purposes.

This Trust Policy supersedes all administrative policies and directives.