

City of Lynn



City Hall, Room 302
Lynn, MA 01901

Phone: 781-586-6850
jared.nicholson@lynhma.gov

Jared C. Nicholson
Mayor

EXECUTIVE ORDER OF MAYOR JARED NICHOLSON

An Executive Order To Protect The Security And Safety of Residents Of The City of Lynn

Pursuant to the authority invested in me as the Chief Executive of the City of Lynn, I, Jared Nicholson, Mayor of Lynn, hereby declare and order as follows:

DECLARATION

Whereas, the City of Lynn is committed to being a welcoming city for all residents and neighbors regardless of immigration status;

Whereas, the City of Lynn's priority is the protection and safety of all of its residents under federal and state law;

Whereas, the U.S. Constitution reserves to state and local governments certain police powers to provide for the public safety, health and welfare;¹

Whereas, the City of Lynn and the Lynn Police Department do not enforce federal civil immigration law;²

Whereas, City of Lynn Police Officers may not interfere with or obstruct federal officers lawfully executing their duties, but may intervene if an Officer personally observes excessive force and can safely de-escalate;³

¹ See, *United States v. Comstock*, 560 U.S. 126 (2010)(in a concurring opinion, Justice Kennedy emphasized that "the powers reserved to the States are so broad that they remain undefined" and that "residual power, sometimes referred to as the police power, belongs to the States and the States alone."); *United States v. Morrison*, 529 U.S. 598, 617 (2009)(the Supreme Court has consistently recognized that the Constitution created a federal government of limited powers while reserving a generalized police power to the states).

² See, *Lunn v. Commonwealth*, 477 Mass. 517 (2017)(local law enforcement officers have no authority to arrest or detain individuals solely based on ICE civil detainers or administrative warrants which are not judicially authorized).

³ See, M.G.L.c 6E, §15(a) which provides that "An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the

Whereas, the City of Lynn Police Officers may take action consistent with their jurisdiction and authority if a federal agent commits a violation of Massachusetts' criminal law;⁴

Whereas, the Tenth Amendment to the United States Constitution prohibits the federal government from compelling states and municipalities to employ their resources to administer and enforce federal programs;⁵

Whereas, the City of Lynn owns and manages buildings, facilities, parks, parking lots and other property for public and municipal purposes and has the responsibility to manage such property in a safe and secure manner that ensures the public trust, access and the delivery of essential City services;

Whereas, City of Lynn Police Officers wear clearly identifiable uniforms and body cameras, but not masks, which is critical to the Officers' public safety mission and urges federal law enforcement to do the same;

Whereas, City of Lynn Police Officers are called on to protect the First Amendment right of peaceful protest;

Whereas, the City of Lynn urges all protestors to peacefully exercise their First Amendment rights;

Whereas, the use of City of Lynn property in federal civil immigration enforcement actions will interfere with the City's authority and control over its' own resources, property and personnel; and,

Whereas, such use of City of Lynn property and resources will undermine public safety and erode trust between the City's residents, including the City's immigrant communities, and local law enforcement;

NOW, THEREFORE, BE IT ORDERED:

1. The City of Lynn will treat all persons equally, enforce laws and serve the public without consideration of immigration status.
2. City of Lynn employees and officials may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller or other member of the public with whom they

circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual."; See, also, *Gaudreault v. Salem*, 923 F.2d 203(1st Cir. 1990).

⁴ See, M.G.L.c. 48, §98 (general arrest authority).

⁵ See, *Tenth Amendment to the United States, Constitution*; *Lunn v. Commonwealth*, 477 Mass. 517 (2017).

have contact, except as necessary in the course of a U Visa investigation or other similar circumstances or as required by 8 U.S.C. §1373.

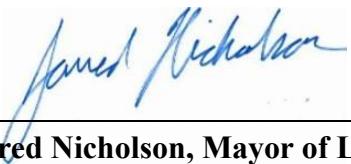
3. The City of Lynn, through its public safety agencies, shall ensure, consistent with state law, that established protocols are used to protect peaceful protestors and to ensure public safety. In the event that any person is injured when City officials are present, City officials shall immediately summon emergency medical services.
4. The City of Lynn Police Department shall, consistent with state and local authority, investigate and document all allegations of unlawful or criminal conduct by federal officials which, in its' professional judgment, are deemed credible, and such investigation shall be independent of parallel federal investigations, if any, and, whenever appropriate, the Lynn Police Department shall make referrals to the Essex County District Attorney or the Massachusetts Attorney General.
5. The City of Lynn Police Department, upon request, shall, consistent with the Massachusetts' Public Records Act,⁶ release video footage of violence and property damage by federal officials captured on Lynn Police Department body worn cameras or other City-controlled surveillance cameras, provided that such release does not unduly interfere with an active criminal investigation, as determined by the Lynn Police Department and the Essex County District Attorney's Office.
6. No City owned parking lot, garage, park or building, including the interior and exterior areas of any parcel upon which a building is located, or other City owned property shall be used as a staging area, processing location, operations base, or other support for civil immigration enforcement, provided, however, that peaceful custodial transfers following a criminal arrest may take place at the Lynn Police Department. Prohibited uses include, but are not limited to, assembling, mobilizing or deploying vehicles, equipment, materials or personnel for the purpose of carrying out civil immigration enforcement operations.
7. Under the authority of the Police Chief, the Directors of Capital Projects and Inspectional Services shall identify City owned property that could be used for any or all of the purposes set forth in paragraph 6 hereof or any other similar activity for the purpose of civil immigration enforcement. The Directors shall ensure that, within 30 days of the date of this Executive Order, all identified properties shall have clear signage indicating that the property is city owned and controlled and may not be used for civil immigration enforcement.
8. The City of Lynn Police Department shall respond to all 911 calls asserting warrantless entry of private homes by federal officials. The responding Officers shall appropriately document the incident by body worn camera and otherwise consistent with

⁶ M.G.L.c. 66, §10; M.G.L. c.7, §4

police protocol and shall, where appropriate, employ de-escalation strategies for the safety of all present.

9. Nothing in this Executive Order shall be construed to restrict or interfere with the execution of court orders, lawful judicial warrants or the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law.
10. This Executive Order shall take effect immediately upon its' execution.

Witness my hand and seal this day of February, 2026.



Jared Nicholson

Jared Nicholson, Mayor of Lynn