



Shepherdstown
WEST VIRGINIA

TOWN HALL
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SHEPHERDSTOWN RESOLUTION No. 26-007

CORPORATION OF SHEPHERDSTOWN

Mayor and Town Council, Shepherdstown, West Virginia

**Resolution Regarding the Role of Local Law Enforcement and the Preservation of
Community Trust and Transparency**

WHEREAS, the Town of Shepherdstown is governed by West Virginia state law, including HB 2008 (2023), which requires local entities to enforce state and federal immigration laws and requires local law enforcement to assist or cooperate with a federal immigration officer as reasonable and necessary;

WHEREAS, the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act (INA), authorizing U.S. Immigration and Customs Enforcement (ICE) to delegate state and local law enforcement officers the authority to perform specified immigration officer functions under ICE's direction and oversight, and participation in the 287(g) Program is limited to law enforcement agencies (LEAs) only, and LEAs interested in participating in the 287(g) Program must sign an MOA with ICE;

WHEREAS, the Town of Shepherdstown has a long-standing but unwritten policy of not choosing to participate in the Section 287(g) Program;

WHEREAS, this Resolution is not intended to, and will not, obstruct, hinder, or interfere with the legal exercise of federal immigration enforcement authority, but rather is intended to enhance transparency, accountability, and public safety within the Town;

WHEREAS, the Town Council seeks to provide clarity regarding the role of local law enforcement and the preservation of community trust and transparency;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

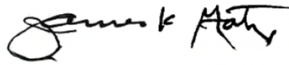
1. Compliance with State Law: The Town shall continue to comply with all mandatory provisions of W. Va. Code §15-16.

2. Declination of 287(g) Participation: The Town continues to and by this Resolution formally declines to enter into a Section 287(g) Memorandum of Agreement.

3. Constitutional Limits: The Town affirms that all law enforcement in its jurisdiction shall align with the U.S. Constitution, including First Amendment rights to free speech and assembly, Fourth Amendment prohibitions against unwarranted entry onto private property, and Fifth Amendment protections, including the right to remain silent. The Fourth Amendment ensures officers (local or federal) may not enter private residences or non-public areas of business without valid judicial warrant or lawful consent. The First Amendment ensures the Right to Record and protects the right to observe and record law enforcement activities, including immigration enforcement, if recording does not interfere with official duties.

4. Opposition to Mandatory Deputizing: The Town opposes any measure that would mandate 287(g) participation, as it infringes upon local budgetary and operational autonomy, should the state legislature take up any such measure.

Adopted this 9th day of September, 2026.



James Gatz, Mayor
Town of Shepherdstown