

Safe Communities in Massachusetts

The Response of Massachusetts Municipalities to the
Immigration Enforcement Policies of the Trump Administration

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This report represents the views of the authors, not the views of Northeastern University.



Preface

The Program on Human Rights and the Global Economy (PHRGE) at Northeastern University School of Law promotes human rights at the law school and beyond through scholarship, partnerships with advocacy organizations, events, internships, and fellowships. PHRGE was founded in 2005 by the late Professor Hope Lewis and has a focus on economic, social, and cultural rights.

In response to the U.S. federal elections in 2016, PHRGE began to collaborate with local immigration advocacy groups on projects that would promote the human rights of Massachusetts immigrants. On June 17, 2017, PHRGE, the Massachusetts ACLU (ACLU), and the Massachusetts Immigration and Refugee Advocacy Coalition (MIRA) met for the first of many “trilateral” meetings, and launched a long-term collaborative project on safe community policies in Massachusetts.

In September 2019, PHRGE invited the ACLU and MIRA to join with an interdisciplinary group of Northeastern academics to build the *Partnership for Immigrants’ Rights (Partnership)*. The *Partnership* specializes in advocacy-oriented research and research-informed advocacy, and includes Northeastern representatives from the Center for Health Policy and Law; the Institute for Health Equity and Social Justice; the Center on Crime, Race, and Justice; and PHRGE. Under the aegis of the *Partnership*, the ACLU, MIRA, and PHRGE continue their collaborative work on safe community policies.

This report provides an overview of the safe community policies adopted by Massachusetts municipalities during the Trump administration, i.e., between January 20, 2017, and January 20, 2021.



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Executive Summary

The Trump administration (January 20, 2017 – January 20, 2021) pursued aggressive immigration enforcement policies in the interior of the United States. Key elements of the administration’s approach were (1) the dismantling of a system of priorities that had governed deportation efforts in the past and (2) the increasing participation of local police officers and sheriffs in federal immigration enforcement efforts.

These immigration enforcement policies harmed both immigrants and the general public. As a result of the fear triggered by these policies, many immigrants, particularly those without authorization to be in the country, avoided accessing courthouses, police services, schools, and health care facilities. When immigrants avoid reporting crimes and seeking health care services, public safety and public health are compromised for everyone.

In reaction to the harmful immigration policies of the Trump administration, 49 (14%) of the 351 municipalities in Massachusetts issued a total of 58 “safe community policies.” Nearly a quarter of the cities in Massachusetts issued a safe community policy during this time; 12% of the towns in Massachusetts did so. The majority of the safe community policies issued in Massachusetts during the Trump administration were issued in its first year, 2017.

A few (12%) of these 58 safe community policies are *Solidarity Policies* focused exclusively on expressing welcome or support for immigrants. The majority (88%) of these safe community policies are *Sanctuary Policies* designed to limit the participation of local police departments in immigration enforcement. Most of these *Sanctuary Policies* contain a general provision that prohibits local police departments from assisting with federal immigration enforcement. In addition, many of these *Sanctuary Policies* contain more specific provisions that, for example, prohibit local law enforcement officers from inquiring into the immigration status of individuals they encounter, require local law enforcement agents to treat all individuals equally regardless of immigration status, limit the information that local law enforcement agencies can share with federal agencies such as the Immigration and Customs Enforcement Agency (ICE), and prohibit local law enforcement agencies from deputizing their own agents to serve as federal immigration enforcement officers.

Sanctuary policies may be understood as mechanisms for protecting and promoting the human rights of immigrants. Scholars have argued that such policies legitimately constrain national immigration policies, such as those of the Trump administration, that illegitimately interfere with basic human rights, including the rights to fair treatment, security, education, and basic health care.



I. Introduction

A. General

Massachusetts cities and towns have been issuing policies designed to support immigrants for decades.¹ In the 1980's, several Massachusetts municipalities adopted policies designed to protect individuals seeking refuge from civil conflict in Central America.² In the early years of the 21st century, many Massachusetts municipalities adopted policies designed to mitigate the effects of the federal *Patriot Act*, which allowed the federal government to expand its surveillance powers and detain immigrants suspected of terrorism indefinitely.³ More recently, the anti-immigrant policies of the Trump administration prompted another wave of pro-immigrant municipal policies in Massachusetts.

In the first week of his presidency, Donald Trump announced that he planned to increase the rate at which individuals living in the United States without authorization would be deported (i.e., “removed”).⁴ To reach this goal, Trump ordered that additional federal immigration enforcement officials be hired, that enforcement officials disregard the deportation priorities of the Obama administration, and that subfederal law enforcement agencies (e.g., sheriffs’ offices, state police agencies, local police departments) be empowered to collaborate with federal officials on immigration enforcement “to the maximum extent permitted by law.”⁵ In anticipation of policies designed to protect immigrant communities from his administration’s deportation efforts, Trump also declared that “enforcement action[s]” would be taken against any “entity” that “has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.”⁶

Dozens of Massachusetts municipalities responded to Trump’s anti-immigrant initiatives by issuing “safe community policies.” We identified two types of safe community policies. The first is dedicated to expressing welcome and support for immigrants; we refer to these policies as “solidarity policies.” The second is designed to limit the participation of local police departments in federal immigration enforcement efforts; we refer to these policies as “sanctuary policies.”⁷ The vast majority of the safe community policies issued in Massachusetts during the Trump administration are sanctuary policies.

¹ For a sample of pro-immigrant municipal policies issued in Massachusetts prior to the Trump administration, see *Appendix A: Sample Pre-2017 Municipal Policies*.

² *Sanctuary Cities: Past and Present*, B.C. DEP’T OF HISTORY, <https://globalboston.bc.edu/index.php/home/eras-of-migration/fourth-page-test/sanctuary-cities/> (last visited Oct. 26, 2022).

³ *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, Pub. L. No. 107-56, 115 Stat. 272 (2001). Between January 7, 2002, and December 4, 2007, approximately fifty municipalities in Massachusetts passed resolutions or ordinances in opposition to one or more of the provisions of the Patriot Act. *Resolutions and Ordinances Critical of the USA Patriot Act and Other Laws and Policies the Diminish Civil Liberties*, BILL OF RTS. DEF. COMM. (Oct. 23, 2008), https://drive.google.com/file/d/0B_3GXBIfLVB8VTRQM0JJYld5YWws/edit?resourcekey=05rsnAdYf5kmGhO7npIJ4A.

⁴ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 30, 2017).

⁵ *Id.* at 8800.

⁶ *Id.* at 8801.

⁷ For background information about “sanctuary policies,” see *Sanctuary Policies: An Overview*, AM. IMMIGR. COUNCIL



Part One of this report introduces the subject of safe community policies in Massachusetts. **Part Two** discusses our research methods. **Part Three** provides an overview of our results; it includes a list of the safe community policies issued by Massachusetts municipalities during the Trump administration and discusses their nature, geographical distribution, and timing. (For an annotated list of these policies with reference information, including procedural history, see *Appendix H*. For the full texts of these policies see *Appendix I*.) **Part Four** takes a closer look at the types of provisions included in these policies. **Part Five** provides concluding remarks and identifies ways in which this report may provide a basis for future research.

B. Immigration Enforcement and Sanctuary Policies

1. Deportation in Historical Context

Prior to 1996, the deportation rate in the United States was consistently low; according to Department of Homeland Security statistics, between 1892 and 1995 the deportation rate never exceeded 50,000 per year and was often well below this number.⁸ Between 1996 and 2021, however, the deportation rate was significantly elevated; the rate fluctuated from administration to administration but remained at historically high levels.⁹ (See Figure 1.)

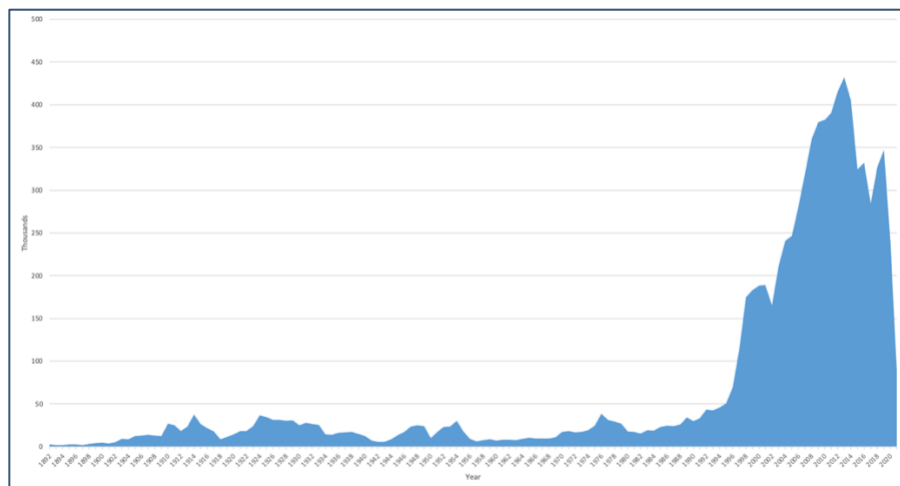


Figure 1: Removals (Deportations) 1892 - 2021¹⁰

(Oct. 21, 2020), <https://www.americanimmigrationcouncil.org/research/sanctuary-policies-overview>; *What are Sanctuary Cities and Why Do they Exist*, LUTHERAN IMMIGR. & REFUGEE SERV. (July 12, 2021), <https://www.lirs.org/what-are-sanctuary-cities-why-do-they-exist/>.

⁸ 2021 *Yearbook of Immigration Statistics*, Table 39: Noncitizen Removals, Returns, and Expulsions Fiscal Years 1892-2021 DEP'T OF HOMELAND SEC.: OFFICE OF IMMIGR. STATISTICS 105 https://www.dhs.gov/sites/default/files/2023-03/2022_1114_plcy_yearbook_immigration_statistics_fy2021_v2_1.pdf. The U.S. Government defines “deportation” as “the formal removal of a foreign national from the U.S. for violating an immigration law,” and notes that deportation is synonymous with “removal.” *Deportation*, USA.GOV, <https://www.usa.gov/deportation> (last updated Apr. 18, 2022).

⁹ 2021 *Yearbook of Immigration Statistics*, *supra* note 8, at 105.

¹⁰ This chart was created using data from 2021 *Yearbook of Immigration Statistics*, *supra* note 8, at 105. Removals



One cause of the elevated deportation rate during this time was the increased role of subfederal law enforcement agencies (LEAs) in the enforcement of immigration laws.¹¹ It is important, in this context, to distinguish between “criminal” immigration laws and “civil” immigration laws. The Immigration and Nationality Act (INA),¹² the central source of immigration law in the United States, contains both criminal and civil provisions.¹³ Criminal provisions of the INA include, for example, unauthorized entry into the United States.¹⁴ Individuals who violate criminal provisions of the INA may be prosecuted in the criminal justice system and, if found guilty, may be subject to incarceration or other penalties.¹⁵ Civil provisions of the INA include, for example, being present in the United States without authorization.¹⁶ Individuals who violate civil provisions of the INA may be placed in administrative removal proceedings conducted by the Department of Justice and, if determined to be “removable,” may be deported.¹⁷ It is the increasing role of local LEAs in the enforcement of *civil* immigration laws that is at issue in this report. Moving forward, we use the term “immigration enforcement” to mean “civil immigration enforcement” unless otherwise noted.

The federal government is responsible for the enforcement of both criminal and civil immigration laws.¹⁸ Prior to 1996, the view of the federal government was that although subfederal LEAs might play a limited role in supporting federal efforts to arrest individuals who had violated *criminal* provisions of the INA, these LEAs were *not* authorized to participate in the enforcement of the *civil* provisions of the INA.¹⁹ In a 1996 *Office of Legal Counsel Opinion*, the Department of Justice asserted that “[s]tate and

are defined as “the compulsory and confirmed movement of an inadmissible or deportable noncitizen out of the United States based on an order of removal” and do not include “returns,” (i.e., “the confirmed movement of an inadmissible or deportable noncitizen out of the United States not based on an order of removal”) or “expulsions,” (i.e., encounters resulting in expulsions on public health grounds under U.S. Code Title 42 in response to the COVID-19 pandemic). According to these DHS statistics, the deportation rate in 2021 fell to 89,191 but was accompanied by an expulsion rate of over one million individuals.

¹¹ See, e.g., *Tracking Over 2 Million ICE Arrests: A First Look*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE (TRAC) (Sept. 25, 2018), <https://trac.syr.edu/immigration/reports/529/>.

¹² Immigration and Nationality Act, Pub. L. No. 82-414, § 101, 66 Stat. 163, 167 (1952) (codified as amended at 8 U.S.C. § 1101).

¹³ Compare, e.g., INA § 276, 8 U.S.C.A. § 1326 (creating criminal penalties for reentry after removal) and INA § 274D, 8 U.S.C.A. § 1324d (creating civil penalties for failing to depart after a final order of removal).

¹⁴ INA § 275, 8 U.S.C.A. § 1325. See also KELSEY Y. SANTAMARIA, CONG. RSCH. SERV., IF11410, IMMIGRATION-RELATED CRIMINAL OFFENSES, <https://sgp.fas.org/crs/homesec/IF11410.pdf> (last updated Jan. 31, 2023).

¹⁵ INA § 275, 8 U.S.C.A. § 1325; SANTAMARIA, *supra* note 14.

¹⁶ INA § 212(a)(9)(B), 8 U.S.C.A. § 1182; INA § 237(a)(1)(A)-(C), 8 U.S.C.A. § 1227 (a)(1)(A)-(C).

¹⁷ See INA § 239; 8 U.S.C.A. § 1229 (initiation of removal proceedings); INA § 240; 8 U.S.C.A. § 1229a (procedures of removal proceedings).

¹⁸ Tom K. Wong et al., *The Impact of Interior Immigration Enforcement on the Day-to-Day Behaviors of Undocumented Immigrants* 3 (Immigr. Pol’y Ctr., Working Paper, 2019); <https://usipc.ucsd.edu/publications/usipc-working-paper-1.pdf>; see also Daniel Kanstroom, *Immigration Enforcement and State Post-Conviction Adjudications: Towards Nuanced Preemption and True Dialogical Federalism*, 70 U. MIAMI L. REV. 489, 491-92 (2016) (asserting it is “axiomatic” that federal law preempts conflicting state laws in the area of immigration enforcement); Michael J. Wishnie, *State and Local Police Enforcement of Immigration Laws*, 6 U. PA. J. CONST. L. 1084, 1089 (2004) (asserting that the federal government is responsible “on the whole” for immigration enforcement).

¹⁹ Dep’t of Justice: Office of Legal Counsel, Opinion Letter on Assistance by State and Local Police in Apprehending Illegal Aliens, 20 Op. O.L.C. 26, 39 (Feb. 5, 1996),



local police lack recognized authority to stop and detain an alien solely on the suspicion of civil deportability, as opposed to a criminal violation of the immigration laws or other laws.”²⁰ In 1996, in other words, state and local police were *not* authorized to participate in the enforcement of the *civil* provisions of the INA; they could not detain individuals on the grounds that they might be in the country without authorization.

Between 1996 and 2021, however, the federal government developed a legal framework that permits and promotes the participation of subfederal LEAs in the enforcement of civil immigration laws. A brief look at some of the key moments in the development of this legal framework will provide important context for understanding sanctuary policies in Massachusetts.

2. The Deportation Rate and Subfederal Immigration Enforcement

In September 1996, Congress enacted the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA).²¹ This legislation made sweeping changes that facilitated and promoted federal immigration enforcement.²² In addition, IIRIRA contained two provisions that laid the foundation for increasing the role of subfederal LEAs in the enforcement of civil immigration laws.

- **Information Sharing.** Section 642 of IIRIRA prohibits states and municipalities (among other entities) from enacting policies that would restrict the sharing of information about “the citizenship or immigration status [...] of any individual” with the Department of Homeland Security or “any other Federal [...] entity.”²³ Section 642 of IIRIRA is now commonly referred to as “section 1373,” for the place at which its language is codified in Title 8 of the U.S. Code.
- **The Creation of the 287(g) Program.** Section 133 of IIRIRA creates a program in which subfederal LEAs may sign written agreements with the Immigration and Customs Enforcement Agency (ICE) to allow “deputized” local law enforcement officers to perform

<https://www.justice.gov/sites/default/files/olc/opinions/1996/02/31/op-olc-v020-p0026.pdf>; Natasha Tidwell, *Fragmenting the Community: Immigration Enforcement and the Unintended Consequences of Local Police Non-Cooperation Policies*, 88 ST. JOHN’S L. REV. 105, 111-12 (2015); Huyen Pham & Pham Hoang Van, *Subfederal Immigration Regulation and the Trump Effect*, 94 N.Y.U. L. REV. 125, 138 (2019).

²⁰ Dep’t of Justice: Office of Legal Counsel, *supra* note 19.

²¹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-546 (1996).

²² See generally Donald Kerwin, *From IIRIRA to Trump: Connecting the Dots to the Current Immigration Political Crisis*, 6 J. ON MIGRATION & HUM. SEC. 192, 193 (2018) (asserting IIRIRA “set the stage for the growth of the immense US immigration enforcement system”); *20 Years of Immigrant Abuses: Under 1996 Laws, Arbitrary Detention, Fast-Track Deportation, Family Separation*, HUM. RTS. WATCH (Apr. 25, 2016).

<https://www.hrw.org/news/2016/04/25/us-20-years-immigrant-abuses> (listing changes instituted by IIRIRA as including elimination of important defenses against deportation, subjection of more categories of immigrants to deportation, and expansion of the categories of crimes for which legal permanent residents could be deported).

²³ 8 U.S.C. § 1373. The original statute passed in 1996 refers to the “Immigration and Naturalization Service”; this phrase was replaced with “Department of Homeland Security” via the Homeland Security Act of 2002. 6 U.S.C. § 552(d). For more information about § 1373, see *infra* Part IV.A.5: *Sharing Information about Immigration Status*; Part IV.E: *Immigration Status Inquiries*.



certain tasks usually performed by ICE agents.²⁴ These written agreements are known as “287(g) agreements” for the section of the INA at which this IIRIRA language is codified. Relevant tasks include transferring noncitizens into ICE custody, checking an individual’s immigration status using a federal database, and issuing formal charging documents that initiate removal proceedings.²⁵

According to the Center for Migration Studies, IIRIRA “set the stage for the growth of the immense US immigration enforcement system.”²⁶ Following its passage in 1996, the deportation rate rose significantly.²⁷ (See Figure 1.)

Another significant surge in the deportation rate occurred after the attacks on September 11, 2001.²⁸ (See Figure 1.) The events of that day led to the creation of the Department of Homeland Security (DHS)²⁹ and a renewed effort to involve subfederal LEAs in civil immigration enforcement.³⁰ In an *Office of Legal Counsel Opinion* drafted in 2002 and made public in 2005, the Department of Justice reversed its earlier opinion and declared that subfederal LEAs were authorized to enforce civil immigration laws.³¹ Since that time, the federal government has promoted the involvement of subfederal LEAs in civil immigration enforcement through several initiatives, the most important of which, in this context, are the implementation and promotion of the 287(g) program, the inclusion of civil immigration data in the National Crime Information Center, and the creation of the Secure Communities program.³²

- **The Implementation of the 287(g) Program.** Although the 287(g) program had been created in 1996, it was not implemented until 2002, “after the [program] was given new urgency following the terrorist attacks on September 11, 2001.”³³ The number of 287(g) agreements expanded under Bush, decreased under Obama, and increased significantly under Trump.³⁴

²⁴ INA § 287(g), 8 U.S.C § 1357(g); *The 287(g) Program: An Overview*, AM. IMMIGR. COUNCIL (July 8, 2021), <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>; *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/identify-and-arrest/287g> (last updated Oct. 18, 2022).

²⁵ *The 287(g) Program: An Overview*, *supra* note 24.

²⁶ Kerwin, *supra* note 22, at 193.

²⁷ *2021 Yearbook of Immigration Statistics*, *supra* note 8, at 105 (illustrating that between 1996 and 1997, “removals” increased from 69,680 to 114,432).

²⁸ *Id.*

²⁹ The Department of Homeland Security (DHS) was created by Congress in November 2002 and began functioning on March 1, 2003. *Creation of the Department of Homeland Security*, DEP’T OF HOMELAND SEC., <https://www.dhs.gov/creation-department-homeland-security> (last updated June 3, 2022).

³⁰ Christopher N. Lasch et al., *Understanding Sanctuary Cities*, 59 B.C. L. REV. 1704, 1722 (2018); Wishnie, *supra* note 18, at 1085.

³¹ Dep’t of Justice: Office of Legal Counsel, Opinion Letter on Non-preemption of the authority of state and local law enforcement officials to arrest aliens for immigration violations (Apr. 3, 2002), <https://perma.cc/GJ9W-DQ8T>, released by court order, *NCLR et al. v. DOJ*, 411 F.3d 350 (2d Cir. 2005); see also Tidwell, *supra* note 19, at 114.

³² For a discussion of additional federal initiatives promoting the involvement of subfederal LEAs in immigration enforcement, see Lasch et al., *supra* note 30, at 1723-36.

³³ ABIGAIL F. KOLKER, CONG. RSCH. SERV., IF11898, THE 287(G) PROGRAM: STATE AND LOCAL IMMIGRATION ENFORCEMENT, (2021), <https://crsreports.congress.gov/product/pdf/IF/IF11898>; see also Tidwell, *supra* note 19, at 115; Kerwin, *supra* note 22, at 200.

³⁴ Wong, *supra* note 18, at 3. For more information about the 287(g) program, see, e.g., Lasch et al., *supra* note 30,



- **National Crime Information Center Database.** Prior to 9/11, local and state police had limited access to information about individuals suspected by the federal government of having violated civil immigration laws.³⁵ In response to 9/11, however, the federal government began adding large numbers of immigration records to the National Crime Information Center (NCIC) database, “a computerized index of criminal justice information operated by the FBI as a service for local law enforcements agencies.”³⁶ The database is “used primarily by police around the country to exchange criminal history information and to identify individuals with outstanding warrants.”³⁷ The immigration records added to the database included “ICE administrative warrants,”³⁸ documents that direct federal immigration officers, and subfederal law enforcement officials deputized in 287(g) agreements to serve as ICE agents, to arrest and take custody of allegedly deportable noncitizens.³⁹ The inclusion of immigration records in the NCIC database “enhanced the ability of 287(g) departments to make arrests and detain suspected violators on behalf of federal authorities.”⁴⁰
- **Secure Communities.** In 2008 the Bush administration pioneered the Secure Communities Program, or “S-Comm,” a “far-reaching effort to harness state and local criminal justice systems for federal immigration enforcement.”⁴¹ Under S-Comm, fingerprints of individuals arrested by local LEAs on criminal charges are sent to DHS, where they are checked against DHS immigration databases.⁴² If these databases indicate that an individual may have violated immigration laws, ICE may issue a “detainer,” a written request sent to the relevant local LEA asking that the agency (1) extend the detention of an individual being held on criminal charges up to 48 hours beyond their release time to allow ICE the opportunity to assume custody of the individual for immigration enforcement purposes, and (2) provide ICE with advance notice of an individual’s release.⁴³ S-Comm gave “ICE a technological ...

at 1725-27; KOLKER, *supra* note 33; Tidwell, *supra* note 19, at 115. For a current list of law enforcement agencies participating in the 287(g) program, see *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/identify-and-arrest/287g> (last updated Jan. 2023).

³⁵ Hannah Gladstein et al., *Blurring the Lines: A Profile of State and Local Police Enforcement of Immigration Law using the National Crime Information Center Database, 2002-2004*, MIGRATION POL’Y INST. 6 (Dec. 2005), https://www.migrationpolicy.org/pubs/MPI_report_Blurring_the_Lines_120805.pdf (noting that a 1996 law, 8 U.S.C. § 1252c, permitted sharing some federal information about previously deported felons with subfederal LEAs).

³⁶ *Id.*; see also Wishnie, *supra* note 18, at 1086-87.

³⁷ Gladstein et al., *supra* note 35, at 3.

³⁸ Lasch et al., *supra* note 30, at 1728.

³⁹ See *Annotated ICE Administrative Warrants 2017*, IMMIGR. LEGAL RES. CTR. (June 6, 2017), https://www.ilrc.org/sites/default/files/resources/i-200_and_i-205_sample_annotated.pdf.

⁴⁰ Tidwell, *supra* note 19, at 117. For a discussion of the problematic nature of administrative warrants, and their inclusion in the NCIC database, see, e.g., Wishnie, *supra* note 18, at 1095-101; Gladstein et al., *supra* note 35, at 29.

⁴¹ Lasch et al., *supra* note 30, at 1730.

⁴² See, e.g., *id.*; Tidwell, *supra* note 19, at 118; Michele Waslin, *The Secure Communities Program: Unanswered Questions and Continuing Concerns*, AM. IMMIGR. COUNCIL (Nov. 2011), <https://www.americanimmigrationcouncil.org/research/secure-communities-fact-sheet>.

⁴³ 8 U.S.C. § 1226, INA § 236 (“On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.”); 8 C.F.R. § 287.7 (“Any authorized immigration officer may at any time issue a[n] ... Immigration Detainer [...] to any other Federal, State,



presence in prisons and jails,”⁴⁴ and “in effect turn[ed] local law enforcement officers into immigration agents.”⁴⁵ S-Comm expanded rapidly under the Obama administration⁴⁶ but, after being subject to extensive criticism, was replaced in 2014 by the Priority Enforcement Program.⁴⁷ The Priority Enforcement Program involved less aggressive enforcement priorities but retained the same mechanism for issuing ICE Detainers based on fingerprints shared with DHS by local LEAs.⁴⁸ Under PEP, however, detainers were generally limited to requesting notification of an individual’s imminent release from local custody and could be used only for individuals *convicted* of a specific list of crimes.⁴⁹ In January 2017, Trump terminated the Priority Enforcement Program and reinstated the Secure Communities Program.⁵⁰

As a result of these federal initiatives, the participation of subfederal agencies in the enforcement of civil immigration laws increased significantly after 2001. In 2018, the Migration Policy Institute reported that ICE had come to “rel[y] heavily on state and local law enforcement agencies to help identify and arrest noncitizens for removal”⁵¹ and in a 2018 press release, ICE reported that “[w]ithout the cooperation of local officials, [ICE’s] ability to perform its federally mandated mission is hindered.”⁵²

or local law enforcement agency.”); *Backgrounder on ICE Detainers Requests*, AM. CIV. LIBERTIES UNION, https://www.aclu.org/sites/default/files/field_document/aclu_backgrounder_on_detainers_1.31.19_-_public.pdf (last visited Jan. 20, 2023); *What are ICE Detainers?*, AM. CIV. LIBERTIES UNION, <https://www.aclum.org/en/what-are-ice-detainers> (last visited Jan. 20, 2023); *Detainers 101*, IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/features/detainers> (last updated Sept. 27, 2022). ICE detainers are also known as “immigration detainers” and “ICE holds.” *What are ICE Detainers?*, AM. CIV. LIBERTIES UNION, <https://www.aclum.org/en/what-are-ice-detainers>. The federal government has issued various sorts of detainers since at least the 1950s, but their use increased dramatically during the Bush administration. HILLEL R. SMITH, CONG. RSCH. SERV., LSB10375, IMMIGRATION DETAINERS: BACKGROUND AND RECENT LEGAL DEVELOPMENTS 1 <https://sgp.fas.org/crs/homsec/LSB10375.pdf> (last updated Oct. 9, 2020). For more information about detainers, see *infra* Part IV.J: ICE Detainers.

⁴⁴ Waslin, *supra* note 42, at 2.

⁴⁵ Lasch et al., *supra* note 30, at 1731.

⁴⁶ Rachel Zoghlin, *Insecure Communities: How Increased Localization of Immigration Enforcement under President Obama through the Secure Communities Program Makes Us Less Safe, and May Violate the Constitution*, 6 THE MOD. AM. 20, 22 (2010), <http://digitalcommons.wcl.american.edu/tma/vol6/iss2/4>; DHS’s New “Priority Enforcement Program”, IMMIGR. LEGAL RES. CTR. (Aug. 4, 2015), <https://www.ilrc.org/resources/dhs’s-new-“priority-enforcement-program”>.

⁴⁷ Lasch et al., *supra* note 30, at 1731 (asserting that a “litany of critiques” led the Obama administration to abandon S-Comm); see also Zoghlin, *supra* note 46, at 22-24; Waslin, *supra* note 42, at 3.

⁴⁸ See, e.g., *Immigration Detainers Under the Priority Enforcement Program*, AM. IMMIGR. COUNCIL 1 (Jan. 25, 2017), <https://www.americanimmigrationcouncil.org/research/immigration-detainers-under-priority-enforcement-program>.

⁴⁹ SMITH, *supra* note 43, at 1.

⁵⁰ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768, 82 Fed. Reg. 8799, 8801 (Jan. 30, 2017).

⁵¹ Randy Capps et. al., *Revving Up the Deportation Machinery: Enforcement and Pushback Under Trump*, MIGRATION POL’Y INST. 2 (May 2018), <https://www.migrationpolicy.org/research/revving-deportation-machinery-under-trump-and-pushback>.

⁵² *Cooperation Between ICE, Local Law Enforcement Makes for Safer Communities*, IMMIGR. & CUSTOMS ENFORCEMENT (June 17, 2019), <https://www.ice.gov/news/releases/cooperation-between-ice-local-law-enforcement-makes-safer-communities>.



3. The Harms of Deportation and the Value of Sanctuary Policies

The Trump administration increased financial resources for enforcement, eliminated enforcement priorities, and zealously promoted of the participation of subfederal LEAs in the enforcement of civil immigration laws.⁵³ These policies led to “a sudden and substantial increase in arrests and deportations, as compared with the immediately preceding Obama year.”⁵⁴ (See Figure 1.) The Migration Policy Institute describes “a sea change in interior enforcement from the Obama administration” in which the Trump administration “deem[ed] every unauthorized immigrant or otherwise deportable noncitizen a candidate for arrest and removal.”⁵⁵ The specter of increased and indiscriminate deportations caused widespread fear in immigrant communities.⁵⁶ The fact that local law enforcement officers were increasingly likely to be involved in immigration enforcement compounded this fear.⁵⁷

Elevated deportation rates and enforcement-related fears harm both immigrant communities and the general public. Deportation itself causes serious harms to deported individuals and their families.⁵⁸ Many deported individuals return to dangerous conditions in their home countries, where some face stress, poverty, kidnapping, torture, rape, and even murder.⁵⁹ In addition, deportation harms family members, who may be subject to negative psychological effects, economic hardship, housing instability, [and] food insecurity.⁶⁰ Children who lose a parent to deportation “are at increased risk for behavioral, mental, and physical health problems.”⁶¹

Fears related to immigration enforcement, in general, and to the participation of local officers in immigration enforcement, in particular, have also been associated with a wide variety of harms, including harms to public safety, access to justice, education, health, and local economies.⁶²

⁵³ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 30, 2017).

⁵⁴ Capps et al., *supra* note 51, at 1.

⁵⁵ *Id.*

⁵⁶ See, e.g., *id.* at 5, 66. See also Karen Hacker et al., *The Impact of Immigration and Customs Enforcement on Immigrant Health: Perceptions of Immigrants in Everett, Massachusetts, USA*, 73 SOC. SCI. & MED. 586, 592 (2011) (asserting that the impact of deportation fear is experienced “across different immigrant groups regardless of their country of origin or immigration status”).

⁵⁷ Capps et al., *supra* note 51, at 68; see also Mai Thi Nguyen & Hannah Gill, *Interior Immigration Enforcement: The Impacts of Expanding Local Law Enforcement Authority*, 53 URBAN STUD. 302, 305, 315 (2017).

⁵⁸ See, e.g., *Statement on the Effects of Deportation and Forced Separation on Immigrants, Their Families, and Communities*, 62 AM. J. CMTY. PSYCHOLOGY 3, 5 (2018).

⁵⁹ See, e.g., *id.*; Juliana E. Morris & Daniel Palazuelos, *The Health Implications of Deportation Policy*, 26 J. HEALTH CARE FOR POOR & UNDERSERVED 406, 407 (2015).

⁶⁰ See, e.g., *Statement on the Effects of Deportation and Forced Separation on Immigrants, Their Families, and Communities*, 62 AM. J. CMTY PSYCHOLOGY 3, 5 (2018).

⁶¹ Morris & Palazuelos, *supra* note 59, at 406 (citing Kalina Brabeck & Quingwen Xu, *The Impact of Detention and Deportation on Latino Immigrant Children and Families: A Quantitative Exploration*, 32 HISP. J. BEHAV. SCI. 341 (2010)).

⁶² Capps et al., *supra* note 51, at 5. For a more comprehensive discussion of the harms associated with enforcement-related fears, see Capps et al., *supra* note 51, at 66-71.



- Public Safety and Access to Justice.** The participation of local law enforcement officers in immigration enforcement leads to an increased fear of these officers among immigrants.⁶³ According to a study conducted in 2019, when local law enforcement officers collaborate with the Immigration and Customs Enforcement Agency (ICE), undocumented immigrants are “60.8 percent less likely to report crimes they witness to the police, [and] 42.9 percent less likely to report crimes they are victims of to the police.”⁶⁴ Fear of reporting crimes is seen in immigrants with a variety of legal statuses.⁶⁵ When residents of a community are unwilling to report crimes, public safety is undermined.⁶⁶ In addition, the increased presence of ICE agents near and in courthouses during the Trump administration has deterred individuals from entering courthouses to seek various forms of justice.⁶⁷
- Education.** In 2017 there were approximately 600,000 unauthorized youths in the United States and over 4 million U.S. citizens youths with one or more unauthorized parents.⁶⁸ The heightened immigration enforcement of the Trump era has had a profound effect on the educational opportunities of both groups of youths.⁶⁹ In 2017 and 2018, the Civil Rights Project at UCLA conducted an extensive survey of the views of educators in Title I schools, i.e., local public schools “with high numbers or high percentages of children from low-income families.”⁷⁰ For the purposes of their study, “immigration enforcement” was defined as “the stepped-up aggressive enforcement of the past few years and most particularly under the Trump administration.”⁷¹ The survey revealed that fear of ICE interventions in the lives of students was pervasive and that this fear was responsible for a decrease in academic achievement and an increase in student absenteeism.⁷² The majority of educators surveyed

⁶³ Nik Theodore & Robert Habans, *Policing Immigrant Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, 42 J. ETHNIC & MIGRATION STUD. 970, 971 (2016) (asserting that increased involvement of police officers in immigration enforcement “significantly” increased Latinos’ fear of them).

⁶⁴ *Id.*; see also Capps et al., *supra* note 51, at 5 (noting that police chiefs have expressed concern that high deportation rates have made immigrants fearful of law enforcement and less likely to report crimes); Capps et al., *supra* note 51, at 69 (asserting that fear of immigration enforcement is associated with a decreased reporting of domestic violence).

⁶⁵ Theodore & Habans, *supra* note 63, at 986 (asserting that increased fear of reporting crimes has been seen in both “undocumented immigrants” and “authorized immigrants”); Nguyen & Gill, *supra* note 57, at 315 (noting that the majority of Hispanic subjects of varying legal statuses interviewed after implementation of 287(g) program in Alamance County, NC, reported they would hesitate before reporting a crime to authorities for fear of exposing themselves or others to deportation risks).

⁶⁶ Nguyen & Gill, *supra* note 57, at 302 (asserting that participation of local law enforcement officers in immigration enforcement affects police-community relationships in ways that compromise public safety and security); Theodore & Habans, *supra* note 63, at 971 (asserting that involvement of state and local police in immigration enforcement increases residents’ mistrust of police officers and reduces public safety).

⁶⁷ *Freezing Out Justice: How Immigration Arrests at Courthouses Are Undermining the Justice System*, AM. CIV. LIBERTIES UNION 1 (2018), <https://www.aclu.org/wp-content/uploads/legal-documents/rep18-icecourthouse-combined-rel01.pdf>.

⁶⁸ Jongyeon Ee & Patricia Gándara, *The Impact of Immigration Enforcement on the Nation’s Schools*, AM. EDUC. RSCH. J. 840, 842 (2020).

⁶⁹ *Id.* at 842, 865.

⁷⁰ *Id.* at 848.

⁷¹ *Id.* at 866, n.1.

⁷² *Id.* at 854-858.



described the impact of immigration enforcement on academic achievement and absenteeism as “profoundly serious.”⁷³

- **Health.** Heightened fears of deportation have negative impacts on both mental and physical health.⁷⁴ For example, fear of deportation may be an important cardiovascular risk factor for ethnic minority populations in the US.⁷⁵ In addition, fear of deportation can lead unauthorized immigrants to avoid accessing health care.⁷⁶ When immigrants fear accessing health care, public health can be negatively impacted.⁷⁷

⁷³ Id. at 863. See also Capps et al., *supra* note 51, at 70-71 (summarizing additional Trump-era studies documenting the impact of immigration enforcement policies on school attendance and “educational aspirations”); Donald Kerwin et al., *Communities in Crisis: Interior Removals and Their Human Consequences*, J. on Migration & Hum. Sec. 226, 232 (2018) (reporting that a 2018 survey of deportees and family members of deportees indicated that “children feared their family members would be deported while they were at school ...[and] [a]s a result, they lost interest at school and their grades suffered”); Wong, *supra* note 18, at 13 (reporting that a 2019 study of the impact of immigration enforcement on “the day-to-day behaviors of undocumented immigrants” shows that 42.9 percent of survey respondents with children “are less likely to place their children in an after-school or day-care program if local law enforcement officials work with ICE on federal immigration enforcement.”).

⁷⁴ See, e.g., Hacker et al., *supra* note 56, at 592 (asserting that deportation fear is associated with negative impacts on mental and physical health); Jacqueline M. Torres et al., *Deportation Worry, Cardiovascular Disease Risk Factor Trajectories, and Incident Hypertension: A Community-Based Cohort Study*, 8 J. AM. HEART ASSOC. 1, 7 (2019) (concluding that deportation fear may contribute to widening disparities in some cardiovascular disease risk factors and outcomes over time). See also Danielle M. Crookes et al., *Immigrant-Related Policies and the Health Outcomes of Latinx Adults in the United States: A Systematic Review*, 33 EPIDEMIOLOGY 593, 603 (2022) (“Generally, exclusionary policies were associated with worse self-rated health, mental health, and physical disability among immigrant or noncitizen Latinx adults compared with their health before the enactment of policies or in comparison to populations thought to be unaffected or minimally affected by the policies.”); Vanessa Cruz Nichols et al., *Policing Us Sick: The Health of Latinos in an Era of Heightened Deportations and Racialized Policing*, 51 POL. SCI. & POL. 293, 295 (2018) (policies promoting deportation negatively impact Latinos’ health); Omar Martinez et al., *Evaluating the Impact of Immigration Policies on Health Status Among Undocumented Immigrants: A Systematic Review*, 17 J. IMMIGR. MINORITY HEALTH 947, 965 (2015) (finding that a majority of studies in literature review established clear association between immigration policies and mental health outcomes).

⁷⁵ Jacqueline M. Torres et al., *Worry About Deportation and Cardiovascular Disease Risk Factors Among Adult Women: The Center for the Health Assessment of Mothers and Children of Salinas Study*, 52 ANNALS BEHAV. MED. 186, 189-92 (2018).

⁷⁶ Capps et al., *supra* note 51, at 5, 69-70 (finding that the use of health services and public benefits declined as a result of Trump administration immigration policies); see also Tiffany D. Joseph, *Falling Through the Cracks: How Documentation Status Minimizes Immigrants’ Access to Health Care*, 42 J. OF HEALTH POL., POLICY, AND L. 961, 980 (2017) (predicting, based on earlier qualitative studies involving immigrants in Boston, that the Trump administration’s “overtly anti-immigrant policies will likely result in fewer federally eligible immigrants using health or other social services”); Cruz Nichols et al., *supra* note 74, at 293 (asserting that heightened deportations and racialized policing are associated with wariness among Latinos in accessing health care); Martinez et al., *supra* note 74, at 965 (asserting that deportation fear correlates with lack of access to wide range of health services); Edward D. Vargas, *Immigration Enforcement and Mixed-Status Families: The Effects of Risk of Deportation on Medicaid Use*, 57 CHILD. & YOUTH SERVS. REV. 83, 84 (2015) (asserting that risk of deportation is associated with decreased Medicaid participation); Jacob D. Beniflah et al., *Effects of Immigration Enforcement Legislation on Hispanic Pediatric Patient Visits to the Pediatric Emergency Department*, 52 CLINICAL PEDIATRICS 1122, 1125 (2013) (finding that ER visits of pediatric Hispanic patients decreased after enactment of Georgia law permitted local police to enforce federal immigration law); Hacker et al., *supra* note 56, at 653 (finding that health care providers in Everett, Massachusetts report that fear of immigration enforcement leads patients to avoid health care).

⁷⁷ Hacker et al., *supra* note 56, at 592; Wong et al., *supra* note 18, at 7-9.



- **The Economy.** Enforcement-related fear harms local economies.⁷⁸ At times of high immigration enforcement, unauthorized immigrants may limit the time they spend outside the home.⁷⁹ In a 2017 study of immigrant behavior in the Chicago area, the Migration Policy Institute reported that “unauthorized immigrants were hesitant to go to grocery stores or buy goods in local commercial areas where they perceived they could be easy targets for ICE enforcement.”⁸⁰ The involvement of local LEAs in immigration enforcement, in particular, is associated with negative impacts on local economies; in addition to diverting significant funding from municipal budgets,⁸¹ it increases enforcement-related fears and prompts vulnerable immigrants to curtail their economic activity.⁸²

Are sanctuary policies effective in mitigating the harms associated with a high rate of indiscriminate deportations and the participation of local LEAs in civil immigration enforcement?⁸³ A detailed answer to this question is beyond the scope of this report, but we can highlight themes emerging from recent advocacy reports and academic studies. A few cautionary notes are in order. The literature on the salutary effects of sanctuary policies is significantly less developed than the literature on the harms of aggressive immigration enforcement.⁸⁴ In addition, generalizations about the efficacy of sanctuary policies are problematic; different types of sanctuary policies have different effects.⁸⁵ Furthermore, even the most effective sanctuary policies cannot serve as a panacea for the many types of harm experienced by immigrants in this country.⁸⁶

⁷⁸ See Nguyen & Gill, *supra* note 57, at 315 (reporting a chilling effect on economic participation during times of increased municipal immigration enforcement, attributed to fears of being in public).

⁷⁹ Capps et al., *supra* note 51, at 67.

⁸⁰ *Id.*

⁸¹ See Alexandra Sirota & Lissette Guerrero, *Local Communities Face High Costs of Federal Immigration Enforcement*, NORTH CAROLINA JUSTICE CTR.: BUDGET & TAX CTR. (Apr. 2019), <https://www.ncjustice.org/publications/local-communities-face-high-costs-of-federal-immigration-enforcement/>; Laura Goren & Faith Burns, *Federal Responsibility, Local Costs: Immigration Enforcement in Virginia*, COMMONWEALTH INSTITUTE (Sept. 26, 2018), <https://thecommonwealthinstitute.org/research/federal-responsibility-local-costs-immigration-enforcement-in-virginia/>.

⁸² Wong et al., *supra* note 18, at 12-13 (finding that when local law enforcement officials work with ICE, undocumented immigrants are 63.9% less likely to do business that requires disclosure of personal information); Nguyen & Gill, *supra* note 57, at 315 (asserting that immigrants are reluctant to “leave their houses or drive anywhere” due to concerns about local LEAs involvement in immigration enforcement).

⁸³ For a more comprehensive account of the potential policy rationales of sanctuary policies, see Lasch et al., *supra* note 30, at 1753.

⁸⁴ See, e.g., Robin Ortiz et al., *A Content Analysis of US Sanctuary Immigration Policies: Implications for Research in Social Determinants of Health*, 40 HEALTH AFFS. 1145, 1145 (2021) (noting that “restrictive” immigration policies are known to be a social determinant of health but less is known about “protective” immigration policies); see also Crookes et al., *supra* note 74 at 603 (noting that “the quantitative study of US-based immigrant-related policies and mental and physical health is a relatively new area of research”).

⁸⁵ Robin Ortiz et al., *supra* note 84, at 1145, 1151; see also Martha Davis, *The Limits of Local Sanctuary Initiatives for Immigrants*, 690 ANNALS AM. ACAD. POL. & SOC. SCI. 100, 108 (2020) (asserting that different types of sanctuary policies have differing effects on “day-to-day feelings of safety” but “stronger” policies “may help address fear... at the local level”).

⁸⁶ Ashley R. Houston, *Challenging Federal Exclusion: Immigrant Safety, Health, and Healthcare Access in Sanctuary Cities*, 75 HEALTH & PLACE 102822, 102828 (2022) (noting that “resistance to harsh immigration policies does not erase how racism and nativism manifests beyond immigrant detention, including through police violence, gentrification, and barriers to accessing basic needs”).



The developing literature on sanctuary policies does suggest, however, that they are helpful for mitigating the harms of aggressive enforcement policies. With respect to public safety, studies indicate that immigrants in communities that limit the participation of local LEAs in immigration enforcement report crimes at higher rates⁸⁷ and that, despite assertions to the contrary, such communities do not experience higher crime rates.⁸⁸ With respect to health, sanctuary policies have been associated with “better health for immigrant [...] adults”⁸⁹ and increased access to health care by immigrants.⁹⁰ Sanctuary policies have also been associated with healthier local economies.⁹¹

Perhaps most importantly, there is evidence that sanctuary policies are effective in significantly reducing deportations. Despite the Trump administration’s commitment to vigorously enforcing immigration laws, the deportation rate during his administration fell “well short of peak levels set during the Bush and early Obama administrations.”⁹² The Migration Policy Institute attributes this shortfall, in part, to the efficacy of sanctuary policies, noting that beyond resource limitations controlled by Congress, “the most important constraint [on deportations] lies in the limits on ICE cooperation imposed by growing numbers of states and localities that have large foreign-born populations.”⁹³ This view is supported by a 2020 study demonstrating that certain types of sanctuary policies reduce deportations of individuals fingerprinted by local authorities “by about one-third” and reduce deportations of individuals with no criminal convictions “by over half.”⁹⁴ By reducing the deportation rate, sanctuary policies can mitigate the harms associated with deportation itself, and with the fears triggered by elevated deportation rates and the participation of local law enforcement officials in immigration enforcement.

⁸⁷ See Ricardo D. Martínez-Schuldt & Daniel E. Martínez, *Immigrant Sanctuary Policies and Crime-Reporting Behavior: A Multilevel Analysis of Reports of Crime Victimization to Law Enforcement, 1980 to 2004*, 86 AM. SOCIO. REV. 154, 176-177 (2021) (finding a statistically significant increase in crime reporting after sanctuary policies are enacted in a jurisdiction).

⁸⁸ David K. Hausman, *Sanctuary Policies Reduce Deportations Without Increasing Crime*, 117 PROC. NAT’L ACAD. SCI. USA 27262, 27265 (2020) (finding that sanctuary policies have “no detectable effect” on crime rates).

⁸⁹ Crookes et al., *supra* note 74, at 603 (finding a correlation between inclusive policies and better health).

⁹⁰ Heather Koball et al., *The Relationship Between States’ Immigrant-Related Policies and Access to Health Care Among Children of Immigrants*, 24 J. IMMIGR. & MINORITY HEALTH 834, 838-39 (2021) (finding that immigrants living in states with sanctuary policies were less likely to have unmet medical needs).

⁹¹ See Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, CTR. FOR AM. PROGRESS 1, 7-10 (2017) (finding that “economies are stronger in sanctuary counties” as reflected in higher median household income, less poverty, less reliance on public assistance, higher labor force participation, higher employment-to-population ratios, and lower unemployment); *Sanctuary Policies: An Overview*, AM. IMMIGR. COUNCIL (Dec. 2020) (finding that sanctuary counties experience lower rates of poverty, lower rates of unemployment, and higher median household income),

https://www.americanimmigrationcouncil.org/sites/default/files/research/sanctuary_policies_an_overview.pdf.

⁹² Capps et al., *supra* note 51, at 1.

⁹³ *Id.* at 6. See generally Pham & Van, *supra* note 19, at 129-30 (noting that the Trump administration immigration policies triggered a “sharp growth of subfederal immigration regulation in 2017,” that this regulation was “overwhelmingly pro-immigrant in nature,” and that this regulation focused on “limit[ing] the authority of local police to cooperate with federal immigration enforcement [...] or [...] protecting access to local services regardless of immigration status”).

⁹⁴ Hausman, *supra* note 88, at 27262 (asserting that policies prohibiting the honoring of ICE detainers by local LEAs significantly reduce deportations). The same report notes that such policies had “no consistent effect on deportations of people with violent convictions.” *Id.*



4. Sanctuary Policies and International Human Rights Law

Sanctuary policies raise complex legal and ethical issues; for the most part, these issues are beyond the scope of this report. It is worth noting, however, that sanctuary policies may be understood as mechanisms for protecting and promoting the human rights of immigrants living in the United States, particularly those who are living here without legal status. Serena Parekh and Martha Davis provide support for this idea in their article on Boston's 2014 sanctuary policy.⁹⁵ They argue that (1) for a national government to count as legitimate, it must protect the basic human rights of all of its residents, regardless of their citizenship status;⁹⁶ (2) basic human rights include the rights to "security, education, basic medical care, and fair treatment";⁹⁷ (3) immigration laws that prevent noncitizens from accessing institutions that protect these rights (e.g., public safety agencies, schools, health care facilities, courts) effectively deny noncitizens their basic human rights;⁹⁸ and (4) sanctuary policies should therefore be viewed as tools for preventing national governments from illegitimately violating the basic human rights of residents.⁹⁹ In the words of Parekh and Davis, sanctuary policies "ought to be understood as 'moral constraints' upon the ways in which 'a democratic state may exercise its authority' regarding immigration."¹⁰⁰

Parekh and Davis note that the principle that legitimate governments must protect the basic human rights of all residents finds support both in the philosophical tradition of liberalism (as articulated by John Locke and, more recently, by John Rawls) as well as in international human rights law, as detailed in such documents as the *International Convention on Civil and Political Rights* and the *Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live*.¹⁰¹ The key element of both liberalism and international human rights law, in this context, is that basic human rights are deemed inalienable – for both citizens and noncitizens. According to Parekh and Davis, "[members of] the human rights community ... are in broad agreement that human rights are so important that they must be protected, regardless of whether or not this limits a State's [i.e., a national government's] ability to uphold other policies, such as immigration."¹⁰²

⁹⁵ Serena Parekh & Martha F. Davis, *Boston's Sanctuary City Protections: A Philosophical Perspective*, NORTHEASTERN UNIVERSITY SCH. OF LAW RSCH. PAPER NO. 325-2018, at 7-15 (2018); *City of Boston Municipal Code*, Chapter 11-1.9 (2014) (amended 2019), https://codelibrary.amlegal.com/codes/boston/latest/boston_ma/0-0-0-2727.

⁹⁶ Parekh & Davis, *supra* note 95, at 7, 8-12.

⁹⁷ *Id.* at 7.

⁹⁸ *Id.* at 7, 12-15.

⁹⁹ *Id.* at 7-15.

¹⁰⁰ *Id.* at 8, citing JOSEPH H. CARENS, *THE ETHICS OF IMMIGRATION* 130 (2013).

¹⁰¹ Parekh & Davis, *supra* note 95, at 8-12, citing John Locke, *TWO TREATISES OF GOVERNMENT* (1689); John Rawls, *THE LAW OF PEOPLES* (1997); International Covenant on Civil and Political Rights, art. 2(1), Dec. 19, 1966, S. Exec. Doc. No. E, 95-2, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976); and Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live, G.A. Res. 40/144, annex, Supp. (No. 53), U.N. Doc. A/40/53 (Dec. 13, 1985).

¹⁰² Parekh & Davis, *supra* note 95, at 14. For another discussion of the claim that legitimate national governments may not adopt immigration enforcement policies that are inconsistent with the protection of the basic human rights of noncitizens, see Carens, *supra* note 100, at 132 ("The fact that irregular migrants [i.e., individuals living in a country without legal authorization] are entitled to general human rights shows that democratic norms and standards limit the means that may be used to achieve immigration control, even though these limitations make it more difficult to pursue the goal of immigration control.").



As we have detailed above, when national governments enact immigration policies that encourage the involvement of local LEAs in federal immigration enforcement, immigrants, particularly those without authorization to be in the country, fear accessing public safety services, schools, health care providers, and the courts. Access to these services and institutions is critical for protecting the basic human rights of all of the residents of this country. On the view of theorists such as Parekh and Davis, this means that sanctuary policies are a justifiable response to the illegitimate exercise of power on the part of a national government.

C. Municipal Government in Massachusetts

Many Massachusetts municipalities responded to the elevated deportation rate of the Trump administration by developing and issuing safe community policies.¹⁰³ To understand this process, it will be helpful to review the basic principles of municipal government in Massachusetts. The following material provides a foundation for our discussion of safe community policies, but is not a detailed account of the many complexities of local government in Massachusetts.

Massachusetts has 351 municipalities.¹⁰⁴ These municipalities are classified into cities and towns on the basis of their form of government.¹⁰⁵ Of the 351 municipalities in Massachusetts, 58 have a city form of government and 293 have a town form of government.¹⁰⁶ Policy generation differs significantly between cities and towns.

In Massachusetts cities, a mayor typically serves as the head of the executive branch.¹⁰⁷ Mayors may issue policies in the form of executive orders or policy statements.¹⁰⁸ The legislative branch in

¹⁰³ In this report, we use the term “issue” to encompass the various processes (e.g., adopting, enacting, passing, proclaiming) involved in policy generation at the municipal level.

¹⁰⁴ *Mass. Municipal Data Hub: Local Government 101*, MASS. MUN. ASS’N, <https://www.mma.org/local-government-101/> (last visited Feb. 24, 2023). For more information on Massachusetts communities, see *Mass. Municipal Data Hub*, MASS. MUN. ASS’N, <https://www.mma.org/#data-hub> (last visited Mar. 4, 2023).

¹⁰⁵ Tara Lynch, *A Review of Municipal Government Structures*, CITY & TOWN: MASS. DEP’T OF REVENUE DIV. OF LOCAL SERVS. (July 21, 2016), <https://www.mass.gov/files/documents/2017/09/19/16ctown-july21.pdf>. Lynch notes that “[i]n Massachusetts, the essential difference [between cities and towns] is structural: a city is defined by the presence of a city or town council as the alternative legislative body to a town meeting.” The largest town, Brookline, has a population that is significantly larger than that of most Massachusetts cities – and the smallest city, Palmer, has a population that is significantly smaller than that of dozens of Massachusetts towns. See data from *2020 Census: Redistricting File Pub. L. 94-171*, U.S. CENSUS BUREAU (Aug. 12, 2021), <https://www.census.gov/data/datasets/2020/dec/2020-census-redistricting-summary-file-dataset.html>. Some towns continue to refer to themselves as towns even after adopting a city form of government. *Mass. Municipal Data Hub: Local Government 101*, *supra* note 103. While the key difference between a town and a city may be its form of government, Massachusetts law prohibits towns “of fewer than twelve thousand inhabitants” from adopting “a city form of government.” MASS. CONST. AMEND. LXXXIX.

¹⁰⁶ According to the Massachusetts Municipal Association, there are 59 cities and 292 towns in Massachusetts. *Mass. Municipal Data Hub: Local Government 101*, *supra* note 103. The discrepancy with our numbers arises from the fact that the Massachusetts Municipality Association classifies Amherst as a city because its legislative body is a council. We classify Amherst as a town in this context because the safe community policy it issued on May 8, 2017, was a town by-law that required and received approval from the Massachusetts Attorney General.

¹⁰⁷ *Mass. Municipal Data Hub: Local Government 101*, *supra* note 103.

¹⁰⁸ See generally MASS. GEN. LAWS ch. 43, § 100 (2022). Mayoral policy statements may be titled “Declarations,” or “Resolutions.” See *Appendix H: Annotated List of Policies* for examples.



Massachusetts cities is generally a city council, which is composed of elected city council members who may propose policies in the form of ordinances and resolutions.¹⁰⁹ In general, when a city council passes an ordinance or resolution, it must be “presented to the mayor for [...] approval.”¹¹⁰ If the mayor does not return the proposed policy to the city council within ten days, or approves the proposed policy, the policy becomes effective on the date specified in the ordinance.¹¹¹ If the mayor disapproves the policy, the policy may still become law if the city council overrides the mayor’s veto by a two-thirds vote of all its members.¹¹² In some instances, a policy that is approved by both the city council and mayor may be challenged by a group of citizens by means of a ballot initiative.¹¹³ Whether or not the policy becomes law will then depend on whether the policy survives the ballot challenge by a majority vote.¹¹⁴

In Massachusetts towns, the executive function is generally served by a small group of elected officials, a “plural executive” known as the “Select Board.”¹¹⁵ A town’s Select Board may issue policies directly in the form of orders or policy statements.¹¹⁶ The Select Board is responsible for convening the town’s legislative body, the Annual Town Meeting.¹¹⁷ The term “Town Meeting” refers both to the legislative body itself and to the event at which this body convenes.¹¹⁸ For each Town Meeting, the Select Board issues a “warrant”: a public document that provides information about the “place, date, and time of the meeting.”¹¹⁹ The warrant also serves to “warn” or inform town residents about the “articles” (i.e., agenda items) that will be discussed at the meeting.¹²⁰ Articles may take the form of proposed by-laws, proclamations, and resolutions.¹²¹ In developing the warrant for a Town Meeting, the Select Board members may include “any article they wish to have considered by the town meeting” and “customarily include[s] [...] any article requested verbally or in writing by a registered voter.”¹²² In addition, town

¹⁰⁹ See MASS. GEN. LAWS ch. 43, § 85 (2022).

¹¹⁰ MASS. GEN. LAWS ch. 43 § 125 (2022).

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ MASS. GEN. LAWS ch. 43 § 42 (2022).

¹¹⁴ *Id.*

¹¹⁵ JOSEPH F. ZIMMERMAN, *THE NEW ENGLAND TOWN MEETING: DEMOCRACY IN ACTION 2* (1999). While this executive entity has historically been named the “Board of Selectmen,” several towns have transitioned to using the term “Select Board.” See *Mass. Municipal Data Hub: Local Government 101*, *supra* note 103. We use the term “Select Board” throughout this report unless we are referring to the executive body of a town that uses a different term.

¹¹⁶ Select Board statements may be titled “Statements,” “Policies,” or “Proclamations.” See *Appendix H: Annotated List of Policies* for examples.

¹¹⁷ ZIMMERMAN, *supra* note 114, at 2, 28. For general information on town meetings, see *Massachusetts Law About Town Meetings*, COMMONWEALTH OF MASS., <https://www.mass.gov/info-details/massachusetts-law-about-town-meetings> (last updated Sept. 23, 2022); Secretary of the Commonwealth of Massachusetts, *Citizen’s Guide to Town Meetings*, [https://www.sec.state.ma.us/cis/cispdf/Guide to Town Meetings.pdf](https://www.sec.state.ma.us/cis/cispdf/Guide%20to%20Town%20Meetings.pdf) (last updated Mar. 9, 2008). In general, Annual Town Meetings are held in February, March, April, May, or June. MASS. GEN. LAWS ch. 39 § 9 (2022).

¹¹⁸ Secretary of the Commonwealth of Massachusetts, *supra* note 116, at 1 (“As an event, it is a gathering of a town’s eligible voters, and is referred to as ‘the Town Meeting.’ As an entity, it is the legislative body for towns in Massachusetts, and is referred to simply as ‘Town Meeting.’ So you may say, ‘I went to the Town Meeting. Town Meeting approved the budget.’”).

¹¹⁹ MASS. GEN. LAWS ch. 39 § 10 (2022); ZIMMERMAN, *supra* note 114, at 2; Secretary of the Commonwealth of Massachusetts, *supra* note 116, at 5.

¹²⁰ ZIMMERMAN, *supra* note 114, at 2, 28-30; Secretary of the Commonwealth of Massachusetts, *supra* note 116, at 5.

¹²¹ See *Appendix H: Annotated List of Policies* for examples.

¹²² ZIMMERMAN, *supra* note 114, at 29.



residents may petition to have articles included in a warrant.¹²³ By-laws passed at a Town Meeting must be approved by the Attorney General of Massachusetts (hereinafter referred to as Attorney General) before taking effect.¹²⁴ The Attorney General's review is limited to determining whether proposed by-laws are consistent with Massachusetts law.¹²⁵ If a town by-law receives approval from the Attorney General, the by-law becomes effective on the date that the town completes the posting and publishing procedure set forth by Massachusetts state law.¹²⁶

In sum, cities and towns generate different types of municipal policies.¹²⁷ In cities, mayors issue executive orders and policy statements, and city councils issue ordinances and resolutions. In towns, Select Boards issue orders and policy statements, and town meetings issue by-laws, proclamations, and resolutions.¹²⁸

City Policies	Town Policies
<i>Executive Branch</i>	
Mayors <i>Executive Orders</i> <i>Policy Statements</i>	Select Boards <i>Orders</i> <i>Policy Statements</i>
<i>Legislative Branch</i>	
City Councils <i>Ordinances</i> <i>Resolutions</i>	Town Meetings <i>By-laws</i> <i>Proclamations</i> <i>Resolutions</i>

Table A: City and Town Policies

¹²³*Id.*; Secretary of the Commonwealth of Massachusetts, *supra* note 116, at 5-6; MASS. GEN. LAWS ch. 39 § 10 (2022) (“The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser.”).

¹²⁴ MASS. GEN. LAWS ch. 40 § 32 (2022).

¹²⁵ *Town of Amherst v. Attorney General*, 502 N.E.2d 128 (Mass. 1986) (holding that the Attorney General may reject a by-law only if it is inconsistent with state law).

¹²⁶ See MASS. GEN. LAWS ch. 40 § 32 (2022); *Frequently Asked Questions about Municipal Law*, COMMONWEALTH OF MASS., <https://www.mass.gov/service-details/frequently-asked-questions-about-municipal-law> (last visited Nov. 4, 2022).

¹²⁷ Lynch, *supra* note 104.

¹²⁸ This list is not exhaustive; it does, however, represent the policy types included in this report. For a collection of ordinances and by-laws listed by municipality, see *Massachusetts City and Town Ordinances and Bylaws*, COMM. OF MASS., <https://www.mass.gov/guides/massachusetts-city-and-town-ordinances-and-bylaws#-cities-and-towns-a-c>.



D. Criteria of Inclusion for Policies

This report covers policies that meet all four of the following conditions:

1. The policy was issued by a Massachusetts municipality;
2. The policy was issued during the Trump administration, i.e., between January 20, 2017, and January 20, 2021;
3. The policy took effect either during or after the Trump administration; and
4. The policy is a *safe community* policy.

We construe the term “policy” broadly to mean any written statement of “general principles by which a government is guided in the management of its public affairs.”¹²⁹

1. The policy was issued by a Massachusetts municipality

A policy counts as one issued by a Massachusetts municipality if it was issued by the executive or legislative branch of a municipal government in Massachusetts. For the purpose of this report, municipal policies do not include the policies of municipal police departments.¹³⁰

Policies that were proposed at city council meetings or town meetings but did not garner enough support to pass (i.e., were never “issued”) are not covered in this report. For examples of unsuccessful efforts to pass municipal safe community policies during the Trump administration, see *Appendix F: Sample Unsuccessful Policy Initiatives*.

2. The policy was issued during the Trump administration

The issue date of a policy is the date on which the policy was adopted, enacted, passed, or proclaimed by the executive or legislative branch of a municipality. Examples include the date on which a by-law is adopted at a town meeting, an ordinance is passed at a city council meeting, a resolution is passed at a town meeting or city council meeting, an executive order is issued by a mayor, and a statement is issued by a select board. Because we are interested in municipal responses to Trump’s immigration policies, we are primarily concerned with the issue date of policies, though additional actions are often needed before a policy is finalized (e.g., approved by a mayor or the Massachusetts Attorney General) and takes effect.

Some Massachusetts municipalities may not have issued municipal safe community policies during the Trump administration because they already had “safe community” provisions in place. For examples of pro-immigrant municipal policies issued by Massachusetts municipalities prior to the Trump administration, see *Appendix A: Sample Pre-2017 Municipal Policies*.

¹²⁹ *Policy*, BLACK’S L. DICTIONARY (2d ed.), <https://thelawdictionary.org/policy/>.

¹³⁰ This report lays the groundwork for an investigation into whether municipal sanctuary policies in Massachusetts are successful in changing in municipal *police* policies.



3. The policy came into effect during or after the Trump administration

In one instance, a policy issued during the Trump administration did not take effect until after the Administration had ended. That policy, a Pelham by-law passed at the Annual Town Meeting in 2018 and approved by the Massachusetts Attorney General in 2022, qualifies as relevant to this study.¹³¹

If a policy was issued during the Trump administration but never came into effect, it does not count as relevant here. This principle, which is admittedly in tension with our focus on the reactions of municipalities to the Trump administration, effects only one policy, a by-law proposal in Montague.¹³²

4. The policy is a “safe community” policy

In order to qualify as a safe community policy for purposes of this report, a policy must contain one or more of the following “provision types,” which have been organized into two categories: (1) *Solidarity Provisions*, which focus on expressing support for immigrants, and (2) *Immigration Enforcement Provisions*, which focus, in general, on limiting the role of local law enforcement officers in federal immigration enforcement. The following “provision types” are informed by sample “Welcoming Community” policies developed by the Massachusetts American Civil Liberties Union (ACLU).¹³³ For the

¹³¹ Pelham delayed submitting this proposed by-law to the Attorney General for approval; the by-law was eventually approved by the Attorney General on April 14, 2022. Letter from Massachusetts Attorney General Maura Healey to Sandra J. Burgess, Town Clerk, Town of Pelham, Re: Pelham Annual Town Meeting of May 12, 2018 -- Case # 10424, Warrant Article # 47 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

¹³² In 2017, Montague approved a proposed by-law that would have prohibited honoring civil immigration detainers except in certain circumstances. *Results of the Montague Annual Town Meeting*, TOWN OF MONTAGUE 9-12 (May 6, 2017), https://www.montague.net/files/2017-05-06_Annual_Town_Meeting_Votes.pdf. The Attorney General rejected Article 47 because it lacked the proper form for a by-law. Letter from Massachusetts Attorney General Maura Healy to Debra A. Bourbeau, Town Clerk, Town of Montague, Re: Montague Annual Town Meeting of May 6, 2017 – Case # 8404, Warrant Articles # 43 and 47 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*. Montague did not revise and resubmit the proposed by-law. For more information on this failed by-law, see *infra Part IV.J: ICE Detainers*.

¹³³ Unless otherwise noted, references to the *ACLU Sample Welcoming Community Policy* are to the 2019 version of the policy, which is available in *Appendix B* and online at https://www.aclum.org/sites/default/files/welcoming_city_model_policy_november2019.pdf. An earlier version of this policy, developed in 2017, is relevant to the discussion of *Participating in Federal Immigration Enforcement Provisions* and is available in *Appendix C*. Because the ACLU made these sample policies available to the public, and worked with several municipalities in the development of their safe community policies, the wording of the ACLU sample policies surfaces in several of the policies discussed in this report. For another sample policy, see *CPD Model Sanctuary Ordinance*, in Emily Tucker, *Protecting Immigrant Communities: Municipal Policy to Confront Mass Deportation and Criminalization*, CTR. FOR POPULAR DEMOCRACY & LOCAL PROGRESS 37-45 (Mar. 2017), <https://www.populardemocracy.org/news/publications/protecting-immigrant-communities-municipal-policy-confront-mass-deportation-and>. For a discussion of useful safe community policy provisions, see Lena Graber & Nikki Marquez, *Local Policy Interventions for Protecting Immigrants*, IMMIGR. LEGAL RES. CTR. (Dec. 14, 2020), <https://www.ilrc.org/resources/local-policy-interventions-protecting-immigrants>. For a discussion of safe



texts of these sample policies, see *Appendix B: ACLU Sample Welcoming Community Policy of 2019* and *Appendix C: ACLU Sample Welcoming Community Policy of 2017*. For a description of how provision types in these sample ACLU policies map onto the provision types we track in this report, see *Appendix D: Provisions Map*.

Provision Type	Definition
Solidarity Provisions	
Solidarity	A provision that expresses community support for immigrants.
Immigration Enforcement Provisions	
Safe Communities Act	A provision that expresses support for the <i>Safe Communities Act</i> of 2017. ¹³⁴
Equal Treatment	A provision that requires a municipality's law enforcement officers (or its municipal employees more generally) to treat and serve all individuals equally irrespective of immigration status or prohibits a municipality's local law enforcement officers (or its municipal employees more generally) from initiating investigations or taking law enforcement actions against individuals on the sole basis of their actual or perceived immigration status.
Immigration Status Inquiries	A provision that prohibits a municipality's law enforcement officers (or its municipal employees more generally) from inquiring about the immigration status of all individuals or of specific categories of individuals (e.g., crime victims, witnesses).
Participating in Federal Immigration Enforcement	A provision that prohibits (1) general assistance with federal immigration enforcement; (2) participation in federal immigration operations aimed at detaining individuals for deportation; and/or (3) the use of municipal resources for the enforcement of federal immigration laws.
Deputizing Local Police Officers	A provision that prohibits a municipality's law enforcement officers from performing the functions of federal immigration officers or prohibits local law enforcement agencies from seeking or authorizing 287(g) agreements. ¹³⁵
Sharing Information with ICE	A provision that prohibits local law enforcement officers from sharing certain types of information about individuals in local custody (e.g., release dates) with federal officers or agencies involved in immigration enforcement.
ICE Access to Individuals	A provision that prohibits local law enforcement agents from granting ICE agents access to individuals in local custody absent a judicial warrant or other court order.

community policies *at the county level*, see Lena Graber & Krsna Avila, *Growing the Resistance: How Sanctuary Laws and Policies Have Flourished During the Trump Administration*, IMMIGR. LEGAL RES. CTR. (Dec. 17 2019), <https://www.ilrc.org/resources/growing-resistance-how-sanctuary-laws-and-policies-have-flourished-during-trump>.

¹³⁴ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

¹³⁵ INA § 287(g), 8 U.S.C.A § 1357(g). For more information, see *infra* Part IV.G: *Deputizing Local Police Officers*.



Provision Type	Definition
ICE Detainers	A provision that prohibits local law enforcement agents from arresting or detaining an individual on the sole basis of an ICE detainer or ICE administrative warrant. ¹³⁶
ICE Documents	A provision that requires local law enforcement agencies that possess documents relevant to the immigration case of an individual held in local custody to provide those documents to that individual.

Table B: Definitions of Provision Types

A policy that contains the strongest version of all ten of the listed provisions would:

- EXPRESS municipal support for immigrants and the Massachusetts Safe Communities Act;
- REQUIRE that police and/or police departments:
 - Treat all individuals equally regardless of immigration status, and
 - Provide individuals in local custody with ICE documents relevant to their immigration cases; and
- PROHIBIT police and/or police departments from:
 - Inquiring about immigration status,
 - Participating in federal immigration enforcement,
 - Deputizing local police officers,
 - Providing ICE with information about individuals in local custody,
 - Allowing ICE to access individuals in local custody, and
 - Honoring ICE detainers.¹³⁷

“Solidarity Policies,” as we use the term, contain a *Solidarity Provision* but not an *Immigration Enforcement Provision*. **“Sanctuary Policies,”** as we use the term, contain at least one *Immigration Enforcement Provision*; they may contain a *Solidarity Provision* as well. We are particularly interested in *Sanctuary Policies* in this report, but we include *Solidarity Policies* in order to provide a more complete picture of the ways Massachusetts municipalities reacted to the immigration policies of the Trump administration.

¹³⁶ Such arrests and detentions are now prohibited by Massachusetts state law. *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017). We include this provision here because such arrests and detentions were not prohibited by state law in the early months of the Trump administration, because it important to monitor how municipalities are changing their policies in light of the *Lunn* decision, and because local *Ice Detainer Provisions* are useful in safeguarding local practices in the event of changes in state law. For more information, see *infra Part IV.J: ICE Detainers*.

¹³⁷ Though the Supreme Judicial Court ruled that municipal officers are not permitted to honor ICE detainers in *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017), a strong policy would include this prohibition to ensure that detainers would not be honored locally if state law changed to permit such a practice. For more information on the *Lunn* decision and ICE detainers, see *infra Part IV.J: ICE Detainers*.



Safe Community Policies	
Solidarity Policy	Sanctuary Policy
Contains a <i>Solidarity Provision</i>	May contain a <i>Solidarity Provision</i>
Does not contain an <i>Immigration Enforcement Provision</i>	Contains at least one <i>Immigration Enforcement Provision</i>

Table C: Types of Safe Community Policies

In sum, a relevant “safe community policy” in this context is a policy that was issued by a Massachusetts municipality during the Trump administration, became effective during or after the Trump administration, and aims to support immigrants through expressions of solidarity or through efforts to limit the participation of local police officers in federal immigration enforcement.

E. Scope of the Report

On the critical issue of understanding the degree to which local police departments in Massachusetts are participating in the enforcement of civil immigration laws, this account of municipal safe community policies provides only one piece of a complex puzzle.

- Municipal policies directed at decreasing such participation vary widely in their efficacy. Non-binding resolutions may send clear signals about the wishes of the local community, but their efficacy depends on the receptivity of police departments. Binding ordinances and by-laws, on the other hand, sometimes dictate local police policies.¹³⁸
- Municipal policies and police policies often operate independently. For example, many police departments adopt immigration-enforcement policies of their own accord. Some municipalities may not have pursued safe community policies *because* their police departments already had pro-immigrant policies. Collecting and examining the relevant *police* policies will thus be critical for determining what is happening on the ground in Massachusetts communities.
- The actual practices of a municipality’s police department may diverge from municipal safe community policies and from written police policies.
- Efforts to issue anti-immigrant municipal policies during the Trump administration are not covered in this report, but examples of such attempts are described in *Appendix G: Sample Negative Policies*.

¹³⁸ See, e.g., *Results: Annual Town Meeting April 26, 27, May 1, 3, 8, 10 and 15, 2017*, Town of Amherst 20-23 <https://www.amherstma.gov/DocumentCenter/View/47702/2017-ATM-Results> and *General Bylaws of the Town of Amherst*, Article 3, § 3.9 Sanctuary Community 19-22. <https://www.amherstma.gov/DocumentCenter/View/51180/General-Bylaws-of-the-Town-of-Amherst-May-2020>.



II. Methods

In order to identify relevant policies, PHRGE engaged law student interns and, in a few cases, law student volunteers and ACLU volunteers, to research each of the 351 municipalities in Massachusetts for evidence of safe community activism or safe community policies. Some municipalities publicized their safe community policies in easily-accessed websites.¹³⁹ Other municipalities, perhaps mindful of the Trump administration’s threats to retaliate against “sanctuary jurisdictions,”¹⁴⁰ did not broadcast their adoption of safe community policies; finding these policies was sometimes challenging.¹⁴¹

For each of the municipalities, interns and volunteers searched the web, municipal websites (including policies archives, when such archives were available), municipal police department websites, online newspapers, social media (with a particular focus on Facebook and Twitter), and Lexis-Nexis databases. Lexis-Nexis alerts were set up and monitored. In addition, interns and volunteers called town clerks and other municipal officials as necessary. These searches were conducted over the course of the Trump administration. Results were shared with PHRGE’s partners in the ACLU and MIRA in real time through the use of secure online databases. (For the duration of the Trump administration, these databases were treated as confidential; interns and volunteers with access to them were required to sign confidentiality agreements.) PHRGE’s research was enriched by real-time updates contributed by the ACLU. These updates flowed from the ACLU’s network of information sources and from the ACLU’s on-the-ground advocacy work with individual municipalities.

¹³⁹ See, e.g., *Sanctuary City Information & Resources*, CITY OF SOMERVILLE, <https://www.somervillema.gov/sanctuary> (last visited Nov. 1, 2022).

¹⁴⁰ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768, 82 Fed. Reg. 8799, 8801 (Jan. 30, 2017).

¹⁴¹ Information about policies we may have missed is welcome. Please send such information to Elizabeth Ennen at e.ennen@northeastern.edu.



III. Overview of Results

A. Policy List

Between January 20, 2017, and January 20, 2021, 49 (or 14%) of the 351 municipalities in Massachusetts issued 58 safe community policies. Brookline, Cambridge, Greenfield, Lexington, New Salem, Northampton, Pelham, and Provincetown issued multiple policies. For these municipalities, we refer to the policies by number (e.g., Greenfield #1, Greenfield #2) here and throughout this report. Citations and more detailed information for all 58 policies are available in *Appendix H*. The full texts of these policies are available in *Appendix I*.

	Municipality	Issue Date	Policy Type
1	Acton	10/30/2017	Board of Selectmen Policy
2	Amherst	05/08/2017	By-law
3	Aquinnah	05/09/2017	Request to Board of Selectmen
4	Arlington	05/08/2017	Resolution
5	Belmont	05/08/2017	Resolution
6	Beverly	03/09/2017	Mayoral Declaration
7	Boston	12/11/2019	Ordinance
8	Boxborough	05/09/2017	Resolution (Non-binding)
9	Brewster	05/01/2017	Request to Selectmen
10	Brookline #1	02/07/2017	Board of Selectmen Statement
11	Brookline #2	04/25/2017	Board of Selectmen Statement
12	Brookline #3	04/25/2017	Select Board Policy
13	Cambridge #1	01/25/2017	Mayoral Resolution
14	Cambridge #2	02/10/2020	Ordinance
15	Chilmark	04/24/2017	Request to Board of Selectmen
16	Concord	04/25/2017	Request to Select Board
17	Conway	05/14/2018	By-law
18	Dennis	05/02/2017	Request to Board of Selectmen
19	Eastham	05/01/2017	Request to Select Board Resolution (Non-binding)



	Municipality	Issue Date	Policy Type
20	Easthampton	07/10/2019	Ordinance
21	Edgartown	04/11/2017	Request to Board of Selectmen
22	Falmouth	11/14/2019	Resolution (Non-binding)
23	Gill	05/30/2017	Select Board Order
24	Great Barrington	05/01/2017	Resolution
25	Greenfield #1	07/20/2017	Mayor Executive Order
26	Greenfield #2	07/17/2019	Ordinance / Ballot Initiative
27	Harwich	05/06/2019	Resolution (Non-binding)
28	Ipswich	05/10/2017	By-law
29	Lexington #1	02/27/2017	Selectmen Proclamation
30	Lexington #2	04/04/2018	Resolution
31	Lincoln	03/24/2018	Resolution
32	Mashpee	05/06/2019	Resolution
33	New Salem #1	06/05/2017	Instruction to representatives in the MA House and Senate to support the Safe Communities Act
34	New Salem #2	06/05/2017	Resolution
35	Newburyport	03/26/2018	Ordinance
36	Newton	02/21/2017	Ordinance
37	North Adams	02/14/2017	Resolution
38	Northampton #1	05/04/2017	Resolution
39	Northampton #2	12/05/2019	Ordinance
40	Oak Bluffs	04/11/2017	Request to Board of Selectmen
41	Pelham #1	05/06/2017	Resolution
42	Pelham #2	05/12/2018	By-law
43	Provincetown #1	02/20/2017	Board of Selectmen Proclamation
44	Provincetown #2	04/03/2018	Resolution (Non-binding)
45	Salem	03/29/2017	Ordinance / Ballot Initiative
46	Shutesbury	05/06/2017	Resolution



	Municipality	Issue Date	Policy Type
47	Somerville	06/13/2019	Ordinance
48	Springfield	12/17/2018	Ordinance
49	Sudbury	05/08/2018	Resolution (Non-binding)
50	Tisbury	04/26/2017	Request to Board of Selectmen
51	Truro	04/24/2018	Request to Board of Selectmen
52	Waltham	04/10/2017	Resolution
53	Wayland	04/29/2019	Resolution
54	Wellfleet	04/26/2017	Request to Board of Selectmen
55	Wendell	03/16/2017	Resolution
56	West Tisbury	04/11/2017	Request to Board of Selectmen
57	Westhampton	05/12/2018	Article
58	Williamstown	05/16/2017	Resolution

Table D: List of Relevant Policies



B. Numbers and Policy Types

Of the 58 safe community policies issued by Massachusetts municipalities during the Trump administration, seven (or 12%) are *Solidarity Policies* and 51 (or 88%) are *Sanctuary Policies*. Seven municipalities issued *Solidarity Policies*; 45 municipalities issues *Sanctuary Policies*.

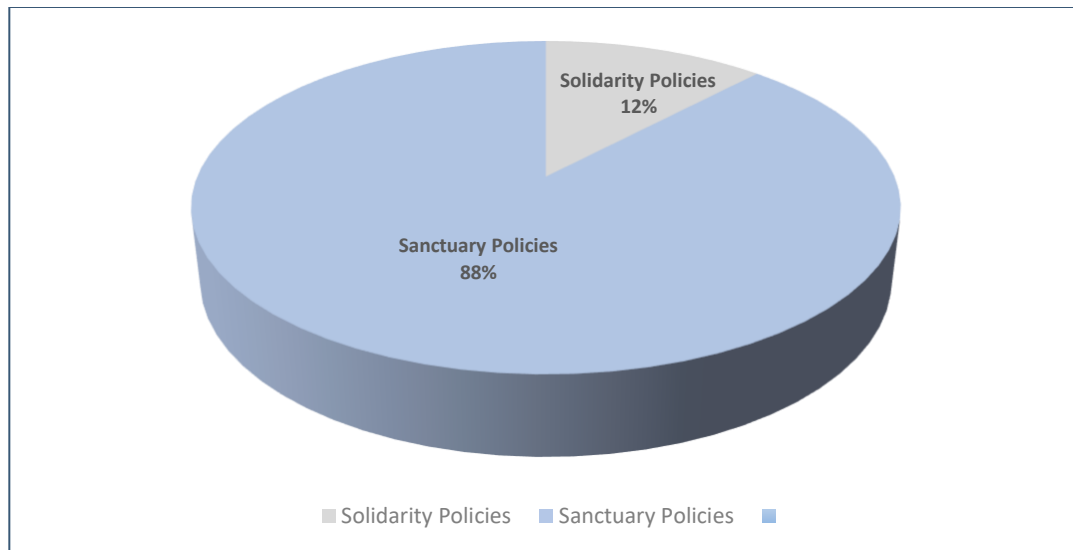


Figure 2: Percentage of Solidarity Policies and Sanctuary Policies

Solidarity Policies (Green) Sanctuary Policies (Purple)			
Acton	Concord	Lincoln	Salem
Amherst	Conway	Mashpee	Shutesbury
Aquinnah	Dennis	New Salem #1	Somerville
Arlington	Eastham	New Salem #2	Springfield
Belmont	Easthampton	Newburyport	Sudbury
Beverly	Edgartown	Newton	Tisbury
Boston	Falmouth	North Adams	Truro
Boxborough	Gill	Northampton #1	Waltham
Brewster	Great Barrington	Northampton #2	Wayland
Brookline #1	Greenfield #1	Oak Bluffs	Wellfleet
Brookline #2	Greenfield #2	Pelham #1	Wendell
Brookline #3	Harwich	Pelham #2	West Tisbury
Cambridge #1	Ipswich	Provincetown #1	Westhampton
Cambridge #2	Lexington #1	Provincetown #2	Williamstown
Chilmark	Lexington #2		

Table E: Policy Categories - Solidarity Policies and Sanctuary Policies



C. Numbers and Geography

Of the 58 safe community policies at issue here, 16 (or 28%) were issued by cities and 42 (or 72%) were issued by towns. Cities were, however, more likely than towns to issue policies. Thirteen (or 22%) of the 58 cities in Massachusetts issued safe community policies during the Trump administration. (Ten of these cities issued one policy; Cambridge, Greenfield, and Northampton issued two.) Thirty-six (or 12%) of the 293 towns in Massachusetts issued a safe community policy during the relevant time period. Thirty-one towns issued one policy; Brookline, Lexington, New Salem, Pelham, and Provincetown issued multiple policies.

MA Cities That Issued Safe Community Policies During the Trump Administration			
Beverly	Greenfield (2)	North Adams	Somerville
Boston	Newburyport	Northampton (2)	Springfield
Cambridge (2)	Newton	Salem	Waltham
Easthampton			

Table F: MA Cities That Issued Safe Community Policies During the Trump Administration

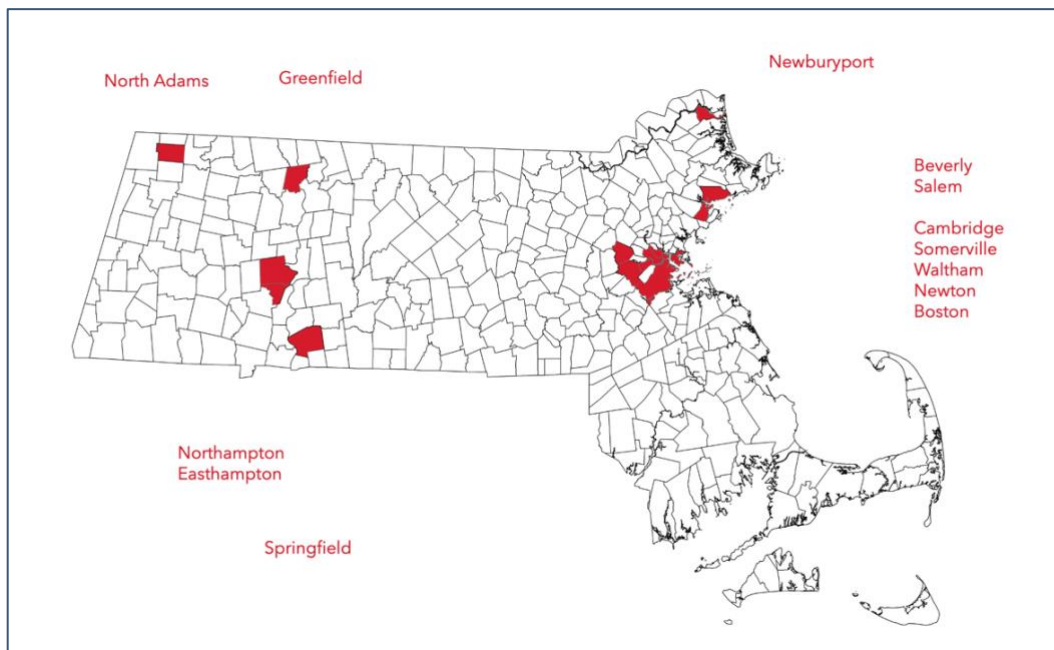


Figure 3: MA Cities That Issued Safe Community Policies During the Trump Administration



MA Towns That Issued Safe Community Policies During the Trump Administration			
Acton	Concord	Ipswich	Sudbury
Amherst	Conway	Lexington (2)	Tisbury
Aquinnah	Dennis	Lincoln	Truro
Arlington	Eastham	Mashpee	Wayland
Belmont	Edgartown	New Salem (2)	Wellfleet
Boxborough	Falmouth	Oak Bluffs	Wendell
Brewster	Gill	Pelham (2)	West Tisbury
Brookline (3)	Great Barrington	Provincetown (2)	Westhampton
Chilmark	Harwich	Shutesbury	Williamstown

Table G: MA Towns That Issued Safe Community Policies During the Trump Administration

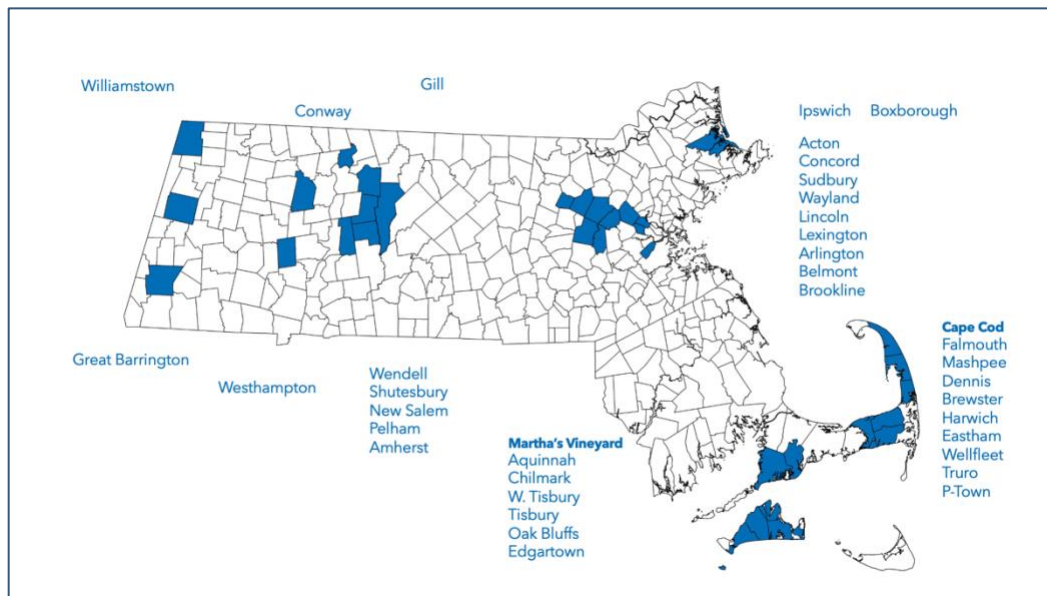


Figure 4: MA Towns That Issued Safe Community Policies During the Trump Administration



In sum, 49 municipalities in Massachusetts, including 13 cities and 36 towns, issued 58 safe community policies during the Trump administration.

MA Municipalities That Issued Safe Community Policies During the Trump Administration			
Acton	Conway	Lincoln	Somerville
Amherst	Dennis	Mashpee	Springfield
Aquinnah	Eastham	New Salem (2)	Sudbury
Arlington	Easthampton	Newburyport	Tisbury
Belmont	Edgartown	Newton	Truro
Beverly	Falmouth	North Adams	Waltham
Boston	Gill	Northampton (2)	Wayland
Boxborough	Great Barrington	Oak Bluffs	Wellfleet
Brewster	Greenfield (2)	Pelham (2)	Wendell
Brookline (3)	Harwich	Provincetown (2)	West Tisbury
Cambridge (2)	Ipswich	Salem	Westhampton
Chilmark	Lexington (2)	Shutesbury	Williamstown
Concord			

Table H: MA Municipalities That Issued Safe Community Policies During the Trump Administration

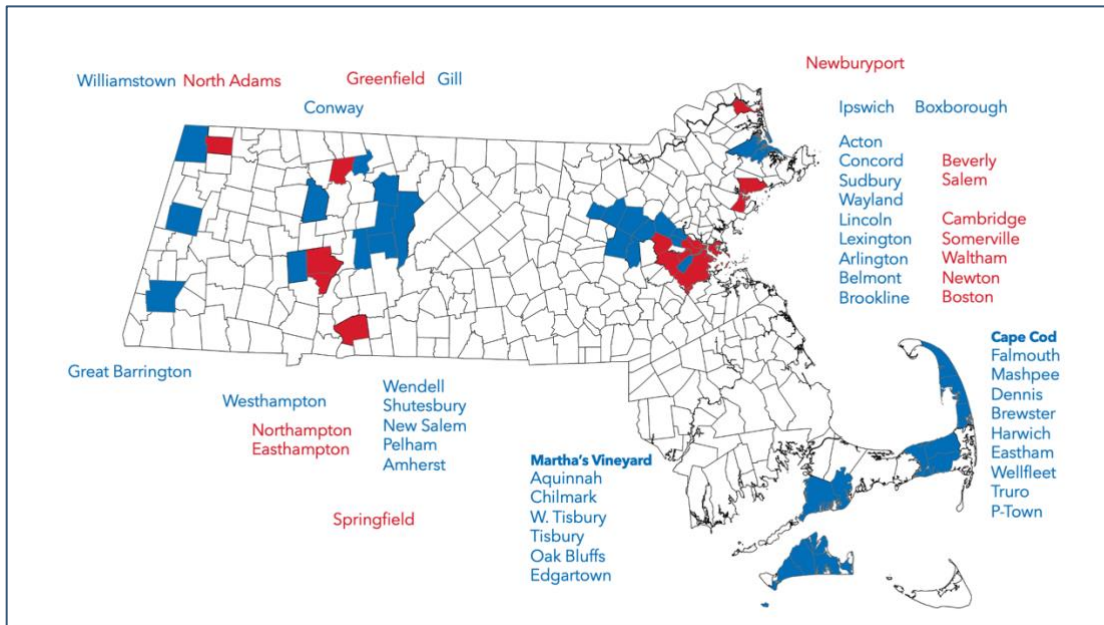


Figure 5: MA Municipalities That Issued Safe Community Policies During the Trump Administration



Ten of the 14 counties in Massachusetts contain a municipality that issued a safe community policy during the Trump administration.

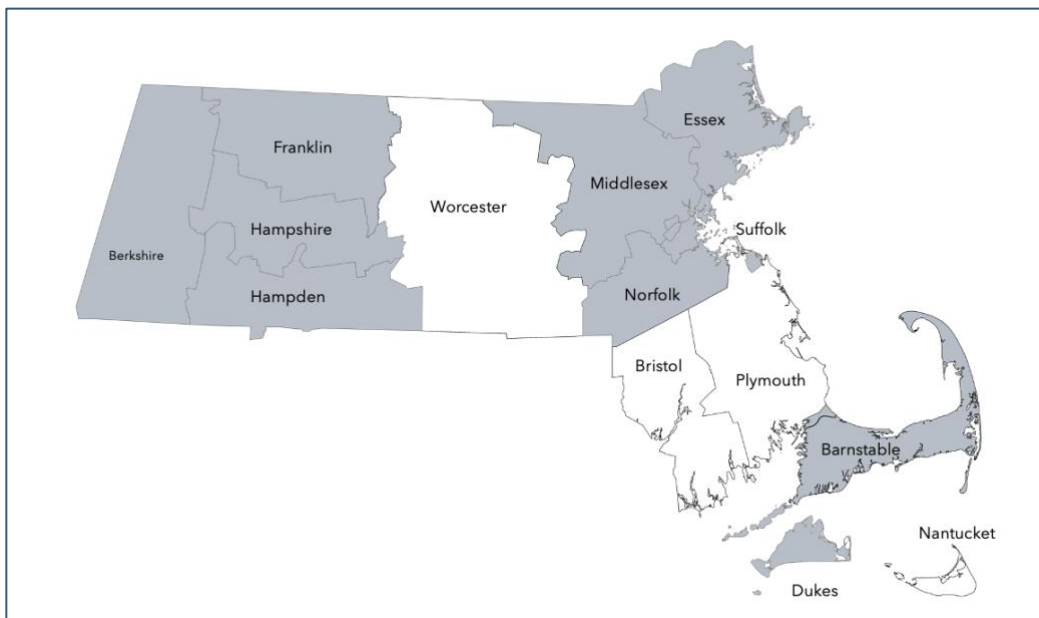


Figure 6: MA Counties With Municipalities That Issued Safe Community Policies During the Trump Administration

D. The Timeline

The majority (38 or 66%) of the 58 safe community policies issued by Massachusetts municipalities during the Trump administration were issued in 2017. Ten policies were issued in 2018, nine in 2019, and one in 2020.

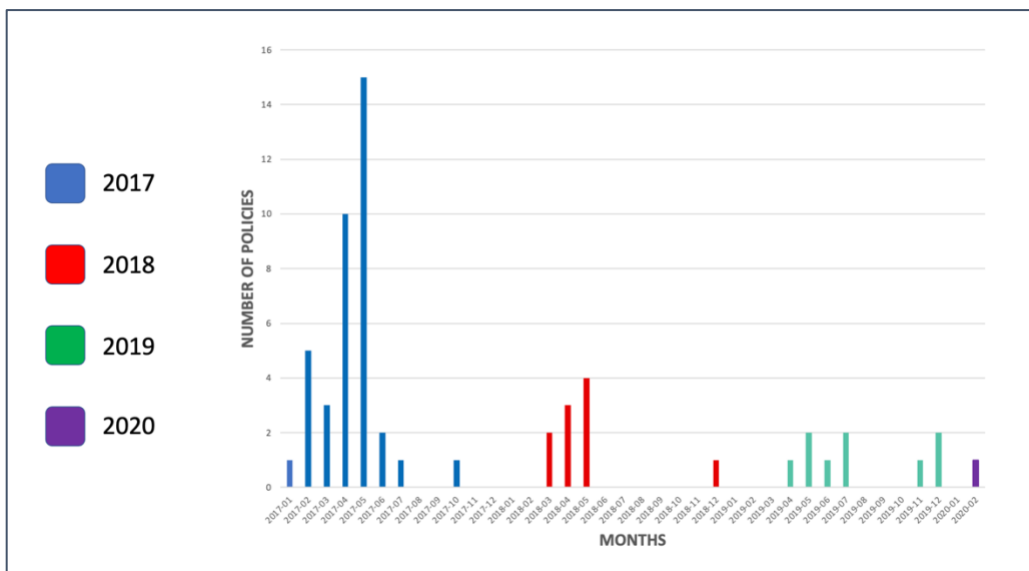


Figure 7: Timeline of Policies



IV. A Closer Look at Provision Types

A. General

1. Analyzing Provision Types

For each of the ten provision types addressed in this report (e.g., *Equal Treatment*, *Immigration Status Inquiries*), we provide general background information and a *Provision Type Table*, which includes the text for every provision of that “type” found in the 58 policies covered by this report. In addition, for eight of the ten provision types, we analyze their typical components. For the first two provision types addressed in this report, *Solidarity* and *Safe Community Act*, we do not include an analysis of “typical components,” as there is insufficient uniformity among the relevant provisions to support such an analysis.

2. Assessing Provision Types

In deciding whether a policy contains a *Solidarity Provision*, we consider the entire policy, including its prefatory texts (e.g., its “whereas” clauses), because expressions of support for immigrants can meaningfully be included anywhere in a policy. In deciding whether a policy contains a particular *Immigration Enforcement Provision*, however, we looked only to the policy’s substantive provisions, not to its prefatory texts.

3. Direct and Indirect Provisions

A “direct provision” is one that is included in the body of the policy. Nearly all of the provisions at issue here are direct provisions. An indirect provision is one that we attribute to a policy even though the provision does not appear explicitly in the policy’s text. Indirect provisions arise in two contexts.

- The provisions of the 2017 version of the *Massachusetts Safe Communities Act*¹⁴² are attributed to those municipal policies that call for the incorporation of these state-level provisions into municipality policies. See *infra* Part IV.C: *Safe Communities Act*.
- The provisions of a Williamstown police policy are attributed to a Williamstown municipal policy that incorporates the provisions of the police policy.¹⁴³

¹⁴² An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

¹⁴³ *Annual Report 2017*, TOWN OF WILLIAMSTOWN 101 <https://williamstownma.gov/wp-content/uploads/2020/11/ATR2017.pdf> (Article 40). The Williamstown Police Department General Order 17/01 (issued March 14, 2017) was incorporated into Article 40. *Id.* at 102-105. For reference information about these policies, see *Appendix H: Annotated List of the Policies*. For the full text of these policies, see *Appendix I*.



4. Mixed Policies

A mixed policy contains one or more “safe community” provisions *and* one or more provisions intended to *support* cooperation between local police departments and federal immigration enforcement officials. The only mixed policy covered in this report is Belmont’s “Welcoming Town Designation Policy,” which was issued in May 2017. The policy includes several safe community provisions (i.e., a *Solidarity Provision*, an *Immigration Status Inquiry Provision*, and a *Deputizing Local Police Officers Provision*). The policy also contains two “pro cooperation” provisions. The first requires the Belmont Police Department to honor ICE detainers under certain circumstances. The second states that the Department “will cooperate with federal, state, and local criminal and civil investigative agencies in the accomplishment of their lawful objectives by providing such information as the Police Department maintains.”¹⁴⁴ The Belmont policy counts as one of our 55 safe community *policies*, but its pro-collaboration provisions are not counted in our tally of safe community *provisions*.

5. Sharing Information about Immigration Status

A significant number of provisions discussed in this report mention 8 U.S.C. § 1373 (§1373), a federal law enacted in 1996 that prevents municipalities (among other entities) from enacting policies that would restrict sharing information about residents’ citizenship or immigration status with the federal government.¹⁴⁵ In his January 2017 Executive Order on immigration enforcement in the interior of the United States, Trump defines a “sanctuary jurisdiction” as a jurisdiction “that willfully refuse[s] to comply with 8 U.S.C. [§] 1373” and states that “[t]he Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. [§] 1373.”¹⁴⁶

In its 2019 *Sample Welcoming Community Policy*, the Massachusetts ACLU encouraged municipalities to include the following language in their policies: “[n]othing in this [ordinance or name of policy] shall be construed to violate any valid federal law, or to prohibit any [city or town] agency or department from providing another law enforcement agency citizenship or immigration status, consistent with 8 U.S.C. § 1373.” Nineteen policies included in this report include a standalone provision with similar language: Amherst, Arlington, Boston, Boxborough, Brookline #2, Cambridge #2, Conway, Easthampton, Greenfield #2, Lincoln, New Salem #1, Northampton #2, Newton, Northampton #2, Somerville, Springfield, Sudbury, Wayland, and Williamstown (in the police policy incorporated into its municipal policy). In

¹⁴⁴ For reference information about this policy, see *Appendix H: Annotated List of the Policies*. For the full text of the policy, see *Appendix I*. The decision in *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017), held that “Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.” This Belmont provision is therefore moot. For more information, see *infra* Part IV.J: ICE Detainers.

¹⁴⁵ 8 U.S.C. § 1373. For more information, see *supra* Part I.B.2: The Deportation Rate and Subfederal Immigration Enforcement.

¹⁴⁶ *Enhancing Public Safety in the Interior of the United States*, Exec. Order No. 13,768, 82 Fed. Reg. 8799, 8801 (Jan. 30, 2017). For an account of why safe community policies do not, in general, violate 8 U.S.C. § 1373, see *FAQ on 8 USC § 1373 and Federal Funding Threats To “Sanctuary Cities,”* IMMIGR. LEGAL RES. CTR. (April 2017), https://www.ilrc.org/sites/default/files/resources/8_usc_1373_and_federal_funding_threats_to_sanctuary_cities.pdf. For an account of Trump-era litigation on the constitutionality of 8 U.S.C. § 1373, see *Immigration Enforcement & the Anti-Commandeering Doctrine: Recent Litigation on State Information-Sharing Restrictions*, CONG. RSCH. SERV.: LEGAL SIDEBAR (March 10, 2020), <https://sgp.fas.org/crs/homesec/LSB10386.pdf>.



some cases, these policies also cite a second federal statute, 8 U.S.C. § 1644 (§1644), which resembles §1373 but is narrower in scope.¹⁴⁷ Other municipalities include language about §1373 (and, in some cases, §1644) in the following provision types: *Immigration Status Inquiries*, *Participating in Federal Immigration Enforcement*, *Sharing Information with ICE*, and *ICE Detainers*.

6. Overview of Policy Provisions

As has been noted, between January 20, 2017, and January 20, 2021, 49 municipalities in Massachusetts issued 58 safe community policies. The following chart provides an overview of which provision types were found (in direct and indirect provisions) in each of these 58 policies. Indirect provisions are marked with an “I”. A policy counts as having a provision type if it has one or more provisions of that type.

Overview of Safe Community Policies and Provision Types											
Policy	Solidarity	Safe Communities Act	Equal Treatment	Immigration Status Inquiries	Participating in Fed. Immigration Enforcement	Deputizing Local Police officers	Sharing Information with ICE	ICE Access to Individuals	ICE Detainers	ICE Documents	Total
Acton			X	X	X	X					4
Amherst	X		X	X		X	X		X		6
Aquinnah					X						1
Arlington			X	X	X		X		X		5
Belmont	X			X		X					3
Beverly	X										1
Boston				X	X	X	X		X		5
Boxborough	X				X				X		3
Brewster					X						1
Brookline #1	X		X	X							3
Brookline #2				X							1
Brookline #3			X	X	X		X		X	X	6
Cambridge #1	X										1
Cambridge #2	X		X	X	X	X	X	X	X	X	9
Chilmark					X						1
Concord			X	X	X	X	X		X		6
Conway	X		X			X			X		4
Dennis					X						1
Eastham					X						1
Easthampton	X		X	X		X	X		X		6
Edgartown					X						1
Falmouth				X	X						2
Gill									X		1

¹⁴⁷ See, e.g., *Acton Board of Selectmen Immigration Policy*, TOWN OF ACTON (Oct. 30, 2017), <https://www.acton-ma.gov/DocumentCenter/View/3981/Acton-BOS-Immigration-Policy-Voted?bidId=> (“Under 8 U.S.C. §1373 and §1644, federal law prohibits town officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any federal, state, or local government entity.”); 8 U.S.C. § 1644.



Overview of Safe Community Policies and Provision Types											
Policy	Solidarity	Safe Communities Act	Equal Treatment	Immigration Status Inquiries	Participating in Fed. Immigration Enforcement	Deputizing Local Police officers	Sharing Information with ICE	ICE Access to Individuals	ICE Detainers	ICE Documents	Total
Great Barrington	X		X		X		X			X	5
Greenfield #1				X		X			X		3
Greenfield #2	X		X	X		X	X		X		6
Harwich					X						1
Ipswich									X		1
Lexington #1	X										1
Lexington #2	X	X		X (I)	X (I)	X (I)	X (I)		X (I)	X (I)	8
Lincoln	X	X							X		3
Mashpee					X						1
New Salem #1		X									1
New Salem #2			X	X							2
Newburyport			X	X							2
Newton	X		X	X	X		X		X		6
North Adams	X										1
Northampton #1		X									1
Northampton #2			X	X	X	X	X		X		6
Oak Bluffs					X						1
Pelham #1		X									1
Pelham #2				X			X		X		3
Provincetown #1	X										1
Provincetown #2					X						1
Salem	X		X	X							3
Shutesbury	X		X								2
Somerville	X		X	X	X	X	X	X	X	X	9
Springfield	X		X	X		X	X		X		6
Sudbury	X		X	X	X	X	X	X	X		8
Tisbury					X						1
Truro					X						1
Waltham	X										1
Wayland	X			X	X	X	X	X	X		7
Wellfleet					X						1
Wendell	X										1
West Tisbury					X						1
Westhampton		X		X (I)	X (I)	X (I)	X (I)		X (I)	X (I)	7
Williamstown	X		X(I)	X (I) ^a	X (I)	X (I)	X (I)	X (I)	X (I)	X	9
# Policies	26	6	21	27	31	18	19	5	24	7	/
# Municipalities	24	6	20	24	31	17	19	5	23	7	/

Table 1: Overview of Safe Community Policies and Provision Types

^a The Williamstown municipal policy has a “direct” Equal Treatment Provision that covers all municipal employees. The Williamstown municipal policy also has an “indirect” Equal Treatment Provision that covers employees of the police department.



7. Relative Frequency of Provision Types

The following chart provides information about the relative frequency of each provision type in the policies of the 49 municipalities that issued safe community policies during the Trump administration.

Relative Frequency of Provision Types		
<i>Provision Type</i>	<i>Number of the 49 municipalities whose policies contain this provision type</i>	<i>Percentage of the 49 municipalities whose policies contain this provision type</i>
Participating in Federal Immigration Enforcement	31	63%
Solidarity	24	49%
Immigration Status Inquiries	24	49%
ICE Detainers	23	47%
Equal Treatment	20	41%
Sharing Information with ICE	19	39%
Deputizing Local Police Officers	17	35%
ICE Documents	7	14%
Safe Communities Act	6	12%
ICE Access to Individuals	5	10%

Table J: Relative Frequency of Provision Types

B. Solidarity

SOLIDARITY PROVISIONS EXPRESS COMMUNITY SUPPORT FOR IMMIGRANTS.¹⁴⁸

Solidarity Provisions generally express a commitment to making a municipality a welcoming, supportive, or safe community for immigrants. During the Trump administration, 24 municipalities issued 26 policies

¹⁴⁸ The 2019 *ACLU Sample Welcoming Community Policy* includes the following language: “The purpose of this ordinance is to establish our [city or town] as a Welcoming Community, [and] to declare that all are welcome here.” See *Appendix B: ACLU Sample Welcoming Policy of 2019* for the full text.



that included a *Solidarity Provision*. (Cambridge and Lexington each issued two policies containing *Solidarity Provisions*.)

As has been noted, *Solidarity Policies* include a *Solidarity Provision* but not an *Immigration Enforcement Provision*. (See *infra* Part I.D.4.) Beverly, Cambridge,¹⁴⁹ Lexington,¹⁵⁰ North Adams, Provincetown,¹⁵¹ Waltham, and Wendell issued *Solidarity Policies* during the Trump administration.¹⁵²

Provision Type - Solidarity (In Solidarity Policies)			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Beverly	03/09/2017	Mayoral Declaration	Beverly will continue to value, welcome, and support new residents and immigrants.
Cambridge #1	01/25/2017	Mayoral Statement	"While we do not yet know what impact President Trump's Executive Order on Immigration will have, as a Sanctuary City, Cambridge will continue to support and promote the safety, health and well-being of all our residents, regardless of immigration status. We encourage every resident – regardless of status – to seek and obtain assistance from the many resources available to the Cambridge Community. Today, we remain just as committed to all of our residents as we have been since we first became a Sanctuary City 31 years ago."
Lexington #1 ¹⁵³	02/27/2017	Board of Selectmen Proclamation	We, The Board of Selectmen of Lexington declare that our town is committed to making Lexington a welcoming, inclusive, and safe community for everyone, treating all people fairly and fully embracing the unique contributions of all Lexington residents. In Lexington we affirm that all means all people.
North Adams	02/14/2017	Resolution	Be it further resolved that we stand in solidarity with, and advocate for the civil liberties and human rights of, every resident of, and visitor to North Adams regardless of race, ethnicity, religion, sexual and gender identity, national origin, citizenship or of any perceived or actual identity.

¹⁴⁹ Cambridge also issued a *Sanctuary Policy* in 2020. For reference information about this policy, see *Appendix H: Annotated List of the Policies*. For the full text of this policy, see *Appendix I*.

¹⁵⁰ Lexington also issued a *Sanctuary Policy* in 2018. For reference information about this policy, see *Appendix H: Annotated List of the Policies*. For the full text of this policy, see *Appendix I*.

¹⁵¹ Provincetown also issued a *Sanctuary Policy* in 2018. For reference information about this policy, see *Appendix H: Annotated List of the Policies*. For the full text of this policy, see *Appendix I*.

¹⁵² Some municipalities issued *Solidarity Policies* between Trump's election and his inauguration. See, e.g., Joseph A. Curtatone & Ben Echevarria, *Solidarity and Sanctuary Cities: An Open Letter from Mayor Curtatone: Somerville Will Stand with You*, CITY OF SOMERVILLE (Nov. 21, 2016), <https://www.somervillema.gov/news/solidarity-and-sanctuary-cities-open-letter-mayor-curtatone>; *Joint Statement of Cambridge Mayor E. Denise Simmons and City Manager Louis A. DePasquale Regarding Cambridge as a Sanctuary City*, CITY OF CAMBRIDGE, (Nov. 17, 2016), <https://www.cambridgema.gov/news/2016/11/jointstatementoncambridgeasasanctuarycity>.

¹⁵³ For municipalities with more than one policy (i.e., Brookline, Cambridge, Greenfield, Lexington, New Salem, Northampton, Pelham, and Provincetown), we have used numbers to distinguish the policies. See *Appendix H: Annotated List of Policies* for a detailed list of the policies.



Provision Type - Solidarity (In Solidarity Policies)			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
Provincetown #1	02/20/2017	Board of Selectmen Proclamation	Now therefore, Be it Resolved: That no matter any threat, Provincetown will remain a welcoming Town. That we, the people of Provincetown, will not turn our backs on the women and men from other countries who help make our Town great. That this is Provincetown, a community that builds bridges, not walls.
Waltham	04/10/2017	Resolution	Be it Resolved ... That the Waltham City Council affirms its commitment to ensuring that Waltham remains a community that is supportive and safe for all residents including immigrants who have made Waltham their home, and that Waltham is a "Welcoming City."
Wendell	03/16/2017	Resolution	We the residents of Wendell, MA, New England, USA, North America, state affirmatively and with conviction that we support all immigrant communities, open our borders, and offer resources.

Table K: Provision Type - Solidarity (In Solidarity Policies)

In addition, many municipalities issued *Sanctuary Policies* that included a *Solidarity Provision*.

Provision Type - Solidarity Provisions (In Sanctuary Policies)			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
<i>Direct Provisions</i>			
Amherst	05/08/2017	By-law	This bylaw [...] affirms that Amherst is a welcoming town and seeks to ensure public safety and trust between law enforcement and all members of our community.
Belmont	05/08/2017	Resolution	The Belmont Town Meeting hereby expresses our solidarity with displaced persons and migrants from around the world.
Boxborough	05/09/2017	Resolution (Non-binding)	Boxborough should continue to be A RURAL, ENGAGED COMMUNITY FOR ALL, and an inclusive jurisdiction that embraces, celebrates, and welcomes its immigrant and refugee residents and recognizes their contributions to the collective well-being of Boxborough.
Brookline #1	02/07/2017	Board of Selectmen Statement	<p>[W]e wish to reaffirm certain guiding moral principles that this Board believes Brookline values as they relate to the people who have been targeted by the President's executive orders, which includes our commitment to providing welcome and sanctuary to all Brookline residents and visitors, regardless of immigration status.</p> <p>Because of these principles, Brookline's Board of Selectmen strives to protect the safety and well-being of all Brookline residents and visitors,</p>



Provision Type - Solidarity Provisions (In Sanctuary Policies)

<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
			<p>regardless of immigration status, by supporting the health, mental health, well-being, safe haven, and sanctuary of refugees and immigrants, whether documented or not.</p> <p>The Board of Selectmen further requests that Brookline civil society, including houses of worship, service organizations, political entities, nonprofit organizations, educational institutions, and individuals (1) learn about, (2) provide support, welcome, safe haven, and sanctuary to, and (3) help integrate into the fabric of our community, all resident or visiting immigrants, irrespective of their legal status, and all refugees.</p>
Cambridge #2	02/10/2020	Ordinance	The purpose of this Ordinance is to establish the City of Cambridge as a Welcoming City, to declare that all are welcome here [...].
Conway	05/14/2018	By-law	The citizens of Conway would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through town, you are welcome here.
Easthampton	07/10/2019	Ordinance	<p>This ordinance shall be called the "Welcoming Community Trust Ordinance", and is meant to promote trust and safety in the community. It follows from a history of a desire for inclusion, including but not limited to a resolution passed on January 3, 2018, by the City Council which states in part " ... that the City of Easthampton and its representatives shall not condone or tolerate any form of discrimination on the basis of race, color, religious creed, age, familial status, national origin, immigration status, sexual orientation, gender, gender identity or expression...." This resolution demonstrates the City's ongoing practice of providing a welcoming community for all residents, visitors, and those who work in our City.</p> <p>This ordinance will be known as the City of Easthampton "Welcoming Community Trust Ordinance" and affirms that Easthampton is a welcoming city and seeks to ensure trust between employees, officials, representatives of the City, all residents of our City and visitors to our City, facilitating dialogue as well as effective law enforcement and public safety.</p>
Great Barrington	05/01/2017	Resolution	<p>Considering that we the people of Great Barrington acknowledge the value for our Town of our diverse population as an integral part of our labor and cultural force and that we recognize the need to provide a safe community for all residents and to keep our families together regardless of their immigration status.</p> <p>We as residents of Great Barrington hereby publicly designate the Town of Great Barrington as a safe, inclusive and welcoming community.</p>
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	This ordinance shall be known as the City of Greenfield Safe City Ordinance. The purpose of the Ordinance is to affirm that Greenfield is a welcoming city, which embraces everyone including but not limited to the immigrant, the refugee, the asylum seeker and anyone of good faith and good will who wishes to be a member of our community. The purpose of



Provision Type - Solidarity Provisions (In Sanctuary Policies)

<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
			this ordinance is to promote a sense of openness and trust between all members of our community and to let all people know that they are welcome here.
Lexington #2	04/04/2018	Resolution	Resolved, that the Town is committed to making Lexington a truly “Welcoming, Inclusive and Safe Community”.
Lincoln	03/24/2018	Resolution	We, the people of Lincoln declare Lincoln to be a Welcoming, Safe Town, and we all shall work to make all residents, workers and visitors feel safe and secure regardless of immigration status.
Newton	02/21/2017	Ordinance	The City of Newton has long derived strength from its diverse community, including those who identify as immigrants. Through the City’s commitment to social justice and inclusion, one of the City’s most important objectives is to enhance relationships with all residents, including immigrants, and to make all residents, workers and visitors feel safe and secure regardless of immigration status.
Salem	03/29/2017	Ordinance / Ballot Initiative	Whereas, Salem is a welcoming city that serves and protects its residents regardless of their immigration status and country of origin; WHEREAS, in Salem, all people, including immigrants and refugees, are valued contributors and are vital to our shared prosperity. WHEREAS, Salem desires to maintain and foster a culture and environment where our immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of their adopted city.
Shutesbury	05/06/2017	Resolution	In recognition that we are a nation of blended indigenous and immigrant people, we, the citizens of Shutesbury, support and endorse a culture of appreciation for the inherent value of all persons within our community regardless of race, sex, age, national origin, religion, sexual orientation or immigration status. [...] We shall be vigilant in defense of the rights of all people in our determination to be a welcoming community.
Somerville	06/13/2019	Ordinance	The purpose of this ordinance is to establish our city as a Welcoming Community, to declare that all are welcome here. [...]This Welcoming Community Ordinance further codifies existing policy and serves to reinforce the city's ongoing commitment to the immigrant community and Sanctuary City status.
Springfield	12/17/2018	Ordinance	This ordinance shall be known as the City of Springfield Welcoming Community Trust Ordinance. The purpose of the Ordinance is to affirm that Springfield is a welcoming city, to promote trust between employees of the city and all members of our community, and to facilitate effective law enforcement and public safety.
Sudbury	05/08/2018	Resolution (Non-binding)	WHEREAS: in growing numbers, cities and towns in our state and country have expressed their support of immigrants by becoming welcoming or safe communities.



Provision Type - Solidarity Provisions (In Sanctuary Policies)			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
			THEREFORE, BE IT HEREBY RESOLVED: that Town Meeting expresses its solidarity with other towns and cities in Massachusetts and throughout the country that have chosen to become a welcoming or safe community.
Wayland	04/29/2019	Resolution	<p>To determine whether the Town will vote to ensure that Wayland remains a welcoming community for all individuals who visit, work, or live here by:</p> <ul style="list-style-type: none"> adopting the following formal resolution relative to immigrants who work, live, or visit Wayland, adhering to current practices already taken by the Wayland Police Department joining the growing number of towns and cities in Massachusetts and across the country that have expressed their support of immigrants by becoming welcoming communities.
Williamstown	05/16/2017	Resolution	<p>WHEREAS, the Town of Williamstown desires to provide opportunity, access, and equality for immigrants, and to highlight the essential role that immigrants have played and continue to play in the life of our community; and</p> <p>Whereas, the Town of Williamstown wants to be a welcoming community to immigrants and wants to establish a policy that will establish trust with them.</p>

Table L: Provision Type - Solidarity (In Sanctuary Policies)

C. Safe Communities Act

SAFE COMMUNITIES ACT PROVISIONS EXPRESS SUPPORT FOR THE **SAFE COMMUNITIES ACT OF 2017**.¹⁵⁴

Several of the municipal policies at issue here include a provision that supports the Massachusetts *Safe Communities Act*, a bill that, if passed, would impose statewide limitations on the participation of local law enforcement officers in the enforcement of federal immigration laws.¹⁵⁵ The *Safe Communities Act* has been introduced, in varying forms, in four consecutive legislative sessions but has not been

¹⁵⁴ The 2017 ACLU *Sample Welcoming Community Policy* contains a provision (*Support for Safe Communities Act*) that includes the following language: “[City] hereby goes on the record supporting the Safe Communities Act, S. 1305 (An Act to protect the civil rights and safety of all Massachusetts residents), a statewide bill to protect all state residents by making sure that our tax dollars are not used to enforce federal immigration law, consistent with Massachusetts values, our history, our Constitution and our laws.” See *Appendix C: ACLU Sample Welcoming Community Policy of 2017* for the full text.

¹⁵⁵ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B. 1510, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/SD1937>; H.B. 2288, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/HD2459>. The Safe Communities Act was preceded by the Massachusetts Trust Act, which was first introduced in 2013. See An Act to Restore Community Trust in Massachusetts Law Enforcement, S.B. 1135, 2013 Leg., 188th sess. (Mass. 2014), <https://malegislature.gov/Bills/188/S1135>; An Act Relative to Restore Community Trust in Massachusetts Law Enforcement, H.B. 1613, 2013 Leg., 188th sess. (Mass. 2014), <https://malegislature.gov/Bills/188/House/H1613>.



enacted.¹⁵⁶ The most recent version of the *Safe Communities Act* was filed in the Massachusetts Senate on January 19, 2023.¹⁵⁷ The relevant version of the *Safe Communities Act* in this context, i.e., the one to which Trump-era municipal safe community policies refer, was introduced in the Massachusetts legislature in 2017 during its 190th session (2017 SCA). The 2017 SCA contains several statewide provisions that mirror the municipal provisions at issue here.¹⁵⁸

- **Immigration Status Inquiries:** The 2017 SCA prohibits law enforcement officers from inquiring into an individual’s immigration status “unless such information is required by law, or is an element in a crime” for which the individual is being investigated.¹⁵⁹
- **Participating in Federal Immigration Enforcement:** The 2017 SCA prohibits officers and employees of any “agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or any political subdivision thereof” from using “funds, resources, facilities, property, equipment, or personnel for immigration enforcement purposes.”¹⁶⁰
- **Deputizing Local Police Officers:** The 2017 SCA prohibits state and local law enforcement officials from “perform[ing] the functions of an immigration officer.”¹⁶¹
- **Sharing Information with ICE:** The 2017 SCA prohibits Massachusetts law enforcement agents from (1) providing agents from the Department of Homeland Security (DHS) with “access to booking lists or information regarding the incarceration status or release date of a person in custody, unless such a person is serving a sentence for a serious violent felony,”

¹⁵⁶ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B. 1305, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>; S.B. 1401, 2019 Leg., 191st sess. (Mass. 2020), <https://malegislature.gov/Bills/191/S1401>; H.B. 3573, 2019 Leg., 191st sess. (Mass. 2020), <https://malegislature.gov/Bills/191/h3573>; S.B. 1579, 2021 Leg., 192nd sess. (Mass. 2022), <https://malegislature.gov/Bills/192/SD532>; H.B. 2418, 2021 Leg., 192nd sess. (Mass. 2022), <https://malegislature.gov/Bills/192/H2418>; S.B. 1510, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/SD1937>; H.B. 2288, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/HD2459>. In 2018, the Massachusetts Senate passed an amendment to its budget appropriations bill that contained similar provisions to the *Safe Communities Act*. See Amend. 1147, 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/GetAmendmentContent/190/S4/1147/Senate/Preview>. The House did not pass the amendment that year as part of its budget, so its provisions were not enacted. Spencer Buell, *The “Sanctuary State” Amendment Is No More*, BOSTON MAGAZINE (July 19, 2018), <https://www.bostonmagazine.com/news/2018/07/19/sanctuary-state-amendment/>.

¹⁵⁷ S.B. 1510, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/SD1937>; H.B. 2288, 2023 Leg., 193rd sess. (Mass. 2024), <https://malegislature.gov/Bills/193/HD2459>.

¹⁵⁸ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

¹⁵⁹ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

¹⁶⁰ *Id.* The bill includes an exception that would have allowed houses of correction in Massachusetts to house ICE detainees. *Id.*

¹⁶¹ *Id.* The provision notes that the prohibition applies whether the officer is acting pursuant to a formal contract with the federal government “or any other law, regulation, or policy, whether formal or informal.” *Id.*



(2) notifying DHS about individuals’ “pending release from custody,” and (3) responding to DHS requests “for publicly-available information regarding a person in custody” provided that the provision is not construed to mean that law enforcement agencies are prohibited from “sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status.”¹⁶²

- **ICE Detainers:** The 2017 SCA prohibits arresting or detaining an individual “solely on the basis of a civil immigration detainer request or an administrative warrant.”¹⁶³
- **ICE Documents:** The 2017 SCA requires law enforcement agencies in Massachusetts to provide ICE documents (e.g., administrative warrants or ICE detainers) to individuals in local custody who are subject to ICE interventions.¹⁶⁴

Six municipalities issued policies that contain a *Safe Communities Act Provision*: Lexington, Lincoln, New Salem, Northampton, Pelham, and Westhampton.

Provision Type - Safe Communities Act			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
<i>Direct Provisions</i>			
Lexington #2	04/04/2018	Resolution	[R]esolved that the Town of Lexington hereby announces its support for the Safe Communities Act (SCA, S.1305 & H.3269), currently before our legislature. In support of this resolution Town Meeting requests that the Town take the following actions as soon as practical: Update the Police Policy and Procedures Manual so that it is fully compliant and fully aligned with the SCA. [...] [and] [r]efer to, and consider including to the extent consistent with applicable laws, all of the elements of the Safe Communities Act (S.1305) as submitted to the Massachusetts Legislature on January 20, 2017 that apply to municipalities, when updating the Police Policy and Procedures Manual.
Lincoln	03/24/2018	Resolution	We, the people of Lincoln request the Board of Selectmen to endorse S. 1305 or comparable legislation, the Massachusetts Safe Communities Act.
New Salem #1	06/05/2017	Resolution	To see if the Town will vote to instruct its representatives in the Massachusetts State Senate and House to support the Safe Communities Act (SD 1596, HD 3052).
Northampton #1	05/04/2017	Resolution	BE IT FURTHER RESOLVED that we support the Massachusetts Safe Communities Act and urge its passage by the Massachusetts Senate and House of Representatives. We ask that Governor Charles Baker, who has expressed support for “sanctuary cities,” to support this state-wide bill and to sign it in a timely manner to ensure the protection of all residents of the Commonwealth of Massachusetts.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*



Provision Type - Safe Communities Act			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
Pelham #1	05/06/2017	Resolution	The Town of Pelham hereby resolves to support The Safe Communities Act, <i>An Act to protect the civil rights and safety of all Massachusetts residents</i> (SD 1596/HD3052), and urges our elected officials including our state representative, senator, and the Governor of the Commonwealth of Massachusetts to support this Act which would prohibit state collaboration with the federal government for the purposes of creating a Muslim registry, and ensure that state resources are not used to enforce federal immigration law.
Westhampton	05/12/2018	Article	Whereas the Commonwealth of Massachusetts Legislature Senate Bill 1305 (sponsored by State Senator Jamie Eldridge) and House Bill 3269 (sponsored by State Senator Juana Matia) powerfully articulates the protection of the civil rights and safety of all Massachusetts residents, we – the residents of the Town of Westhampton – both affirm and join solidarity [sic] with these two bills. In accordance with the moral and ethical stance of the aforementioned Bills to protect civil rights and safety of all Massachusetts residents, we charge the governance and enforcement bodies of the Town of Westhampton to abide by the aforementioned Bills also known as Safe Communities Act.

Table M: Provision Type - Safe Communities Act

While all six of these municipal provisions endorse the 2017 SCA, the Lexington and Westhampton versions also direct their police departments to abide by the provisions of the *Safe Communities Act*. For that reason, Lexington and Westhampton will be included below on lists of municipalities whose municipal safe community policies *indirectly* include the following provision types: (1) *Immigration Status Inquiries*, (2) *Participating in Federal Immigration Enforcement*, (3) *Deputizing Local Police Officers*, (4) *Sharing Information with ICE*, (5) *ICE Detainers*, and (6) *ICE Documents*.

D. Equal Treatment

There are two types of *Equal Treatment Provisions*:

GENERAL EQUAL TREATMENT PROVISIONS REQUIRE A MUNICIPALITY’S LAW ENFORCEMENT OFFICERS (OR ITS MUNICIPAL EMPLOYEES MORE GENERALLY) TO TREAT AND SERVE ALL INDIVIDUALS EQUALLY IRRESPECTIVE OF IMMIGRATION STATUS.¹⁶⁵

EQUAL TREATMENT IN LAW ENFORCEMENT ACTIONS PROVISIONS PROHIBIT A MUNICIPALITY’S LAW ENFORCEMENT OFFICERS (OR ITS MUNICIPAL EMPLOYEES MORE GENERALLY) FROM INITIATING INVESTIGATIONS OR

¹⁶⁵ The 2019 ACLU Sample Welcoming Community Policy includes a provision (*Equal Treatment*) that contains the following language: “[City or town] will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of [city or town] agencies or departments.” See Appendix B: ACLU Sample Welcoming Community Policy of 2019 for the full text.



1. General Equal Treatment Provisions

The first type of *Equal Treatment Provision* requires that a municipality's law enforcement officers *generally* treat and serve all individuals equally, regardless of immigration status.¹⁶⁷ These provisions include two or more of the following four components: (1) targeted entities, (2) the type of equal treatment at issue; (3) protected individuals; and (4) exceptions. The following graphic provides an overview of these four components, along with examples of the concepts and language used in them.

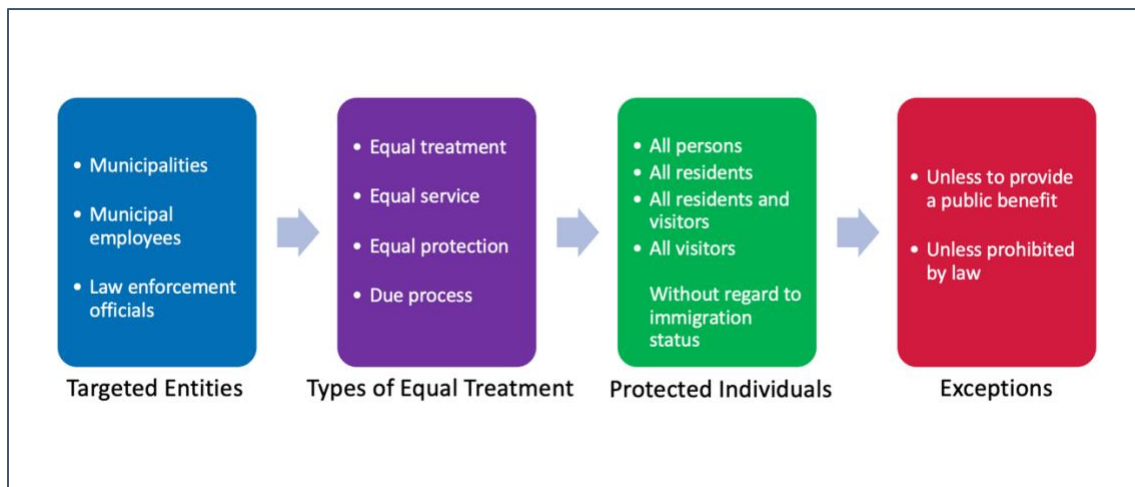


Figure 8: Key Components of General Equal Treatment Provisions

Cambridge, Easthampton, and Somerville have versions of this provision type that track the language of the 2019 *ACLU Sample Welcoming Community Policy*: the municipality will “treat all persons equally, enforce laws, and serve the public without consideration of immigration status.” Several other municipalities (e.g., Great Barrington, Shutesbury) have similar language.

The following chart is color-coded to reflect the three components often found in these provisions: blue for targeted entities, purple for types of equal treatment, and green for protected individuals.

¹⁶⁶ The 2019 *ACLU Sample Welcoming Community Policy* includes the following language: The [city or town] police department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest.” See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text.

¹⁶⁷ When provisions are directed at municipalities or municipal employees, we assume that law enforcement officials are included.



Provision Type - Equal Treatment (General)			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
<i>Direct Provisions</i>			
Brookline #1	02/07/2017	Board of Selectmen Statement	Town services and resources will be made available to provide for the health, mental health, education, shelter, sustenance, and well-being of all of our residents and visitors, including immigrants, irrespective of their legal status, and refugees.
Brookline #3	04/25/2017	Board of Selectmen Policy	All persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States and the Commonwealth of Massachusetts and the Town of Brookline and treaties of the United States, as applicable, irrespective of their immigration status.
Cambridge #2	02/10/2020	Ordinance	Equal treatment. The City will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by City employees or officials.
Easthampton	07/10/2019	Ordinance	Equal treatment. Easthampton will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of Easthampton agencies or departments.
Great Barrington	05/01/2017	Resolution	Great Barrington police will equally enforce the laws, promote safety and serve the Great Barrington community without consideration of individuals' immigration status or other demographic characteristics.
New Salem #2	06/05/2017	Resolution	It is our belief that policies which deter certain individuals from contacting government officials, law enforcement, or medical assistance, or accessing educational opportunities, out of fear of deportation, create a community which is less welcoming and less safe for all residents. In accordance with these beliefs, we charge the New Salem government to serve every town resident equally and without regard to immigration status.
Newburyport	03/26/2018	Ordinance	This policy shall promote and support equal opportunity for each person regardless of [...] immigration status [...] with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit and healthcare. ¹⁶⁸
Northampton #2	12/05/2029	Ordinance	Furthermore, City resources shall not be used: [...] To take action on the basis of actual or perceived immigration status, unless to provide a public benefit.
Salem	03/29/2017	Ordinance	City employees shall serve all residents and city services shall be accessible to all residents, regardless of immigration status [...] unless providing such

¹⁶⁸ Of interest here is the fact that the phrase “immigration status” was added to the list of covered categories in this provision (e.g., race, color, religious creed) by an amendment issued by the Newburyport City Council on March 26, 2018.



Provision Type - Equal Treatment (General)			
Municipality	Date	Policy Type	Provision
			service is prohibited by state or federal statute, regulation, or court decision.
Shutesbury	05/06/2017	Resolution	[W]e resolve that the Town of Shutesbury will equally enforce the law and serve the public. Citizenship, immigration status, lack of immigration documentation, national origin, race, and ethnicity shall have no bearing on an individual's treatment by the Town of Shutesbury's Police Department.
Somerville	06/13/2019	Ordinance	Equal treatment. The City of Somerville will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of city agencies or departments.
Sudbury	05/08/2018	Resolution	A person's immigration status shall not affect their ability to file a police report or otherwise benefit from police services from the Town of Sudbury.

Table N: Provision Type - Equal Treatment (General)

Some municipalities have provisions that are related to the issue of treating immigrants equally but do not qualify as *Equal Treatment Provisions*.

- **Belmont's** policy has an unusual provision that notes that its police department will investigate certain types of crimes without regard to the "known or suspected unlawful status" of the victims.
- **Beverly's** policy commits to providing local resources "for the safety and welfare of all our residents, students, workers, and visitors," but does not specify that it will do so without regard to immigration status.
- **Brewster's** policy requests that the town's Selectmen "continue to uphold the civil liberties and human rights of all Brewster residents and visitors regardless of [...] citizenship and immigrant status."
- **Eastham's** policy requests that the town "Selectmen [...] protect the civil liberties and human rights of all Eastham residents and visitors regardless of [...] citizenship and immigration status."
- **North Adams's** policy has a *Solidarity Provision* that states that the town "stand[s] in solidarity with, and advocate[s] for the civil liberties and human rights of, every resident of, and visitor to North Adams regardless of [...] citizenship or of any perceived or actual identity."

2. Equal Treatment in Law Enforcement Actions Provisions



The second type of *Equal Treatment Provision* applies the general principle of equal treatment to law enforcement contexts; it prohibits municipal employees from initiating investigations or taking law enforcement actions against individuals on the basis of their actual or perceived immigration status. These provisions include two or more of the following components: (1) targeted entities, (2) targeted activities, (3) protected individuals, and (4) exceptions. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

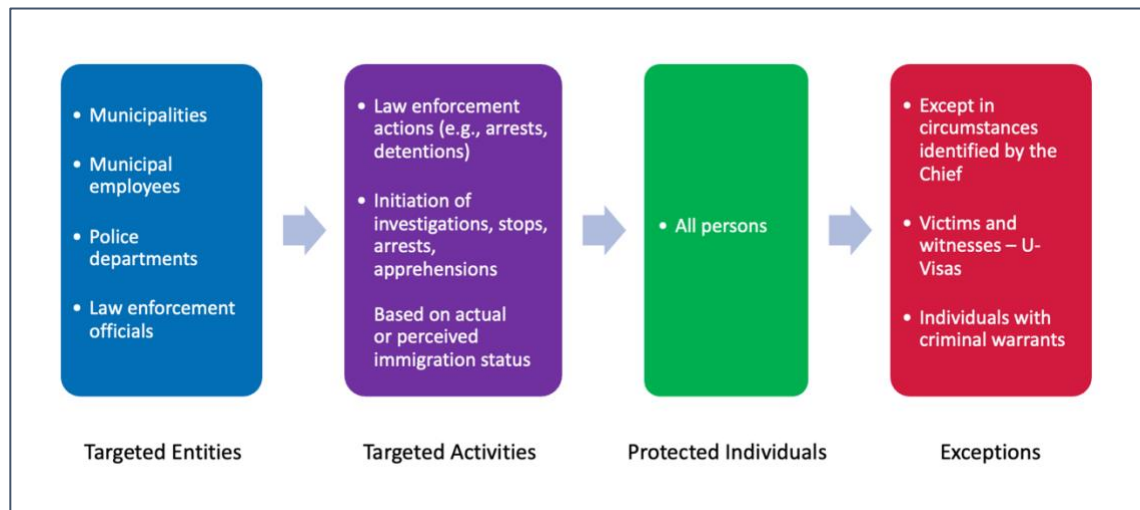


Figure 9: Key Components of Equal Treatment in Law Enforcement Actions Provisions

The thirteen *Equal Treatment Law Enforcement Actions Provisions* identified here are very similar in substance. With respect to targeted entities, most of the provisions are aimed at law enforcement agencies or officials. The Newton provision is targeted at city agencies and agents.¹⁶⁹ Greenfield #2 and Springfield have identical provisions directed at city officials. The Greenfield #2 and Springfield provisions specify that law enforcement actions include “regulatory action(s).”

The Brookline #3, Conway, and Newton provisions include exception clauses. Brookline #3 indicates that this type of equal treatment provision applies “except in limited circumstances specifically identified by the Chief and approved by the Board in public session as not inconsistent with this.” The Conway provision notes that “victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA).”¹⁷⁰ The Newton provision contains a lengthy exceptions clause that allows Newton’s law enforcement officers to “detain or arrest an individual in cooperation with ICE” under certain circumstances.

¹⁶⁹ The policy defines “Agency” and “Agent” as follows: “‘Agency’ means the City Council, Executive Office and every City department, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order. ‘Agent’ means any person employed by or acting on behalf of an agency in an official capacity, but shall not include independent sub-contractors of the City.”

¹⁷⁰ The U-Visa is a form of relief from removal created by the US Victims of Trafficking and Violence Prevention Act, Pub. L. No. 106-386, 114 Stat. 1464 (Oct. 28, 2000). U-Visas are available for victims of certain crimes who obtain certification from law enforcement that they assisted with the investigation of the crime. The purpose of the U-Visa is to encourage undocumented victims of crime to file reports with the police and assist with criminal prosecutions.

Provision Type - Equal Treatment in Law Enforcement Actions			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Acton	10/30/2017	Board of Selectmen Policy	No employee of the Town shall detain a person based on the belief that the person is not present legally in the United States or that the person has committed an immigration violation.
Amherst	05/08/2017	By-law	A Law Enforcement Official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, an arrest, or any other contact.
Arlington	05/08/2017	Resolution	Town Meeting joins and supports APD's sound policing and human rights policies of refusing to investigate, arrest, or detain persons based purely on their immigration status without any other suspicion or cause.
Brookline #3	04/25/2017	Board of Selectmen Policy	No police officer or other employee of the Department shall [...] take any policing action against a person based solely on the person's real or suspected immigration status, except in limited circumstances specifically identified by the Chief and approved by the Board in public session as not inconsistent with this Policy.
Cambridge #2	02/10/2020	Ordinance	Role of Police Department in immigration enforcement. The Cambridge Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest.
Concord	04/25/2017	Request to Select Board	No police officer of Concord shall arrest, detain, or continue to detain a person based solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation.
Conway	05/14/2018	By-law	A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, and apprehension, arrest, or any other contact. Victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA). ¹⁷¹
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
New Salem #2	06/05/2017	Resolution	We further direct the New Salem police department to refrain from initiating an investigation or taking law enforcement action on the basis of immigration status.

¹⁷¹ The Conway policy does not include an *Immigration Status Inquiry Provision* but does include this “exception” to inquiring about immigration status in its *Equal Treatment in Law Enforcement Actions Provision*. For more information on U-Visas, see *supra* note 169.



Provision Type - Equal Treatment in Law Enforcement Actions			
Municipality	Date	Policy Type	Provision
Newton	02/21/2017	Ordinance	<p>No Agency or Agent shall: [...] identify, investigate, arrest, detain, or continue to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation or that the person is otherwise deportable.</p> <p>Sec. 2-403. Exceptions to Prohibitions. [...] [T]he Newton Police Department may detain or arrest an individual in cooperation with ICE only when an investigation conducted by or information received by any City Agency indicates that: the individual has an outstanding criminal warrant, has a prior conviction for a serious violent felony, is being investigated for terrorism, or if there is a law enforcement or public safety purpose to do so that is not related to the enforcement of civil immigration law provided that the arrest or detention is based upon valid Massachusetts arrest authority and is consistent with the 4th Amendment to the United States Constitution and Article XIV of the Massachusetts Constitution.</p>
Somerville	06/13/2019	Ordinance	<p>Role of police in immigration enforcement. The Somerville Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including without limitation the initiation of a stop, an apprehension, or arrest.</p>
Springfield	12/17/2018	Ordinance	<p>A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.</p>
Indirect Provision			
Williamstown	05/16/2017	Resolution	<p>Through an incorporation of the Williamstown Police Department's General Order 17-01, which includes the following: Department members shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected immigration or citizenship status, or a civil immigration warrant, administrative warrant, or an immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database.</p>

Table O: Provision Type - Equal Treatment (In Law Enforcement Actions)

One municipality has a provision that is related to the issue of treating immigrants in law enforcement contexts but does not qualify as an *Equal Treatment in Law Enforcement Actions Provision*.

- Falmouth's** policy contains a provision that affirms that "all individuals questioned or detained by Falmouth law enforcement regardless of their immigration status will be informed of and be given their full due process rights." This provision does not count as an *Equal Treatment in Law Enforcement Actions Provision* because it does not reference equal treatment in the context of initiating or taking law enforcement action. The provision does, however, protect equal due process rights for immigrants.



E. Immigration Status Inquiries

IMMIGRATION STATUS INQUIRIES PROVISIONS PROHIBIT A MUNICIPALITY’S LAW ENFORCEMENT OFFICERS (OR ITS MUNICIPAL EMPLOYEES MORE GENERALLY) FROM INQUIRING ABOUT THE IMMIGRATION STATUS OF ALL INDIVIDUALS OR OF SPECIFIC CATEGORIES OF INDIVIDUALS (E.G., CRIME VICTIMS, WITNESSES).¹⁷²

Local policies that prohibit *sharing* information about immigration status with the federal government violate federal law; they violate 8 U.S.C. § 1373.¹⁷³ Local governments and law enforcement agencies are free, however, to prohibit *collecting* immigration status information.¹⁷⁴ Advocates argue that preventing local police officers from inquiring about immigration status can decrease anti-immigrant discrimination¹⁷⁵ and foster an atmosphere in which immigrants are more likely to feel safe accessing municipal services, health care providers, and public safety resources.¹⁷⁶

Immigration Status Inquiries Provisions are relatively common in our set of relevant policies; nearly half of these policies include such a provision. These provisions generally have two or more of the following components: (1) targeted entities, (2) targeted activity, (3) protected individuals, and (4) exceptions. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

¹⁷² The 2019 *ACLU Sample Welcoming Community Policy* includes a provision (*Inquiries about Immigration Status*) that contains the following language: “Officer and employees of the [city or town] may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.” See *Appendix B: ACLU Sample Welcoming Policy of 2019* for the full text.

¹⁷³ For more information about 8 U.S.C. § 1373, see *supra* Part I.B.2: *The Deportation Rate and Subfederal Immigration Enforcement* and Part IV.A.5: *Sharing Information about Immigration Status*.

¹⁷⁴ Emily Tucker, *Protecting Immigrant Communities: Municipal Policy to Confront Mass Deportation and Criminalization*, CTR. FOR POPULAR DEMOCRACY & LOCAL PROGRESS 21 (Mar. 2017), <https://www.populardemocracy.org/news/publications/protecting-immigrant-communities-municipal-policy-confront-mass-deportation-and>.

¹⁷⁵ See, e.g., *Local Policy Guide*, IMMIGR. LEGAL RES. CTR. 3 (Aug. 5, 2022), <https://www.ilrc.org/resources/local-policy-guide-protect-immigrants>; Krsna Avila et al., *The Rise of Sanctuary*, IMMIGR. LEGAL RES. CTR. 4 (Jan. 25, 2018), <https://www.ilrc.org/resources/rise-sanctuary>.

¹⁷⁶ See, e.g., Lena Graber & Nikki Marquez, *Local Policy Interventions for Protecting Immigrants*, IMMIGR. LEGAL RES. CTR. 6 (Dec. 14, 2020), <https://www.ilrc.org/resources/local-policy-interventions-protecting-immigrants>.



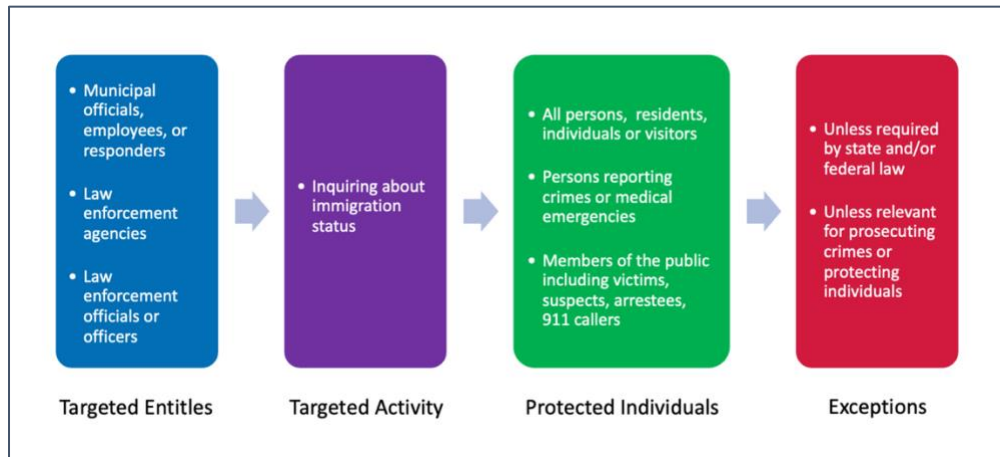


Figure 10: Key Components of Immigration Status Inquiries Provisions

A relatively strong provision might prohibit a municipality’s police officers from inquiring into the immigration status of “all individuals” without exception. A relatively weak provision might prohibit the municipality’s police officers from inquiring into the immigration status of a more limited group of individuals (e.g., persons seeking help from the police) or might include a broad exception (e.g., one permitting status inquiries that are necessary for keeping the peace).¹⁷⁷

Some police department policies in Massachusetts allow immigration status inquiries in contexts that are unrelated to immigration enforcement. For example, law enforcement officers may inquire into a crime victim’s immigration status to assess whether they would benefit from filing a U-Visa application as a result of their cooperation with law enforcement.¹⁷⁸

Provision Type - Immigration Status Inquiries			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
<i>Direct Provisions</i>			
Acton	10/30/2017	Board of Selectmen Policy	No employee of the Town shall inquire about or collect any information regarding the citizenship or immigration status, lawful or unlawful, of any individual unless the laws of the Commonwealth of Massachusetts or the Bylaws of the Town of Acton require municipal employees to do so.

¹⁷⁷ Belmont’s policy limits inquiries into the status of “persons seeking help from the police.” Sudbury and Wayland allow police officers to inquire into an individual’s immigration status if such an inquiry would “keep the peace.” Some police policies in Massachusetts allow immigration status inquiries in contexts that are unrelated to immigration enforcement. For example, law enforcement officers may inquire into a crime victim’s immigration status to assess whether they would benefit from filing a U-Visa application as a result of their cooperation with law enforcement.

¹⁷⁸ Conway’s *Equal Treatment in Law Enforcement Actions Provision*, for example, states that “victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA).” For more information on U-Visas, see *supra* note 169.



Provision Type - Immigration Status Inquiries

<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
Amherst	05/08/2017	By-law	A Law Enforcement Official shall not inquire as to an individual's immigration status unless required by federal law or the law of the Commonwealth.
Arlington	05/08/2017	Resolution	Town Meeting supports and encourages APD, and other Town first responders and officials, in declining to inquire about the citizenship or immigration status of the victim of a crime, a person who is reporting a crime or a medical emergency, a person who requires aid, or witnesses, family members and/or bystanders unless required by valid federal or state law.
Belmont	05/08/2017	Resolution	The Belmont Town meeting affirms its support for these Belmont Police Department practices: [...] Belmont Police officers will not inquire into the immigration status of persons seeking help from the police unless the information is relevant to prosecuting the reported crime or for the person's protection [...].
Boston	12/11/2019	Ordinance	A law enforcement official or an employee of a city department, agency or commission, shall not: Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency, including any of the following: [...] Inquiring of an individual his, her, or their immigration status. [...] Notwithstanding the limitations in subdivision (a) [e.g., the prohibition on inquiring about immigration status], this section does not prevent any Boston law enforcement official or employee of a city department, agency or commission from doing any of the following: [...] An inquiry into an individual's citizenship status by the City of Boston Elections Commission to determine their eligibility to vote in local, state, and federal elections.
Brookline #1	02/07/2017	Board of Selectmen Statement	[N]o Town employee shall ask for information on the immigration status of any person unless reasonably necessary for the provision of services by Town employees.
Brookline #2	04/25/2017	Board of Selectmen Statement	[N]o government official or department of the Town of Brookline shall be authorized by this statement to collect any information regarding the citizenship or immigration status, lawful or unlawful of any individual if such information is not required to be collected by the laws of the Commonwealth of Massachusetts, the Bylaws of the Town of Brookline, or the policies or regulations of the Brookline Police Department.
Brookline #3	04/25/2017	Board of Selectmen Policy	No police officer or other employee of the Department shall inquire about a person's immigration status, [...] except in limited circumstances specifically identified by the Chief and approved by the Board in public session as not inconsistent with this Policy. All persons shall have the right to file police reports and serve as witnesses to crimes, participate in police-community activities, and otherwise benefit from general police services without fear of having their immigration status being used against them or made available to federal or state officials who may use such status against them.
Cambridge #2	02/10/2020	Ordinance	Inquiries about immigration status. City 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 have contact, except as required by 8 U.S.C. § 1373.



Provision Type - Immigration Status Inquiries			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
Concord	04/25/2017	Request to Select Board	No employee of Concord shall inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the employee has contact, unless necessary to investigate criminal activity by that individual.
Easthampton	07/10/2019	Ordinance	Inquiries about immigration status. Officers and employees of the Easthampton may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit or required by law, i.e. Firearms licensing, CHS, AFIS, etc.
Falmouth	11/14/2019	Resolution (Non-binding)	And it is further resolved and the Town Meeting is petitioned to [...] affirm that all officials in Falmouth, in keeping with current practice, will refrain from: Asking residents and visitors about their immigration status.
Greenfield #1	07/20/2017	Mayor Executive Order	I, Mayor William Martin, hereby state, by Executive Order, that the Chief of Police of the Greenfield Police Department, and any other department so charged, shall direct their departments in the following: [...]THAT: officers of the Greenfield Police Department will not inquire as to an individual's immigration status, unless the status of the individual's immigration is pertinent to a criminal matter, criminal investigation, or otherwise required by federal or state law.
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	A city official shall not inquire as to an individual's immigration status unless required by federal or state law.
New Salem #2	06/05/2017	Resolution	We further direct the New Salem police department [...] to refrain from inquiring as to an individual's immigration status except as required by state or federal law.
Newburyport	03/26/2018	Ordinance	City employees shall not ask for information about immigration status in the performance of daily tasks unless required to do so by Federal or State statute, regulation or court decision.
Newton	02/21/2017	Ordinance	Requesting or Maintaining Information Prohibited. No Agency or Agent shall request or maintain information about, or otherwise investigate or assist in the investigation of, the citizenship or immigration status of any person unless such inquiry is required by valid state or federal law.
Northampton #2	12/05/2019	Ordinance	Furthermore, City resources shall not be used: To determine the immigration status of a person unless such inquiry is required by state or federal law or to provide a public benefit.
Pelham #2	05/12/2018	By-law	Municipal employees of the Town of Pelham, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual's immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation [...]. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual's immigration status unless directly relevant to the offenses charged.



Provision Type - Immigration Status Inquiries			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
Salem	03/29/2017	Ordinance / Ballot Initiative	City employees, with the exception of police officers who shall abide by police department policy, shall not ask for information about immigration status in the performance of daily tasks unless required to do so by federal or state statute, regulation, or court decision.
Somerville	06/13/2019	Ordinance	Inquiries about immigration status. Officers and employees of the city may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.
Springfield	12/17/2018	Ordinance	A city official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit.
Sudbury	05/08/2018	Resolution (Non-binding)	No police officer of Sudbury shall inquire about the immigration status of an individual, including but not limited to, a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the police officer has contact, unless necessary to facilitate a criminal investigation, protect the personal safety of an individual or keep the peace.
Wayland	04/29/2019	Resolution	No employee of Wayland inquires about the immigration status of an individual, including but not limited to, a crime victim, a witness, or a person who calls or approaches the police or other Town employee, unless necessary to facilitate a criminal investigation, protect the personal safety of an individual, or keep the peace.
Indirect Provisions			
Lexington #2	04/04/2018	Resolution	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No law enforcement agency shall inquire about a person’s immigration status, unless such information is required by law, or is an element in a crime for which the law enforcement agency is investigating the person.” ¹⁷⁹
Westhampton	05/12/2018	Article	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No law enforcement agency shall inquire about a person’s immigration status, unless such information is required by law, or is an element in a crime for which the law enforcement agency is investigating the person.” ¹⁸⁰
Williamstown	05/16/2017	Resolution	Through an incorporation of the Williamstown Police Department’s General Order 17-01, which includes the following: “The Williamstown Police Department should not engage in certain activities solely for the purpose of enforcing federal immigration laws: [...] Shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual.”

¹⁷⁹ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

¹⁸⁰ *Id.*



Some municipalities have provisions that are related to the issue of inquiring about immigration status but do not qualify as *Immigration Status Inquiries Provisions*.

- Belmont’s policy prohibits “Belmont Police officers” from “detain[ing] persons solely to investigate their immigration status.”
- Two municipalities issued policies that prohibit local officials from “participating in or cooperating with” inquiries associated with federal immigration matters. We classify provisions with this language as *Participation in Federal Immigration Enforcement Provisions*, not *Immigration Status Inquiries*.
 - Falmouth’s policy affirms that “in keeping with current practice, [...] all officials in Falmouth will refrain from participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government in the absence of probable cause of criminal activity and then only to the extent permissible.”
 - Mashpee’s policy prohibits “all local and non-local officials in Mashpee in the absence of probable cause of criminal activity, to the extent legally permissible, and in keeping with current practice, from: [p]articipating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government.”

F. Participating in Federal Immigration Enforcement

PARTICIPATING IN FEDERAL IMMIGRATION ENFORCEMENT PROVISIONS (PARTICIPATION PROVISIONS) PROHIBIT (1) GENERAL ASSISTANCE WITH FEDERAL IMMIGRATION ENFORCEMENT, (2) PARTICIPATION IN FEDERAL IMMIGRATION OPERATIONS AIMED AT DETAINING INDIVIDUALS FOR DEPORTATION, AND/OR (3) THE USE OF MUNICIPAL RESOURCES FOR THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.¹⁸¹

Many of the provision types discussed in this report are related to “participating” in federal immigration enforcement. *Deputizing Local Police Officers Provisions* and *Sharing Information with ICE Provisions*, for example, involve various forms of “participation.” To qualify as a *Participation Provision*, however, a provision must be directed at general participation in federal immigration enforcement activities or operations, or the use of funds to support such participation. Of the 49 municipalities that issued a Trump-era safe community policy in Massachusetts, 31 (63%) include some type of *Participation Provision*.

¹⁸¹ This provision type combines language from: (1) the *Role of Police in Immigration Enforcement* provision in the 2019 *ACLU Sample Welcoming Community Policy*, which prohibits assisting any federal immigration enforcement efforts; (2) the *Raids and Other Immigration Enforcement Actions* provision in the 2019 *ACLU Sample Welcoming Community Policy*, which prohibits participation in federal immigration enforcement efforts involving operations that aim to detain individuals for deportation purposes; and (3) the *Raids and Other Immigration Enforcement Actions* of the 2017 *ACLU Sample Welcoming Community Policy*, which prohibits the use of municipal resources for federal immigration enforcement. See *Appendix B* and *Appendix C* for the full text of these sample policies.



Participation Provisions generally have two or more of the following three components: (1) targeted entities, (2) targeted activities, and (3) exceptions. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

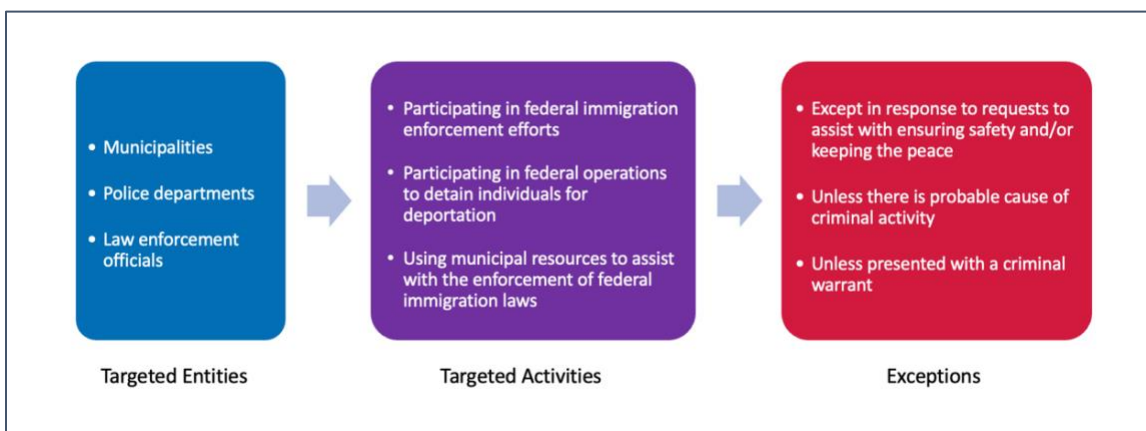


Figure 11: Key Components of Participating in Federal Immigration Enforcement Provisions

The most common type of *Participation Provision* prohibits the use of local funds for immigration enforcement; 25 of the 58 policies at issue here contain (directly or indirectly) some form of “no funding” provision. Over half of these policies were issued by municipalities in the region known as “Cape Cod and the Islands.”¹⁸² Nine of the municipalities on Cape Cod (i.e., Brewster, Dennis, Eastham, Falmouth, Harwich, Mashpee, Provincetown, Truro, and Wellfleet) and all of the municipalities of Martha’s Vineyard (i.e., Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury, and West Tisbury) issued a provision with the following wording or minor variations of it:

To see if the Town will vote to request the Selectmen to authorize law enforcement and all town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.

Eight additional municipalities (i.e., municipalities in other regions of Massachusetts) issued direct policies with variations of this “no funding” language: Acton, Boston, Boxborough, Brookline, Concord, Great Barrington, Newton, and Wayland. Lexington and West Hampton have policies that incorporate a *Participation Provision* indirectly.

Some “no funding” *Participation Provisions* include an exception clause that permits expenditures if the police are presented with “a criminal warrant or other evidence of probable cause.” Aquinnah’s provision, for example, requests that the Select Board “authorize law enforcement and all town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.” References to “criminal

¹⁸² This region consists of the 15 municipalities in Barnstable County (a.k.a. “Cape Cod”), the 7 municipalities in Dukes County (a.k.a. the municipalities of Martha’s Vineyard and the town of Gosnold), and the municipality of Nantucket in Nantucket County.



warrants” and “evidence of probable cause” suggest that the authors of these provisions were interested in prohibiting local police from honoring ICE detainers which, unlike criminal warrants, are not supported by a judicial determination of probable cause. Because such “no funding” provisions do not reference detainers explicitly, and do prohibit using local funds to enforce federal immigration laws in general, we include them with the *Participation Provisions* but flag them in our discussion of *ICE Detainers*. (For more information, see *infra* Part IV.J: *ICE Detainers*.)

Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
Language: General (Direct Provisions)			
Falmouth	11/14/2019	Resolution (Non-binding)	<p>[Falmouth Participation Provision 1 of 2] And it is further resolved and the Town Meeting is petitioned, in keeping with current practice, affirm that all officials in Falmouth will refrain from participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government in the absence of probable cause of criminal activity and then only to the extent legally permissible.</p> <p>And it is further resolved and the Town Meeting is petitioned to [...] affirm that all officials in Falmouth, in keeping with current practice, will refrain from: [...] Enforcing immigration matters.</p>
Mashpee	05/06/2019	Resolution	<p>[Mashpee Participation Provision 1 of 2] It is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Mashpee in the absence of probable cause of criminal activity, to the extent legally permissible, and in keeping with current practice, from:</p> <ol style="list-style-type: none"> 1. Participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government [and] 2. Enforcing immigration matters.
Northampton #2	12/05/2019	Ordinance	It is the policy of the City of Northampton that unless required by state or federal law, the City shall not take any action for the sole purpose of facilitating federal immigration enforcement.
Wayland	04/29/2019	Resolution	[Wayland Participation Provision 1 of 2] The enforcement of the nation’s federal civil immigration laws is solely the responsibility of the federal government, not the Wayland Police Department or other Town agencies.
Language: General (Indirect Provisions)			
Williamstown	05/16/2017	Resolution	Through an incorporation of the Williamstown Police Department’s General Order 17-01, which includes the following: “it should be known that the Williamstown Police Department does not investigate civil immigration laws, as this role falls to the federal government.”
Language: Federal Immigration Enforcement Operations (Direct Provisions)			



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
Cambridge #2	02/10/2020	Ordinance	[Cambridge Participation Provision 1 of 2] Role of Police Department in immigration enforcement. [...] The Cambridge Police Department shall not take part in or assist with federal immigration enforcement operations, except [...] in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort. ¹⁸³
Somerville	06/13/2019	Ordinance	[Somerville Participation Provision 1 of 2] Role of Police Department in Immigration Enforcement. [...] The Somerville Police Department shall not take part in or assist with federal immigration enforcement operations.
Language: Enforcement Operations Aimed at Detaining Individuals for Deportation (Direct Provisions)			
Arlington	05/08/2017	Resolution	Town Meeting supports and encourages APD in specifically declining to join in any operation led by a federal agency for the sole purpose of identifying and/or detaining persons not accused of any crime for deportation purposes, which would erode parts of our community's trust and could hamper effective law enforcement.
Cambridge #2	02/10/2020	Ordinance	[Cambridge Participation Provision 2 of 2] Raids and other immigration enforcement actions. No officer or employee of the Cambridge Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort.
Great Barrington	05/01/2017	Resolution	[Great Barrington Participation Provision 1 of 2] Trust Policy Principles. Great Barrington will not participate in [the] enforcement of federal immigration law or aid in the detention, transfer or deportation of residents for civil immigration purposes. Trust Policy Protocols: No Town participation in U.S. Immigration and Customs Enforcement (ICE) holds, arrests, detentions, or raids [...] except in cases where ICE demonstrates a criminal warrant signed by a judge and based probable cause.
Somerville	06/13/2019	Ordinance	[Somerville Participation Provision 2 of 2] Raids and other immigration enforcement actions. No officer or employee of the Somerville Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic, or provide police escort.

¹⁸³ The exception clause is found in Subsection (j): Raids and other immigration enforcement actions.



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
Sudbury	05/08/2018	Resolution (Non-binding)	No Sudbury police officer shall participate directly in an ICE tactical operation relative to the enforcement of civil immigration laws. The Sudbury Police Departments role, if any, in such operations is strictly safety related and peacekeeping.
Language: Using Municipal Resources to Enforce Federal Immigration Law (Direct Provisions)			
Acton	10/30/2017	Board of Selectmen Policy	[...] nor shall the Town use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Notwithstanding the prior sentence, nothing in this policy shall prevent an officer, employee or department of the Town from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena, or judicial detainer.
Aquinnah	05/09/2017	Request to Board of Selectmen	To see if the Town will vote to request the Selectmen to authorize law enforcement and all town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.
Boston	12/11/2019	Ordinance	A law enforcement official or an employee of a city department, agency or commission, shall not: Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency.
Boxborough	05/09/2017	Resolution (Non-binding)	None of Boxborough's public servants should use moneys, equipment, or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws, except as required by federal or state law.
Brewster	05/01/2017	Request to Board of Selectmen	To see if the Town will vote to request the Brewster Selectmen to authorize all Town officials to continue current practices, to the extent permissible by law, regarding federal immigration laws, that is to refrain from using Town Funds and other resources to enforce said laws unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution.
Brookline #3	04/25/2017	Board of Selectmen Policy	No funds, resources, facilities, property, equipment, or personnel of the Department shall be used for any federal immigration custody or detainment or other enforcement purpose, except incidental use, such as fingerprints, that may be acquired by Immigration and Customs Enforcement or other federal agencies in the ordinary course of the Department's operations.
Chilmark	04/24/2017	Request to Board of Selectmen	To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
			and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States.
Concord	04/25/2017	Request to Select Board	[...] nor shall any department of the Town of Concord use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section shall prevent an officer, employee or department from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena, or judicial detainer.
Dennis	05/02/2017	Request to Board of Selectmen	To see if the Town will vote to request the Dennis Selectmen to authorize all Town officials to refrain from using Town funds and other resources to enforce federal immigration laws. In keeping with current practices, refrain from action against immigrants, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution.
Eastham	05/01/2017	Request to Board of Selectmen (Non-binding)	To see if the Town will vote to request the Eastham Selectmen to authorize all Town officials to refrain from using Town funds and other resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution.
Edgartown	04/11//2017	Request to Board of Selectmen	Move that the Town vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.
Falmouth	11/14/2019	Resolution (Non-binding)	[Falmouth Participation Provision 2 of 2] And it is further resolved and the Town Meeting is petitioned, in keeping with current practice, affirm that all officials in Falmouth will refrain from using Town funds and/or other Town resources to enforce Federal immigration law unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution.
Great Barrington	05/01/2017	Resolution	[Great Barrington Participation Provision 2 of 2] Trust Policy Principles: Great Barrington will not use Town funds or resources to assist in federal immigration detention and arrest processes, except in criminal cases. Trust Policy Protocols: No Town participation in U.S. Immigration and Customs Enforcement (ICE) holds, arrests, detentions, or raids, or use of town resources to facilitate said activities, except in cases where ICE demonstrates a criminal warrant signed by a judge and based probable cause.
Harwich	05/06/2019	Request to Board of Selectmen (Non-binding)	To see if the Town of Harwich will vote to request the Selectmen to authorize Town law enforcement and Town officials to refrain from using Town funds and/or other Town resources to enforce federal immigration



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
			laws to the extent permissible by law, including, but not limited to, 8 U.S.C. §1373 and 8 U.S.C. §1644, in keeping with current practices, unless presented with a criminal warrant, court order or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution, and to act fully thereon.
Mashpee	05/06/2019	Resolution	<p>[Mashpee Participation Provision 2 of 2] It Is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Mashpee in the absence of probable cause of criminal activity, to the extent legally permissible, and in keeping with current practice, from: [...]</p> <p>Using town funds and other town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution.</p>
Newton	02/21/2017	Ordinance	<p>No Agency or Agent shall use City funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal civil immigration law or to gather information regarding the citizenship or immigration status of any person, unless permitted under section 2-403. Nothing in this section shall prevent an Agency or Agent from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena or immigration detainer.</p> <p>Sec. 2-403. Exceptions to Prohibitions. [...] [T]he Newton Police Department may detain or arrest an individual in cooperation with ICE only when an investigation conducted by or information received by any City Agency indicates that: the individual has an outstanding criminal warrant, has a prior conviction for a serious violent felony, is being investigated for terrorism, or if there is a law enforcement or public safety purpose to do so that is not related to the enforcement of civil immigration law provided that the arrest or detention is based upon valid Massachusetts arrest authority and is consistent with the 4th Amendment to the United States Constitution and Article XIV of the Massachusetts Constitution. (Ord. No. A-102, 02-21-17)</p>
Oak Bluffs	04/11/2017	Request to Board of Selectmen	To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town Officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution, or take any other action relative thereto.
Provincetown #2	04/03/2018	Request to Board of Selectmen (Non-binding)	To see if the Town will vote to request that Selectmen authorize all Town officials to refrain from using Town funds and other Town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution [...].
Tisbury	04/26/2017	Request to Board of Selectmen	To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
			current practices unless presented with a criminal warrant or other evidence of probable cause as required by the fourth Amendment of the United States Constitution.
Truro	04/24/2018	Request to Board of Selectmen (Non-binding)	To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practices unless presented with a criminal warrant or other evidence of probable cause as required by the fourth Amendment of the United States Constitution.
Wayland	04/29/2019	Resolution	[Wayland Participation Provision 2 of 2] [N]o department of the Town uses Town funds, resources, facilities, property, or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section prevents an officer, employee, or department from lawfully discharging duties in compliance with and in response to a lawfully issued judicial Warrant.
Wellfleet	04/26/2017	Request to Board of Selectmen (Non-binding)	To see if the Town will vote to request Wellfleet Selectmen authorize all Town officials to refrain from using Town funds and other resources for the enforcement of federal immigration laws in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the fourth amendment of the United States constitution.
West Tisbury	04/11/2017	Request to Board of Selectmen	To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.
Language: Using Municipal Resources to Enforce Federal Immigration Law (Indirect Provisions)			
Lexington #2	04/04/2018	Resolution	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or any political subdivision thereof, shall use funds, resources, facilities, property, equipment, or personnel for immigration enforcement purposes; provided, however, that nothing in this subsection shall prohibit houses of correction from entering into Inter-Governmental Service Agreements with the United States Department of Homeland Security in which persons in Immigration and Customs Enforcement custody are housed at the house of correction and the United States Department of Homeland Security pays a daily fee for each person detained there.” ¹⁸⁴

¹⁸⁴ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.



Provision Type: Participating in Federal Immigration Enforcement			
Municipality	Date	Policy Type	Provision
Westhampton	05/12/2018	Article	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or any political subdivision thereof, shall use funds, resources, facilities, property, equipment, or personnel for immigration enforcement purposes; provided, however, that nothing in this subsection shall prohibit houses of correction from entering into Inter-Governmental Service Agreements with the United States Department of Homeland Security in which persons in Immigration and Customs Enforcement custody are housed at the house of correction and the United States Department of Homeland Security pays a daily fee for each person detained there.” ¹⁸⁵

Table Q: Provision Type - Participating in Federal Immigration Enforcement

G. Deputizing Local Police Officers

DEPUTIZING LOCAL POLICE OFFICERS PROVISIONS (DEPUTIZING PROVISIONS) PROHIBIT A MUNICIPALITY’S LAW ENFORCEMENT OFFICERS FROM PERFORMING THE FUNCTIONS OF FEDERAL IMMIGRATION OFFICERS OR PROHIBIT LOCAL LAW ENFORCEMENT AGENCIES FROM SEEKING OR AUTHORIZING 287(G) AGREEMENTS.¹⁸⁶

The § 287(g) program involves the deputization of local law enforcement officials to perform some of the functions of ICE agents.¹⁸⁷ During the Trump administration, ICE had active 287(g) agreements in

¹⁸⁵ *Id.*

¹⁸⁶ The 2019 *ACLU Sample Welcoming Community Policy* includes a provision (*Deputizing of Local Officials*) that contains the following language: “No officer or employee of any the [city or town] Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.” See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text.

¹⁸⁷ For more information about the 287(g) program, see *supra* Part I.B.2: *The Deportation Rate and Subfederal Immigration Enforcement*.



Massachusetts¹⁸⁸ with the sheriffs of Barnstable,¹⁸⁹ Bristol,¹⁹⁰ and Plymouth¹⁹¹ counties and with the Massachusetts Department of Corrections.¹⁹² Since that time, the agreements with the sheriffs of Bristol, Plymouth, and Barnstable counties have been terminated.¹⁹³ Massachusetts is currently the only state in New England with an active 287(g) agreement.¹⁹⁴

Of the 49 municipalities that issued a Trump-era safe community policy in Massachusetts, 17 (35%) include a *Deputizing Provision*. With one exception, these provisions have the following two components: targeted entities and targeted activities. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

¹⁸⁸ 287(g) Memorandums of Agreement/Understanding (Old), IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/identify-and-arrest/287g/287g-archive> (last visited Dec. 12, 2022); *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/identify-and-arrest/287g> (last visited Dec. 12, 2022).

¹⁸⁹ *Memorandum of Agreement*, ICE & BARNSTABLE CTY. SHERIFF'S OFFICE (June 26, 2007), <https://www.ice.gov/doclib/287gMOA/barnstablecountysheriffsoffice.pdf>; *Memorandum of Agreement 287(g) Jail Enforcement Model*, ICE & BARNSTABLE CTY. SHERIFF'S OFFICE (Mar. 31, 2020), https://www.ice.gov/doclib/287gMOA/287gJEM_BarnstableCoMA2020-06-09.pdf; *Addendum to Modify Memorandum of Agreement*, ICE & BARNSTABLE CTY. SHERIFF'S OFFICE 12 (June 16, 2020), https://www.ice.gov/doclib/287gMOA/287gJEM_BarnstableCoMA2020-06-09.pdf.

¹⁹⁰ *Memorandum of Agreement*, ICE & BRISTOL CTY. SHERIFF'S OFFICE (Jan. 18, 2018), https://www.ice.gov/doclib/287gMOA/Bristol_MOA_01182017.pdf; *Addendum to Extend Memorandum of Agreement*, ICE & BRISTOL CTY. SHERIFF'S OFFICE (May 16, 2019), <https://www.ice.gov/doclib/287gMOA/287gBristolMa2017-02-08.pdf>; *Memorandum of Agreement 287(g) Jail Enforcement Model*, ICE & BRISTOL CTY. SHERIFF'S OFFICE (Apr. 27, 2020), https://www.ice.gov/doclib/287gMOA/287gJEM_BristolCoMA_06-08-2020.pdf.

¹⁹¹ *Memorandum of Agreement 287(g) Jail Enforcement Model*, ICE & PLYMOUTH CTY. SHERIFF'S OFFICE (Mar. 14, 2020), https://www.ice.gov/doclib/287gMOA/287gJEM_PlymouthCoMA2020-06-08.pdf.

¹⁹² *Memorandum of Agreement 287(g) Jail Enforcement Model*, ICE & MASS. DEP'T OF CORR., (Mar. 24, 2020), https://www.ice.gov/doclib/287gMOA/287g_JEM_MassDOC_06-08-2020.pdf.

¹⁹³ *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/identify-and-arrest/287g> (last updated Oct. 18, 2022); Laura Crimaldi, *Biden Administration Terminates ICE Contract with Bristol Sheriff Thomas Hodgson*, THE BOSTON GLOBE (May 20, 2021), <https://www.bostonglobe.com/2021/05/20/metro/biden-administration-terminates-ice-contract-bristol-sheriff-thomas-hodgson/>; Sarah Betancourt, *Plymouth Sheriff Ends Contract to Share Immigrant Information with ICE*, WGBH (Sept. 10, 2021), <https://www.wgbh.org/news/local-news/2021/09/10/plymouth-sheriff-ends-contract-to-share-immigrant-information-with-ice>; Alex Megerle, *New Sheriff Ends Agreement With Federal Immigration Agency*, THE ENTERPRISE (Jan. 4, 2023), https://www.capenews.net/regional_news/new-sheriff-ends-agreement-with-federal-immigration-agency/article_940a4f6a-197e-5caa-8524-d879df21a2a2.html.

¹⁹⁴ *Statement of ACLU of Massachusetts on Plymouth County Plan to Terminate 287(g) Agreement*, AM. CIV. LIBERTIES UNION OF MASS. (Sept. 10, 2021), <https://www.aclum.org/en/news/statement-aclu-massachusetts-plymouth-county-plan-terminate-287g-agreement>.



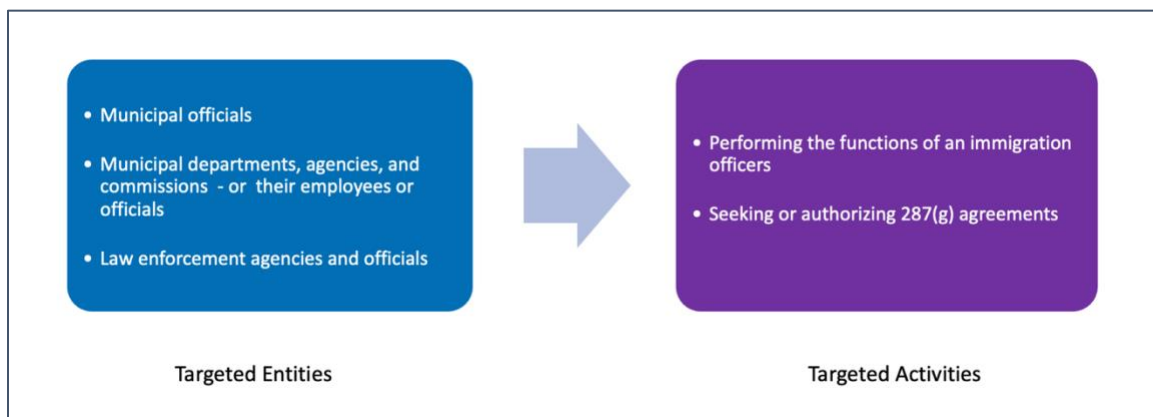


Figure 12: Key Components of Deputizing Local Police Officers Provisions

One municipality includes an exception clause in its *Deputizing Provision*; the mayor of Greenfield issued an executive order on July 20, 2017, stating that the Greenfield Police Department was prohibited from authorizing a 287(g) agreement without the approval of the mayor.

While the majority of the *Deputizing Provisions* prohibit individual police officers from performing the functions of federal immigration enforcement officials, a small number of municipalities take a different approach. Sudbury’s provision prohibits appointing a Sudbury police officer as “an agent of any agency that would grant them the powers duly authorized under the federal civil immigration laws.” Belmont and Greenfield prohibit seeking or authorizing 287(g) agreements, respectively.

Provision Type - Deputizing Local Police Officers			
<i>Municipality</i>	<i>Date</i>	<i>Policy Type</i>	<i>Provision</i>
<i>Language: Perform the Functions of an Immigration Officer (Direct Provisions)</i>			
Acton	10/30/2017	Board of Selectmen Policy	No employee of the Town shall perform the functions of an immigration officer.
Amherst	05/08/2017	By-law	To the extent permissible by law, a Town department, or officer or employee of a Town department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.
Boston	12/11/2019	Ordinance	A law enforcement official or an employee of a city department, agency or commission, shall not: [...] Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency, including any of the following: [...] Performing the functions of an immigration officer.
Cambridge #2	02/10/2020	Ordinance	Deputizing of local officials. No officer or employee of the Cambridge Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy,



			whether formal or informal, except as required by federal or state law or regulations.
Concord	04/25/2017	Request to Select Board	No police officer or employee of Concord shall perform the functions of an immigration officer.
Conway	05/14/2018	By-law	To the extent permissible by law, no employee of any Conway Town department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
Easthampton	07/10/2019	Ordinance	Deputizing of local officials. No city official shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	To the extent permissible by law, a city official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
Northampton #2	12/05/2019	Ordinance	Furthermore, City resources shall not be used: [...] To perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.
Somerville	06/13/2019	Ordinance	Deputizing of local officials. No officer or employee of the City of Somerville shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
Springfield	12/17/2018	Ordinance	To the extent permissible by law, a city official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
Wayland	04/29/2019	Resolution	No local police officer or employee of Wayland performs the functions of an immigration officer.
Language: Perform the Functions of an Immigration Officer (Indirect Provisions)			
Lexington #2	04/04/2018	Resolution	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or any political subdivision thereof shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal. Any agreements inconsistent with this section are null and void.” ¹⁹⁵
Westhampton	05/12/2018	Article	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or any political subdivision thereof shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether

¹⁹⁵ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.



			<i>formal or informal. Any agreements inconsistent with this section are null and void.</i> ¹⁹⁶
Williamstown	05/16/2017	Resolution	Through an incorporation of the Williamstown Police Department's General Order 17-01, which includes the following: <i>Department members "[s]hall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy."</i>
Language: Appointment as Agent of Agency (Direct Provision)			
Sudbury	05/08/2018	Resolution (Non-binding)	The enforcement of the nation's federal civil immigration laws is the sole responsibility of the federal government, not the Sudbury Police Department. No <i>Sudbury police officer</i> shall be <i>appointed as an agent of any agency that would grant them the powers duly authorized under the federal civil immigration laws.</i>
Language: Seeking or Authorizing 287(g) Agreements (Direct Provisions)			
Belmont	05/08/2017	Resolution	<i>The Belmont Police Department</i> will not seek to have any officer receive a delegation of the powers of an immigration officer.
Greenfield #1	07/20/2017	Mayor Executive Order	NOW THEREFORE, I, Mayor William Martin, hereby state, by Executive Order, that the Chief of Police of the Greenfield Police Department, and any other department so charged, shall direct their departments in the following: THAT: <i>The Greenfield Police Department</i> shall not <i>authorize or employ any agreement under Section 287 (g) of the Immigration and Nationality Act (INA) without the expressed authorization and approval of the Mayor.</i>

Table R: Provision Type - Deputizing Local Police Officers

H. Sharing Information with ICE

SHARING INFORMATION WITH ICE PROVISIONS (SHARING INFORMATION PROVISIONS) PROHIBIT LOCAL LAW ENFORCEMENT OFFICERS FROM SHARING CERTAIN TYPES OF INFORMATION ABOUT INDIVIDUALS IN LOCAL CUSTODY (E.G., RELEASE DATES) WITH FEDERAL OFFICERS OR AGENCIES INVOLVED IN IMMIGRATION ENFORCEMENT.¹⁹⁷

All *Sharing Information Provisions* prohibit providing various categories of information about individuals in local custody to ICE, but they vary with respect to the types of information covered by, and excluded from, their prohibitions. Information covered by these provisions includes personal information about

¹⁹⁶ *Id.*

¹⁹⁷ The 2019 *ACLU Sample Welcoming Community Policy* includes a provision (Federal Requests for Information) that contains the following language: "No officer or employee of a the [city or town] Police Department shall provide a federal officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth)." See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text. These information-sharing provisions are sometimes referred to as "notification provisions." The 2017 *ACLU Sample Welcoming Community Policy* includes a similar provision with the title "ICE Notification Requests." See *Appendix C: ACLU Sample Welcoming Community Policy of 2017*.



individuals held in custody (e.g., their physical descriptions, home addresses, work addresses, and phone numbers), as well as information about their incarceration (e.g., information about upcoming hearings, release dates, incarceration length, and incarceration status).

Exclusions include information available via public records laws and information about citizenship status.

- Three municipalities (Cambridge, Easthampton, and Somerville) follow the 2019 *ACLU Sample Welcoming Community Policy* provision and exclude information available through the Massachusetts Public Records Laws¹⁹⁸ from their prohibition against information sharing.
- Almost all municipalities with a *Sharing Information Provision* permit sharing information about immigration and citizenship status with federal agencies. Many of these municipalities cite 8 U.S.C. § 1373, which prohibits restrictions on sharing this type of information with the federal government.¹⁹⁹ (Newton permits information sharing required by *any* valid state or federal law.) Pelham’s *Sharing Information Provision* is unusual in that it *prohibits* sharing information about the immigration status of a crime victim, witness, or suspect with federal immigration enforcement authorities — unless the information is “directly relevant” to an investigation.
- Great Barrington, Greenfield #2, Springfield, Sudbury, and Williamstown note, in the context of their *Sharing Information Provisions*, that local officials will honor criminal warrants, judicial warrants, and court orders.
- The *Sharing Information Provisions* of Boston and Newton include some of the broadest exceptions. Boston’s provision permits significant information sharing with ICE and with other “federal authorities or task forces.” Newton’s provision permits information sharing when the individual involved consents to that sharing, when the information is necessary to provide a city service, or when the sharing is required by any valid state or federal law.

For an overview of the ways in which municipalities include and exclude categories of information in their *Sharing Information Provisions*, see *Table T: Sharing Information with ICE - Prohibitions and Exceptions* below.

Sharing Information Provisions generally have two or more of the following four components. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

¹⁹⁸ MASS. GEN. LAWS ch. 66 § 10; MASS. GEN. LAWS ch. 4 § 7 (twenty-sixth).

¹⁹⁹ For more information about 8 U.S.C. § 1373, see *supra* Part I.B.2: *The Deportation Rate and Subfederal Immigration Enforcement*.





Figure 13: Key Components of Sharing Information with ICE Provisions

Provision Type - Sharing Information with ICE			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Amherst	05/08/2017	By-law	<p>A Law Enforcement Official shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person's release from custody, home address, work address, or phone number.</p> <p>[Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent, from sending to, or receiving from, any local, Commonwealth, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.]</p>
Arlington	05/08/2017	Resolution	<p>Town Meeting supports and encourages APD in specifically declining to respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.</p> <p>[Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent, from sending to, or receiving from, any local, Commonwealth, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.]</p>
Boston	12/11/2019	Ordinance	<p>A law enforcement official or an employee of a city department, agency or commission, shall not: Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency, including any of the following: [...]</p>



			<p>Providing personal information, as defined in section 1, regarding a person's release date to the federal Immigration and Customs Enforcement agency [and]</p> <p>Providing personal information, as defined in section 1, or regarding a person's release date or time to ICE-HSI²⁰⁰ solely for the purpose of enforcing civil violations of U.S. immigration laws.</p> <p>[Section 1 defines “personal information” as “any information that is maintained by an agency that identifies or describes an individual, that can be used, either alone or in combination with other information, to identify individual subjects, such as his or her name, social security number, physical description, home address, and/or work address.”]</p> <p>[Notwithstanding the limitations in subdivision (a) [e.g., the prohibition on providing information to ICE and ICE-HSI], this section does not prevent any Boston law enforcement official or an employee of a city department, agency or commission from doing any of the following: [...]</p> <p>Responding to a request from ICE-HSI for information about a specific person's criminal history, including, but not limited to, previous criminal arrests, convictions, or CORI, where otherwise permitted by state law, [...]</p> <p>Conducting enforcement or investigative duties associated with partnerships with federal authorities or task forces, including the sharing of confidential information with the Boston Police or other agencies for purposes of joint investigations, so long as the primary purpose of the partnership or task force is not to enforce civil violations of U.S. immigration laws.</p> <p>This section [i.e., the section including a prohibition on information sharing with ICE and ICE-HSI] does not prohibit or restrict any government agency from complying with Sections 1373 and 1644 of Title 8 of the United States Code.]</p>
Brookline #3	04/25/2017	Board of Selectmen Policy	No police officer or civilian employee of the Department shall make any information in its databases or other record-keeping systems available to any entity for enforcement of any federal statute [...].
Cambridge #2	02/10/2020	Ordinance	<p><i>Federal requests for information.</i> No officer or employee of the Cambridge Police Department shall provide an officer or employee of ICE with the following information relating to a person in the custody of the Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth). Nothing in this section shall prohibit or restrain an officer or employee of the Cambridge Police Department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or</p>

²⁰⁰ Section 1 of Boston's Amended Trust Act defines “ICE-HSI” as “the Department of Homeland Security Investigations division of ICE whose purpose is to work alone or in concert with other federal, state, and local law enforcement to investigate and enforce laws prohibiting human smuggling and trafficking; narcotics and weapons smuggling and trafficking; transnational gang activity; cybercrimes; money laundering, financial crimes, bulk cash smuggling; document and benefit fraud; human rights violations; commercial fraud and intellectual property theft; export enforcement; and international art and antiquities theft.”



			<p>immigration status, consistent with 8 U.S.C. §1373.</p> <p>[Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any Cambridge agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.]</p>
Concord	04/25/2017	Request to Select Board	<p>No police officer or employee of Concord shall respond to any ICE notification request by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention, home address, or personal information, but may provide information regarding citizenship or immigration status.</p>
Easthampton	07/10/2019	Ordinance	<p><i>Federal requests for information:</i> No city official shall provide an ICE Officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).</p> <p>[Nothing in this ordinance shall be construed to violate any federal law, or to prohibit any Easthampton agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373 or other state and federal law.]</p>
Great Barrington	05/01/2017	Resolution	<p><i>Trust Policy Protocols:</i> No responding to ICE requests seeking information outside of a criminal warrant, or providing access to local records and databases.</p>
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	<p>A city official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person's release from custody, home address, work address, or phone number.</p> <p>[Nothing in this ordinance shall prohibit or restrain any city official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.]</p>
Newton	02/21/2017	Ordinance	<p>No Agency or Agent shall: [...] notify federal authorities about the release or pending release of any person for immigration purposes except in accordance with Sec 2-403 [or] provide federal authorities with information about the upcoming release of a person in custody or the person's home or work address for immigration purposes.</p> <p>Sec. 2-403 Exceptions to Prohibitions. The prohibitions [in the provisions mentioned above] shall not apply where the individual to whom such information pertains provides his or her informed consent as to how the information might be used (or if such individual is a minor, the informed consent of that person's parent or guardian), where the information is necessary to provide a City service or where otherwise required by valid state or federal law.</p> <p>[Nothing in this subsection shall prohibit or restrain the Agency or Agent from sending to, or receiving from, any local, state, or federal agency,</p>



			information regarding citizenship or immigration status, consistent with Section 1373 of Title 8 of the United States Code.]
Northampton #2	12/05/2019	Ordinance	<p>It is the policy of the City of Northampton that unless required by state or federal law, the City shall not take any action for the sole purpose of facilitating federal immigration enforcement, including providing nonmandatory information to any state or federal agency.</p> <p>[Nothing in this article shall be construed [...] prohibit any City official from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.]</p>
Pelham #2	05/12/2018	By-law	<p>Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information is directly relevant.</p>
Somerville	06/13/2019	Ordinance	<p><i>Federal requests for information.</i> No officer or employee of the Somerville Police Department shall provide a federal officer with the following information relating to a person in the custody of the Somerville Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).</p> <p>[Compliance with federal law. Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any city agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. section 1373.]</p>
Springfield	12/17/2018	Ordinance	<p>A city official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, or phone number of a person in custody.</p> <p>[Nothing in this ordinance shall prohibit or restrain any city official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.]</p>
Sudbury	05/08/2018	Resolution (Non-binding)	<p>No Sudbury police officer shall voluntarily respond to any ICE notification requests regarding civil immigration violations by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention home address, or personal information.</p> <p>[The Sudbury Police Department may provide information regarding citizenship or immigration status in accordance with state or federal law, including, but not limited to, 8 U.S.C. § 1373. Nothing in this Policy shall prohibit or restrain any Sudbury law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373 or an order from a court of competent jurisdiction.]</p>
Wayland	04/29/2019	Resolution	<p>No Wayland police officer or Town employee will provide Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) with any</p>



			<p>information about any individual in regards to any civil immigration violation investigations.</p> <p>[Nothing in this resolution prohibits or restrains any Wayland law enforcement officer or Town employee from sending to, or receiving from, any local, state, or federal agency information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.]</p>
<i>Indirect Provisions</i>			
<i>Lexington #2</i>	<i>04/04/2018</i>	<i>Resolution</i>	<p>Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No law enforcement agency shall provide or allow United States Department of Homeland Security agents access to booking lists or information regarding the incarceration status or release date of a person in its custody, unless such person is serving a sentence for a serious violent felony. For the purpose of this subsection, “serious violent felony” means a violent felony for which there is no district court jurisdiction pursuant to section 26 of Chapter 218. Law enforcement agencies shall not otherwise notify the United States Department of Homeland Security about a person’s pending release from custody and shall not respond to requests from the United States Department of Homeland Security for publicly-available information regarding a person in custody, including requests pursuant to federal form I-247N; provided, however, that nothing in this section shall prohibit or restrain any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.”²⁰¹</p>
<i>Westhampton</i>	<i>05/12/2018</i>	<i>Article</i>	<p>Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No law enforcement agency shall provide or allow United States Department of Homeland Security agents access to booking lists or information regarding the incarceration status or release date of a person in its custody, unless such person is serving a sentence for a serious violent felony. For the purpose of this subsection, “serious violent felony” means a violent felony for which there is no district court jurisdiction pursuant to section 26 of Chapter 218. Law enforcement agencies shall not otherwise notify the United States Department of Homeland Security about a person’s pending release from custody and shall not respond to requests from the United States Department of Homeland Security for publicly-available information regarding a person in custody, including requests pursuant to federal form I-247N; provided, however, that nothing in this section shall prohibit or restrain any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373”.²⁰²</p>
<i>Williamstown</i>	<i>05/16/2017</i>	<i>Resolution</i>	<p>Through an incorporation of the Williamstown Police Department’s General Order 17-01, which includes the following:</p> <p>“Absent a judicial warrant, the Williamstown Police Department should not honor ICE or CBP requests for certain non-public, sensitive information about an individual.</p> <p>The Williamstown Police Department may respond affirmatively to an ICE or CBP request for non-public information about an individual, including but not limited to non-public information about an individual’s release, home</p>

²⁰¹ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

²⁰² *Id.*



			<p>address, or work address, only if the request is accompanied by a judicial warrant, EXCEPT THAT nothing in this law prohibits any local agency from:</p> <ul style="list-style-type: none"> • Sending to or receiving from any local, state, or federal agency, per 8 U.S.C. § 1373: (i) information regarding an individual's country of citizenship or (ii) a statement of the individual's immigration status; or • Disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or • Disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order. <p>The Williamstown Police Department shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law."</p>
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Table S: Provision Type - Sharing Information with ICE

Sharing Information with ICE Prohibitions and Exceptions															
Municipalities	Prohibitions											Exceptions			
	Any Information	Release from Custody Date	Incarceration Status	Detention Length	Hearing Information	Personal Information	Home Address	Work Address	Phone Number	Physical Description	Social Security #	Citizenship or Immigration Status	Info Available via Public Records Laws	Serving violent felony sentence	Other
Amherst	X	X	X				X	X	X			X			
Arlington		X	X	X	X	X	X	X				X			
Boston	X	X				X	X	X		X	X	X			X
Brookline	X														
Cambridge #2		X	X	X	X	X	X	X				X	X		
Concord			X	X	X	X	X					X			



Easthampton		X	X	X	X	X	X	X				X	X		
Great Barrington	X														
Greenfield #2	X	X	X				X	X	X			X			
Newton		X					X	X				X			X
Northampton #2	X											X			
Pelham #2															X
Somerville		X	X	X	X	X	X	X				X	X		
Springfield		X	X				X	X	X			X			
Sudbury			X	X	X	X	X					X			
Wayland	X											X			
Lexington #2		X	X									X		X	
Westhampton		X	X									X		X	
Williamstown		X					X	X				X			X

Table T: Sharing Information with ICE - Prohibitions and Exceptions

One municipality has a provision that is related to information sharing with the federal government but does not qualify as a *Sharing Information Provision*.

- Belmont's policy contains a provision that promotes information sharing with the federal government: "The Belmont Police Department will cooperate with federal, state, and local criminal and civil investigative agencies in the accomplishment of their lawful objectives by providing such information as the Police Department maintains."

I. ICE Access to Individuals

ICE ACCESS TO INDIVIDUALS PROVISIONS (ICE ACCESS PROVISIONS) PROHIBIT LOCAL LAW ENFORCEMENT AGENTS FROM GRANTING ICE AGENTS ACCESS TO INDIVIDUALS IN LOCAL CUSTODY ABSENT A JUDICIAL WARRANT OR OTHER COURT ORDER.²⁰³

ICE arrests may be divided into two categories: custodial arrests, which occur when ICE "assumes custody of immigrants from another law enforcement agency," and community arrests, which occur when ICE arrests an immigrant at their home, place of business, or elsewhere in the community.²⁰⁴ It has been true since at least 2009 that the majority of ICE arrests are custodial arrests.²⁰⁵ During ICE's fiscal year in 2018, nearly 70% of all ICE arrests were custodial arrests, and nearly half of those custodial arrests were made in local jails.²⁰⁶

²⁰³ The 2019 *ACLU Sample Welcoming Community Policy* contains a provision (*ICE Access to Facilities*) that contains the following language: "Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference." See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text.

²⁰⁴ *Tracking Over 2 Million ICE Arrests: A First Look*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE (TRAC) (Sept. 25, 2018), <https://trac.syr.edu/immigration/reports/529/>.

²⁰⁵ *Id.*

²⁰⁶ *Id.* The relevant ICE fiscal year runs from October 2017 to June 2018.



According to advocates, allowing ICE agents to access individuals in local custody is problematic because it enables racial profiling and often involves violations of due process: “ICE agents in jails frequently question people without identifying themselves, providing Miranda warnings, or adhering to [...] legal standards that other law enforcement [agencies] follow.”²⁰⁷

Four municipalities issued direct *ICE Access Provisions*: Cambridge, Somerville, Sudbury, and Wayland. Cambridge and Somerville specify that prohibited forms of access include in-person visits, telephone calls, and videoconferences. Sudbury and Wayland prohibit access both to individuals in custody and to the “municipal facilities” in which such individuals are detained. All four municipalities have exception clauses that allow ICE access to individuals pursuant to a “judicial” or “duly authorized” warrant.²⁰⁸ The Williamstown municipal policy incorporates a local police policy that prohibits the Williamstown Police Department from providing federal officers access to individuals in local custody for the sole purpose of questioning associated with immigration enforcement.

ICE Access Provisions have three or more of the following components: (1) targeted entities, (2) targeted activities, (3) protected individuals, and (4) exceptions. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

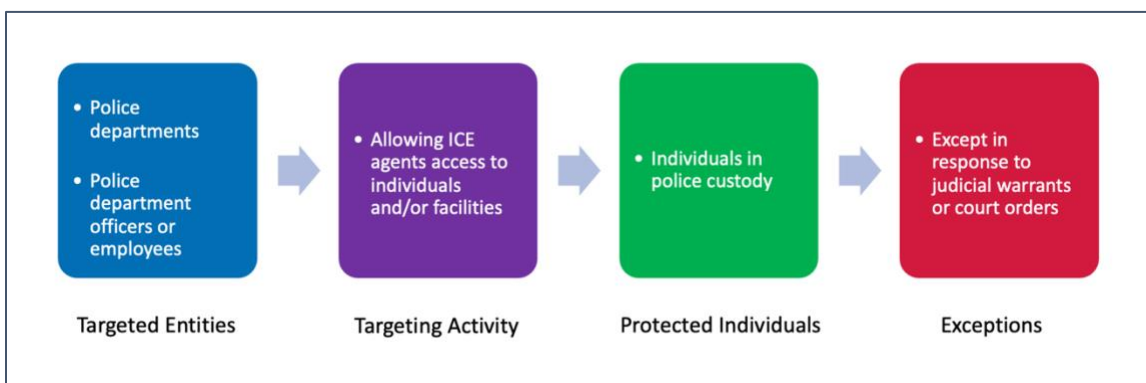


Figure 14: Key Components of ICE Access to Individuals Provisions

Provision Type - ICE Access to Individuals			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Cambridge #2	02/10/2020	Ordinance	ICE access to facilities. Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in

²⁰⁷ *The Rise of Sanctuary*, IMMIGR. LEGAL RES. CTR. 4 (Jan. 25, 2018), <https://www.ilrc.org/resources/rise-sanctuary>ILRC 2018-01-25.

²⁰⁸ Since ICE administrative warrants are not authorized by a judge or neutral third party, these documents do not fall under this exception. For more information, see *supra* Part I.B.2: *The Deportation Rate and Subfederal Immigration Enforcement*; Part IV.J: *ICE Detainers*.



			Cambridge Police Department custody either in person or via telephone or videoconference.
Somerville	06/13/2019	Ordinance	ICE access to facilities. Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.
Sudbury	05/08/2018	Resolution (Non-binding)	No police officer of Sudbury or Sudbury Police Department employee shall allow Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) agents investigating a civil immigration violation access to municipal facilities or a person in custody for investigative interviews or investigative purposes unless acting under a court order from a court of competent jurisdiction, a duly authorized warrant, or other legitimate law enforcement purpose that is not related solely to the enforcement of a civil immigration violation.
Wayland	04/29/2019	Resolution	No police officer of the Wayland Police Department allows ICE or CBP agents investigating a civil immigration violation access to municipal facilities or a person in custody unless acting under a duly authorized Warrant.
<i>Indirect Provisions</i>			
Williamstown	05/16/2017	Resolution	Through an incorporation of the Williamstown Police Department's General Order 17-01, which includes the following: "[t]he Williamstown Police Department should not provide ICE or CBP with access to individuals in their custody for questioning solely for immigration enforcement purposes."

Table U: Provision Type - ICE Access to Individuals

Some municipalities have provisions that are indirectly related to the issue of ICE access but do not qualify as *ICE Access Provisions*.

- The *Participation Provisions* of Acton, Brookline #3, Concord, and Newton prohibit the "use" of municipal facilities for immigration law enforcement. For example, Acton prohibits the use of "[t]own funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws." These provisions may implicitly prohibit ICE from accessing individuals detained in municipal facilities.

J. ICE Detainers

ICE DETAINERS PROVISIONS PROHIBIT LOCAL LAW ENFORCEMENT AGENTS FROM ARRESTING OR DETAINING AN INDIVIDUAL ON THE SOLE BASIS OF AN ICE DETAINER OR ICE ADMINISTRATIVE WARRANT.²⁰⁹

An ICE Detainer is a formal document, sent from ICE to a subfederal LEA, requesting that the LEA facilitate the transfer of an individual from local to federal custody, either by holding the individual in

²⁰⁹ The 2019 *ACLU Sample Welcoming Community Policy* includes a provision (*ICE Detainers and Administrative Warrants*) that contains the following language: "Consistent with Massachusetts law, no officer or employee of the [city or town] Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being transferred to court or admitted to bail." See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text.



custody beyond the time of their release or by letting the federal government know of the individual's imminent release.²¹⁰ By 2020, approximately 70% of ICE arrests nationwide occurred after ICE was informed of an individual's imminent release from criminal custody by a subfederal LEA.²¹¹

Many ICE Detainers are now accompanied by an ICE Administrative Warrant,²¹² a document directing authorized immigration officers to arrest an allegedly deportable noncitizen.²¹³ According to ICE, immigration officers authorized to execute these administrative warrants include specific categories of federal enforcement officials *and* local law enforcement officials deputized to perform as ICE officers under INA section 287(g).²¹⁴ Note, however, that according to the Immigrant Legal Resource Center, ICE Administrative Warrants “do not generally provide a basis for a local or state enforcement officer or agency (LEA) to arrest or detain anyone.”²¹⁵

While both ICE Detainers and ICE Administrative Warrants require the issuing official to assert that there is probable cause to believe that the individual named on the document is “removable” from the United States, these assertions are not reviewed by a judge or other neutral third party.²¹⁶ Some courts have held that absent such a neutral review, these documents are constitutionally problematic.²¹⁷ This problem can be cured by including a *judicial* warrant, which is supported by a neutral probable cause determination.²¹⁸ Because the practice of honoring ICE detainers that are not accompanied by judicial

²¹⁰ See *Annotated Immigration Detainer (I-247A)*, IMMIGR. LEGAL RES. CTR. (October 2021), <https://www.ilrc.org/resources/annotated-detainer-form-2021>. See also SMITH, *supra* note 43.

²¹¹ SMITH, *supra* note 43 at 1; see also *Tracking Over 2 Million ICE Arrests: A First Look*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE (TRAC) (Sept. 25, 2018), <https://trac.syr.edu/immigration/reports/529/>.

²¹² In response to litigation, ICE began requiring that all ICE Detainers be accompanied by a removal order or by an ICE Administrative Warrant in 2017. *ICE Policy 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers*, IMMIGR. & CUSTOMS ENFORCEMENT para. 2.4 (issued Mar. 24, 2017), <https://www.judicialwatch.org/wp-content/uploads/2017/06/ICEdetainer2017.pdf>.

²¹³ *The Basics on ICE Warrants and ICE Detainers*, IMMIGR. LEGAL RES. CTR. (May 2017), https://www.ilrc.org/sites/default/files/resources/ice_warrants_summary.pdf; *ICE Warrants and Local Authority: What is an ICE Administrative Warrant and What Legal Authority Does It Confer*, IMMIGR. LEGAL RES. CTR. (May 2017), https://www.ilrc.org/sites/default/files/resources/ice_warrants_may_2017.pdf; see also *Annotated ICE Administrative Warrants 2017*, IMMIGR. LEGAL RES. CTR. (June 6, 2017), https://www.ilrc.org/sites/default/files/resources/i-200_and_i-205_sample_annotated.pdf.

²¹⁴ *Policy Number 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers*, IMMIGR. & CUSTOMS ENFORCEMENT paras. 2.4, 3.2 (issued Mar. 24, 2017), <https://www.judicialwatch.org/wp-content/uploads/2017/06/ICEdetainer2017.pdf>.

²¹⁵ *The Basics on ICE Warrants and ICE Detainers*, *supra* note 212.

²¹⁶ See *Annotated Immigration Detainer (I-247A)*, *supra* note 209; *Annotated ICE Administrative Warrants 2017*, *supra* note 212.

²¹⁷ Hillel R. Smith, *Immigration Detention: A Legal Overview*, 23 CURRENT POL. & ECON. U.S., CANADA, & MEXICO, 1, 75-76 (2021). See also *The Basics on ICE Warrants and ICE Detainers*, *supra* note 212; *ICE Detainers are Illegal – So What Does That Really Mean*, IMMIGR. LEGAL RES. CTR. (Apr. 2020), https://www.ilrc.org/sites/default/files/resources/ice_detainers_advisory.pdf; Lasch et al., *supra* note 30, at 1732.

²¹⁸ Compare Fed. R. of Crim. P. 41(d)(1) (stating that a judge may issue a warrant upon information establishing “probable cause to search for and seize a person or property”) with 8 C.F.R. § 287.7 (granting a variety of immigration enforcement officers the ability to issue detainers “at any time,” with no probable cause requirement).



warrants raises constitutional issues, local jurisdictions that honor ICE detainers “run the risk of litigation and damages liability.”²¹⁹

On July 24, 2017, the Supreme Judicial Court of Massachusetts held in *Lunn v. Commonwealth* that in the absence of express statutory authority, law enforcement officers in Massachusetts lack the authority to honor ICE detainers, i.e., to detain individuals on the sole basis of a request from ICE that they do so.²²⁰ On August 1, 2017, Governor Charlie Baker filed legislation that would have permitted state and municipal police to honor ICE detainers in cases in which the individuals were being held in state custody due to new state criminal charges or sentences related to violent and serious crimes.²²¹ Baker’s attempt to restore certain types of ICE detainers to the Massachusetts landscape was, however, unsuccessful.²²² Because it is ICE policy to continue issuing ICE Detainers to even those jurisdictions that do not “regularly cooperate [...] with [...] immigration detainers,”²²³ Massachusetts continued to receive detainers even after the *Lunn* decision; the annual number of detainers sent to local LEAs in Massachusetts increased for the first three years of the Trump administration, peaking at 1,748 detainers in fiscal year 2019.²²⁴

Over a dozen Massachusetts municipalities issued safe community policies prohibiting the honoring of ICE detainers during the Trump administration. Some of these policies were issued prior to the *Lunn* decision; some were issued after *Lunn*, perhaps to ensure that detainers would be prohibited locally even if state law were to change at a later date. These *ICE Detainer Provisions* generally have two or more of the following three components: (1) targeted entities, (2) targeted activities, and (3) exceptions. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.

²¹⁹ *Recent ICE Detainer Damages Cases*, AM. CIV. LIBERTIES UNION, <https://www.aclu.org/fact-sheet/recent-ice-detainer-damages-cases> (last updated Feb. 3, 2020). See also SMITH, *supra* note 43, at 1; *Recent ICE Detainer Cases*, AM. CIV. LIBERTIES UNION (July 17, 2015), <https://www.aclu.org/other/recent-ice-detainer-cases>; KATE M. MANUEL, CONG. RSCH. SERV., R42690, IMMIGRATION DETAINERS: LEGAL ISSUES (2015), <https://sgp.fas.org/crs/homsec/R42690.pdf>; Lasch et al., *supra* note 30, at 1732.

²²⁰ *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017) (holding that “Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer beyond the time that the individual would otherwise be entitled to be released from State custody.”).

²²¹ An Act Empowering Law Enforcement to Cooperate with the United States to Transfer Custody of Convicted Criminals, H.B.3870, 2017 Leg., 190th sess. (Mass. 2017), <https://malegislature.gov/Bills/190/H3870>. See also William Pitman, *Governor Baker Filing Legislation to Allow Authorities to Honor Federal Detainers for Violent, Dangerous Criminals*, EXEC. OFF. PUB. SAFETY & SEC. (Aug. 1, 2017), <https://www.mass.gov/news/governor-baker-filing-legislation-to-allow-authorities-to-honor-federal-detainers-for-violent-dangerous-criminals>.

²²² Bill History of An Act Empowering Law Enforcement to Cooperate with the United States to Transfer Custody of Convicted Criminals, H.B.3870, 2017 Leg., 190th sess. (Mass. 2017), <https://malegislature.gov/Bills/190/H3870> (noting that no further action was taken on the legislation after a committee hearing).

²²³ *Policy Number 10074.2: Issuance of Immigration Detainers by ICE Immigration Officers*, IMMIGR. & CUSTOMS ENFORCEMENT para. 2.3 (Apr. 2, 2017), <https://www.judicialwatch.org/wp-content/uploads/2017/06/ICEdetainer2017.pdf>.

²²⁴ *Latest Data: Immigration and Customs Enforcement Detainers ICE Data through June 2020*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/phptools/immigration/detain/> (last visited Mar. 23, 2023).



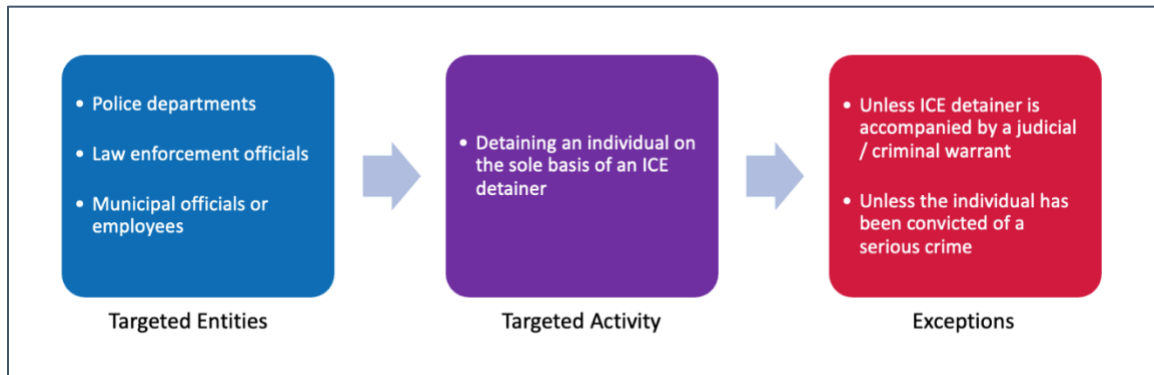


Figure 15: Key Components of ICE Detainer Provisions

Most of the *ICE Detainer Provisions* catalogued here are based on the idea that local law enforcement officers should not detain individuals solely on the basis of an ICE detainer (or an ICE administrative warrant). The relative strength of these provisions depends, to some extent, on whether they include exceptions clauses and on the nature of these exception clauses. Many provisions (e.g., Amherst, Arlington, Boston, Conway, Pelham #2, and Springfield) contain exception clauses specifying that individuals may be held if the ICE detainer is accompanied by a criminal warrant. Concord, Gill, and Newton have complex exception clauses. Concord’s policy permits honoring ICE detainers if they are accompanied by a criminal warrant *and* the individual in question meets additional requirements. The policies in Gill and Newton permit honoring ICE detainers if the detainers are accompanied by a criminal warrant *or* the individual has been convicted of certain types of crimes.

The case of Ipswich is worth special mention. On May 10, 2017, a proposed safe community by-law was approved at the Annual Town Meeting. It contained the following language:

(b)(1) Except as provided in subsection (b) (2), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.

(b)(2) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to 48 hours after that individual becomes eligible for release from custody, excluding Saturdays, Sundays, and holidays, if the individual meets any of the following criteria: a. ICE has a criminal warrant for the individual; b. The individual has been convicted of a violent crime as defined in M.G.L. c. 140, § 121; c. In the past ten years, the individual has been convicted of a felony as defined in M.G.L. c. 274, § 1; d. The individual is a current registrant on the Massachusetts Sex Offender Registry; e. The individual is identified in the federal government’s consolidated terrorist watchlist.²²⁵

²²⁵ *Record of Action, Annual Town Meeting*, TOWN OF IPSWICH 20 (May 9, 2017) <https://www.ipswichma.gov/ArchiveCenter/ViewFile/Item/540> (Article 25: Prevention of Warrantless Seizure of Immigrants). The Ipswich Annual Town Meeting in 2017 began on May 9, but the discussion of the safe community policy, the “Trust Act,” began on May 10.



As is required by state law,²²⁶ Ipswich sought approval of the by-law from the Massachusetts Attorney General. On December 1, 2017, the Attorney General issued a decision approving the following portion of this text, “a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody,” and rejecting the rest on the grounds that it was inconsistent with state law, given that “[t]he *Lunn* court affirmed that there are no circumstances under which Massachusetts law authorizes a detention, solely on the basis of a civil immigration detainer, beyond the time that the individual is otherwise eligible for release from custody.”²²⁷

On another *Lunn*-related note, the wording of Lincoln’s *ICE Detainer Provision* is unusual in that it affirms the policies of the Selectboard and the Lincoln Police to abide by the *Lunn* decision.

Provision Type - ICE Detainers			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Amherst	05/08/2017 Passed at Annual Town meeting pre- <i>Lunn</i> ; AG approval was post- <i>Lunn</i> .	By-law	A Law Enforcement Official shall not detain an individual on the basis of a Civil Immigration Detainer Request or an ICE Administrative Warrant after the individual is Eligible for Release From Custody, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
Arlington	05/08/2017 Pre- <i>Lunn</i>	Resolution	Town Meeting supports and encourages APD in fostering trust in a diverse community by specifically declining to arrest, detain, or extend the length of custody of an individual solely on the basis of a civil immigration detainer request, unsupported by a criminal warrant signed by a judge and/or probable cause.
Boston	12/11/2019 Post- <i>Lunn</i>	Ordinance	<p><i>Detainer Requests.</i> A law enforcement official shall not detain an individual solely on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.</p> <p><i>Law Enforcement.</i> A law enforcement official or an employee of a city department, agency or commission, shall not: Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency, including any of the following: [...] Detaining an individual solely on the basis of a civil immigration detainer request [or] Making arrests based solely</p>

²²⁶ MASS. GEN. LAWS ch. 40 § 32 (2022).

²²⁷ Letter from Attorney General Maura Healy to Pamela Carakatsane, Town Clerk, Town of Ipswich, Re: Ipswich Annual Town Meeting of May 9, 2017 -- Case # 8474, Warrant Articles # 11, 12, 13 and 25 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>); see also *Appendix E: Attorney General By-law Decisions*.



			on ICE administrative warrants including administrative warrants after the individual is eligible for release from custody.
Boxborough	05/09/2017 Pre-Lunn	Resolution (Non-binding)	None of Boxborough's public servants should voluntarily comply with ICE immigration detainer requests except pursuant to a Judicial Warrant issued by a neutral magistrate on a finding of probable cause and/or an order of a court of competent jurisdiction.
Brookline #3	04/25/2017 Pre-Lunn	Board of Selectmen Policy	No person shall be held in custody by the Department based solely on the existence of an Immigration and Customs Enforcement detainer or any other administrative warrant.
Cambridge #2	02/10/2020 Post-Lunn	Ordinance	ICE detainers and administrative warrants. Consistent with state law, no officer or employee of the Cambridge Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
Concord	04/25/2017 Pre-Lunn	Request to Select Board	No police officer of Concord shall arrest, detain, or continue to detain a person based on an immigration detainer, federal administrative warrant, or any other such order or request in any form whatsoever, unless such detainer or warrant is accompanied by a judicial warrant, and where: a) there is probable cause to believe that the individual has illegally re-entered the country after a previous removal; and b) the individual has been convicted at any time of a violent felony, terrorism-related offense, trafficking in individuals or drugs, or participation in a criminal organization using violence. ²²⁸
Conway	05/14/2018 Post-Lunn	By-law	A law enforcement official shall not detain an individual on the basis of a civil immigration request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
Easthampton	07/10/2019 Post-Lunn	Ordinance	ICE detainers and administrative warrants: No city official officer or employee of the Easthampton Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant.
Gill	05/30/2017 Pre-Lunn	Select Board Order	The Gill Police Department shall neither honor nor enforce a civil immigration detainer requested from the United States Immigration and Customs Enforcement (ICE) or the United States Customs and Border Patrol (CBP) when such order seeks the excessive and/or unnecessary detention of an individual in department custody beyond the point at which he or she would otherwise be released. This shall not apply where such order requests detention of an individual who: 1) is subject to a criminal warrant or court order for continued detention, or has been indicted or arraigned for a criminal offense, and/or 2) has been convicted of a serious crime, including but not limited to domestic violence or threats, or violent felony as defined in Massachusetts General Law or a felony punishable by imprisonment in a state

²²⁸ In the summer of 2020, the Middlesex Sheriff's Office began the Middlesex Regional SafeKeep Program (SafeKeep Program), in which Middlesex municipalities could arrange for the Middlesex Sheriff's Office to house their pre-arraignment arrestees. Memo from Deputy Chief James Sartell, Townsend Police, to James Kreidler, Re: Middlesex Regional SafeKeep Program 13 (March 19, 2020), http://townsendma.gov/sites/g/files/vyhlf1331/f/minutes/april_2_2020.pdf. On March 17, 2020, Concord's Chief of Police, Joseph F. O'Connor, informed his department via internal memo that the department had entered into a memorandum of understanding with the Middlesex Sheriff's Office to participate in the SafeKeep Program. Memo from Joseph F. O'Connor, Chief of Police, to Concord Police Department Staff (March 17, 2020) (on file with authors). The memo notes that in housing Concord detainees, the Middlesex Sheriff's Office "will not interfere/delay the bail and release process for an individual with an ICE detainer to accommodate an ICE pick-up."



			prison; and/or 3) is arrested and taken before a magistrate on a charge involving a serious or violent felony as defined in Massachusetts General Laws or a felony punishable by imprisonment in a state prison and the magistrate finds probable cause to believe that the individual is guilty of such a felony; and/or 4) is a current registrant of the Massachusetts Sex Offender Registry or is the defendant on a restraining order under Chapter 209A or a Harassment Order under Chap. 259E; and/or 5) has been the cause of a person seeking shelter or other assistance to escape from abuse. Further, this policy shall not apply where a law enforcement or public safety purpose, including but not limited to medical protection concerns, exists for detaining an individual that is unrelated to the enforcement of civil immigration law. ²²⁹
Greenfield #1	07/20/2017 Pre-Lunn	Mayoral Executive Order	The Chief of Police shall direct the officers of the Greenfield Police Department to maintain current recurring law enforcement partnerships and to enforce requests for U.S. Immigration and Customs Enforcement (ICE) detainers that are criminal in nature or subject to a judicially issued warrant. ²³⁰
Greenfield #2	07/17/2019 Post-Lunn	Ordinance / Ballot Initiative	When an individual is eligible for release from custody, a city official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant for the individual.
Ipswich	05/10/2017 Post-Lunn	By-law	A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody. (Exceptions deleted by Attorney General in her review of this bylaw.) ²³¹
Lincoln	03/24/2018 Post-Lunn	Resolution	We, the people of Lincoln affirm and support the policies adopted by the Board of Selectmen and the Lincoln Police to abide by the SJC's July 24, 2017 decision in <i>Lunn v. Commonwealth</i> , which declared that "Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody."
Newton	02/21/2017 Pre-Lunn	Ordinance	No Agency or Agent shall: [...] arrest, detain, or continue to detain a person based on any immigration detainer, federal administrative warrant, or any other such order or request in any form whatsoever or otherwise honor any such detainer, warrant or request to detain, interview or transfer a person to federal authorities, provided however, the police department may arrest, detain or continue to detain a person in accordance with Sec 2-403;

²²⁹ In response to a public-records request PHRGE sent to the Gill Police Department on July 5, 2021, Chief Christopher J. Redmond noted that this policy on detainers had been in effect since May 30, 2017, and was still in effect. Letter from Christopher J. Redmond, Chief of Police, Gill Police Dep't, to PHRGE (July 7, 2020) (on file with authors).

²³⁰ The mayor of Greenfield included this provision in a mayoral executive order issued on July 20, 2017, four days before the Massachusetts Supreme Judicial Court issued the *Lunn* decision. The executive order prohibited 287(g) agreements and immigration status inquiries, but also included this unusually worded detainer provision that implies, but does not state, that the Department would not honor *civil* detainers. The language requiring the Chief to direct the departments' officers "to maintain current recurring law enforcement partnerships" is also unusual.

²³¹ Letter from Attorney General Maura Healy to Pamela Carakatsane, Town Clerk, Town of Ipswich, Re: Ipswich Annual Town Meeting of May 9, 2017 -- Case # 8474, Warrant Articles # 11, 12, 13 and 25 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>); see also *Appendix E: Attorney General By-law Decisions*.



			<p>Sec. 2-403. Exceptions to Prohibitions: [...] [T]he Newton Police Department may detain or arrest an individual in cooperation with ICE only when an investigation conducted by or information received by any City Agency indicates that: the individual has an outstanding criminal warrant, has a prior conviction for a serious violent felony, is being investigated for terrorism, or if there is a law enforcement or public safety purpose to do so that is not related to the enforcement of civil immigration law provided that the arrest or detention is based upon valid Massachusetts arrest authority and is consistent with the 4th Amendment to the United States Constitution and Article XIV of the Massachusetts Constitution.</p> <p>Sec. 2-405. Use of City Resources Prohibited. [...] Nothing in this section shall prevent an Agency or Agent from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena or immigration detainer.</p>
Northampton #2	12/05/2019	Ordinance	Furthermore, City resources shall not be used: [...] To neither detain nor delay the release of an individual otherwise eligible for release from custody on the basis of an immigration detainer.
Pelham #2	05/12/2018 Post-Lunn	By-law	[T]o the extent permissible by law, the Pelham Police Department will not honor or enforce any detainer requests from Immigration and Customs Enforcement (I.C.E.) that are non-criminal in nature and not subject to a judicially issued warrant, nor will the Pelham Police department hold people past the point when they would ordinarily be released
Somerville	06/13/2019 Post-Lunn	Ordinance	ICE detainers and administrative warrants. Consistent with Massachusetts law, no officer or employee of the Somerville Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
Springfield	12/17/2018 Post-Lunn	Ordinance	When an individual is eligible for release from custody, a city official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
Sudbury	05/08/2018 Post-Lunn	Resolution (Non-binding)	No police officer of Sudbury shall arrest, detain, or continue to detain or prolong an individual's detention based solely on their immigration status unless such detainer or document is accompanied by a court order from a court of competent jurisdiction or duly authorized judicial warrant.
Wayland	04/29/2019 Post-Lunn	Resolution	No police officer of Wayland arrests, detains, or prolongs an individual's detention based solely on their immigration status unless such detainer or document is accompanied by a judicial Warrant.
Indirect Provisions			
Lexington #2	04/04/2018 Post-Lunn	Resolution	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: "No officer or employee of a law enforcement agency shall arrest or detain a person solely for immigration enforcement purposes or solely on the basis of a civil immigration detainer request or an administrative warrant; provided, however, that nothing in this subsection shall prevent an officer or employee of a law enforcement agency from arresting or detaining a person in the course of a criminal investigation or prosecution supported by probable cause that the person has



			<i>committed a crime, consistent with constitutional standards applicable to all people in the commonwealth.</i> ^{#232}
Westhampton	05/12/2018 Post-Lunn	Article	<i>Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: “No officer or employee of a law enforcement agency shall arrest or detain a person solely for immigration enforcement purposes or solely on the basis of a civil immigration detainer request or an administrative warrant; provided, however, that nothing in this subsection shall prevent an officer or employee of a law enforcement agency from arresting or detaining a person in the course of a criminal investigation or prosecution supported by probable cause that the person has committed a crime, consistent with constitutional standards applicable to all people in the commonwealth.”</i> ^{#233}
Williamstown	05/16/2017 Pre-Lunn	Resolution	Through an incorporation of the Williamstown Police Department’s General Order 17-01, which includes the following: “Absent a judicial warrant, the Williamstown Police Department should honor ICE or CBP detainer requests only in limited, specified circumstances.”

Table V: Provision Type - ICE Detainers

Some municipalities have provisions that are related to the issue of immigration detainers but do not qualify as *ICE Detainer Provisions*.

- Two municipalities have provisions that prohibit detaining individuals believed to be in the country without authorization, but do not specifically prohibit honoring civil immigration detainers.
 - Acton’s provision states, “No employee of the Town shall detain a person based on the belief that the person is not present legally in the United States or that the person has committed an immigration violation.” Note that while Acton’s policy does not have a separate provision that prohibits honoring civil immigration detainers, it does have a provision that prohibits using town resources “to assist in the enforcement of federal civil immigration laws.” (For more information, see *supra* Part IV.F: Participating in Federal Immigration Enforcement.)
 - In addition to its *ICE Detainer Provision*, Concord has a related provision that states, “No police officer of Concord shall arrest, detain, or continue to detain a person based solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation.” We include this provision in *Part IV.D: Equal Treatment*. Note that Concord also has a separate provision that prohibits honoring civil immigration detainers.
- While Belmont’s safe community policy prohibits Belmont police officers from “detain[ing] persons solely to investigate their immigration status,” the policy requires that the Belmont Police Department maintain custody of an individual for whom they have received an ICE detainer “for sufficient time to bring to the attention of the court officials responsible for decisions upon bail.” The provision notes that the “Belmont Police Department will continue

²³² An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.

²³³ *Id.*



this practice until such time as a court with authority over the Belmont Police Department finds the practice to be contrary to law.”²³⁴

- On May 6, 2017, Montague passed an article at its Annual Town Meeting that specifies the circumstances under which local law enforcement officers could “detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.”²³⁵ Montague intended for this article (Article 47) to be construed as a by-law and submitted it for approval the Attorney General.²³⁶ The Attorney General, in a letter dated September 20, 2017, declined to review Article 47 on the grounds that it did not qualify as a by-law because it contained no plain language labelling it as such.²³⁷ In addition, the Attorney General suggested that were Montague to consider proposing a similar by-law in the future, it might wish to consult decisions in earlier cases in which towns had submitted by-laws that were inconsistent with the Supreme Judicial Court’s decision in *Lunn v. Commonwealth*, which held that state law enforcement officers do not have the authority to hold individuals subject to ICE detainers under any circumstances.²³⁸ We do not count Montague’s Article 47 among our relevant policies here.
- As we have seen in the discussion of *Participation Provisions*, a significant number of policies prohibit using municipal funds to enforce federal immigration law “unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.” (For more information, see *supra* Part IV.F: *Participating in Federal Immigration Enforcement*.) The inclusion of an exception clause that mentions “criminal warrants” or “evidence of probable cause” suggests that these provisions may have been intended, in part, to prevent the honoring of immigration detainers. The municipalities that issued *Participation Provisions* that include exception clauses that appear to allude to ICE detainers are Aquinnah, Brewster, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Great Barrington, Harwich, Mashpee, Oak Bluffs, Provincetown, Tisbury, Truro, Wellfleet, and West Tisbury.

²³⁴ Given the Supreme Judicial Court’s decision in *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017), holding that local law enforcement officers do not have the authority to honor ICE detainers, this provision is moot.

²³⁵ *Annual Town Meeting*, TOWN OF MONTAGUE 9-10 (May 6, 2017), [https://www.montague.net/files/2017-05-06 Annual Town Meeting Votes.pdf](https://www.montague.net/files/2017-05-06%20Annual%20Town%20Meeting%20Votes.pdf).

²³⁶ Letter from Massachusetts Attorney General Maura Healy to Debra A. Bourbeau, Town Clerk, Town of Montague, Re: Montague Annual Town Meeting of May 6, 2017 – Case # 8404, Warrant Articles # 43 and 47 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

²³⁷ *Id.*

²³⁸ *Id.*; *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017). One case cited by the Attorney General, Ipswich Case # 8474, is discussed above. See Letter from Attorney General Maura Healy to Pamela Carakatsane, *supra* note 230.



K. ICE Documents

ICE DOCUMENTS PROVISIONS REQUIRE LOCAL LAW ENFORCEMENT AGENCIES THAT POSSESS DOCUMENTS RELEVANT TO THE IMMIGRATION CASE OF AN INDIVIDUAL HELD IN LOCAL CUSTODY TO PROVIDE THOSE DOCUMENTS TO THAT INDIVIDUAL.²³⁹

The primary documents at issue in *ICE Documents Provisions* are ICE detainers and ICE administrative warrants. As has been noted, the *Lunn* decision, handed down by the Massachusetts Supreme Judicial Court on July 24, 2017, held that law enforcement officers in Massachusetts lack the authority to honor ICE detainers.²⁴⁰ This may be one reason why this provision type is relatively rare; there are seven *ICE Documents Provisions* (direct and indirect) among the 58 relevant policies. Three of these provisions are in policies issued prior to *Lunn* and four of them are in policies issued after *Lunn*. These *ICE Documents Provisions* have two or more of the following three components: (1) targeted entities, (2) required activity, and (3) protected individuals. The following graphic provides an overview of these components, along with examples of the concepts and language used in them.



Figure 16: Key Elements of ICE Documents Provisions

²³⁹ The 2019 *ACLU Sample Welcoming Community Policy* includes a provision (*Notice to Individuals Subject to ICE Interventions*) that contains the following language: “If the [city or town] Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person’s immigration case.” See *Appendix B: ACLU Sample Welcoming Community Policy of 2019* for the full text.

²⁴⁰ *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017). For more information, see *supra* Part IV.J: *ICE Detainers*.



Provision Type - ICE Documents			
Municipality	Date	Policy Type	Provision
<i>Direct Provisions</i>			
Brookline #3	04/25/2017	Board of Selectmen Policy	If, in the course of standard processing procedures, Immigration and Customs Enforcement files an immigration detainer, the arrestee shall be made aware of the detainer and provided a copy. The arrestee shall also be made aware that the Brookline Police Department will not hold them in custody on the Immigration and Customs Enforcement detainer if they post bail or are released on their own recognizance.
Cambridge #2	02/10/2020	Ordinance	Notice to individuals subject to ICE interventions. If the Cambridge Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Police Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
Great Barrington	05/01/2017	Resolution	Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where Great Barrington law enforcement acquiesces to the ICE request, shall be provided with, a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.
Somerville	06/13/2019	Ordinance	Notice to individuals subject to ICE interventions. If the Somerville Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
<i>Indirect Provisions</i>			
Lexington #2	04/04/2018	Resolution	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: If any person is subject to a civil immigration detainer request or an administrative warrant, the law enforcement agency having custody of the person shall provide the person with a copy of the civil immigration detainer request or administrative warrant, and any other documentation pertaining to the person's case that is presented to the law enforcement agency by United States Department of Homeland Security agents. ²⁴¹
Westhampton	05/12/2018	Article	Through a strong endorsement of the 2017 Safe Communities Act, which contains the following provision: If any person is subject to a civil immigration detainer request or an administrative warrant, the law enforcement agency having custody of the person shall provide the person with a copy of the civil immigration detainer request or administrative warrant, and any other documentation pertaining to the person's case that

²⁴¹ An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, S.B.1305 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/s1305>; H.B. 3269 § 3, 2017 Leg., 190th sess. (Mass. 2018), <https://malegislature.gov/Bills/190/h3269>.



			<i>is presented to the law enforcement agency by United States Department of Homeland Security agents.</i> ²⁴²
<i>Williamstown</i>	<i>05/16/2017</i>	<i>Resolution</i>	<i>Through an incorporation of the Williamstown Police Department's General Order 17-01, which includes the following: "The Williamstown Police Department should protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing those persons with appropriate notice: [...] Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Williamstown Police Department shall provide a copy of that request to the individual named therein."</i> ²⁴³

Table W: Provision Type - ICE Documents

²⁴² *Id.*

²⁴³ This provision continues: "and inform the individual whether the Williamstown Police Department will comply with the request before communicating its response to the requesting agency."



V. Conclusion

Between January 20, 2017 and January 20, 2021, dozens of Massachusetts municipalities issued safe community policies in the hopes of counteracting the harmful immigration policies of the Trump administration. These municipal safe community policies aimed to make immigrants feel more welcome in their communities and to reduce the participation of local law enforcement officers in federal immigration enforcement. This report provides a comprehensive summary of these policies.

The research in this report provided the foundation for testimony PHRGE submitted to the Joint Committee on Public Safety and Homeland Security of the General Court (the legislature) of Massachusetts on January 26, 2022.²⁴⁴ This testimony provided support for the version of the *Safe Communities Act* introduced in 2021, which would have limited the participation of local Massachusetts law enforcement officers in federal immigration enforcement statewide.²⁴⁵ In its testimony, PHRGE asserted that the municipal safe community policies adopted during the Trump administration manifest widespread support for Massachusetts immigrants and for the principle that “voluntary collaboration between local police officers and federal immigration enforcement officials” should be reduced.

PHRGE’s hope is that our work on immigration-related municipal policies will lay the groundwork for additional research on related issues. Do pro-immigrant municipal and police policies demonstrably decrease levels of fear and thereby increase access to municipal services and health care? Do these policies lead to improved health in immigrant communities? Which types of provisions are the most important for protecting and promoting the human rights of immigrants? Can international human rights law provide useful tools for protecting immigrants’ rights at the state and municipal level?²⁴⁶ We look forward to collaborating with advocacy and academic partners on these issues.

²⁴⁴ PHRGE Submits Testimony In Support of the Safe Communities Act, NORTHEASTER UNIV. SCH. L. (Feb. 2, 2022), <https://law.northeastern.edu/phrge-submits-testimony-in-support-of-safe-communities-act/>. Four policies have been added to PHRGE’s list of relevant policies since the time of the testimony. Pelham’s 2018 bylaw was approved by the Massachusetts Attorney General on April 14, 2022. In addition, PHRGE identified three additional policies that had been issued during the Trump administration: Cambridge #1, Northampton #1, and Northampton #2. In addition, PHRGE changed the classification of Provincetown’s Select Board Proclamation (February 2017) from “Sanctuary Policy” to “Solidarity Policy”;

²⁴⁵ *An Act to Protect the Civil Rights and Safety of All Massachusetts Residents: Hearing on S.1579 and H.2418 Before the J. Comm. on Pub. Safety and Homeland Sec.*, 192nd sess. (Mass. 2022) (statement of Elizabeth Ennen, Director, Program on Human Rights and the Global Economy), <https://law.northeastern.edu/wp-content/uploads/2022/02/phrge-sca-testimony-2022.pdf>; S.B. 1579, 2021 Leg., 192nd sess. (Mass. 2022), <https://malegislature.gov/Bills/192/SD532>; H.B. 2418, 2021 Leg., 192nd sess. (Mass. 2022), <https://malegislature.gov/Bills/192/H2418>.

²⁴⁶ Martha Davis, *The Limits of Local Sanctuary Initiatives for Immigrants*, 690 ANNALS AM. ACADEMY POL. & SOC. SCI. 100, 114 (2020) (“Combining domestic pressure from local activists and immigrants themselves with international pressure from human rights institutions may help to make headway on the ultimate goal of municipal sanctuary jurisdictions: a more compassionate, rational federal immigration policy.”).



VI. Appendices



Appendix A: Sample Pre-2017 Municipal Policies

City	Date	Relevant Language	Notes
<i>1980s Policies</i>			
Cambridge	04/08/1985	<p>ORDERED: That the City Council declares it to be the policy of the City of Cambridge that, to the extent legally possible, no department or employee of the City of Cambridge will violate established or future sanctuaries by officially assisting or voluntarily cooperating with investigations or arrest procedures, public or clandestine, relating to alleged violations of immigration law by refugees from El Salvador, Guatemala or Haiti, or by those offering sanctuary; and be it further</p> <p>ORDERED: That no city employee or department, to the extent legally possible, will request information about or otherwise assist in the investigation of the citizenship status of any City resident, will disseminate information regarding the citizenship of a City resident, or condition the provision of City of Cambridge services or benefits on matters related to citizenship; and be it further</p> <p>ORDERED: That Cambridge be declared "A Sanctuary City" and serve as a safe haven for refugees now residing in Cambridge until they can safely return to their homelands or until they receive federally recognized residency status.²⁴⁷</p>	The Cambridge City Council passed this resolution by a 5-4 vote on April 8, 1985. ²⁴⁸ Cambridge became the fourth city in the United States to pass a sanctuary city policy. ²⁴⁹ This policy was a response to the Reagan administration's increased deportations of refugees from Central American and Haiti. ²⁵⁰ At the time of the vote, about 5,000 refugees were living in Cambridge. ²⁵¹
Brookline	11/1985	<p>Resolved that the Town of Brookline become a sanctuary for refugees from El Salvador, Guatemala, and Haiti, and that they shall be afforded all rights and privileges offered and supplied to all people residing or working in the Town;</p> <p>[I]t is the policy of the Town that, to the extent legally possible, no department or employee of the Town will violate established or future sanctuaries by officially assisting or voluntarily cooperating with investigations or arrest procedures, public or clandestine, relating to alleged violations of immigration law by refugees from El Salvador, Guatemala or Haiti or by those offering sanctuary.²⁵²</p>	Brookline's sanctuary city policy was passed shortly after Cambridge's and contains similar language. This policy established Brookline as a sanctuary city for refugees from El Salvador, Guatemala, and Haiti and limited local law enforcement's ability to assist in federal immigration enforcement. ²⁵³

²⁴⁷ *Cambridge City Council Order Number 4*, CITY OF CAMBRIDGE (Apr. 8, 1985), <http://rwinters.com/council/sanctuary1985.htm>.

²⁴⁸ *Cambridge, Mass., Council Declares City a Sanctuary*, LOS ANGELES TIMES (Apr. 9, 1985), <https://www.latimes.com/archives/la-xpm-1985-04-09-mn-27986-story.html>.

²⁴⁹ *Sanctuary Cities: Past and Present*, B.C. DEP'T OF HISTORY, <https://globalboston.bc.edu/index.php/home/eras-of-migration/fourth-page-test/sanctuary-cities/> (last visited Nov. 26, 2022).

²⁵⁰ See Jane Seagrave, *Cambridge Votes on Whether to Become a Sanctuary for Refugees*, AP NEWS (Apr. 7, 1985), <https://apnews.com/article/fd35c0c16e5309dfc760036105048b12>.

²⁵¹ *Id.*

²⁵² *Warrant - Special Town Meeting*, TOWN OF BROOKLINE (Nov. 14, 2006) <https://www.brooklinema.gov/DocumentCenter/View/4446/November-14-2006-Special-Town-Meeting-Warrant-PDF> (referencing the language of Brookline's original sanctuary policy passed in 1985 at n.1).

²⁵³ *Id.*



City	Date	Relevant Language	Notes
Somerville	04/23/1987	<p>Resolved, that the City of Somerville is hereby declared to be a City of Refuge and Sanctuary for oppressed people, particularly those from El Salvador, Guatemala, Haiti, Brazil and Ireland and that they shall be afforded all rights and privileges offered and supplied to all people residing or working in the City; [...]</p> <p>Resolved, that the Board of Aldermen recognizes there is no law which requires city departments and employees to provide the INS information regarding the residency status of any individual in the city; [...]</p> <p>Resolved, that no City Employee or department will make the provision of Somerville services or benefits conditional upon immigration status unless required to do so by Statute, federal regulation or court decisions.²⁵⁴</p>	This policy, passed in 1987, was Somerville's first Sanctuary City Resolution. ²⁵⁵ Though this initial resolution was set to expire in 1989, it was subsequently renewed with similar language in 1989 and 1993. ²⁵⁶
<i>Policies Relating to the Patriot Act</i>			
Amherst	04/24/2002	<p>The USA PATRIOT Act, passed hurriedly in October 2001, creates a new crime, "domestic terrorism," so broadly defined that it could conceivably apply to acts of civil disobedience. [...]</p> <p>BE IT FURTHER RESOLVED that Amherst Town Meeting calls upon all Town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and [...]</p> <p>BE IT FURTHER RESOLVED that, to the extent legally possible, no Town employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are judged to be in violation of individuals' civil rights or civil liberties as specified in the above Amendments of the United States Constitution.²⁵⁷</p>	Article 3, a Resolution on Civil Rights & Civil Liberties, was passed at the Amherst Annual Town Meeting by a vote of 119-51. ²⁵⁸
Northampton	05/02/2002	<p>Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:</p> <p>Freedom of speech, religion, assembly and privacy;</p> <p>The rights to counsel and due process in judicial proceedings; and</p> <p>Protection from unreasonable searches and seizures;</p>	This resolution was passed unanimously by the Northampton City Council on May 2, 2002. ²⁶⁰

²⁵⁴ *Somerville Sanctuary City Resolution*, CITY OF SOMERVILLE (April 23, 1987), <https://s3.amazonaws.com/somervillema.gov.if-us-east-1/s3fs-public/1987-sanctuary-city-resolution.pdf>.

²⁵⁵ *Id.*

²⁵⁶ *Resolution*, CITY OF SOMERVILLE (May 11, 1989), <https://s3.amazonaws.com/somervillema.gov.if-us-east-1/s3fs-public/1989-sanctuary-city-resolution.pdf>; *Resolution*, CITY OF SOMERVILLE (Apr. 22, 1993), <https://s3.amazonaws.com/somervillema.gov.if-us-east-1/s3fs-public/1993-equal-opportunity-resolution.pdf>.

²⁵⁷ *Town Warrant, Annual Town Meeting*, TOWN OF AMHERST 1 (Apr. 24, 2002), <https://www.amherstma.gov/DocumentView.aspx?DID=2086>.

²⁵⁸ *Recent Town of Amherst Actions Regarding Immigration, Immigration Enforcement, Human Rights*, TOWN OF AMHERST 7-8 <https://www.amherstma.gov/DocumentCenter/View/38340/6c-i-Sanctuary-Community-Bylaw-Background-Information> (last visited Nov. 28, 2022).

²⁶⁰ *Id.*



City	Date	Relevant Language	Notes
		<p>Therefore, we the City Council of Northampton, Massachusetts, acting in the spirit and history of our community, do hereby request that:</p> <p>Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;</p> <p>Federal and state law enforcement officials acting within the City work in accordance with the policies of the Northampton Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement.²⁵⁹</p>	
Cambridge	06/17/2002	<p>WHEREAS: We believe these civil liberties are precious and are now threatened by the USA PATRIOT Act, [... and] Federal Executive Orders issued since passage of the USA PATRIOT Act may further endanger the rights and security of both citizens and non-citizens who speak and act legally in opposition to government policies [...]</p> <p>RESOLVED: That the City of Cambridge reaffirm its status as "A Sanctuary City," by protecting civil rights and civil liberties of all people consistent with the Bill of Rights and the Massachusetts Constitution; and be it further</p> <p>RESOLVED: That the City Council, as directed by the City Manager, declares that no City of Cambridge department or employee, to the extent legally possible, violate this city's existing and herewith reaffirmed policy to serve as a sanctuary for civil rights and civil liberties; and further.²⁶¹</p>	The Cambridge City Council voted 5-4 in favor of this resolution at a Regular City Council Meeting in 2002. ²⁶²
Provincetown	04/07/2003	<p>Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties: freedom of speech, religion, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; [...]</p> <p>Therefore, we the Town of Provincetown, Massachusetts, acting in the spirit and history of our community, do hereby request that:</p> <p>Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law</p>	Article 27 was unanimously passed at the Provincetown Annual Town Meeting, after the Board of Selectmen unanimously recommended the article. ²⁶⁴

²⁵⁹ *Community Resolution From Northampton, MA*, AM. CIV. LIBERTIES UNION, <https://www.aclu.org/other/community-resolution-northampton-ma?redirect=national-security/community-resolution-northampton-ma> (last visited Nov. 26, 2022).

²⁶¹ *Amended Order Opposing the USA Patriot Act*, CITY OF CAMBRIDGE (June 17, 2002), <http://rwinters.com/docs/patriotamended.htm>.

²⁶² *Id.*

²⁶⁴ *Id.*



City	Date	Relevant Language	Notes
		enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch; Federal and state law enforcement officials acting within the Town work in accordance with the policies of the Provincetown Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement. ²⁶³	
Orleans	05/12/2003	Whereas the Constitutional protections of Orleans residents are eroding under provisions of existing and proposed laws and regulations including the U.S.A. Patriot Act, the Homeland Security Act, the Patriot Act II, the Total Information Awareness and T.I.P.S. programs and executive orders [...] It is therefore resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Orleans, in the absence of probable cause of criminal activity, to the extent legally permissible: [...] Enforcing immigration matters. ²⁶⁵	Article 38 was a citizens petition submitted to the Orleans Annual Town Meeting in 2003. ²⁶⁶ The resolution passed by a vote of 135-89. ²⁶⁷
Brewster	11/17/2003	Whereas the Constitutional protections of Brewster residents are threatened under provisions of existing and proposed federal laws and regulations, which include the U.S.A. Patriot Act, The Homeland Security Act, the Patriot Act II, the Terrorist Information Awareness and T.I.P.S programs and executive orders [...] It Is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Brewster, in the absence of probable cause of criminal activity, to the extent legally permissible, from: [...] [e]nforcing immigration matters. ²⁶⁸	Article 28, Protection of Civil Liberties, was a citizens petition proposed at the 2003 Fall Town Meeting. ²⁶⁹ It was adopted when it received the majority of the vote. ²⁷⁰
Lexington	04/12/2004	WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties by: [...] driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law -which is not a state or local responsibility; [...] BE IT FURTHER RESOLVED that Lexington Town Meeting call upon all town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and [...]	Article 42 was adopted at a Lexington Town Meeting on April 12, 2004. ²⁷²

²⁶³ *Annual Town Meeting*, TOWN OF PROVINCETOWN 36-37 (Apr. 7, 2003), <https://www.provincetown-ma.gov/ArchiveCenter/ViewFile/Item/730>.

²⁶⁵ *Orleans Annual Town Report for the Year 2003*, TOWN OF ORLEANS 93-94 <https://www.town.orleans.ma.us/Archive.aspx?ADID=239>.

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Report of the Fall Town Meeting*, TOWN OF BREWSTER 24-25 (Nov. 17, 2003), <https://portal.laserfiche.com/Portal/DocView.aspx?id=74844&repo=r-153f9d98>.

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷² *2004 Annual Report*, TOWN OF LEXINGTON 25 <https://archives.lib.state.ma.us/handle/2452/824401>.



City	Date	Relevant Language	Notes
		IT IS HEREBY FURTHER RESOLVED that Lexington Town Meeting: Request that the Board of Selectmen require the Town Manager to direct the Police Department to [r]efrain from enforcing immigration matters, which are the responsibility of the Department of Homeland Security; and from denying any town service on the basis of citizenship. ²⁷¹	
<i>Post-Patriot Act, Pre-Trump Era Policies</i>			
Cambridge	05/08/2006	<p>WHEREAS: On December 16, 2005, the House of Representatives passed HR-4437, which would have drastic consequences for nearly all immigrants to this country, their families, their neighbors and those who support them [...]</p> <p>RESOLVED: That the City of Cambridge reaffirm its commitment as a Sanctuary City, as declared by City Council Order Number 4 of April 8, 1985; and be it further [...]</p> <p>RESOLVED: That the City of Cambridge affirms the basic human rights and dignity and every human being.²⁷³</p>	The Cambridge City Council passed this resolution in response to the House of Representatives passing HR-4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. ²⁷⁴ This bill would have negatively impacted immigrant communities with measures such as increased funding for immigration enforcement and harsh criminal penalties for immigration violations. ²⁷⁵ This bill was referred to the Senate, but it was never voted on. ²⁷⁶
Brookline	11/14/2006	<p>WHEREAS: On December 16, 2005, the House of Representatives passed HR-4437, which would have drastic consequences for nearly all immigrants to this country, their families, their neighbors, and those who support them [...]</p> <p>The Town of Brookline reaffirms its commitment as a Sanctuary Town, as declared by Town Meeting in November, 1985, and expands it now to include all undocumented immigrants from all countries.</p> <p>The Town affirms the basic human rights and dignity of every human being.²⁷⁷</p>	Article 26 was passed at the Fall Town Meeting to extend sanctuary protection to immigrants from all countries, beyond those listed in Brookline's original 1985 resolution (El Salvador, Guatemala, and Haiti). ²⁷⁸ This resolution was also in response to the House of Representatives passing HR-4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. ²⁷⁹

²⁷¹ *Community Resolution for Lexington, MA*, AM. CIV. LIBERTIES UNION, <https://www.aclu.org/other/community-resolution-lexington-ma> (last visited Nov. 27, 2022).

²⁷³ *O-16 Original Order in City Council*, CITY OF CAMBRIDGE (May 8, 2006), https://www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?item_id=13247.

²⁷⁴ *Id.*; Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437, 109th leg., <https://www.congress.gov/bill/109th-congress/house-bill/4437>.

²⁷⁵ *See* Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437, 109th leg., <https://www.congress.gov/bill/109th-congress/house-bill/4437>.

²⁷⁶ *Id.*

²⁷⁷ *Warrant for Special Town Meeting*, TOWN OF BROOKLINE 32-34 (Nov. 14, 2006), <https://www.brooklinema.gov/DocumentCenter/View/4446/November-14-2006-Special-Town-Meeting-Warrant-PDF>.

²⁷⁸ *Id.*

²⁷⁹ *2006 Fall Town Meeting Results*, TOWN OF BROOKLINE (Nov. 16, 2006), <https://www.brooklinema.gov/DocumentCenter/View/4445/November-14-2006-Special-Town-Meeting-Results-PDF>.



City	Date	Relevant Language	Notes
			This resolution contains near identical language to the resolution passed by Cambridge on May 8, 2006. ²⁸⁰
Chelsea	06/04/2007	Whereas, The City of Chelsea respects all persons regardless of race, class, ethnicity or legal status; and [...] Whereas, Sanctuary Cities promote a community as a safe haven for refugees and immigrants who are currently residing in that community from other countries; [...] Resolved, That the City of Chelsea go on record as a Sanctuary City. ²⁸¹	The Chelsea City Council passed this resolution by a vote of 10-1 affirming Chelsea's status as a sanctuary city for all immigrants. ²⁸²
Cambridge	06/02/2014	ORDERED: That the City Manager be and hereby is requested to work with the Police Commissioner to ensure that only in cases where immigration agents have a criminal warrant, or Cambridge officials have a legitimate law enforcement purpose not related to immigration, will Cambridge Police comply with federal ICE detainer requests to hold persons solely for immigration purposes; [...] ORDERED: That the City Council does hereby go on record in supporting the Massachusetts TRUST Act bill currently before the state legislature. ²⁸³	This Resolution by the Cambridge City Council is an early example of limiting local police's ability to enforce ICE civil detainers and expressing support of the Massachusetts TRUST Act. ²⁸⁴ It was adopted by the Council on June 2, 2014, by a vote of 8-0-1. ²⁸⁵
Somerville	10/23/2014	[A] law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody [unless] (1) ICE has a criminal warrant for the individual; (2) The individual has ever been convicted of a violent crime as defined in Massachusetts General Laws Chapter 140, Section 121; (3) In the past ten (10) years, the individual has been convicted of a felony as defined in Massachusetts General Laws Chapter 274, Section 1; (4) The individual is a current registrant on the Massachusetts Sex Offender Registry; (5) The individual is identified in the federal government's consolidated Terrorist Watchlist. ²⁸⁶	The Somerville City Council unanimously passed the updated Trust Act Ordinance on October 23, 2014, after the city's Committee on Legislative Matters recommended approval. ²⁸⁷ The Mayor of Somerville approved the ordinance on October 29, 2014. ²⁸⁸ This ordinance served to codify an executive order made by the Mayor of Somerville on May 22, 2014,

²⁸⁰ See *O-16 Original Order in City Council*, CITY OF CAMBRIDGE (May 8, 2006), https://www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?item_id=13247.

²⁸¹ *Resolution of the City of Chelsea, Massachusetts*, CITY OF CHELSEA (June 4, 2007), https://www.bostonmayday.org/chelsea_resolution.html.

²⁸² *Id.*; Roll call of vote on file with authors.

²⁸³ *Policy Order Resolution O-1*, CITY OF CAMBRIDGE (June 2, 2014), https://www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?action=search&item_id=43432.

²⁸⁴ *Id.*

²⁸⁵ *Id.*

²⁸⁶ Updated Trust Act Ordinance, CITY OF SOMERVILLE (Oct. 23, 2014), <https://s3.amazonaws.com/somervillema.gov/if-us-east-1/s3fs-public/2014-trust-act-ordinance.pdf>.

²⁸⁷ *Id.*

²⁸⁸ *Id.*



City	Date	Relevant Language	Notes
			which implemented a similar policy. ²⁸⁹
Holyoke	11/19/2014	The Holyoke Police Department shall neither honor nor enforce a civil immigration detainer requested from the United States Immigration and Customs Enforcement (ICE) or the United States Customs and Border [sic] Patrol (CBP) when such order seeks the excessive and/or unnecessary detention of an individual in department custody at the Holyoke Police Department beyond the point at which he or she would otherwise be released. ²⁹⁰	The Mayor of Holyoke issued this executive order limiting when local law enforcement may enforce civil immigration detainers. ²⁹¹ The executive order included exceptions for immigrants with criminal warrants, convictions of serious crimes or violent felonies, registrants on the Sex Offender Registry, subjects of a restraining order or abuse allegations, or when detention is otherwise in the interests of public safety. ²⁹²
Northampton	11/20/2014	Whereas: There is no legal authority upon which the federal government may compel an expenditure of City resources to comply with an Immigration and Customs Enforcement (ICE) detainer request; [...] Whereas: On August 28, 2014, Mayor David J. Narkewicz issued an Executive Policy Order asserting “that it shall be the continuing policy of the City of Northampton to assure equal, just, and fair treatment of all persons who live in and visit the city and, in furtherance of that policy, the Chief of Police shall develop formal departmental policies and procedures implementing the following: Directing Northampton Police Department personnel to not honor or enforce any detainer request from U.S. Immigration and Customs Enforcement (ICE) that is non-criminal and not subject to a judicially issued warrant. [...] Resolved: that the Northampton City Council resolutely supports the spirit and intent of this Executive Policy Order. ²⁹³	This resolution passed on its first reading by the Northampton City Council by a vote of 7-0-2, and passed unanimously at a second reading on December 4, 2014. ²⁹⁴ This resolution affirmed a mayoral executive order issued on August 28, 2014, limiting local police’s ability to honor ICE detainers. ²⁹⁵ The Northampton Human Rights Commission re-affirmed the commitments delineated in the Executive Order and City Council Resolution “even if it means losing federal funding” on November 30, 2016, after Trump was elected president earlier in the month. ²⁹⁶

²⁸⁹ Mayor Joseph A. Curtatone, *Executive Policy for Responding to ICE Detainers*, CITY OF SOMERVILLE (May 22, 2014), https://www.ilrc.org/sites/default/files/resources/1_-_somerville_mayors_order_5-22-14.pdf.

²⁹⁰ Mayor Alex B. Morse, *An Order Relating to the Enforcement of Civil Immigration Detainers in the City of Holyoke*, CITY OF HOLYOKE (Nov. 19, 2014), <https://html.scribdassets.com/98785jn0g045w6qr/images/1-710ccfc918.jpg>.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ *Resolution Supporting the Executive Policy Order on Police Procedures*, CITY OF NORTHAMPTON (Nov. 20, 2014), <https://northamptonma.gov/DocumentCenter/View/6756/Resolution-in-Support-of-Executive-Policy-Order-on-Police-Procedures-Northampton's-Trust-Resolution?bidId=>.

²⁹⁴ *Id.* The Northampton City Council had a unique rule in place until 2021 that required two votes on each measure passed by the City Council. See *Meeting Minutes*, NORTHAMPTON CITY COUNCIL RULES SELECT COMM. 5-7 (Sept. 29, 2021), https://northamptonma.gov/DocumentCenter/View/18291/09-29-2021_Rules-Select_Committee-Minutes.

²⁹⁵ *Id.*

²⁹⁶ *Human Rights Commission Resolution Supporting Northampton’s Recommitment to Sanctuary City Status and the Values of a Democratic Nation*, CITY OF NORTHAMPTON (Nov. 30, 2016), <https://www.northamptonma.gov/DocumentCenter/View/6588/Sanctuary-City-Resolution-HRC?bidId=>.



City	Date	Relevant Language	Notes
Lawrence	08/11/2015	<p>ICE holds or administrative warrants. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a city law enforcement agency shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.</p> <p>ICE notification requests. No officer or employee of a city law enforcement agency shall respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.</p> <p>ICE access to records or facilities. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a city law enforcement agency shall allow ICE agents access to or use of facilities, records/databases, booking lists, or individuals in custody either in person or via telephone or videoconference.</p> <p>Individuals subject to ICE interventions. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where city law enforcement acquiesces to the ICE request, shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.²⁹⁷</p>	<p>The Lawrence Trust Act was passed by the Lawrence City Council on August 11, 2015, by a vote of 7-2.²⁹⁸ The ordinance went into effect on September 11, 2015.²⁹⁹ Using the terminology from this report, the Lawrence Trust Act has provisions related to (1) Honoring ICE Detainers, (2) Providing ICE with Information about Individuals in Local Custody, (3) Allowing ICE to Access Individuals in Local Custody, and (4) Providing Individuals in Local Custody with ICE Information.</p>

Appendix B: ACLU Sample Welcoming Community Policy of 2019

Massachusetts [City/Town] Welcoming Community [Ordinance/Policy/Warrant Article]³⁰⁰

PURPOSE

The purpose of this ordinance is to establish our [city or town] as a Welcoming Community, to declare that all are welcome here, and to increase public confidence in [city/town] government by providing guidelines associated with our [city or town's] voluntary involvement in federal immigration enforcement.

PREAMBLE

²⁹⁷ *Lawrence Trust Ordinance*, CITY OF LAWRENCE, § 9.20.040, https://library.municode.com/ma/lawrence/codes/code_of_ordinances?nodeId=TIT9PUPEWE_CH9.20LATROR.

²⁹⁸ *Victory! Lawrence Passes Trust Act*, AM. CIV. LIBERTIES UNION OF MASS. (Aug. 12, 2015), <https://www.aclum.org/en/news/victory-lawrence-passes-trust-act>.

²⁹⁹ *Lawrence Trust Ordinance*, CITY OF LAWRENCE, § 9.20.040, https://library.municode.com/ma/lawrence/codes/code_of_ordinances?nodeId=TIT9PUPEWE_CH9.20LATROR.

³⁰⁰ *Sample Welcoming Community Policy*, AM. CIV. LIBERTIES UNION OF MASS. (2019), https://www.aclum.org/sites/default/files/welcoming_city_model_policy_november2019.pdf.



It is not within the purview nor mandate of [city or town] to enforce federal immigration law or seek the detention, transfer or deportation of [city or town] residents for civil immigration purposes, nor should [city or town] resources be expended toward that end.

The [City or town] of [name] will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

1. DEFINITIONS

“ICE” means the federal agency “Immigration and Customs Enforcement (“ICE”), and any other federal agency charged with the enforcement of immigration laws.

“Immigration detainers” and “ICE detainers” are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

“ICE administrative warrant” means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

2. ORDER

- a) **Equal treatment.** [City or town] will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of [city or town] agencies or departments.
- b) **Inquiries about immigration status.** Officers and employees of the [city or town] may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.
- c) **Role of police in immigration enforcement.** The [city or town] police department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest. The [city or town] Police Department shall not take part in or assist with any federal immigration enforcement efforts.
- d) **ICE detainers and administrative warrants.** Consistent with Massachusetts law, no officer or employee of the [city or town] Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being transferred to court or admitted to bail.
- e) **Federal requests for information.** No officer or employee of a the [city or town] Police Department shall provide a federal officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).
- f) **Encountering persons driving without a license.** When taking action against a person who is found to be driving without a valid driver's license, officers of the [city or town] Police Department shall,



whenever possible and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle.

- g) **Notice to individuals subject to ICE interventions.** If the [city or town] Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
- h) **ICE access to facilities.** Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.
- i) **U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, the [city or town] Police Department shall consider and sign a U Visa certification request if an individual (i) is the victim of a qualifying crime, and (ii) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
- j) **Raids and other immigration enforcement actions.** No officer or employee of the [city or town] Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort.
- k) **Deputizing of local officials.** No officer or employee of any the [city or town] Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
- l) **School records and enrollment.** No employee of the [city or town] Public Schools shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the [city or town] Public Schools, such information shall not be kept or distributed, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.

3. COMPLAINTS

Allegations of violations of the present policy and may be filed with [corresponding department] and in the case of a complaint against an officer or employee of the [city or town] Police Department, the Department's Internal Affairs office, who shall investigate the complaint and take appropriate disciplinary action.

4. REPORTING

Beginning on the date of passage of this ordinance and every six months thereafter, the [city or town] Police Chief shall submit a report, with the information detailed below, to the Clerk of the [city or town], forward to the [Mayor or other executive], docket said report, and include the docket on the agenda of the next-occurring meeting of the [Public Safety Committee of the City Council or similar entity].

- a) The total number ICE holds, administrative warrants, and notification requests lodged with [city or



town] Law Enforcement officials, organized by the reason(s) given for the request;

- b) The total number of individuals detained on an ICE hold or administrative warrants, if any;
- c) The total number of individuals transferred to ICE custody, if any; and
- d) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.

5. COMPLIANCE WITH FEDERAL LAW

Nothing in this [ordinance or name of policy] shall be construed to violate any valid federal law, or to prohibit any [city or town] agency or department from providing another law enforcement agency citizenship or immigration status, consistent with 8 U.S.C. § 1373.



Appendix C: ACLU Sample Welcoming Community Policy of 2017

Possible titles:

Sanctuary City Act, Welcoming City Act, Safe Communities Act, Trust Act³⁰¹

CITY or TOWN OF ---

PURPOSE.

The purpose of this [CITY] /Policy is to increase public confidence in [city] Law Enforcement by providing guidelines associated with federal immigration enforcement, arrests, and detentions.

TRUST/SANCTUARY POLICY.

It is not within the purview nor mandate of [city] to enforce federal immigration law or seek the detention, transfer or deportation of [city] residents for civil immigration purposes, nor should city resources be expended toward that end. Under no circumstances shall a person be contacted, detained, or arrested by [city] Law Enforcement based on immigration status, whether known or unknown.

The City of [city] will equally enforce the law and serve the public without consideration of immigration status. Citizenship, immigration status, lack of immigration documentation, national origin, race, and ethnicity shall have no bearing on an individual's treatment by [city] Law Enforcement (including but not limited to classification status, eligibility for work programs, eligibility for alternative to incarceration programs, right to release on bail), or on decisions to initiate stops, make arrests, or extend the length of custody.

1. DEFINITIONS

"Customs and Border Protection" or "CBP" is the agency within the U.S. Department of Homeland Security with the primary responsibility of securing the nation's borders.

"Immigration & Customs Enforcement" (or "ICE") is the agency within the US Department of Homeland Security with primary responsibility to investigate and enforce immigration law.

"ICE holds" also known as "immigration holds," "ICE detainers," or "immigration detainers" are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody.

"ICE notification requests" are requests made by federal immigration officials to local Law Enforcement or Courts for information relating to a person in that local agency's custody.

"Administrative warrant" means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

"Released from local custody" means an individual may be released from the custody of a Law Enforcement agency because any of the following conditions has occurred:

³⁰¹ *Sample Welcoming Community Policy*, AM. CIV. LIBERTIES UNION OF MASS. (2017), on file with authors.



- (a) All criminal charges against the individual have been dropped or dismissed;
- (b) The individual has been acquitted of all criminal charges filed against him or her;
- (c) The individual has served the time required for his or her sentence;
- (d) The individual has posted a bail or bond, or has been released on their own recognizance;
- (e) The individual has been referred to pre-trial diversion services;
- (f) The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
- (g) The individual is otherwise eligible for release under state or local law.

2. ORDER

a.) Support for Safe Communities Act. [City] hereby goes on the record supporting the Safe Communities Act, S. 1305 (An Act to protect the civil rights and safety of all Massachusetts residents), a statewide bill to protect all state residents by making sure that our tax dollars are not used to enforce federal immigration law, consistent with Massachusetts values, our history, our Constitution and our laws.

b.) Equal treatment. No officer or employee of a [city] Law Enforcement agency shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person's immigration status shall have no bearing on his or her treatment by officers or employees of a [city] Law Enforcement agency.

c.) ICE holds or administrative warrants. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a [city] Law Enforcement agency shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.

d.) ICE notification requests. No officer or employee of a [city] Law Enforcement agency shall respond to any ICE notification request by providing any federal agent or agency information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release.

e.) ICE access to records or facilities. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a [city] Law Enforcement agency shall allow ICE agents access to or use of facilities, records/databases, booking lists, or individuals in custody either in person or via telephone or videoconference.

f.) Individuals subject to ICE interventions. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the Law Enforcement agency.

g.) U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, City of [city] Law Enforcement shall consider and sign a U Visa certification request if an individual is (i.) the victim of a qualifying crime, and (ii.) have been, are being, or will likely be helpful in the investigation/prosecution of that crime.

h.) Raids and other immigration enforcement actions. No officer or employee of any [city] agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes or otherwise use [city] funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal immigration law.

i.) Deputizing of local officials. No officer or employee of any [city] Law Enforcement agency shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.



j.) Compliance with federal law. Nothing in this Section shall be construed to violate any valid federal law, or to prohibit any [city] agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

3. COMPLAINTS

Allegations of violations of the present TRUST policy and order shall be filed with the [city] Office of --.

4. REPORTING

Beginning on [date] and every six months thereafter, the [city] Police Chief shall submit a report, with the information detailed below, to the Clerk of the City, forward to the Mayor of the City, docket said report, and include the docket on the agenda of the next-occurring meeting of the City Council.

- (a) The total number ICE holds, administrative warrants, and notification requests lodged with City Law Enforcement officials, organized by the reason(s) given for the request;
- (b) The total number of individuals detained on an ICE hold or administrative warrant, if any;
- (c) The total number of individuals transferred to ICE custody, if any; and
- (d) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.



Appendix D: Provisions Map

The following chart indicates the ACLU provisions that informed the “safe community provisions” covered in this report. Language from the 2019 ACLU Sample Policy is our primary source. For the *Safe Communities Act Provision*, we consulted the 2017 ACLU Sample Policy.

Provision Types	2017 ACLU Sample Policy	2019 ACLU Sample Policy	In This Report ³⁰²
Solidarity		The purpose of this ordinance is to establish our [city or town] as a Welcoming Community, to declare that all are welcome here.	Solidarity
Safe Communities Act	Support for Safe Communities Act. [City] hereby goes on the record supporting the Safe Communities Act, S. 1305 (An Act to protect the civil rights and safety of all Massachusetts residents), a statewide bill to protect all state residents by making sure that our tax dollars are not used to enforce federal immigration law, consistent with Massachusetts values, our history, our Constitution and our laws.		Safe Communities Act
Equal Treatment	Equal treatment. No officer or employee of a [city] Law Enforcement agency shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person's immigration status shall have no bearing on his or her treatment by officers or employees of a [city] Law Enforcement agency.	Equal treatment. [City of town] will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of [city or town] agencies or departments.	Equal Treatment Subtype A (General Equal Treatment)
Immigration Status Inquiries	Equal treatment. No officer or employee of a [city] Law Enforcement agency shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person's immigration status shall have no bearing on his or her treatment by officers or employees of a [city] Law Enforcement agency.	Inquiries about immigration status. Officers and employees of the [city or town] may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.	Status Inquiries
Participating in Federal Immigration Enforcement		Role of police in immigration enforcement. The [city or town] police department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the	Sentence 1 Equal Treatment Subtype B (Equal Treatment in Investigations and Law Enforcement Actions)

³⁰² The color coding of these provision types corresponds to the color coding used in *Appendix I: Full Text of Policies*.



		<p>initiation of a stop, an apprehension or arrest.</p> <p>The [city or town] Police Department shall not take part in or assist with any federal immigration enforcement efforts.</p>	<p>Sentence 2 Participation in Federal Immigration Enforcement (General)</p>
	<p>Raids and other immigration enforcement actions. No officer or employee of any [city] agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes or otherwise use [city] funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal immigration law.</p>	<p>Raids and other immigration enforcement actions. No officer or employee of the [city or town] Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort.</p>	<p>Participation in Federal Immigration Enforcement (Operations)</p>
Deputizing Local Police Officers	<p>Deputizing of local officials. No officer or employee of any [city] Law Enforcement agency shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.</p>	<p>Deputizing of local officials. No officer or employee of any the [city or town] Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.</p>	<p>Deputizing</p>
Sharing Information with ICE	<p>ICE notification requests. No officer or employee of a [city] Law Enforcement agency shall respond to any ICE notification request by providing any federal agent or agency information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release.</p>	<p>Federal requests for information. No officer or employee of a the [city or town] Police Department shall provide a federal officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).</p>	<p>Providing ICE with Information</p>
ICE Access to Individuals	<p>ICE access to records or facilities. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a [city] Law Enforcement agency shall allow ICE agents access to or use of facilities, records/databases, booking lists, or individuals in custody either in person or via telephone or videoconference.</p>	<p>ICE access to facilities. Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.</p>	<p>Allowing ICE Access to Facilities, Individuals, Records</p>
ICE Detainers	<p>ICE holds or administrative warrants. Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of a [city] Law Enforcement agency shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.</p>	<p>ICE detainers and administrative warrants. Consistent with Massachusetts law, no officer or employee of the [city or town] Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is released from local custody, or before being</p>	<p>Detainers</p>




		transferred to court or admitted to bail.	
ICE Documents	Individuals subject to ICE interventions. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the Law Enforcement agency.	Notice to individuals subject to ICE interventions. If the [city or town] Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.	Providing Individuals in Local Custody with Information about ICE



Appendix E: Attorney General By-law Decisions

By-law approvals issued by the Attorney General of Massachusetts are available online using a database searching tool, *Municipal Law Unit (MLU) Decision Lookup*.³⁰³ Direct links to these approval letters do not appear to be available.

1. Amherst Article 29 (Case # 8478 - Approval)

<div data-bbox="175 514 310 672"><p>MAURA HEALEY ATTORNEY GENERAL</p></div> <div data-bbox="310 535 722 640"><p>THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL CENTRAL MASSACHUSETTS DIVISION 10 MECHANIC STREET, SUITE 301 WORCESTER, MA 01608</p></div> <div data-bbox="625 640 722 682"><p>(508) 702-7600 (508) 795-1991 fax www.mass.gov/ago</p></div> <div data-bbox="527 693 641 724"><p>November 3, 2017</p></div> <div data-bbox="219 724 389 787"><p>Sandra J. Burgess, Town Clerk Town of Amherst 4 Boltwood Avenue Amherst, MA 01002</p></div> <div data-bbox="219 798 617 871"><p>Re: Amherst Annual Town Meeting of April 26, 2017 - Case # 8478 Warrant Articles # 32, 33, 35 (Zoning) Warrant Articles # 24, 26, 28, 29 (General) Warrant Article # 25 (Historic)</p></div> <div data-bbox="219 871 324 903"><p>Dear Ms. Burgess:</p></div> <div data-bbox="219 903 738 945"><p>Article 29 – We approve Article 29 (“Town of Amherst Sanctuary Community Bylaw”) from the Amherst Annual Town Meeting of April 26, 2017.¹</p></div> <div data-bbox="219 945 738 1102"><p>The Sanctuary Community Bylaw limits police investigatory authority based on immigration status, prohibits police detentions based on civil immigration detainer requests or ICE administrative warrants, and requires reports of the number of civil immigration detainer requests lodged with the Town and the Town’s response to the requests. We approve the by-law because it does not conflict with the Constitution or laws of the Commonwealth. Indeed, the Massachusetts Supreme Judicial Court recently affirmed that law enforcement officials lack authority under Massachusetts law to arrest an individual pursuant to a request contained in a Federal civil immigration detainer. <i>Lunn v. Commonwealth</i>, 477 Mass. 517 (2017). We explain our decision below.</p></div> <div data-bbox="251 1102 560 1123"><p>I. <u>Summary of the Sanctuary Community By-Law</u></p></div> <div data-bbox="219 1123 738 1186"><p>The by-law adopted under Article 29 “affirms that Amherst is a welcoming town and seeks to ensure public safety and trust between law enforcement and all members of [the Amherst] community.” The by-law imposes various requirements on local officials including:</p></div> <div data-bbox="276 1186 738 1239"><ul style="list-style-type: none">• A law enforcement official shall not initiate an investigation or take law enforcement action (as defined in the by-law) on the basis of actual or perceived</div>	<p>immigration status, including the initiation of a stop, an apprehension, arrest or any other contact.</p> <ul style="list-style-type: none">• A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant issued by a judicial officer, for the individual.• A law enforcement officer shall not inquire about an individual’s immigration status unless required by federal or state law.• A law enforcement officer shall not communicate with ICE regarding the immigration status of a person in custody, except for any information required to be shared by 8 U.S.C. § 1373.²• On petition by three registered voters, the Town Manager shall submit a report to the Select board detailing the number of civil immigration detainer requests lodged with Town law enforcement officials, the number of individuals so detailed, the number of individuals transferred to ICE custody, and information about requests for certification of U Visas. <p>II. <u>Attorney General’s Standard of Review of Town By-laws</u></p> <p>Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” <i>Amherst v. Attorney General</i>, 398 Mass. 793, 796 (1986). The Attorney General does not review the policy arguments for or against the enactment. <i>Id.</i> at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. <i>Id.</i> at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” <i>Bloom v. Worcester</i>, 363 Mass. 136, 154 (1973) (emphasis added). “The legislative intent to preclude local action must be clear.” <i>Id.</i> at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” <i>Connors v. City of Boston</i>, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).</p> <p>III. <u>Analysis and Conclusion</u></p> <p>We determine that the Amherst Sanctuary Community Bylaw does not conflict with the Constitution or laws of the Commonwealth. On the contrary, the by-law’s central mandate – that Amherst law enforcement officials shall not detain individuals solely on the basis of a civil immigration detainer request or ICE administrative warrant – is in harmony with the <i>Lunn</i> court’s conclusion that “Massachusetts law provides no authority for Massachusetts [law enforcement</p>
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³⁰³ The Municipal Law Unit (MLU) Decision Lookup tool is available at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>. To retrieve a decision, input the case number into the tool.



officers] to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.” Lunn v. Commonwealth, 477 Mass. 517, 537 (2017). We also conclude that the remaining requirements of the by-law (prohibiting investigations and law enforcement actions solely on the basis of immigration status; prohibiting inquiries about immigration status unless required by state or federal law; prohibiting sharing of immigration status information with ICE except as is required by 8 U.S.C. § 1373; requiring certain reporting of arrest/detention statistics, etc.) do not conflict with the Constitution or laws of the Commonwealth. Amherst, 398 Mass. at 796. On this basis, we approve the Amherst Sanctuary Community Bylaw.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

3

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley


By: Margaret J. Hurley
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4402

cc: Town Counsel Joel B. Bard

4



2. Conway Article 31 (Case # 9030 - Approval)

<div><p>THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL CENTRAL MASSACHUSETTS DIVISION 10 MECHANIC STREET, SUITE 301 WORCESTER, MA 01608</p><p>MAURA HEALEY ATTORNEY GENERAL</p><p>(508) 792-7600 (508) 795-1991 fax www.mass.gov/ago</p></div> <div><p>December 3, 2018</p><p>Virginia A. Knowlton, Town Clerk Town of Conway P.O. Box 240 Conway, MA 01341</p><p>Re: Conway Annual Town Meeting of May 14, 2018 – Case # 9030 Warrant Article # 29 (Zoning) Warrant Articles # 26, 27, and 31 (General)</p><p>Dear Ms. Knowlton:</p><p>Articles 29 and 31 - We approve Articles 29 and 31 adopted at the May 14, 2018, Conway Annual Town Meeting.¹ Our comments on these Articles are provided below.</p><p>[Irrelevant text has been removed.]</p><p>¹ In a decision issued on September 5, 2018, we approved Articles 26 and 27.</p></div>	<div><p>[Irrelevant text has been removed.]</p><p>[Irrelevant text has been removed.]</p><p>Article 31 - We approve Article 31 ("A Bylaw Declaring Conway to be a Safe Community") from the Conway Annual Town Meeting of May 14, 2018.</p><p>The by-law limits police investigatory authority based on immigration status, prohibits police detentions based on civil immigration detainer requests or ICE administrative warrants, and generally declares that all are welcome and will be treated with respect in Conway regardless of where they are from. We approve the by-law because it does not conflict with the Constitution or laws of the Commonwealth. Indeed, the Massachusetts Supreme Judicial Court recently affirmed that law enforcement officials lack authority under Massachusetts law to arrest an individual</p></div> <div><p>7</p></div>
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pursuant to a request contained in a Federal civil immigration detainer. Lunn v. Commonwealth, 477 Mass. 517 (2017). We explain our decision below.

I. Summary of the Safe Community By-Law.

The by-law adopted under Article 31 affirms that Conway is a welcoming town:

The citizens of Conway would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through, you are welcome here. Conway police shall not act as immigration officers and will not honor non-criminal, civil immigration detainer requests. In all interactions with Conway law enforcement and town employees you will be treated with respect.

The by-law imposes various requirements on local officials including:

- A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest or any other contact.
- A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant issued by a judicial officer, for the individual.
- To the extent permissible by law, no employee of any Conway Town department shall perform the functions of an immigration officer.

II. Analysis

Based on our standard of review of town by-laws (see Section II, p. 2, above), we determine that the Conway Safe Community Bylaw does not conflict with the Constitution or laws of the Commonwealth. On the contrary, the by-law's central mandate – that Conway's law enforcement officials shall not detain individuals solely on the basis of a civil immigration detainer request or ICE administrative warrant – is in harmony with the Lunn court's conclusion that "Massachusetts law provides no authority for Massachusetts [law enforcement officers] to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody." Lunn, 477 Mass. at 537. We conclude that the remaining requirements of the by-law (prohibiting investigations and law enforcement actions solely on the basis of immigration status; prohibiting town employees from performing the functions of an immigration officer to the extent permissible by law) are similarly free from conflict with the Constitution or laws of the Commonwealth. Amherst, 398 Mass. at 796. On this basis, we approve the Conway Safe Community Bylaw.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments

are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan
by: Kelli E. Gunagan, Assistant Attorney General
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(508) 792-7600

cc: Town Counsel John H. Fitz-Gibbon



3. Ipswich Article 25 (Case # 8474 – Approval with deletions)



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
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December 1, 2017

Pamela Carakatsane, Town Clerk
Town of Ipswich
25 Green Street
Ipswich, MA 01938

Re: Ipswich Annual Town Meeting of May 9, 2017 - Case # 8474
Warrant Articles # 23 (Zoning)
Warrant Articles # 11, 12, 13 and 25 (General)

Dear Ms. Carakatsane:

Article 25 – We approve Article 25 (“Prevention of Warrantless Seizure of Immigrants”) except for the by-law text in Section (b) “Detainment” that authorizes the detention of certain individuals for 48 hours beyond the time they otherwise would be eligible for release. The disapproved portion of the by-law conflicts with the Massachusetts Supreme Judicial Court’s ruling in Lunn v. Commonwealth, 477 Mass. 517 (2017) that law enforcement officials lack authority under Massachusetts law to detain an individual pursuant to a request contained in a Federal civil immigration detainer. We explain our decision below.¹

I. Attorney General’s Standard of Review of Town By-laws.

Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst v. Attorney General, 398 Mass. 793, 796 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973) (emphasis added). “The legislative intent to preclude

¹ In a decision issued August 29, 2017 we approved Articles 11, 12, 13 and 23.

local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted). Nevertheless, where a by-law conflicts with state law or the constitution, it is invalid. See Zuckerman v. Hadley, 442 Mass. 511, 520 (2004) (rate of development by-law of unlimited duration did not serve a permissible public purpose and was thus unconstitutional).

II. Portions of the Prevention of Warrantless Seizure of Immigrants By-Law Conflict with State Law.

The relevant portions of the by-law adopted under Article 25 limit the ability of Ipswich law enforcement officials to detain certain individuals as follows (emphasis supplied):

(b) Detainment

(1) Except as provided in subsection (b) (2), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.

(2) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to 48 hours after that individual becomes eligible for release from custody, excusing Saturdays, Sundays, and holidays, if the individual meets any of the following criteria:

a. ICE has a criminal warrant for the individual;

b. The individual has been convicted of a violent crime as defined in M.G.L. c. 140, § 121;

c. In the past ten years, the individual has been convicted of a felony as defined in M.G.L. c. 274, § 1;

d. The individual is a current registrant on the Massachusetts Sex Offender Registry;

e. The individual is identified in the federal government’s consolidated terrorist watchlist.

We disapprove and delete the text in underlined and bold above because “Massachusetts law provides no authority for Massachusetts [law enforcement officers] to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.” Lunn v. Commonwealth, 477 Mass. 517, 537 (2017). The Lunn court affirmed that there are no circumstances under which Massachusetts law authorizes a detention, solely on the basis of a civil immigration detainer, beyond the time that the individual is otherwise eligible for release from custody. As drafted, the by-law authorizes law enforcement officials to do just that: “Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to 48 hours....” Section (b) (2). With the disapproved by-law text deleted,



the remaining portions of the by-law are consistent with the Lunn decision and do not conflict with the Constitution or laws of the Commonwealth. Amherst, 398 Mass. at 796.²

In conclusion, we approve the by-law adopted under Article 25 except for the portion in Section (b) as reflected in underlined and bold above because that portion of the by-law conflicts with Lunn v. Commonwealth, 477 Mass. 517, 537 (2017).

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

² We note that the by-law, as drafted, is limited to the authority of Ipswich law enforcement officials to act solely on the basis of a civil immigration detainer request, which, as the Lunn court makes clear is "not a criminal detainer or a criminal arrest warrant." Lunn, 477 Mass. at 524. The by-law does not dictate the authority of Ipswich law enforcement officials in circumstances where there is a valid state or federal criminal arrest warrant.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL


Margaret J. Hurley

By: Margaret J. Hurley
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Director, Municipal Law Unit
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cc: Town Counsel George Hall



4. Montague Article 47 (Case # 8404) (Rejection)

<div data-bbox="178 323 263 432"></div> <div data-bbox="152 436 289 476"><p>MAURA HEALEY ATTORNEY GENERAL</p></div> <div data-bbox="297 340 711 447"><p>THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL CENTRAL MASSACHUSETTS DIVISION 10 MECHANIC STREET, SUITE 301 WORCESTER, MA 01608</p></div> <div data-bbox="609 451 699 491"><p>(508) 792-7600 (508) 795-1991 fax www.mass.gov/ago</p></div> <div data-bbox="433 504 547 522"><p>September 20, 2017</p></div> <div data-bbox="194 533 376 596"><p>Debra A. Bourbeau, Town Clerk Town of Montague 1 Avenue A Turner Falls, MA 01376</p></div> <div data-bbox="194 609 596 642"><p>Re: Montague Annual Town Meeting of May 6, 2017 – Case # 8404 Warrant Articles # 43 and 47 (General)¹</p></div> <div data-bbox="194 653 308 672"><p>Dear Ms. Bourbeau:</p></div> <div data-bbox="194 682 734 749"><p>Article 47 – We received a copy of the vote on Article 47 of the warrant for the Montague Annual Town Meeting that first convened on May 6, 2017. We return the vote under Article 47 with no action by this Office because we have determined that it does not constitute a valid by-law subject to our review and approval pursuant to G.L. c. 40, § 32.</p></div> <div data-bbox="194 758 734 808"><p>As stated on the 2017 Annual Town Meeting Warrant, Article 47 was a Petitioned Article pertaining to detaining individuals on the basis of a civil immigration detainee request. The Warrant for Article 47 provides in pertinent part as follows:</p></div> <div data-bbox="233 819 693 850"><p>To see if the Town will vote to adopt the following, or pass any vote or votes in relation thereto.</p></div> <div data-bbox="233 861 623 882"><p>The Town Clerk certified the following motion was made on Article 47:</p></div> <div data-bbox="233 890 693 936"><p>Amended Article Moved Whereas, the Town of Montague seeks to ensure that all immigrants are able to fully participate in the civic and economic life of their neighborhoods and nurture and grow the spirit of unity in our Town; and</p></div> <div data-bbox="194 945 734 1056"><p>Pursuant to G.L. c. 40, § 32, “ . . . before a by-law takes effect it shall be approved by the attorney general. . . .” In performing this review, the Attorney General follows the same principles of statutory construction which guide a court. See <i>Amherst v. Attorney General</i>, 398 Mass. 793, 795 (1986) (“The Attorney General is guided in the exercise of his limited power of disapproval by the same principles that guide us.”) The first step in the Attorney General’s review is to determine whether a legislative enactment qualifies as a by-law because the Legislature has limited the Attorney General’s review power under G.L. c. 40, § 32, to the review of by-laws. To determine</p></div> <div data-bbox="194 1073 696 1104"><p>¹ In a decision issued on August 10, 2017, we approved the by-law adopted under Article 43 from the May 6, 2017 Montague Annual Town Meeting.</p></div>	<p>whether an enactment qualifies as a by-law, the Attorney General first looks to the plain language of the warrant article and the motion under the warrant article.</p> <p>Applying these principles of statutory construction to Article 47, we note that there is nothing in the plain language of the warrant article or the motion under Article 47 that refers to the proposed adoption of a by-law. In general, when a warrant article is proposed to adopt or amend a by-law, the warrant article or the motion will so declare. For example, the Warrant for the Montague 2017 Annual Town Meeting included the following Article to adopt or amend a by-law: Article 43, “To see if the Town will vote to amend Article II, Section 6 of the By-Laws of the Town of Montague” Article 43 clearly identifies the vote as a proposed by-law amendment. In contrast, there is nothing in the plain language of the motion under Article 47 that expresses or implies that it proposed the adoption of a by-law. Therefore, we conclude that the vote under Article 47 does not come within the scope of the Attorney General’s limited review authority under G.L. c. 40, § 32.²</p> <p>Because we have concluded that the vote taken under Article 47 does not constitute a valid by-law subject to the Attorney General’s review and approval under G.L. c. 40, § 32, we decline to provide an opinion whether the text of Article 47 is consistent with the Constitution and laws of the Commonwealth. The Attorney General does not generally provide such advisory opinions regarding municipal legislative enactments that are not subject to her approval pursuant to G.L. c. 40, § 32, and she declines to exercise her discretion to provide such an opinion in this case. If, at a future Town Meeting, the Town seeks to adopt a by-law on the same subject matter, we suggest that the Town review the Attorney General’s decisions in: Ipswich Case # 8474 (decision pending) and Amherst Case # 8478 (decision pending). However, any subsequent by-law adopted by a Town on this topic will receive the full procedural and substantive review required by G.L. c. 40, § 32 to determine whether the by-law is consistent with the Constitution and laws of the Commonwealth. The Town may wish to discuss this issue with Town Counsel.</p> <p>Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) <u>general</u> by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) <u>zoning</u> by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.</p> <p>² There are other examples of town meeting votes which the Attorney General has no power to review and which we routinely return to towns with no action. Votes to accept local option statutes and votes to approve municipal budgets are but two examples of such town meeting votes which are outside the scope of the Attorney General’s review under G.L. c. 40, § 32.</p> <p>2</p>
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Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL
Kelli E. Gunagan
by: Kelli E. Gunagan, Assistant Attorney General
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Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Gregg J. Corbo



5. Pelham Article 47 (Case # 10424 – Approval)



MAURA HEALEY
ATTORNEY GENERAL

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September 20, 2017

Debra A. Bourbeau, Town Clerk
Town of Montague
1 Avenue A
Turner Falls, MA 01376

**Re: Montague Annual Town Meeting of May 6, 2017 – Case # 8404
Warrant Articles # 43 and 47 (General)**¹

Dear Ms. Bourbeau:

Article 47 – We received a copy of the vote on Article 47 of the warrant for the Montague Annual Town Meeting that first convened on May 6, 2017. We return the vote under Article 47 with no action by this Office because we have determined that it does not constitute a valid by-law subject to our review and approval pursuant to G.L. c. 40, § 32.

As stated on the 2017 Annual Town Meeting Warrant, Article 47 was a Petitioned Article pertaining to detaining individuals on the basis of a civil immigration detainee request. The Warrant for Article 47 provides in pertinent part as follows:

To see if the Town will vote to adopt the following, or pass any vote or votes in relation thereto.

The Town Clerk certified the following motion was made on Article 47:

Amended Article Moved Whereas, the Town of Montague seeks to ensure that all immigrants are able to fully participate in the civic and economic life of their neighborhoods and nurture and grow the spirit of unity in our Town, and

Pursuant to G.L. c. 40, § 32, “ . . . before a by-law takes effect it shall be approved by the attorney general. . . .” In performing this review, the Attorney General follows the same principles of statutory construction which guide a court. See *Amherst v. Attorney General*, 398 Mass. 793, 795 (1986) (“The Attorney General is guided in the exercise of his limited power of disapproval by the same principles that guide us.”) The first step in the Attorney General’s review is to determine whether a legislative enactment qualifies as a by-law because the Legislature has limited the Attorney General’s review power under G.L. c. 40, § 32, to the review of by-laws. To determine

¹ In a decision issued on August 10, 2017, we approved the by-law adopted under Article 43 from the May 6, 2017 Montague Annual Town Meeting.

whether an enactment qualifies as a by-law, the Attorney General first looks to the plain language of the warrant article and the motion under the warrant article.

Applying these principles of statutory construction to Article 47, we note that there is nothing in the plain language of the warrant article or the motion under Article 47 that refers to the proposed adoption of a by-law. In general, when a warrant article is proposed to adopt or amend a by-law, the warrant article or the motion will so declare. For example, the Warrant for the Montague 2017 Annual Town Meeting included the following Article to adopt or amend a by-law: Article 43, “To see if the Town will vote to amend Article II, Section 6 of the By-Laws of the Town of Montague” Article 43 clearly identifies the vote as a proposed by-law amendment. In contrast, there is nothing in the plain language of the motion under Article 47 that expresses or implies that it proposed the adoption of a by-law. Therefore, we conclude that the vote under Article 47 does not come within the scope of the Attorney General’s limited review authority under G.L. c. 40, § 32.²

Because we have concluded that the vote taken under Article 47 does not constitute a valid by-law subject to the Attorney General’s review and approval under G.L. c. 40, § 32, we decline to provide an opinion whether the text of Article 47 is consistent with the Constitution and laws of the Commonwealth. The Attorney General does not generally provide such advisory opinions regarding municipal legislative enactments that are not subject to her approval pursuant to G.L. c. 40, § 32, and she declines to exercise her discretion to provide such an opinion in this case. If, at a future Town Meeting, the Town seeks to adopt a by-law on the same subject matter, we suggest that the Town review the Attorney General’s decisions in: Ipswich Case # 8474 (decision pending) and Amherst Case # 8478 (decision pending). However, any subsequent by-law adopted by a Town on this topic will receive the full procedural and substantive review required by G.L. c. 40, § 32 to determine whether the by-law is consistent with the Constitution and laws of the Commonwealth. The Town may wish to discuss this issue with Town Counsel.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

² There are other examples of town meeting votes which the Attorney General has no power to review and which we routinely return to towns with no action. Votes to accept local option statutes and votes to approve municipal budgets are but two examples of such town meeting votes which are outside the scope of the Attorney General’s review under G.L. c. 40, § 32.



Very truly yours,
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ATTORNEY GENERAL
Kelli E. Gunagan
by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
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508-792-7600

cc: Town Counsel Gregg J. Corbo



Appendix F: Sample Unsuccessful Policy Initiatives

The following chart provides examples of safe community policies that were proposed during the Trump administration but were never issued, i.e., never passed or adopted at a city council meeting or town meeting.

Municipality	Provisions	Additional Details
Brockton	<ul style="list-style-type: none"> Equal Treatment Immigration Status Inquiry Honoring ICE Detainers Providing ICE with Information about Individuals in Local Custody³⁰⁴ 	On May 29, 2019, the Brockton City Council failed to pass the Brockton United Ordinance by a vote of 4 to 6, ³⁰⁵ after it was rejected by the five-member City Council Ordinance Committee 1 to 4. ³⁰⁶ A predecessor ordinance, known as the Brockton Trust Act, was also unsuccessful after it was delayed several times by the City Council Ordinance Committee in 2016. ³⁰⁷
Hull	<ul style="list-style-type: none"> Equal Treatment Immigration Status Inquiries Honoring ICE Detainers Providing ICE with Information about Individuals in Local Custody³⁰⁸ 	On May 2, 2017, a citizens petition was defeated 101 to 185 at a town meeting, ³⁰⁹ after it was rejected unanimously by the Advisory Board. ³¹⁰
Millis	<ul style="list-style-type: none"> Safe Community Act³¹¹ 	After the Finance Committee recommended approval of this Article to enable its discussion, the town of Millis voted 350 to 16 to “lay Article 37 on the table” at a town meeting on June 5, 2017. ³¹² “Laying an article on the table” means that an article has been rejected or at least indefinitely postponed. ³¹³

³⁰⁴ *Brockton United Ordinance*, as introduced to the Brockton City Council, (Jan. 14, 2019),

<https://brockton.ma.us/wp-content/uploads/2019/08/brockton-united-ordinance.pdf>.

³⁰⁵ *Id.*; *Report on the Brockton City Council meeting*, CITY OF BROCKTON 2 (May 28, 2019), <https://brockton.ma.us/wp-content/uploads/2019/07/2019-0528-city-council-minutes-may-28-2019.pdf>.

³⁰⁶ Marc Larocque, *Ordinance Committee Rejects Brockton United Proposal*, THE ENTERPRISE (May 9, 2019), <https://www.enterpriseneews.com/story/news/local/2019/05/09/ordinance-committee-rejects-brockton-united/5207337007/>.

³⁰⁷ Marc Larocque, *Brockton Council Delays Yet Again on Trust Act Vote*, THE ENTERPRISE (Nov. 17, 2016), <https://www.enterpriseneews.com/story/news/politics/county/2016/11/16/brockton-council-delays-yet-again/24520914007/>.

³⁰⁸ *Annual Town Meeting Warrant and Special Town Meeting Warrant with Advisory Board Recommendations*, TOWN OF HULL 21-22 (May 1, 2017),

https://www.town.hull.ma.us/sites/g/files/vyhliif3286/f/uploads/2017_town_meeting.pdf (Article 33).

³⁰⁹ Lane Lambert, *Hull 'Sanctuary Community' Petition Defeated*, THE PATRIOT LEDGER (May 3, 2017), <https://www.patriotledger.com/story/news/politics/county/2017/05/03/hull-sanctuary-community-petition-defeated/21240518007/>.

³¹⁰ *Annual Town Meeting Warrant and Special Town Meeting Warrant with Advisory Board Recommendations*, TOWN OF HULL 21-22 (May 1, 2017),

https://www.town.hull.ma.us/sites/g/files/vyhliif3286/f/uploads/2017_town_meeting.pdf (Article 33).

³¹¹ *Annual Report of the Town of Millis*, TOWN OF MILLIS 33 (2017), <https://archives.lib.state.ma.us/bitstream/handle/2452/793685/Millis-2017.pdf?sequence=1&isAllowed=y> (Article 37).

³¹² *Id.*

³¹³ Secretary of the Commonwealth of Massachusetts, *supra* note 116.



Municipality	Provisions	Additional Details
New Bedford	<ul style="list-style-type: none"> Equal Treatment³¹⁴ 	On November 22, 2016, three City Council members introduced this motion at a City Council meeting, and the Council voted 2 to 9 against referring it to the Committee on Appointments and Briefings. ³¹⁵
Quincy	<ul style="list-style-type: none"> Study the meaning of Sanctuary City and if steps should be taken to adopt such a designation 	On March 6, 2017, a City Council member introduced this resolution at a City Council meeting, and the Council voted 3 to 6 against referring it to the Public Safety Committee. ³¹⁶
Rockport	<ul style="list-style-type: none"> Solidarity³¹⁷ 	This non-binding article was introduced to Rockport voters in two ways: at the 2017 Annual Town Meeting, and on the ballot in the 2017 Annual Town Election. Prior to the Annual Town Meeting, the Board of Selectmen took a position of non-support for the Article. ³¹⁸ At the Annual Town Meeting on April 1, 2017, the citizens petition passed 129 to 112. ³¹⁹ However, the Board of Selectmen also added this question to the Annual Town Election on May 2, 2017. ³²⁰ On this date, residents voted against the ballot initiative 1451 to 1105 (57% opposed). ³²¹
Weston	<ul style="list-style-type: none"> Equal Treatment Immigration Status Inquiries Participation in Federal Immigration Enforcement Deputizing Local Police Officers Providing ICE with Information about Individuals in Local Custody Allowing ICE to Access Individuals in Local Custody Honoring ICE Detainers Providing Individuals in Local Custody with ICE Information³²² 	On September 10, 2020, Article 27 was defeated by a majority vote at the Annual Town Meeting. ³²³ The Chief of the Weston Police Department issued a memo prior to the Annual Town Meeting stating that the Article is a “non-issue” because the Weston Police Department already follows these policies. ³²⁴

³¹⁴ *Council Meeting Minutes*, CITY OF NEW BEDFORD 8 (Nov. 22, 2016), <http://s3.amazonaws.com/newbedford-ma/wp-content/uploads/sites/15/20191219195133/mcouncil1122.pdf>.

³¹⁵ *Id.*

³¹⁶ *Id.*

³¹⁷ *177th Annual Report*, TOWN OF ROCKPORT 201, 208 (2017), <https://www.rockportma.gov/board-selectmen/files/2017-town-report>.

³¹⁸ *Board of Selectmen Meeting*, TOWN OF ROCKPORT 5 (Mar. 21, 2017), <https://www.rockportma.gov/board-selectmen/minutes/board-selectmen-meeting-51>.

³¹⁹ *177th Annual Report*, TOWN OF ROCKPORT 218 (2017), <https://www.rockportma.gov/board-selectmen/files/2017-town-report>.

³²⁰ *Id.* at 228; *Board of Selectmen Meeting*, TOWN OF ROCKPORT 1-4 (Apr. 4, 2017), <https://www.rockportma.gov/board-selectmen/minutes/board-selectmen-2>.

³²¹ *177th Annual Report*, TOWN OF ROCKPORT 231 (2017), <https://www.rockportma.gov/board-selectmen/files/2017-town-report>.

³²² *2020 Annual Town Meeting*, TOWN OF WESTON 10-14 (Sept. 10, 2020), <https://www.weston.org/AgendaCenter/ViewFile/Agenda/09122020-5538>.

³²³ *2020 Annual Town Meeting*, TOWN OF WESTON, (Sept. 10, 2020), <https://www.westonma.gov/1491/2020-Annual-Town-Meeting>.

³²⁴ Letter from Michael Goulding, Chief of Police, to Leon Gaumond, Town Manager, (Sept. 3, 2020), <https://www.weston.org/DocumentCenter/View/24465/Article-27-Memo-from-Weston-Police-Chief-PDF>.



Municipality	Provisions	Additional Details
Yarmouth	<ul style="list-style-type: none"> Participation in Federal Immigration Enforcement³²⁵ 	Article 42, a proposed non-binding resolution, was introduced by a citizens petition at the Annual Town Meeting on May 5, 2018. ³²⁶ The Board of Selectmen unanimously voted against recommending the Article. ³²⁷ The Article did not pass at the Annual Town Meeting. ³²⁸

³²⁵ *Town of Yarmouth 2018 Annual Report*, TOWN OF YARMOUTH 87 (2018), <https://www.yarmouth.ma.us/DocumentCenter/View/11318/2018-ANNUAL-REPORT>.

³²⁶ *Id.*

³²⁷ *Town of Yarmouth Warrant and Recommendations of the Finance Committee for the Annual Town Meeting*, TOWN OF YARMOUTH 48 (May 5, 2018), <https://www.yarmouth.ma.us/ArchiveCenter/ViewFile/Item/9219>.

³²⁸ *Town of Yarmouth 2018 Annual Report*, TOWN OF YALMOUTH 87 (2018), <https://www.yarmouth.ma.us/DocumentCenter/View/11318/2018-ANNUAL-REPORT>.



Appendix G: Sample Negative Policies

The following chart provides examples of municipal policies introduced during the Trump administration that proposed measures that would negatively impact immigrant communities. Both policies listed below were ultimately unsuccessful.

Municipality	Provisions	Additional Details
Revere	<ul style="list-style-type: none"> Opposing “any effort to make Massachusetts a sanctuary state”³²⁹ 	This motion was originally introduced by a City Council member on April 3, 2017. ³³⁰ On this date, the motion was referred to the Legislative Affairs Sub-Committee. ³³¹ On November 13, 2017, the motion was “placed on file,” meaning that the City Council would take no further action on the motion, and it could not be re-filed for consideration within that calendar year. ³³²
Worcester	<ul style="list-style-type: none"> Announcing that Worcester supports federal law and is not a sanctuary city³³³ 	This resolution was introduced by a City Council member on January 31, 2017. ³³⁴ The Chief Sargent of the Worcester Police Department stated that the current policies of the department was to foster positive relationships with all communities and ensures the safety of all residents. ³³⁵ The resolution did not pass by a vote of 2-9. ³³⁶ A motion for reconsideration was also denied at this meeting. ³³⁷

³²⁹ *Revere MA Order 17-136*, CITY OF REVERE (Nov. 13, 2017), http://reverema.ig2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=1242&MediaPosition=&ID=1150&CsClass=.

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.*; *Glossary of Terms/Phrases used for City Council Agenda, Meetings, and Minutes*, BOSTON MUNICIPAL GOV., https://www.boston.gov/sites/default/files/embed/file/2018-01/2018_glossary_of_city_council_terms_and_phrases.pdf (last visited Nov. 4, 2022).

³³³ *City of Worcester Journal of the City Council*, CITY OF WORCESTER (Jan. 31, 2017), <https://www.worcesterma.gov/agendas-minutes/city-council/2017/20170131.htm>.

³³⁴ *Id.*

³³⁵ *Id.*

³³⁶ *Id.*

³³⁷ *Id.*



Appendix H: Annotated List of the Policies

*Safe Community Policies Issued by Massachusetts Municipalities
Between January 20, 2017, and January 20, 2021*

Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Acton	10/30/2017	Board of Selectmen Policy	Acton Board of Selectmen Immigration Policy ³³⁸	Approved unanimously at Board of Selectmen meeting on 10/30/2017. ³³⁹
Amherst	05/08/2017	By-law	Article 29: Town of Amherst Sanctuary Community By-law ³⁴⁰ General By-law of the Town of Amherst ³⁴¹	Passed at Annual Town Meeting on 05/08/2017. Citizens Petition. ³⁴² (First day of Annual Town Meeting was 04/26/2017.) ³⁴³ Passed by a vote of 165 to 4 with 4 abstaining. ³⁴⁴ Approved by Attorney General on 11/03/2017. ³⁴⁵ Codified in Article 3, § 3.9 of Amherst's By-laws. ³⁴⁶
Aquinnah	05/09/2017	Request to Board of Selectmen	Article 43 ³⁴⁷	Passed by unanimous voice vote at Annual Town Meeting on 05/09/2017. ³⁴⁸

³³⁸ *Acton Board of Selectmen Immigration Policy*, TOWN OF ACTON, (Oct. 30, 2017), <https://www.acton-ma.gov/DocumentCenter/View/3981/Acton-BOS-Immigration-Policy-Voted?bidId=>.

³³⁹ Matt Mallio, *Selectmen Unanimously Pass New Immigration Policy*, THE BEACON (Oct. 31, 2017), <https://www.wickedlocal.com/story/the-beacon/2017/10/31/selectmen-unanimously-pass-new-immigration/64783011007/>.

³⁴⁰ *Results: Annual Town Meeting April 26, 27, May 1, 3, 8, 10 and 15, 2017*, TOWN OF AMHERST 20-23 <https://www.amherstma.gov/DocumentCenter/View/47702/2017-ATM-Results>.

³⁴¹ *General Bylaws of the Town of Amherst*, Article 3, § 3.9 Sanctuary Community 19-22 <https://www.amherstma.gov/DocumentCenter/View/51180/General-Bylaws-of-the-Town-of-Amherst-May-2020>.

³⁴² *Results: Annual Town Meeting April 26, 27, May 1, 3, 8, 10 and 15, 2017*, TOWN OF AMHERST 20-23 <https://www.amherstma.gov/DocumentCenter/View/47702/2017-ATM-Results>.

³⁴³ *Id.*

³⁴⁴ *Record of Electronic Votes Taken on May 8, 2017*, TOWN OF AMHERST 8-9 (May 8, 2017), <https://www.amherstma.gov/DocumentCenter/View/40728/5-8-17-PDF>.

³⁴⁵ Letter from Massachusetts Attorney General Maura Healey to Sandra J. Burgess, Town Clerk, Town of Amherst, Re: Amherst Annual Town Meeting of April 26, 2017 -- Case # 8478, Warrant Articles # 24, 26, 28, 29 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

³⁴⁶ *General Bylaws of the Town of Amherst*, Article 3, § 3.9 Sanctuary Community 19-22 <https://www.amherstma.gov/DocumentCenter/View/51180/General-Bylaws-of-the-Town-of-Amherst-May-2020>.

³⁴⁷ *Warrant for the Annual Town Meeting*, TOWN OF AQUINNAH 11 (May 9, 2017), https://www.aquinnah-ma.gov/sites/g/files/vyhlif261/f/uploads/aq_atm_05-9-17_final.pdf.

³⁴⁸ Alex Elvin, *Aquinnah Voters Argue the Night Away*, VINEYARD GAZETTE (May 10, 2017), <https://vineyardgazette.com/news/2017/05/10/aquinnah-voters-argue-night-away>.



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Arlington	05/08/2017	Resolution	Article 59: Resolution/Sanctuary Town ³⁴⁹	Passed at Annual Town Meeting on 05/08/2017 by a vote of 173 to 19 with 10 abstentions. ³⁵⁰
Belmont	05/08/2017	Resolution	Article 10: Welcoming Town Designation ³⁵¹	Passed at Annual Town Meeting on 05/08/2017 by an electronic vote of 198 to 58. (First day of Annual Town Meeting was 05/01/2017.) ³⁵²
Beverly	03/09/2017	Mayoral Declaration	Mayoral Declaration: Immigration and the Values of the City of Beverly ³⁵³	Issued on 03/09/2017. ³⁵⁴
Boston	12/11/2019	Ordinance	Amended Trust Act ³⁵⁵	Passed unanimously at City Council Meeting on 12/11/2019. ³⁵⁶ Signed by Mayor on 12/19/2019. ³⁵⁷
Boxborough	05/09/2017	Resolution (Non-binding)	Article 7: A Rural Engaged Community for All ³⁵⁸	Passed at Annual Town Meeting on 05/09/2017 by a vote of 131 to 114. ³⁵⁹ (First day of Town Meeting was 05/08/2017.) ³⁶⁰
Brewster	05/01/2017	Request to Board of Selectmen	Article 31: Federal Immigration Laws ³⁶¹	Passed at Annual Town Meeting on 05/01/2017. Citizens Petition. ³⁶²

³⁴⁹ *Warrant Article Discussion and Vote Summary*, TOWN OF ARLINGTON (May 8, 2017), <https://arlington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=4070&ItemID=4147>.

³⁵⁰ *Arlington Annual Town Meeting*, TOWN OF ARLINGTON 33 (May 8, 2017), <https://www.arlingtonma.gov/home/showdocument?id=34635>.

³⁵¹ *Motions: 2017 Annual Town Meeting*, TOWN OF BELMONT 35-36 (May 1, 2017), <https://www.belmont-ma.gov/town-clerk/files/town-meeting-documents-2017-annual-town-meeting-may-1>.

³⁵² Franklin B. Tucker, *Town Meeting Overwhelmingly OKs 'Welcoming Town' Article*, THE BELMONTONIAN, (May 11, 2017), <http://belmontonian.com/news/town-meeting-overwhelmingly-oks-welcoming-town-article/>.

³⁵³ *Mayoral Declaration on Immigration and Beverly's Values*, TOWN OF BEVERLY (Mar. 9, 2017), https://www.salemnews.com/mayoral-declaration-on-immigration-and-beverlys-values/pdf_d7430df8-083e-11e7-9fee-938fbfc4cea6.html.

³⁵⁴ *Id.*

³⁵⁵ *City of Boston Municipal Code*, Chapter 11-1.9 (Dec. 19, 2019), https://codelibrary.amlegal.com/codes/boston/latest/boston_ma/0-0-0-2727.

³⁵⁶ Philip Marcelo, *Boston Councilors Amend 'Trust Act,' Approving New Limits on Police in U.S. Immigration Matters*, WBUR (Dec. 11, 2019), <https://www.wbur.org/news/2019/12/11/trust-act-amended-boston-city-council-ice>; *Boston City Council Meeting on December 11, 2019*, BOSTON CITY COUNCIL YOUTUBE at 01:36:00, https://www.youtube.com/watch?v=h_XH6lziVvk.

³⁵⁷ *Signing of Trust Act Amendments into Law*, CITY OF BOSTON MAYOR'S OFFICE (Dec. 19, 2019), <https://www.boston.gov/news/signing-trust-act-amendments-law>.

³⁵⁸ *Town of Boxborough 2017 Annual Town Report*, TOWN OF BOXBOROUGH 140-42 (May 9, 2017), <https://www.boxborough-ma.gov/Archive.aspx?ADID=102>.

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ *Town of Brewster Annual Report 2017*, TOWN OF BREWSTER 107 (May 1, 2017), <https://archives.lib.state.ma.us/handle/2452/793584>.

³⁶² Rich Eldred, *After Heated Debate Brewster Opts for 'Safe Community' Status*, CAPE CODDER (May 4, 2017), <https://www.wickedlocal.com/story/cape-codder/2017/05/04/after-heated-debate-brewster-opts/64893236007/>.



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Brookline #1	02/07/2017	Board of Selectmen Statement	Statement of the Board of Selectmen ³⁶³	Issued on 02/07/2017. ³⁶⁴
Brookline #2	04/25/2017	Board of Selectmen Statement	Board of Selectmen Statement Concerning Communications with the Department of Homeland Security ³⁶⁵	Adopted on 04/25/2017. ³⁶⁶
Brookline #3	04/25/2017	Board of Selectmen Policy	Board of Selectmen Policy on Federal Immigration Enforcement and Related Matters ³⁶⁷	Adopted on 04/25/2017 to be issued as a General Order of the Chief of Police. ³⁶⁸
Cambridge #1	01/25/2017	Mayoral Statement	Joint Statement on Sanctuary City Status ³⁶⁹	Issued on 01/25/2017 as a joint statement from Cambridge Mayor E. Denise Simmons and City Manager Louis A. DePasquale. ³⁷⁰
Cambridge #2	02/10/2020	Ordinance	Welcoming Community Ordinance ³⁷¹	Passed, as amended, at City Council Meeting on 02/10/2020, by a vote of 8-0. ³⁷² Codified in Chapter 2.129 of Cambridge's Municipal Ordinance. ³⁷³
Chilmark	04/24/2017	Request to Board of Selectmen	Article 32 ³⁷⁴	Passed at Annual Town Meeting on 04/24/2017. ³⁷⁵

³⁶³ *Statement of the Board of Selectmen*, TOWN OF BROOKLINE (Feb. 7, 2017), <https://www.brooklinema.gov/DocumentCenter/View/11105>.

³⁶⁴ *Id.*

³⁶⁵ *Board of Selectmen Statement Concerning Communications with the Department of Homeland Security*, TOWN OF BROOKLINE (Apr. 25, 2017), <https://brooklinema.gov/DocumentCenter/View/12391>.

³⁶⁶ *Id.*

³⁶⁷ *Board of Selectmen Policy on Federal Immigration Enforcement and Related Matters*, TOWN OF BROOKLINE (Apr. 25, 2017), <https://www.brooklinema.gov/DocumentCenter/View/12389>.

³⁶⁸ *Id.*

³⁶⁹ *Joint Statement on Sanctuary City Status*, CITY OF CAMBRIDGE (Jan. 25, 2017), <https://www.cambridgema.gov/news/2017/01/sanctuarycitystatement>. On February 21, 2017, Cambridge posted a follow-up notice on the city website, *City of Cambridge Remains Committed to Being a Sanctuary City*, which directs readers to the January 25, 2017 joint statement. <https://www.cambridgema.gov/Departments/peacecommission/news/2017/02/cambridgeremainscommittedtobeingasacitity>.

³⁷⁰ CITY OF CAMBRIDGE, *supra* note 368.

³⁷¹ *Municipal Ordinances of the City of Cambridge*, Chapter 2.129 (Feb. 10, 2020), https://cambridgema.igm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2586&MediaPosition=&ID=11242&CssClass=.

³⁷² *Id.*; see also *City Council Regular Meeting Minutes*, CITY OF CAMBRIDGE 4 (Feb. 10, 2020), <http://cambridgema.igm2.com/Citizens/FileOpen.aspx?Type=12&ID=2160&Inline=True>.

³⁷³ *Municipal Ordinances of the City of Cambridge*, Chapter 2.129 (Feb. 10, 2020), https://cambridgema.igm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2586&MediaPosition=&ID=11242&CssClass=.

³⁷⁴ *Town of Chilmark, Annual Town Meeting*, TOWN OF CHILMARK 11 (Apr. 24, 2017), <https://www.chilmarkma.gov/town-clerk/town-meeting/minutes/annual-town-meeting-minutes-7>.

³⁷⁵ *Id.*



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Concord	04/25/2017	Request to Select Board	Article 1: Concord a Welcoming Community ³⁷⁶	Passed by a substantial majority at a Special Town Meeting on 04/25/2017. Citizens Petition. ³⁷⁷
Conway	05/14/2018	By-law	Article 31: A By-law Declaring Conway to be a Safe Community ³⁷⁸	Passed at Annual Town Meeting on 05/14/2018 by a vote of 104-71. ³⁷⁹ Citizens Petition. Approved by Attorney General on 12/03/2018. ³⁸⁰
Dennis	05/02/2017	Request to Board of Selectmen	Article 19 ³⁸¹	Passed at Annual Town Meeting on 05/02/2017 by a vote of 159 to 110. Citizens Petition. ³⁸²
Eastham	05/01/2017	Request to Board of Selectmen Resolution (Non-binding)	Article 35: No Immigration Enforcement Without Warrant or Probable Cause ³⁸³	Passed at Annual Town Meeting on 05/01/2017 by a vote of 168 to 97. Citizens Petition. ³⁸⁴
Easthampton	07/10/2019	Ordinance	Welcoming Community Trust Ordinance ³⁸⁵	Passed at City Council Meeting on 07/10/2019 by a vote of 7 to 0. ³⁸⁶ Approved by Mayor on 07/10/2019. ³⁸⁷
Edgartown	04/11/2017	Request to Board of Selectmen	Article 69 ³⁸⁸	Passed at Annual Town Meeting on 04/11/2017. ³⁸⁹

³⁷⁶ 2017 Annual Town Meeting, TOWN OF CONCORD 53-54 (Apr. 25, 2017),

<https://www.concordma.gov/DocumentCenter/View/13752/2017-Annual-Town-Meeting---2017-Annual-Town-Report>.

³⁷⁷ *Id.*

³⁷⁸ General Bylaws of the Town of Conway, Massachusetts 10-11 (May 14, 2018), <https://townofconway.com/wp-content/uploads/2017/08/General-bylaws-5.13.19.pdf>.

³⁷⁹ Joshua Solomon, *Conway Voters Pass 'Safe Community' Bylaw 104-71*, GREENFIELD RECORDER (May 14, 2018), <https://www.recorder.com/Conway-town-meeting-17515911>.

³⁸⁰ Letter from Massachusetts Attorney General Maura Healey to Virginia A. Knowlton, Town Clerk, Town of Conway, Re: Conway Annual Town Meeting of May 14, 2018 -- Case # 9030, Warrant Articles # 26, 27, 31 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

³⁸¹ Annual Town Meeting, TOWN OF DENNIS 11 (May 2, 2017),

https://www.town.dennis.ma.us/sites/g/files/vyhlif3016/f/uploads/2017_atm.pdf.

³⁸² *Id.*

³⁸³ Town of Eastham Annual Town Meeting Warrant, TOWN OF EASTHAM 35 (May 1, 2017), <https://www.eastham-ma.gov/Archive.aspx?ADID=147>.

³⁸⁴ Minutes for the Annual Town Meeting Held May 1, 2017, TOWN OF EASTHAM 11 (May 1, 2017), <https://www.eastham-ma.gov/Archive/ViewFile/Item/155>.

³⁸⁵ City of Easthampton City Ordinances, Chapter 13, 164-66 [https://easthamptonma.gov/550/Charter-Ordinances#:~:text=City%20Ordinances%20\(PDF\)](https://easthamptonma.gov/550/Charter-Ordinances#:~:text=City%20Ordinances%20(PDF)).

³⁸⁶ Michael Connors, *Easthampton City Council Unanimously Passes 'Welcoming' City Ordinance*, DAILY HAMPSHIRE GAZETTE (JULY 11, 2019), <https://www.gazettenet.com/City-council-ordinance-vote-26907142>.

³⁸⁷ City of Easthampton City Ordinances, Chapter 13, 164 [https://easthamptonma.gov/550/Charter-Ordinances#:~:text=City%20Ordinances%20\(PDF\)](https://easthamptonma.gov/550/Charter-Ordinances#:~:text=City%20Ordinances%20(PDF)).

³⁸⁸ 2017 Annual Report, TOWN OF EDGARTOWN 33-35 <https://www.edgartown-ma.us/home/showpublisheddocument/14139/637538199432300000>.

³⁸⁹ *Id.*



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Falmouth	11/14/2019	Resolution (Non-binding)	Article 21: To Protect the Civil Rights and Safety of All Falmouth Residents ³⁹⁰	Passed at Annual Town Meeting on 11/14/2019. Citizens petition. ³⁹¹
Gill	05/30/2017	Select Board Order	An Order Relating to the Enforcement of Civil Immigration Detainers in the Town of Gill ³⁹²	Approved on 05/30/2017 by a vote of 2 to 0 with 1 abstention. ³⁹³
Great Barrington	05/01/2017	Resolution	Article 25: Designating the Town of Great Barrington as a Safe and Inclusive Community ³⁹⁴	Passed at Annual Town Meeting on 05/01/2017. ³⁹⁵
Greenfield #1	07/20/2017	Mayor Executive Order	Mayor Executive Order ³⁹⁶	Issued on 07/20/2017. ³⁹⁷
Greenfield #2	07/17/2019	Ordinance / Ballot Initiative	An Ordinance Establishing the City of Greenfield as a Safe City ³⁹⁸	Passed at City Council Meeting on 07/17/2019. ³⁹⁹ After a citizen petition challenge, ordinance passed as ballot initiative on 11/05/2019. ⁴⁰⁰
Harwich	05/06/2019	Request to Board of Selectmen (Non-binding)	Article 51: Refrain from Using Town Funds/Resources to Enforce Federal Immigration Laws ⁴⁰¹	Passed at Annual Town Meeting on 05/06/2019 by unanimous vote. Citizens petition. ⁴⁰²
Ipswich	05/10/2017	By-law	Article 25: Ipswich Trust Act ⁴⁰³ § 156-1: Prevention of warrantless seizure of immigrants ⁴⁰⁴	Passed at Annual Town Meeting on 05/10/2017. Citizens petition. ⁴⁰⁵

³⁹⁰ *Articles of the Warrant for the November Town Meeting*, TOWN OF FALMOUTH 11 (Nov. 14, 2019), <https://www.falmouthma.gov/DocumentCenter/View/6693/2019-November-Town-Meeting-Warrant-Booklet>.

³⁹¹ *November Town Meeting Minutes*, TOWN OF FALMOUTH 47 (Nov. 14, 2019), <https://www.falmouthma.gov/DocumentCenter/View/7024/-NOVEMBER-14-2019-Minutes>.

³⁹² *Select Board Meeting Minutes*, TOWN OF GILL 4 (May 30, 2017), https://www.gillmass.org/files/Gill_Selectboard_2017-05-30_Minutes.pdf.

³⁹³ *Id.* at 1.

³⁹⁴ *2017 Annual Town Meeting Warrant*, TOWN OF GREAT BARRINGTON 32-34 (May 1, 2017), <https://www.townofgb.org/selectboard/files/2017-annual-town-meeting-warrant>.

³⁹⁵ *Annual Report for the Fiscal Year Ending June 30, 2017*, TOWN OF GREAT BARRINGTON 69 https://www.townofgb.org/sites/g/files/vyhlif636/f/uploads/fy17_annual_report_2018.04.18_final.pdf.

³⁹⁶ *Immigration Order #2017-3*, CITY OF GREENFIELD (July 20, 2017), <https://greenfield-ma.gov/n/166/Mayor-Issues-Executive-Order-2017-3>.

³⁹⁷ *Greenfield's Mayor Issues Immigration Executive Order*, WWLP (July 20, 2017), <https://www.wwlp.com/news/greenfields-mayor-issues-immigration-executive-order/>.

³⁹⁸ *Town of Greenfield Code of Ordinances*, Division 1, Part III, § 353-1—353-7, <https://ecode360.com/38827474>.

³⁹⁹ Noah Baustin, *Two Years After Failed Vote, Greenfield Adopts 'Safe City' Ordinance*, VALLEY ADVOCATE, (July 18, 2019), <https://valleyadvocate.com/2019/07/18/two-years-after-failed-vote-greenfield-adopts-safe-city-ordinance/>.

⁴⁰⁰ Melina Bourdeau & Max Marcus, *Safe City Ordinance Passes*, GREENFIELD RECORDER (Nov. 5, 2019), <https://www.recorder.com/Safe-City-ballot-question-29952179>.

⁴⁰¹ *2019 Annual Reports*, TOWN OF HARWICH 75-76 <https://www.harwich-ma.gov/home/files/2019-town-report>.

⁴⁰² *Id.*

⁴⁰³ *Annual Town Meeting Warrant*, TOWN OF IPSWICH 16-17 (May 9, 2017), <https://www.ipswichma.gov/ArchiveCenter/ViewFile/Item/510>.

⁴⁰⁴ *Article 1: Warrantless Seizure § 156-1*, <https://ecode360.com/33657874>.

⁴⁰⁵ John P. Muldoon, *Sanctuary Proposal Adopted at Town Meeting*, IPSWICH LOCAL NEWS (May 11, 2017), <https://thelocalne.ws/2017/05/11/sanctuary-proposal-adopted-town-meeting/>.



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
				(Annual Town Meeting began on 05/09/2017.) Approved by AG (with deletion of language inconsistent with <i>Lunn</i> decision) on 12/01/2017. ⁴⁰⁶ Codified in § 156-1 of Ipswich's By-laws. ⁴⁰⁷
Lexington #1	02/27/2017	Selectmen Proclamation	Office of Selectmen Proclamation ⁴⁰⁸	Issued on 02/27/2017. ⁴⁰⁹
Lexington #2	04/04/2018	Resolution	Article 34: To Make Lexington a "Welcoming, Inclusive, Safe Community" ⁴¹⁰	Passed at Annual Town Meeting on 04/04/2018 by a vote of 153 to 5 with 2 abstentions. ⁴¹¹ Citizens petition. (Annual Town Meeting began on 03/26/2018.) ⁴¹²
Lincoln	03/24/2018	Resolution	Article 36: Welcoming, Safe Town Resolution ⁴¹³	Passed at Annual Town Meeting on 03/24/2018 by majority vote. Citizens petition. ⁴¹⁴
Mashpee	05/06/2019	Resolution	Article 33 ⁴¹⁵	Passed at Annual Town Meeting on 05/06/2019 by a hand count vote of 85 to 72. Citizens petition. ⁴¹⁶
New Salem #1	06/05/2017	Instruction to representatives in the MA House and Senate	Instruction to representatives in the MA House and Senate to support the Safe Communities Act Article 36 ⁴¹⁷	Passed at Annual Town Meeting on 06/05/2017 by a vote of 48 to 25. ⁴¹⁸

⁴⁰⁶ Letter from Massachusetts Attorney General Maura Healey to Pamela Carakatsane, Town Clerk, Town of Ipswich, Re: Ipswich Annual Town Meeting of May 9, 2017 -- Case # 8474, Warrant Articles # 11, 12, 13 and 25 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at <https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

⁴⁰⁷ *Article 1: Warrantless Seizure § 156-1*, <https://ecode360.com/33657874>.

⁴⁰⁸ *Office of Selectmen Proclamation*, TOWN OF LEXINGTON (Feb. 27, 2017), <https://www.lexingtonma.gov/DocumentCenter/View/2138/Inclusivity-Proclamation-PDF?bidId=>.

⁴⁰⁹ *Id.*

⁴¹⁰ *2018 Annual Town Meeting*, TOWN OF LEXINGTON 16 (Mar. 26, 2018), <https://www.lexingtonma.gov/DocumentCenter/View/6240/Warrant-PDF>.

⁴¹¹ Heather Beasley Doyle, *Lexington Town Meeting Says Yes to Article 34 Immigration Resolution*, *New Center Track and Field*, LEXINGTON MINUTEMAN (Apr. 5, 2018), <https://www.wickedlocal.com/story/lexington-minuteman/2018/04/05/lexington-town-meeting-says-yes/64876202007/>.

⁴¹² *Warrant, 2018 Annual Town Meeting*, TOWN OF LEXINGTON (Mar. 26, 2018), <https://www.lexingtonma.gov/DocumentCenter/View/6240/Warrant-PDF>.

⁴¹³ *Report of the Officers and Committees of the Town of Lincoln for the Year 2018*, TOWN OF LINCOLN 55-57 <https://www.lincolntown.org/DocumentCenter/View/44663/2018-Town-Report-Final>.

⁴¹⁴ *Id.*

⁴¹⁵ *Annual Town Meeting*, TOWN OF MASHPEE 33-34 (May 6, 2019), https://www.mashpeema.gov/sites/g/files/vyhlif3426/f/news/may_2019_town_meetingwarrant_final_executed.pdf.

⁴¹⁶ *Id.*

⁴¹⁷ *Certification of Vote, Town of New Salem, Commonwealth of Massachusetts, Annual Town Meeting, June 5, 2017*, provide to PHRGE by Town Clerk Stacy Senflug on July 8, 2019, and on file with authors.

⁴¹⁸ *Id.*



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
New Salem #2	06/05/2017	Resolution	Article 37 ⁴¹⁹	Passed at Annual Town Meeting on 06/05/2017 by a vote of 46 to 24. ⁴²⁰
Newburyport	03/26/2018	Ordinance	Human Rights Commission: Policy of the City of Newburyport ⁴²¹	Passed at City Council Meeting on 03/26/2018 by a roll call vote of 8 to 2 with 1 present. ⁴²²
Newton	02/21/2017	Ordinance	Welcoming City ⁴²³	Passed at City Council Meeting on 02/21/2017 by a vote of 16 to 1. ⁴²⁴
North Adams	02/14/2017	Resolution	Declaring North Adams' Commitment to being a Safe and Inclusive City ⁴²⁵	Passed at City Council Meeting on 02/14/2017 by a vote of 9 to 0. ⁴²⁶ Approved by Mayor on 02/15/2017. ⁴²⁷
Northampton #1	05/04/2017	Resolution	A Resolution in support of S.1305 An Act to Protect the Civil Rights and Safety of All Massachusetts Residents ⁴²⁸	Passed in its first reading at City Council Meeting on 04/20/2017 by a unanimous 9-0 vote. ⁴²⁹ Passed in its second reading at City Council Meeting on 05/04/2017 by another unanimous 9-0 vote. ⁴³⁰
Northampton #2	12/05/2019	Ordinance	Safe City Ordinance ⁴³¹	Passed in its first reading at City Council Meeting on 11/21/2019 by a unanimous 9-0 vote. ⁴³² Passed in its second reading at City

⁴¹⁹ *Id.*

⁴²⁰ *Id.*

⁴²¹ *Newburyport, MA Code of Ordinances*, Chapter 2, Article III, Division 6, § 2-125a, https://library.municode.com/ma/newburyport/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIIIBOC_OCO_DIV6HURICO_S2-125APONE.

⁴²² ⁴²² *City Council Meeting Minutes*, CITY OF NEWBURYPORT 2 (Mar. 26, 2018), <https://www.cityofnewburyport.com/city-council/minutes/city-council-meeting-minutes-136>.

⁴²³ *Newton Ordinances*, Chapter 2, Article VII, § 2-400—2-408, 31-33 <https://www.newtonma.gov/Home/ShowDocument?id=29765>.

⁴²⁴ Felicia Gans, *City Measure Makes Newton a Sanctuary for Immigrants*, BOSTON GLOBE (Feb. 21, 2017), <https://www.bostonglobe.com/metro/2017/02/21/newton-city-council-vote-welcoming-city-proposal/7KaZNRvu7LCEhNSKpGfsNJ/story.html>.

⁴²⁵ “Substitute Paper” No. 11,555-1, *A Resolution in City Council*, provided to PHRGE by City Clerk Deborah Pedercini and on file with authors.

⁴²⁶ *Regular Meeting of the City Council*, CITY OF NORTH ADAMS 8 (Feb. 14, 2017), <https://cms9files.revize.com/northadamsmma/City%20Council/minutes/CityCouncilMinutes2017.pdf>.

⁴²⁷ “Substitute Paper” No. 11,555-1, *A Resolution in City Council*, provided to PHRGE by City Clerk Deborah Pedercini and on file with authors.

⁴²⁸ *City Council Meeting Minutes*, CITY OF NORTHAMPTON 472 (May 4, 2017), <https://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/05042017-3014>.

⁴²⁹ *City Council Meeting Minutes*, CITY OF NORTHAMPTON 444-45 (Apr. 20, 2017), <https://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/04202017-2992>. The Northampton City Council had a unique rule in place until 2021 that required two majority votes for a measure to be passed by City Council. See *Meeting Minutes*, NORTHAMPTON CITY COUNCIL RULES SELECT COMM. 5-7 (Sept. 29, 2021), https://northamptonma.gov/DocumentCenter/View/18291/09-29-2021_Rules-Select_Committee-Minutes.

⁴³⁰ *City Council Meeting Minutes*, CITY OF NORTHAMPTON 472 (May 4, 2017), <https://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/05042017-3014>.

⁴³¹ *Northampton, MA Code of Ordinances*, Part II, Article III, § 241-8 to 241-10, <https://ecode360.com/35193752?highlight=safe%20city&searchId=41557505724417485#35193752>.

⁴³² *City Council Minutes*, CITY OF NORTHAMPTON 633 (Nov. 21, 2019), <https://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/11212019-4572>.



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
				Council Meeting on 12/05/2019 by a unanimous 8-0 vote. ⁴³³ Approved by Mayor on 12/06/2019. ⁴³⁴
Oak Bluffs	04/11/2017	Request to Board of Selectmen	Article 43 ⁴³⁵	Passed unanimously at Annual Town Meeting on 04/11/2017. Citizens petition. ⁴³⁶
Pelham #1	05/06/2017	Resolution	Article 46 ⁴³⁷	Passed unanimously at Annual Town Meeting on 05/06/2017. ⁴³⁸
Pelham #2	05/12/2018	By-law	Article 47 ⁴³⁹	Passed unanimously at Annual Town Meeting on 05/12/2018. ⁴⁴⁰ Citizens Petition. Approved by Attorney General on 04/14/2022. ⁴⁴¹
Provincetown #1	02/20/2017	Board of Selectmen Proclamation	Select Board Proclamation ⁴⁴²	Issued on 02/20/2017. ⁴⁴³
Provincetown #2	04/03/2018	Resolution (Non-binding)	Article 18: Petition for Safe Communities Act ⁴⁴⁴	Passed at Annual Town Meeting on 04/03/2018. (Annual Town Meeting began on 04/02/2018.) Citizens petition. ⁴⁴⁵
Salem	03/29/2017	Ordinance / Ballot Initiative	City Services Related to Immigration Status; Inclusionary Advisory Committee ⁴⁴⁶	Passed at City Council Meeting on 03/29/2017 by a vote of 7 to 4. Survived a

⁴³³ *City Council Minutes*, CITY OF NORTHAMPTON 647 (Dec. 5, 2019),

https://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/_12052019-4598.

⁴³⁴ *City Council Document Record: 19:153 Safe City Ordinance*, CITY OF NORTHAMPTON, provided to PHRGE by City Clerk Pamela Powers on Apr. 26, 2023, and on file with authors.

⁴³⁵ *Warrant for Annual Town Meeting*, TOWN OF OAK BLUFFS 19 (Apr. 11, 2017),

<https://www.oakbluffsma.gov/DocumentCenter/View/1672/ATM-Warrant41117>.

⁴³⁶ Alex Elvin, *Oak Bluffs Backs Plastic Bag Ban, Concludes Town Meeting*, VINEYARD GAZETTE (Apr. 12, 2017),

<https://vineyardgazette.com/news/2017/04/12/oak-bluffs-approves-plastic-bag-ban>.

⁴³⁷ *Annual Town Meeting Minutes*, TOWN OF PELHAM 13-14 (May 6, 2017),

https://www.townofpelham.org/sites/g/files/vyhlif4851/f/minutes/may_2017_town_meeting_minutes.pdf.

⁴³⁸ *Id.*

⁴³⁹ *Annual Town Meeting Minutes*, TOWN OF PELHAM 14 (May 12, 2018),

https://www.townofpelham.org/sites/g/files/vyhlif4851/f/minutes/annual_town_meeting_minutes_may_12_2018_0.pdf.

⁴⁴⁰ *Id.*

⁴⁴¹ Letter from Massachusetts Attorney General Maura Healey to Sandra J. Burgess, Town Clerk, Town of Pelham, Re: Pelham Annual Town Meeting of May 12, 2018 -- Case # 10424, Warrant Article # 47 (General) (access by inputting the case number into the Municipal Law Unit Decision Lookup search box at

<https://massago.hylandcloud.com/203publicaccess/mlu.htm>). See also *Appendix E: Attorney General By-law Decisions*.

⁴⁴² *Select Board Proclamation*, TOWN OF PROVINCETOWN (Feb. 20, 2017),

<https://www.provincetown.com/proclamation>.

⁴⁴³ *Id.*

⁴⁴⁴ *Annual Town Meeting*, TOWN OF PROVINCETOWN 17 (Apr. 2, 2018), <https://www.provincetown-ma.gov/ArchiveCenter/ViewFile/Item/21464>.

⁴⁴⁵ *Id.*

⁴⁴⁶ *Salem, MA Code of Ordinances*, Chapter 2, Article XVII, § 2-2060—2-2063,



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
				ballot challenge on 11/07/2017 with 54% of the vote. ⁴⁴⁷
Shutesbury	05/06/2017	Resolution	Article 25: Resolution Honoring our Differences in a Safe Community ⁴⁴⁸	Passed unanimously at Annual Town Meeting on 05/06/2017. Citizens petition. ⁴⁴⁹
Somerville	06/13/2019	Ordinance	Somerville Welcoming Community Ordinance ⁴⁵⁰	Passed unanimously at City Council Meeting on 06/13/2019. ⁴⁵¹
Springfield	12/17/2018	Ordinance	Welcoming Community Trust Ordinance ⁴⁵²	Passed at City Council Meeting on 12/17/2018 by a vote of 10 to 3. Vetoed by Mayor 12/18/2018. Veto overridden by City Council on 01/14/2019. ⁴⁵³
Sudbury	05/08/2018	Resolution (Non-binding)	Article 44: Sudbury Welcoming Town Resolution ⁴⁵⁴	Passed at Annual Town Meeting on 05/08/2018 by a vote of 177 to 118. Citizens petition. ⁴⁵⁵
Tisbury	04/26/2017	Request to Board of Selectmen	Article 32: To Authorize Law Enforcement and All Town Officials to Refrain from Use of Town Funds and Resources to Enforce Federal Immigration Laws ⁴⁵⁶	Passed unanimously at Annual Town Meeting on 04/26/2017. Citizens petition. (Annual Town Meeting began on 04/25/2017.) ⁴⁵⁷

https://library.municode.com/ma/salem/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXVIICISEREI_MSTINADCO.

⁴⁴⁷ Salem, MA Ordinance of 11-07-2017 (1),

https://library.municode.com/ma/salem/ordinances/code_of_ordinances?nodeId=875921.

⁴⁴⁸ Annual Report for the Year Ended June 30, 2017, TOWN OF SHUTESBURY 39

https://www.shutesbury.org/sites/default/files/files-and-images/Annual%20Town%20Reports/AnnualTownReport_FY2017_rev.pdf.

⁴⁴⁹ Id.

⁴⁵⁰ Somerville, MA Code of Ordinances, Chapter 2, Article I, § 2-6,

https://library.municode.com/ma/somerville/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-6SOWECOOR.

⁴⁵¹ Agenda Item 207923, CITY OF SOMERVILLE (July 13, 2019),

http://somervillecityma.iqm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2959&MediaPosition=&ID=20776&CssClass=videoMeeting.

⁴⁵² Ordinance ORD-2018-18, (Jan. 14, 2019),

https://springfieldcityma.iqm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2406&MediaPosition=&ID=4870&CssClass=

⁴⁵³ Id.

⁴⁵⁴ Sudbury Welcoming Town Resolution, TOWN OF SUDBURY (May 8, 2018),

<http://documents.sudburyma.s3.amazonaws.com/Town%20Meeting/TMWA-1693-TM-2018%20Vote%20Certificate%20Article%2044%20Sudbury%20Welcoming%20Town%20Resolution.pdf>.

⁴⁵⁵ Id.

⁴⁵⁶ Tisbury Annual Report 2017, TOWN OF TISBURY 51

https://www.tisburyma.gov/sites/g/files/vyhlif1321/f/uploads/full_annual_report.pdf.

⁴⁵⁷ Id.



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Truro	04/24/2018	Request to Board of Selectmen	Article 22: Refrain from Use of Town Funds for the Enforcement of Federal Immigration Laws ⁴⁵⁸	Passed at Annual Town Meeting on 04/24/2018. Citizens petition. ⁴⁵⁹
Waltham	04/10/2017	Resolution	Waltham a “Welcoming City” ⁴⁶⁰	Passed at City Council Meeting on 04/10/2017. The vote was 14 in favor and 1 present. ⁴⁶¹
Wayland	04/29/2019	Resolution	Article 10: Wayland Welcomes Resolution ⁴⁶²	Passed at Annual Town Meeting on 04/29/2019 by a vote of 505 to 154. Citizens petition. ⁴⁶³
Wellfleet	04/26/2017	Request to Board of Selectmen	Request to Select Board Article 46 ⁴⁶⁴	Passed at Annual Town Meeting on 04/26/2017 by voice vote. (Annual Town Meeting began on 04/24/2017.) ⁴⁶⁵
Wendell	03/16/2017	Resolution	Article 3 ⁴⁶⁶	Passed unanimously at Special Town Meeting on 03/16/2017. ⁴⁶⁷
West Tisbury	04/11/2017	Request to Board of Selectmen	Article 30 ⁴⁶⁸	Passed at Annual Town Meeting on 04/11/2017. ⁴⁶⁹
Westhampton	05/12/2018	Article	Article 30 ⁴⁷⁰	Passed at Annual Town Meeting on 05/12/2018 by a secret ballot vote of 48 to 46. Citizens petition. ⁴⁷¹

⁴⁵⁸ 2018 Annual Town Report, TOWN OF TRURO 170-71 https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/truro_-_2018_1.pdf.

⁴⁵⁹ *Id.*

⁴⁶⁰ *Official Resolution, In the City Council, Waltham a “Welcoming City,”* CITY OF WALTHAM (Apr. 10, 2017), on file with authors.

⁴⁶¹ *City Council Minutes*, CITY OF WALTHAM 1 (Apr. 10, 2017), https://www.city.waltham.ma.us/sites/g/files/vyhlif6861/f/minutes/minutes-file/minutes_4-10-2017.pdf.

⁴⁶² *Warrant 2019 Annual Town Meeting*, TOWN OF WAYLAND 48-50 (Apr. 29, 2019), https://www.wayland.ma.us/sites/g/files/vyhlif4016/f/uploads/2019_atm_warrant.pdf.

⁴⁶³ *2019 Annual Town Meeting Results*, TOWN OF WAYLAND (May 1, 2019), <https://www.waylandnews.com/2019/05/01/town-meeting-results/>.

⁴⁶⁴ *2017 Annual Town Report*, TOWN OF WELLFLEET 55 https://www.wellfleet-ma.gov/sites/g/files/vyhlif5166/f/uploads/2017_annual_town_report_-_final.pdf.

⁴⁶⁵ *Annual Town Meeting Minutes*, TOWN OF WELLFLEET 15 (Apr. 24, 2017), https://www.wellfleet-ma.gov/sites/g/files/vyhlif5166/f/u311/april_2017_atm_stm_minutes_0.pdf.

⁴⁶⁶ *Special Town Meeting, Town Warrant*, TOWN OF WENDELL (Mar. 16, 2017), <https://www.wendellmass.us/index.php/governance/town-meeting/678-special-town-meeting-march-16-2017.html>.

⁴⁶⁷ *Certification of Vote, Special Town Meeting*, TOWN OF WENDELL, (March 16, 2017), on file with authors.

⁴⁶⁸ *Warrant for Annual Town Meeting*, TOWN OF WEST TISBURY 6 (Apr. 11, 2017), <https://www.westtisbury-ma.gov/sites/g/files/vyhlif8396/f/uploads/minutes-atm2017.pdf>.

⁴⁶⁹ *Id.*

⁴⁷⁰ *Annual Town Meeting*, TOWN OF WESTHAMPTON 15 (May 12, 2018), https://www.westhampton-ma.com/sites/g/files/vyhlif5191/f/minutes/minutes_atm_may_12_2018.pdf.

⁴⁷¹ *Id.*



Municipality	Date Issued	Policy Type	Policy Title	Additional Information
Williamstown	05/16/2017	Resolution	Article 40: Resolution on Immigration Issues ⁴⁷²	Passed at Annual Town Meeting on 05/16/2017 by majority vote. Citizens petition. ⁴⁷³

⁴⁷² *Annual Report 2017*, TOWN OF WILLIAMSTOWN 101-05 (May 16, 2017), <https://williamstownma.gov/wp-content/uploads/2020/11/ATR2017.pdf>.

⁴⁷³ *Id.*



Appendix I: Full Text of the Policies

This appendix contains the full text of the 58 safe community policies that were issued by a Massachusetts municipality during the Trump administration, became effective during or after the Trump administration, and aimed to support immigrants through expressions of solidarity or through efforts to decrease the participation of local police officers in federal immigration enforcement.

The 10 provision types are color coded in the policies as follows:

Solidarity

Deputizing Local Police Officers

Safe Communities Act

Sharing Information with ICE

Equal Treatment

ICE Access to Individuals

Immigration Status Inquiries

ICE Detainers

Participating in Federal Immigration Enforcement

ICE Documents



1. Acton

10/30/2017

[Approved unanimously at Board of Selectmen meeting on 10/30/2017.]

Acton Board of Selectmen Immigration Policy

The Board of Selectmen (the “Board”) of the Town of Acton (“Town”), pursuant to its authority as the executive body of the Town, hereby adopts the following Policy concerning information on an individual’s immigration status.

1. Under 8 U.S.C. §1373 and §1644, federal law prohibits town officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any federal, state, or local government entity.
2. No Town bylaw, policy, procedure or regulation is intended to violate those federal laws or the laws of the Commonwealth of Massachusetts.
3. No employee of the Town shall inquire about or collect any information regarding the citizenship or immigration status, lawful or unlawful, of any individual unless the laws of the Commonwealth of Massachusetts or the Bylaws of the Town of Acton require municipal employees to do so.
4. No employee of the Town shall detain a person based on the belief that the person is not present legally in the United States or that the person has committed an immigration violation.
5. No employee of the Town shall perform the functions of an immigration officer, nor shall the Town use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Notwithstanding the prior sentence, nothing in this policy shall prevent an officer, employee or department of the Town from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena, or judicial detainer.

2. Amherst

05/08/2017

[Passed at Annual Town Meeting on 05/08/2017. Citizens Petition. (First day of Annual Town Meeting was 04/26/2017.) Passed by a vote of 165 to 4 with 4 abstaining. Approved by Attorney General on 11/03/2017. Codified in Article 3, § 3.9 of Amherst’s By-laws.]

ARTICLE 29. Petition - Town of Amherst Sanctuary Community Bylaw (Murray et al) Town of Amherst Sanctuary Community Bylaw



Article 3.9: Sanctuary Community⁴⁷⁴

- A. This bylaw is enacted under the authority of the Massachusetts Home Rule Amendment (Article 89 of the Articles of Amendment of the Constitution of the Commonwealth) and the police powers of the Town. It affirms that Amherst is a welcoming town and seeks to ensure public safety and trust between law enforcement and all members of our community.

B. Definitions

“Civil Immigration Detainer Request” means a non-mandatory request issued by an authorized federal immigration officer to a local Law Enforcement Official, to maintain custody of an individual once that person is eligible for release from local custody, or to notify the requesting federal immigration office prior to the release of that individual.

“Eligible For Release From Custody” means that the individual may be released from custody because any of the following conditions has occurred:

- (1) all criminal charges against the individual have been dropped or dismissed;
- (2) the individual has been acquitted of all criminal charges;
- (3) the individual has served all the time required for the individual’s sentence;
- (4) the individual has posted a bail or bond, or has been released on recognizance;
- (5) the individual has been referred to pre-trial diversion services;
- (6) the individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
- (7) the individual has been released from custody under probation; or
- (8) the individual is otherwise eligible for release under Commonwealth or local law.

“ICE Administrative Warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

“Law Enforcement Official” means any Town department, or officer or employee of a Town department, authorized to enforce criminal statutes, regulations, or local bylaws; operate jails or maintain custody of individuals in jails; or operate juvenile detention facilities; or maintain custody of individuals in juvenile detention facilities.

- C. The provisions of this bylaw define the meaning of “sanctuary community” for the Town.

D. Provisions Relating to Law Enforcement Actions

- (1) A Law Enforcement Official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, an arrest, or any other contact.

⁴⁷⁴ This version of the text is the bylaw as codified in the [General Bylaws of the Town of Amherst](#) (Updated May 2020).



- (2) A Law Enforcement Official shall not detain an individual on the basis of a Civil Immigration Detainer Request or an ICE Administrative Warrant after the individual is Eligible for Release From Custody, including a request pursuant to federal form I- 247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
 - (3) A Law Enforcement Official shall not inquire as to an individual's immigration status unless required by federal law or the law of the Commonwealth.
 - (4) A Law Enforcement Official shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person's release from custody, home address, work address, or phone number.
 - (5) A Law Enforcement Official may allow motor vehicle operators stopped for a violation and found to be unlicensed a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle, regardless of immigration status, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.
 - (6) U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, a Town Law Enforcement Official shall consider and sign a U Visa certification request, if an individual is (a) the victim of a qualifying criminal activity, and (b) has been, is being, or will likely be helpful in the investigation/prosecution of that criminal activity. For purposes of determining helpfulness there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The certification will be provided in a timely manner.
- E. To the extent permissible by law, a Town department, or officer or employee of a Town department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.
- F. No employee or agent of the Town shall cooperate with or enforce any federal program requiring the registration of individuals on the basis of religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation, or age. No resources of the Town shall be expended in the enforcement or implementation of a registry or check- in program. This prohibition shall not apply to any government operation or program that confers an immigration benefit, or that temporarily or permanently protects noncitizens from removal.

G. Reporting

Upon written request of 3 registered voters of the Town, the Town Manager shall submit a report to the Town Council, which shall be placed on an agenda of the Town Council within 30 days of the request. The report shall include the following information for the immediately preceding calendar year:



- (1) a statistical breakdown of the total number of Civil Immigration Detainer Requests lodged with Town Law Enforcement Officials, organized by the reason(s) given for the request;
 - (2) the total number of individuals that Town Law Enforcement Officials detained pursuant to Section D;
 - (3) the total number of individuals transferred to ICE custody; and
 - (4) the total number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.
- H. Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent, from sending to, or receiving from, any local, Commonwealth, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.

3. Aquinnah

05/09/2017

[Passed by unanimous voice vote at Annual Town Meeting on 05/09/2017.]

Article 43 Board of Selectmen⁴⁷⁵

To see if the Town will vote to request the Selectmen to authorize law enforcement and all town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.

4. Arlington

05/08/2017

[Passed at Annual Town Meeting on 05/08/2017 by a vote of 173 to 19 with 10 abstentions.]

ARTICLE 59: RESOLUTION/SANCTUARY TOWN

It is hereby resolved that:

WHEREAS, the Town of Arlington desires to provide safety, opportunity, access, and equality for all immigrants and people of all ethnicities and religions; and

WHEREAS, the federal government's Immigration and Customs Enforcement ("ICE") Priority Enforcement Program, uses local law enforcement data to identify suspected "criminal aliens" in local custody; and

⁴⁷⁵ This text is from the warrant for the Annual Town Meeting.



WHEREAS, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected "criminal aliens" in local custody; and

WHEREAS, fear of detainer requests and other immigration enforcement measures inhibits many community members from seeking protection from public safety officials and from providing aid to public safety officials during investigations of crimes; and

WHEREAS, the Arlington Police Department ("APO") has demonstrated its commitment to both the inclusionary values of the Town of Arlington and the efficacy of engendering trust throughout all facets of the Arlington community in the service of all residents without any sacrifice in its ability to protect residents from violent criminals; and

WHEREAS, Town Meeting wishes to voice its support for APO's continuation of its present practices, and make it known that all persons are safe from discriminatory law enforcement in Arlington.

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting joins and supports APD's sound policing and human rights policies of refusing to investigate, arrest, or detain persons based purely on their immigration status without any other suspicion or cause.

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting joins and supports APD's sound policing goal to keep all individuals, regardless of immigration status, who are violent or otherwise a threat to the public good off the streets.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in fostering trust in a diverse community by specifically declining to arrest, detain, or extend the length of custody of an individual solely on the basis of a civil immigration detainer request, unsupported by a criminal warrant signed by a judge and/or probable cause.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to respond to any ICE notification request seeking information about an individual's incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to join in any operation led by a federal agency for the sole purpose of identifying and/or detaining persons not accused of any crime for deportation purposes, which would erode parts of our community's trust and could hamper effective law enforcement.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD, and other Town first responders and officials, in declining to inquire about the citizenship or immigration status of the victim of a crime, a person who is reporting a crime or a medical emergency, a person who requires aid, or witnesses, family members and/or bystanders unless required by valid federal or state law.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages each Town department and official to refuse to gather information regarding the citizenship or immigration status, or religious or



ethnic identity of individuals, unless such information is required by law to be gathered, or is necessary to provide a public benefit to the individual.

BE IT FURTHER RESOLVED, that Town Meeting supports and encourages each Town department and official to refuse to gather information regarding the religious or ethnic identity of any person for the purposes of ICE detentions and deportation actions or the creation or maintenance of a registry of individuals based upon their religious affiliation, ethnicity, or national origin, unless required by valid federal or state law, or directly relevant to business between that individual and the agency or department.

BE IT FURTHER RESOLVED, nothing in this resolution shall prohibit or restrain any Town official or department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

[Attestation by Town Clerk, Stephanie L. Lucarelli. A true copy of the vote under Article 59 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 8, 2017.]

5. Belmont ⁴⁷⁶

05/08/2017

[Passed at Annual Town Meeting on 05/08/2017 by an electronic vote of 198 to 58. (First day of Annual Town Meeting was 05/01/2017).]

BELMONT, MASSACHUSETTS ANNUAL TOWN MEETING MAY 1, 2017 CERTIFICATION OF VOTES

ARTICLE 10: WELCOMING TOWN DESIGNATION

MOVED: That the Town adopt the following resolution:

WELCOMING TOWN DESIGNATION

1. Whereas, Historically Belmont has welcomed immigrants from many regions around the world, including the Middle East, Europe, Africa, Asia and Latin America; and
2. Whereas, Immigrants have enriched the fabric of this community, adding new life and great potential to Belmont; and
3. Whereas, Assumptions made about a person's legal status in the United States that are based upon the person's religion, ethnicity, or national origin, and discrimination, harassment, or bullying of people based on those assumptions, have no place in our community.
4. Whereas, National policies that discriminate against immigrants because of religion or country of origin run counter to our values; and

⁴⁷⁶ Belmont's policy is a "mixed" policy in that it contains safe community provisions *and* provisions that promote collaboration between local police departments and federal immigration enforcement officials. Only the safe community provisions are highlighted here.



5. Whereas, In some communities, local law enforcement agencies are used to collect and deliver immigration status data to Immigration and Customs Enforcement ("ICE"); and
6. Whereas, ICE may issue voluntary information or detainer requests that could subject individuals who are in local custody to prolonged detention; and
7. Whereas, It is believed in some communities that when local law enforcement officials indiscriminately comply with all ICE civil immigration information and detainer requests, including those that target non-criminal undocumented residents, public trust is eroded, immigrants are less likely to cooperate with local law enforcement and are less likely to report serious crimes, thus making the work of local law enforcement more difficult to address serious crimes; and
8. Whereas, The Belmont Police Department will continue its long-held practice of not asking any individual about immigration status when that individual is seeking help from the police or is stopped for a minor infraction, and will provide assistance and protection to any member of the public without regard to immigration status; and

NOW, THEREFORE BE IT RESOLVED:

- 1) The Belmont Town Meeting hereby expresses our solidarity with displaced persons and migrants from around the world.
- 2) The Belmont Town meeting affirms its support for these Belmont Police Department practices:
 - (a) Belmont Police officers will not detain persons solely to investigate their immigration status;
 - (b) Belmont Police officers will not inquire into the immigration status of persons seeking help from the police unless the information is relevant to prosecuting the reported crime or for the person's protection;
 - (c) The Belmont Police Department will not keep an index or list of persons suspected of being aliens or deportable aliens;
 - (d) The Belmont Police Department will not seek to have any officer receive a delegation of the powers of an immigration officer;
 - (e) The Belmont Police Department will cooperate with federal, state, and local criminal and civil investigative agencies in the accomplishment of their lawful objectives by providing such information as the Police Department maintains;⁴⁷⁷
 - (f) Upon the presentation by U.S. Immigration and Customs Enforcement of a detainer and an administrative warrant for the detention of a person arrested by Belmont Police Department in

⁴⁷⁷ This provision promotes collaboration by requiring the Belmont Police Department to share information with federal agencies.



the course of enforcing state and local laws and currently in custody, the Belmont Police Department will maintain custody of the person for sufficient time to bring to the attention of the court officials responsible for decisions upon bail. (The Belmont Police Department will continue this practice until such time as a court with authority over the Belmont Police Department finds the practice to be contrary to law.);⁴⁷⁸ and

- (g) The Belmont Police Department will continue to investigate reports of hate crimes, criminal discrimination, and criminal harassment of persons based upon their religion, ethnicity, or national origin without regard to the person's known or suspected unlawful status within the United States.

The Motion was adopted at the Annual Town Meeting held May 8, 2017 at the Belmont High School Auditorium by Electronic Vote: Yes 198, No 59.

A True copy, Attest: Ellen O'Brien Cushman, Town Clerk, Belmont, MA. Date July 21, 2017.

6. Beverly

03/09/2017

[Issued on 03/09/2017.]

MAYORAL DECLARATION: IMMIGRATION AND THE VALUES OF THE CITY OF BEVERLY

WHEREAS: Beverly, like cities and towns all across America, was built by immigrants and continues to flourish thanks to the hard work, dreams, investments and creativity of all our residents, including both the descendants of immigrants and new immigrants who choose to make our great city their home. Throughout our history as a community, the people of Beverly have welcomed and valued the arrival, presence, and contributions of each generation of new residents, and through the generations, our diversity has made us a stronger, richer, more inclusive community;

WHEREAS: Beverly Public Schools are committed to the success of our students and to protecting the rights and privacy of all students, and do not discriminate on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, economic status, age, ability, and/or immigration status; and we embrace the diversity of our students and families and are committed to providing a safe and secure learning environment for all students without distinction;

WHEREAS: The rights of Beverly Public School students are guaranteed by the United States Constitution and state and federal laws; and under Supreme Court precedent, all students have a right to attend public school regardless of their immigration status;

⁴⁷⁸ This provision, which is outdated in light of the *Lunn* decision, promotes collaboration by requiring the Belmont Police Department to honor detainers in certain circumstances. *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (Mass. 2017) ("Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.").



WHEREAS: State and federal laws prohibit educational agencies from disclosing students' personally identifiable information to law enforcement without the consent of a parent or guardian or a court order; or in the event of a health emergency; and Beverly Public Schools do not give third parties, including federal immigration agents, access to students or student information without parental consent or court order;

WHEREAS: Beverly believes in and supports community policing; and our police professionally protect and serve the public fairly and equally without regard to where an individual was born;⁴⁷⁹

WHEREAS: Pursuant to federal law, local law enforcement agencies are not authorized or obligated to enforce immigration law, and the federal government cannot force Beverly to do so;

WHEREAS: "Federal detainer requests" issued by federal immigration officials do not obligate our police to hold an individual after the point at which our police no longer have a lawful reason to do so, and the constitutionality of such detainer requests is in doubt;⁴⁸⁰ and

WHEREAS: The Chief of Police has promulgated a written policy affirming that our resources will not be used to enforce immigration law, and this policy is fully consistent with federal law, the United States Constitution, and Supreme Court precedent;

THEREFORE , I, Michael P. Cahill, hereby proclaim on this 9th day of March 2017 that, in my role as Mayor of the City of Beverly, I commit to the following:

Beverly will continue to value, welcome, and support new residents and immigrants;

Beverly will continue to ensure that all of our public schools are safe and welcoming places for all students to receive a quality education and support in the event of a personal or family crisis;

Beverly will continue to fairly provide for the public safety, welfare, education , and privacy of all residents;⁴⁸¹

Beverly will continue to comply with the law;

Beverly will continue to use our local resources to provide for the safety and welfare of all our residents, students, workers, and visitors; and

Beverly will continue to value and support our residents, both new and old, as they study, grow, work, and follow their American dream.

[Signed Mayor Michael P. Cahill]

⁴⁷⁹ Because this equal treatment language is in a "whereas" clause, it is not "counted" in our tabulations.

⁴⁸⁰ Because this detainer language is in a "whereas" clause, it is not "counted" in our tabulations.

⁴⁸¹ Because this equal protection language does not mention immigrants, it is not "counted" in our tabulations.



7. Boston

12/11/2019

[Passed unanimously at City Council Meeting on 12/11/2019. Signed by Mayor on 12/19/2019.]

Section 1. Definitions.

- (a) "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer under Section 287.7 of Title 8 of the United States Code to a local law enforcement official to maintain custody of an individual for a period not to exceed forty- eight (48) hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration officer prior to the release of that individual.
- (b) "Convicted" means a state of having been proved guilty in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.
- (c) "Eligible for release from custody" means that the individual may be released from custody because any of the following conditions has occurred:
 - All criminal charges against the individual have been dropped or dismissed;
 - The individual has been acquitted of all criminal charges filed against him or her;
 - The individual has served all the time required for his or her sentence;
 - The individual has posted a bond, or has been released on his or her own recognizance;
 - The individual has been referred to pre-trial diversion services;
 - The individual is otherwise eligible for release under state or local law.
- (d) "Immigration and Customs Enforcement" or "ICE," means the federal agency whose enforcement and removal division enforces federal immigration laws, including issuance and action on civil detainers and detainer requests.
- (e) "ICE-HSI" means the Department of Homeland Security Investigations division of ICE whose purpose is to work alone or in concert with other federal, state, and local law enforcement to investigate and enforce laws prohibiting human smuggling and trafficking; narcotics and weapons smuggling and trafficking; transnational gang activity; cybercrimes; money laundering, financial crimes, bulk cash smuggling; document and benefit fraud; human rights violations; commercial fraud and intellectual property theft; export enforcement; and international art and antiquities theft.
- (f) "ICE administrative warrant" means a warrant issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.
- (g) "Law enforcement official" means any City of Boston department, or officer or employee of a City of Boston department, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.
- (h) "Personal Information" means any information that is maintained by an agency that identifies or describes an individual, that can be used, either alone or in combination with other information, to identify individual subjects, such as his or her name, social security number, physical description, home address, and/or work address.



- (i) "Immigration Enforcement" means identifying, arresting, detaining or assisting in the arrest or detention of any person solely on the basis of their immigration status or a suspected violation of federal civil immigration law.

Section 2. Detainer Requests.

A law enforcement official shall not detain an individual solely on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

Section 3. Reporting.

No later than December 31 of each year, the Boston Police Commissioner shall submit a report to the Clerk of the City of Boston, and the Clerk shall forward the report to the Mayor of the City of Boston and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Boston City Council. The report shall include the following information for the preceding twelve (12) month period:

- (a) A statistical breakdown of the total number of civil immigration detainer requests lodged with the City's law enforcement officials, organized by the reason(s) given for the request;
- (b) A statistical breakdown of the total number of individuals that City law enforcement officials detained pursuant to Section 2, organized by the reason(s) supporting the detention;
- (c) The total number of individuals transferred to ICE custody; and
- (d) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to Section 2, organized by individual case.

Section 4. Law Enforcement.

- 2. A law enforcement official or an employee of a city department, agency or commission, shall not:
 - a) Use agency or department moneys or personnel to interrogate, detain, or arrest persons for immigration enforcement purposes, that are otherwise the responsibility of the federal Immigration and Customs Enforcement agency, including any of the following:
 - Inquiring of an individual his, her, or their immigration status.
 - Detaining an individual solely on the basis of a civil immigration detainer request.
 - Providing personal information, as defined in section 1, regarding a person's release date to the federal Immigration and Customs Enforcement agency.
 - Providing personal information, as defined in section 1, or regarding a person's release date or time to ICE-HSI solely for the purpose of enforcing civil violations of U.S. immigration laws.
 - Making arrests based solely on ICE administrative warrants including



administrative warrants after the individual is eligible for release from custody.

- Performing the functions of an immigration officer.

b) Transfer an individual to immigration authorities unless authorized by a judicial warrant or other judicial order.

3. Notwithstanding the limitations in subdivision (a), this section does not prevent any Boston law enforcement official or an employee of a city department, agency or commission from doing any of the following:

a) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a criminal violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated Boston Police activity. Any arrests executed under this provision by any Boston law enforcement official shall be included in the annual report of the Boston Police Commissioner to the Clerk of the City of Boston, in accordance with Section 3 of this ordinance.

b) Responding to a request from ICE-HSI for information about a specific person's criminal history, including, but not limited to, previous criminal arrests, convictions, or CORI, where otherwise permitted by state law.

c) Conducting enforcement or investigative duties associated with partnerships with federal authorities or task forces, including the sharing of confidential information with the Boston Police or other agencies for purposes of joint investigations, so long as the primary purpose of the partnership or task force is not to enforce civil violations of U.S. immigration laws.

d) Certifying an individual who has been identified as a potential crime or trafficking victim for a Tor U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code.

e) Enforcing Section 922(d)(5) of Title 18 of the United States Code.

f) An inquiry into an individual's citizenship status by the City of Boston Elections Commission to determine their eligibility to vote in local, state, and federal elections.

4. This section does not prohibit or restrict any government agency from complying with Sections 1373 and 1644 of Title 8 of the United States Code.

5. Nothing in this section shall prohibit the Boston Police from asserting its own jurisdiction over criminal law enforcement matters.

6. Within six months of the passage of this ordinance, the Boston Police Department shall incorporate the requirements of this ordinance into its regular training for all officers.

(Ord. 2019 c.9)



8. Boxborough

05/09/2017

[Passed at Annual Town Meeting on 05/09/2017 by a vote of 131 to 114. (First day of Town Meeting was 05/08/2017.)]

ARTICLE 7 SENSE OF THE MEETING - THAT BOXBOROUGH IS "A RURAL ENGAGED COMMUNITY FOR ALL" AND A CONSTITUTIONAL COMMUNITY COMMITTED TO PRESERVING THE PROTECTIONS AFFORDED BY THE BILL OF RIGHTS

(Majority vote required; non-binding)

To see if it is the sense of this meeting to adopt the following non-binding resolution:

- WHEREAS,** Boxborough's public servants are fully engaged in and entirely committed to discharging their responsibility to protect and serve **ALL MEMBERS** of the Boxborough community; and
- WHEREAS,** Boxborough's public servants already use all of their individual, financial, and material resources in protecting and serving **ALL MEMBERS** of the Boxborough community; and
- WHEREAS,** Boxborough's taxpayers already pay federal taxes to fund those federal government agencies responsible for enforcement of immigration laws; and
- WHEREAS,** in 2016, Massachusetts' taxpayers ranked 4th in federal taxes paid per capita yet received only 82 cents for every dollar they paid in federal taxes, and
- WHEREAS,** Boxborough's taxpayers believe it is sufficient that they pay federal taxes to enforce the immigration laws and should not also be required to burden Boxborough's public servants with enforcing laws that the Supreme Court has ruled are core responsibilities of the federal government, and
- WHEREAS,** Immigration and Customs Enforcement ("ICE") is the federal agency responsible for enforcement of federal immigration law, and
- WHEREAS,** ICE issues "ICE detainer requests" to local law enforcement agencies (LEAs) to detain individuals without the issuance of a Judicial Warrant, and
- WHEREAS,** an ICE detainer request is a request that the agency hold an inmate, whom ICE suspects of being a removable alien, for up to forty-eight hours after the inmate otherwise would be released, in order to give ICE the opportunity to take the alien into custody, and
- WHEREAS,** in September 2016, the United States District Court for the Northern District of Illinois struck down ICE's use of detainer requests to have local authorities detain individuals without a Judicial Warrant, and



- WHEREAS,** the Department of Homeland Security has acknowledged and federal courts have held that ICE's immigration detainers are requests and are not mandatory, and that compliance with them by a local community is voluntary, and
- WHEREAS,** communities that have voluntarily complied with ICE's immigration detainers have paid thousands of dollars in damages to individuals unlawfully detained, and
- WHEREAS,** as a result, many communities across the country have lawfully exercised their discretion to refrain from voluntarily complying with ICE's immigration detainer requests; and
- WHEREAS,** the Presidential Executive Order issued on January 27, 2017 ("First Order") prohibits many foreign students, workers and other visa holders from seven majority Muslim nations, including many who have already been vetted and documented, from entering the United States and suspends the opportunity of refugees coming from a war-torn nation from seeking refuge in this country; and
- WHEREAS,** on February 9, 2017, the United States Court of Appeals for the Ninth Circuit unanimously upheld a stay of the Executive Order because it does not comply with the Due Process Clause of the Fifth Amendment of the United States Constitution; and
- WHEREAS,** in its ruling, the Court noted that the Executive Order has been referred to numerous times by the President as a "Muslim ban", and so may also violate the First Amendment's prohibition against any "law respecting establishment of religion"; and
- WHEREAS,** the Presidential Executive Order issued on March 6, 2017 ("Second Order") was described by the President as "a watered-down version of the first order"; and
- WHEREAS,** on March 15, 2017, federal judges in Hawaii and Maryland issued nationwide restraining orders staying the Second Order based on "significant and un rebutted evidence of religious animus driving the promulgation of the Executive Order and its related predecessor"; and
- WHEREAS,** in responding to the court order, the President said: "I think we ought to go back to the first one and go all the way, which is what I wanted to do in the first place."

NOW, THEREFORE, BE IT RESOLVED THAT:

1. None of Boxborough's public servants should use moneys, equipment, or personnel to assist in or facilitate the creation of a registry the purpose of which is to identify members of a religious group, except as required by federal or state law.
2. None of Boxborough's public servants should voluntarily comply with ICE immigration detainer requests except pursuant to a Judicial Warrant issued by a neutral magistrate on a finding of probable cause and/or an order of a court of competent jurisdiction.
3. None of Boxborough's public servants should use moneys, equipment, or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal



immigration laws, except as required by federal or state law.

4. This resolution is intended to be consistent with Boxborough's obligations under the United States Constitution, federal and state law, including 8 U.S.C. §§ 1373 and 1644; accordingly, this resolution shall be interpreted as to not violate any requirement of federal or state law. Should federal or state law change so as to give rise to a conflict with any provision of this resolution, such provision shall be of no further effect.
5. This resolution is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the town of Boxborough, its officers, employees, or agents, or any other person.
6. Boxborough should continue to be **A RURAL, ENGAGED COMMUNITY FOR ALL**, and an inclusive jurisdiction that embraces, celebrates, and welcomes its immigrant and refugee residents and recognizes their contributions to the collective well-being of Boxborough.

9. Brewster

05/01/2017

[Passed at Annual Town Meeting on 05/01/2017. Citizens Petition.]

CITIZENS PETITION/Federal Immigration Laws

ARTICLE NO. 31: To see if the Town will vote to request the Brewster Selectmen to authorize all Town officials to continue current practices, to the extent permissible by law, regarding federal immigration laws, that is to refrain from using Town Funds and other resources to enforce said laws unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution; and

To see if the Town will vote to request the Brewster Selectmen to continue to uphold the civil liberties and human rights of all Brewster residents and visitors regardless of age, race, ethnicity, ability, sexual and gender identity, marital or economic status, national origin, or citizenship and immigrant status.

(Citizens Petition)

(Majority Vote Required)

10. Brookline #1

02/07/2017

Issued on 02/07/2017.]

Statement of the Board of Selectmen

The Brookline Board of Selectmen is deeply concerned by the Trump Administration's recent statements and executive orders on immigration policy. While this Board, along with the rest of the world, continues to try to understand the implications of the administration's unprecedented actions, we wish to reaffirm certain guiding moral principles that this Board believes Brookline values as they relate to the people who have been targeted by the President's executive orders, which includes our



commitment to providing welcome and sanctuary to all Brookline residents and visitors, regardless of immigration status.

Because of these principles, Brookline's Board of Selectmen strives to protect the safety and well-being of all Brookline residents and visitors, regardless of immigration status, by supporting the health, mental health, well-being, safe haven, and sanctuary of refugees and immigrants, whether documented or not. We believe the actions of the Trump Administration in targeting and denigrating immigrants and refugees has created an atmosphere of fear and hatred in the country and, potentially, in Brookline. We also believe that an attack on one group will lead to attacks on other groups, as the increased incidence of anti-Semitic attacks in Massachusetts illustrates, and that attacks on immigrants, refugees, and other groups must be resisted and combated by all legal means.

We further reaffirm our support for the sentiments expressed in Town Meeting's Warrant Article 24 voted at the November, 1985 Town Meeting and Warrant Article 26 voted at the November 2006 Town Meeting concerning safe sanctuary in Brookline for immigrants and refugees from all countries regardless of their immigration status.⁴⁸²

In addition, the Town will respect the status of those who are lawful Permanent Residents and Visa holders.

The recent developments in Washington portend overreaching enforcement of existing immigration laws that threaten to violate the Constitution and the laws of the United States, including international treaties respecting immigrants and refugees that are a part of United States Federal law, and undoubtedly in violation of long established American moral principles. The likely aggressiveness of the new administration's actions is evidenced by its threat to commandeer local police forces to perform immigration status checks and enforce immigration laws that are solely the responsibility of the Federal government. In response to these developments:

- The Board of Selectmen has initiated a review of the Police Department's policies as they relate to responding to varying types of requests for assistance by U.S. Immigration and Customs Enforcement. The Board has elected to solicit the input of the Town's Commission on Diversity, Inclusion and Community Relations by asking the Commission to review the current policies and to recommend any changes it believes are warranted, especially changes related to the police department's interactions with immigrants and refugees.
- Town services and resources will be made available to provide for the health, mental health, education, shelter, sustenance, and well-being of all of our residents and visitors, including immigrants, irrespective of their legal status, and refugees; no actions against any person within the Town of Brookline shall be based solely on that person's status as an immigrant or refugee; and no Town employee shall ask for information on the immigration status of any person unless reasonably necessary for the provision of services by Town

⁴⁸² Brookline's early sanctuary policies were some of the first in Massachusetts to limit local law enforcement's ability to enforce immigration laws. For further discussion of these early policies, see *Appendix A: Sample Pre-2017 Municipal Policies*. For the text of these early policies, see *Warrant for Special Town Meeting*, TOWN OF BROOKLINE 32-34 (Nov. 14, 2006), <https://www.brooklinema.gov/DocumentCenter/View/4446/November-14-2006-Special-Town-Meeting-Warrant-PDF>.



employees.

- The Board of Selectmen directs Town Counsel to work with other towns and cities and the State Attorney General to develop legal strategies and measures to protect Town actions and to defend against any punitive measures undertaken by the Federal government against state and local governmental entities.
- The Board of Selectmen further requests that Brookline civil society, including houses of worship, service organizations, political entities, nonprofit organizations, educational institutions, and individuals (1) learn about, (2) provide support, welcome, safe haven, and sanctuary to, and (3) help integrate into the fabric of our community, all resident or visiting immigrants, irrespective of their legal status, and all refugees.

11. Brookline #2

04/25/2017

[Adopted on 04/25/2017.]

Board of Selectmen Statement Concerning Communications with the Department of Homeland Security

The Board of Selectmen (the “Board”) of the Town of Brookline, pursuant to its authority as the executive body of the Town hereby adopts the following Statement concerning 8 U.S.C. §1373.

1. Under 8 U.S.C. §1373 and §1644, federal law prohibits town officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any federal, state, or local government entity. Nothing in the bylaws of the Town of Brookline or the Policies and Procedures of the Brookline Police Department or other departments of Town government are intended to violate such sections.
2. Notwithstanding the foregoing paragraph, no government official or department of the Town of Brookline shall be authorized by this statement to collect any information regarding the citizenship or immigration status, lawful or unlawful of any individual if such information is not required to be collected by the laws of the Commonwealth of Massachusetts, the Bylaws of the Town of Brookline, or the policies or regulations of the Brookline Police Department.

12. Brookline #3

04/25/2017

[Adopted on 04/25/2017 to be issued as a General Order of the Chief of Police.]

BOARD OF SELECTMEN POLICY ON FEDERAL IMMIGRATION ENFORCEMENT AND RELATED MATTERS

The Board of Selectmen of the Town of Brookline (the “Board”), in consultation with the Brookline Police Chief (the “Chief”) and pursuant to authority granted under Massachusetts General Laws, c. 41, §97 relative to the making of suitable regulations governing the police department and the officers thereof, including for regulating the involvement of the Brookline Police Department (the



“Department”) in the enforcement of federal immigration laws and related matters, hereby adopts the following regulation to be issued as a General Order of the Chief:

POLICY:

It Shall be the Policy of the Town of Brookline and the Department that:

1. All persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States and the Commonwealth of Massachusetts and the Town of Brookline and treaties of the United States, as applicable, irrespective of their immigration status.
2. No police officer or other employee of the Department shall inquire about a person's immigration status, nor shall such officer or employee take any policing action against a person based solely on the person's real or suspected immigration status, except in limited circumstances specifically identified by the Chief and approved by the Board in public session as not inconsistent with this Policy. All persons shall have the right to file police reports and serve as witnesses to crimes, participate in police-community activities, and otherwise benefit from general police services without fear of having their immigration status being used against them or made available to federal or state officials who may use such status against them.
3. No funds, resources, facilities, property, equipment, or personnel of the Department shall be used for any federal immigration custody or detainment or other enforcement purpose, except incidental use, such as fingerprints, that may be acquired by Immigration and Customs Enforcement or other federal agencies in the ordinary course of the Department's operations.
4. No police officer or civilian employee of the Department shall make any information in its databases or other record-keeping systems available to any entity for enforcement of any federal statute or program requiring registration of persons on the basis of race, gender, sexual orientation, gender identity, religion, national or ethnic origin, or political or social beliefs.
5. Any person who is arrested by the Department shall be booked in accordance with pre-existing policy. If, in the course of standard processing procedures, Immigration and Customs Enforcement files an immigration detainer, the arrestee shall be made aware of the detainer and provided a copy. The arrestee shall also be made aware that the Brookline Police Department will not hold them in custody on the Immigration and Customs Enforcement detainer if they post bail or are released on their own recognizance.
6. No person shall be held in custody by the Department based solely on the existence of an Immigration and Customs Enforcement detainer or any other administrative warrant. The Department shall adhere to General Order 3.0 pertaining to the arrest of persons.
7. While the Department is prohibited from detaining persons on ICE detainers, it is not prohibited from detaining an arrestee, regardless of immigration status, for any lawful reason such as a judicial arrest warrant.



8. The Department shall keep a record of all arrestees who have been the subject of an Immigration and Customs Enforcement detainer after arrest by the Brookline Police Department. Included in the record shall be the following:
 - a. The person's name.
 - b. The charges or other grounds on which the person was arrested.
 - c. Whether a decision was made not to proceed with prosecution and the person was released.
 - d. The amount of bail set by the bail commissioner after arrest.
 - e. Whether the person was released from the Department after booking or whether they were transferred to court.
9. The Department shall provide a copy of the General Order pertaining to this policy and training on the procedures related to such General Order, to all police officers employed by the Brookline Police Department.
10. The Chief may issue Procedures to implement this Policy that shall be included in the Department's "Rules and Regulations – Policies and Procedures" Manual and shall be kept up-to-date on the Department's public website.

13. Cambridge #1

01/25/2017

[Issued on 01/25/2017.]

The following is a joint statement from Cambridge Mayor E. Denise Simmons and City Manager Louis A. DePasquale:

"While we do not yet know what impact President Trump's Executive Order on Immigration will have, as a Sanctuary City, Cambridge will continue to support and promote the safety, health and well-being of all our residents, regardless of immigration status. We encourage every resident – regardless of status – to seek and obtain assistance from the many resources available to the Cambridge Community.

Today, we remain just as committed to all of our residents as we have been since we first became a Sanctuary City 31 years ago."



14. Cambridge #2

02/10/2020

[Passed, as amended, at City Council Meeting on 02/10/2020, by a vote of 8-0. Codified in Chapter 2.129 of Cambridge's Municipal Ordinance.]

2.129.010 - PURPOSE.⁴⁸³

The purpose of this Ordinance is to establish the City of Cambridge as a Welcoming City, to declare that all are welcome here, and to increase public confidence in the City of Cambridge's government by establishing standards associated with the City's voluntary involvement in federal immigration enforcement.

2.129.020 - PREAMBLE

It is not within the purview nor mandate of the City of Cambridge to enforce federal immigration law or seek the detention, transfer or deportation of Cambridge residents for civil immigration purposes, nor should the City's resources be expended toward that end.

The City of Cambridge will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

2.129.030 – DEFINITIONS

ICE. The federal agency known as the U.S. Immigration and Customs Enforcement, and any other federal agency charged with the enforcement of immigration laws., including but not limited to the Department of Homeland Security.

Immigration detainees and ICE detainees. Requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

ICE administrative warrant. A warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

2.129.040 - REQUIREMENTS

- a. **Equal treatment.** The City will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by City

⁴⁸³ The ordinance amends the Municipal Ordinances of the City of Cambridge to insert a new Chapter 2.129, entitled WELCOMING COMMUNITY ORDINANCE, which is reproduced here.



employees or officials.

- b. **Inquiries about immigration status.** City 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 have contact, except as required by 8 U.S.C. § 1373.
- c. **Role of Police Department in immigration enforcement.** The Cambridge Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest. The Cambridge Police Department shall not take part in or assist with federal immigration enforcement operations, except as permitted with Subjection (j) below. This section shall not limit the Cambridge Police Department's ability to actively assist in Federal human trafficking operations.
- d. **ICE detainers and administrative warrants.** Consistent with state law, no officer or employee of the Cambridge Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
- e. **Federal requests for information.** No officer or employee of the Cambridge Police Department shall provide an officer or employee of ICE with the following information relating to a person in the custody of the Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth). Nothing in this section shall prohibit or restrain an officer or employee of the Cambridge Police Department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. §1373.
- f. **Encountering persons driving without a license.** When taking action against a person who is found to be driving without a valid driver's license, officers of the Cambridge Police Department shall, whenever possible in the officer's discretion and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.
- g. **Notice to individuals subject to ICE interventions.** If the Cambridge Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Police Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
- h. **ICE access to facilities.** Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in Cambridge Police Department custody either in person or via telephone or videoconference.
- i. **Programs that protect removal.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, as well as the Violence Against Women Act ("VAWA"), the



Cambridge Police Department shall consider a U or T Visa request, or other protections conferred by VAWA if an individual (i) is the victim of a qualifying crime, and (ii) has been, is being, or will likely be helpful in the investigation/prosecution of that crime, or is the victim of domestic violence and removal will place them in immediate danger.

- j. **Raids and other immigration enforcement actions.** No officer or employee of the Cambridge Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic or provide police escort.
- k. **Deputizing of local officials.** No officer or employee of the Cambridge Police Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal, except as required by federal or state law or regulations.
- l. **School records and enrollment.** No employee of the Cambridge School Department shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the Cambridge School Department, such information shall not be kept or distributed, except as required by federal or state law or regulations, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing appropriate services to any student shall be used only for that purpose and not distributed further, except as required by federal or state law or regulation.

2.129.050 - COMPLAINTS

Allegations of violations of this Ordinance may be filed with the City Manager's Office, who shall investigate the complaint and take appropriate disciplinary action. In the case of a complaint against an officer or employee of the Cambridge Police Department, allegations of violations of this Ordinance shall also be filed with the Department's Professional Standards Unit. In the case of a complaint against an employee of the Cambridge School Department, allegations of violations of this Ordinance shall also be filed with the Superintendent of Schools.

2.129.060 - REPORTING

Beginning on the date of passage of this ordinance and every six months thereafter, the Cambridge Police Commissioner shall submit a report, with the information detailed below, to the City Clerk, with a copy to the City Manager, and the City Clerk shall include the report on the agenda of the next-occurring meeting of the Public Safety Committee of the City.

The report shall contain:

- (A) A statistical breakdown of the total number of ICE detainers requests and, administrative warrants lodged with Cambridge Police Department;
- (B) The total number of individuals detained as a result of an ICE detainer or administrative



warrants, if any;

- (C) The total number of individuals transferred to ICE custody, if any;
- (D) The total reimbursements received from the federal government pursuant to any granted ICE detainer or administrative warrant, organized by case; and
- (E) The total number of investigations where the Cambridge Police Department cooperated with or provided information to ICE unless any part of such information cannot be publicly disclosed.

2.129.070 - COMPLIANCE WITH FEDERAL LAW

Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any Cambridge agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

15. Chilmark

04/24/2017

[Passed at Annual Town Meeting on 04/24/2017.]

ARTICLE 32. To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States.

16. Concord

04/25/2017

[Passed by a substantial majority at a Special Town Meeting on 04/25/2017. Citizens Petition.]

CONCORD A WELCOMING COMMUNITY

ARTICLE 1. To determine whether the Town will vote to urge the Select Board to adopt the following formal policies and procedures relative to immigrants who work or live in Concord as well as those who come here to visit, or take any other action relative thereto. These policies are generally consistent with those adopted by the Concord Police Department.

Proposed Policies

1. No employee of Concord shall inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the employee has contact, unless necessary to investigate criminal activity by that individual.
2. No police officer of Concord shall arrest, detain, or continue to detain a person based solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation.



3. No police officer of Concord shall arrest, detain, or continue to detain a person based on an immigration detainer, federal administrative warrant, or any other such order or request in any form whatsoever, unless such detainer or warrant is accompanied by a judicial warrant, and where: a) there is probable cause to believe that the individual has illegally re-entered the country after a previous removal; and b) the individual has been convicted at any time of a violent felony, terrorism-related offense, trafficking in individuals or drugs, or participation in a criminal organization using violence.
4. No police officer or employee of Concord shall respond to any ICE notification request by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention, home address, or personal information, but may provide information regarding citizenship or immigration status.
5. No police officer or employee of Concord shall perform the functions of an immigration officer, nor shall any department of the Town of Concord use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section shall prevent an officer, employee or department from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena, or judicial detainer.

17. Conway

05/14/2018

[Passed at Annual Town Meeting on 05/14/2018 by a vote of 104-71. Citizens Petition. Approved by Attorney General on 12/03/2018.]

A Bylaw Declaring Conway to be a Safe Community

Purpose:

The citizens of Conway would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through town, you are welcome here.

Conway police shall not act as immigration officers and will not honor non-criminal, civil immigration detainer requests. In all interactions with Conway law enforcement and town employees you will be treated with respect.⁴⁸⁴

We ask for your cooperation to help us insure the safety and well being of others.

Definitions:

"Law enforcement official" means Conway department, or officer or employee of town department, authorized to enforce criminal statutes, regulations, or local bylaws.

"Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that

⁴⁸⁴ Because this language related to deputizing local police officers and detainers is included in a "whereas" clause, it is not "counted" in our tabulations.



person is eligible for release from custody, or to notify the requesting immigration office prior to the release of that individual.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

“Safe City Provisions”

A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, and apprehension, arrest, or any other contact. Victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA).

A law enforcement official shall not detain an individual on the basis of a civil immigration request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

To the extent permissible by law, no employee of any Conway Town department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Effective Date

This Bylaw will become effective upon passage.

Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

Compliance with Federal Law

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.



18. Dennis

05/02/2017

[Passed at Annual Town Meeting on 05/02/2017 by a vote of 159 to 110. Citizens Petition.]

ARTICLE 19. To see if the Town will vote to request the Dennis Selectmen to authorize all Town officials to refrain from using Town funds and other resources to enforce federal immigration laws. In keeping with current practices, refrain from action against immigrants, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution; and to see if the Town will request the Dennis Selectmen to advocate for the civil liberties and human rights of all Dennis residents and visitors regardless of race, ethnicity, religion , ability , sexual and gender identity, national origin or citizenship and immigration status

Results: On motion of Petitioner Leonard Solomon, duly seconded, it was voted 159 yes to 110 no, in keeping with current practices, that the town funds and other resources be refrained , not be used in taking action against immigrants, unless otherwise presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution ; and to see if the Town will request the Dennis Selectmen to advocate for the civil liberties and human rights of all Dennis residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status.

19. Eastham

05/01/2017

[Passed at Annual Town Meeting on 05/01/2017 by a vote of 168 to 97. Citizens Petition.]

Article 35. Non-binding Resolution of the Town

From the warrant:

NON-BINDING RESOLUTION OF THE TOWN

To see if the Town will vote to request the Eastham Selectmen to authorize all Town officials to refrain from using Town funds and other resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United Sates Constitution; and

To see if the Town will vote to request the Eastham Selectmen to protect the civil liberties and human rights of all Eastham residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status.

By Petition



20. Easthampton

07/10/2019

[Passed at City Council Meeting on 07/10/2019 by a vote of 7 to 0. Approved by Mayor on 07/10/2019]

CHAPTER 13. WELCOMING COMMUNITY TRUST ORDINANCE

Purpose:

This ordinance shall be called the “Welcoming Community Trust Ordinance”, and is meant to promote trust and safety in the community. It follows from a history of a desire for inclusion, including but not limited to a resolution passed on January 3, 2018, by the City Council which states in part “... that the City of Easthampton and its representatives shall not condone or tolerate any form of discrimination on the basis of race, color, religious creed, age, familial status, national origin, immigration status, sexual orientation, gender, gender identity or expression....” This resolution demonstrates the City's ongoing practice of providing a welcoming community for all residents, visitors, and those who work in our City.

ARTICLE 1. IN GENERAL

This ordinance will be known as the City of Easthampton “Welcoming Community Trust Ordinance” and affirms that Easthampton is a welcoming city and seeks to ensure trust between employees, officials, representatives of the City, all residents of our City and visitors to our City, facilitating dialogue as well as effective law enforcement and public safety.

Sec. 13-1. Definitions

"City official" means any City of Easthampton department, its employees or any officer or employee of the City authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.

"Civil immigration detainer request" means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement ("ICE") or by any other federal immigration officer or agency to a local law enforcement official, either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of the individual.

"Eligible for release from custody" means that there is no judicial warrant, judicial order or law that prevents an individual from being released from the custody of an Easthampton official.

"ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

Sec. 13-2. Order

- a) **Equal treatment: Easthampton will treat all persons equally, enforce laws, and serve the**



public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of Easthampton agencies or departments.

- b) Inquiries about immigration status: Officers and employees of the Easthampton may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit or required by law, i.e. Firearms licensing, CHS, AFIS, etc."
- c) Notwithstanding subsections (a) and (b) above, a person's immigration status shall not prohibit or inhibit the City or any city official's participation in any government operation or program that confers an immigration benefit, or temporary or permanently protects noncitizen from removal as provided through programs such as U Visa, the T Visa, and the federal Violence Against Women Act.
- d) ICE detainers and administrative warrants: No city official officer or employee of the Easthampton Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant.
- e) Federal requests for information: No city official shall provide an ICE Officer with the following information relating to a person in the custody of the Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7(twenty-sixth).
- f) Deputizing of local officials: No city official shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Section 13-3. Reporting Requirements

Upon written request of a member of the City Council of Easthampton, a report will be created and presented at the next scheduled City Council meeting. The report shall include the following information for the immediately preceding calendar year:

- a. The number of civil immigration detainer requests submitted to city officials by ICE and/or any other federal immigration officer or agency, and the reason(s) given for each request;
- b. The number of individuals that city officials detained pursuant to a judicial warrant requested by ICE or any other federal immigration officer or agency and submitted to the City;
- c. The number of individuals taken into custody by ICE who immediately preceding that had been in the custody of city officials;
- d. The number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.

Section 13-4. Compliance



Nothing in this ordinance shall be construed to violate any federal law, or to prohibit any Easthampton agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373 or other state and federal law.

Section 13-5. Severability

If any part of this ordinance is declared invalid for any reason, such a declaration shall not affect the validity of the remaining parts of this ordinance.

21. Edgartown

04/11/2017

[Passed at Annual Town Meeting on 04/11/2017.]

ARTICLE 69. Move that the Town vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.

The Article having been moved and seconded; the vote was taken with the Moderator declaring that the Article CARRIED.

22. Falmouth

11/14/2019

[Passed at Annual Town Meeting on 11/14/2019. Citizens petition.]

ARTICLE 21 AND THE VOTE THEREON AT THE ANNUAL TOWN MEETING CONVENED IN FALMOUTH, MASSACHUSETTS November 14, 2019

ARTICLE 21: On petition of Sandra Faiman-Silva

VOTED: By an electronic vote of 119 in favor and 54 in opposition, a quorum being present on Thursday, November 14, 2019 the Town voted to support a Non-Binding Resolution

To Protect the Civil Rights and Safety of All Falmouth Residents - Non-binding Resolution

Whereas the elevated national climate of hostility toward immigrants, refugees, asylum-seekers, and many other residents and visitors, including African Americans, Latino/as, persons of color generally, LGBTQ individuals, and religious groups, particularly Jews and Muslims, has brought increased levels of hostility and violence toward members of these groups;

And Whereas the Falmouth Police Department, in its published Mission, Core Values and Vision Statement, states that they "will provide professional police service to all Falmouth residents and visitors, while respecting individual rights and human dignity;"



And Whereas the Falmouth Police Department has affirmed in A Message from the Police Chief Regarding the DHS-ICE Secure Communities Program as follows:

that they "protect the public that we serve by enforcing existing state laws in a fair and impartial manner to our entire community;" and

that "local law enforcement agencies, including the Falmouth Police, have no authority to enforce federal immigration laws;" and

that "race, religion, gender, sexual orientation, age, occupation, immigration status or any other arbitrary characteristic pertaining to any specific individual have absolutely no bearing on any decision for a Falmouth Police Officer to effect an arrest;" and

Whereas the Supreme Judicial Court of Massachusetts has stated that the Tenth Amendment to the United States Constitution prohibits the Federal government from compelling States to employ their resources to administer and enforce Federal programs; and ruled "Conspicuously absent from our common law is any authority (in the absence of a statute) for police officers to arrest generally for civil matters, let alone authority to arrest specifically for Federal civil immigration matters;"

Therefore,

It Is Resolved and the Falmouth Town Meeting is petitioned to affirm its endorsement of the Falmouth Police Department commitments and policies cited herein;

And it is further Resolved and the Town Meeting is petitioned to affirm that all individuals questioned or detained by Falmouth law enforcement regardless of their immigration status will be informed of and be given their full due process rights;⁴⁸⁵

And it is further resolved and the Town Meeting is petitioned, in keeping with current practice, affirm that all officials in Falmouth will refrain from participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government in the absence of probable cause of criminal activity and then only to the extent legally permissible;

And it is further resolved and the Town Meeting is petitioned, in keeping with current practice, affirm that all officials in Falmouth will refrain from using Town funds and/or other Town resources to enforce Federal immigration law unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution;

And it is further resolved and the Town Meeting is petitioned to forbid affirm that all officials in Falmouth, in keeping with current practice, will refrain from:

⁴⁸⁵ This language is closely related to the language found in *Equal Treatment Provisions*. Because the language does not address equal treatment in the initiation of taking of law enforcement actions, however, it is not counted in our tabulations.



1. Asking residents and visitors about their immigration status;
2. Enforcing immigration matters;
3. Profiling based on race, ethnicity, citizenship, nationality, religion, age, immigration status, or political values, or any other arbitrary characteristic pertaining to any particular individual;
4. Violating the civil liberties and human rights of all residents and visitors on the basis of race, ethnicity, religion, disability, sexual and gender identity, national origin, citizenship and immigration status, or any other arbitrary characteristic.

NOTE: This article is a Non-binding Resolution and does not direct or control police department or Town policy or procedures.

23. Gill

05/30/2017

[Approved on 05/30/2017 by a vote of 2 to 0 with 1 abstention.]

An Order Relating to the Enforcement of Civil Immigration Detainers in the Town of Gill

Whereas, the Town of Gill is committed to the respectful treatment of all residents in our community;

Whereas, in order to enhance the trust of the immigrant community in our law enforcement and to ensure that all citizens receive the highest level of public safety, it is imperative that a policy be established regarding the administration and enforcement of civil immigration detainers by the Gill Police Department;

Now, Therefore, We, the Selectboard of the Town of Gill, by virtue of the power invested in us, do hereby ordain:

The Gill Police Department shall neither honor nor enforce a civil immigration detainer requested from the United States Immigration and Customs Enforcement (ICE) or the United States Customs and Border Patrol (CBP) when such order seeks the excessive and/or unnecessary detention of an individual in department custody beyond the point at which he or she would otherwise be released.

This shall not apply where such order requests detainment of an individual who: 1) is subject to a criminal warrant or court order for continued detention, or has been indicted or arraigned for a criminal offense, and/or 2) has been convicted of a serious crime, including but not limited to domestic violence or threats, or violent felony as defined in Massachusetts General Law or a felony punishable by imprisonment in a state prison; and/or 3) is arrested and taken before a magistrate on a charge involving a serious or violent felony as defined in Massachusetts General Laws or a felony punishable by imprisonment in a state prison and the magistrate finds probable cause to believe that the individual is guilty of such a felony; and/or 4) is a current registrant of the Massachusetts Sex Offender Registry or is the defendant on a restraining order under Chapter 209A or a Harassment Order under Chap. 259E; and/or 5) has been the cause of a person seeking shelter or other assistance to escape from abuse. Further, this policy shall not apply where a law enforcement or public safety purpose, including but not



limited to medical protection concerns, exists for detaining an individual that is unrelated to the enforcement of civil immigration law.

This order shall take effect immediately.

24. Great Barrington

05/01/2017

[Passed at Annual Town Meeting on 05/01/2017.]

ARTICLE 25:

To see if the Town will vote to adopt the following resolution to designate the Town Of Great Barrington as a Safe And Inclusive Community , or to take any other action relative thereto.

WELCOMING AND SAFE COMMUNITIES ARE POSSIBLE IF WE ARE INCLUSIVE AND IF WE TRUST

Values Statement

Considering that we the people of Great Barrington acknowledge the value for our Town of our diverse population as an integral part of our labor and cultural force and that we recognize the need to provide a safe community for all residents and to keep our families together regardless of their immigration status.

Considering that the Great Barrington Police Department has stated in previous resolutions and through their positive community policing and accreditation efforts their commitment to build and maintain positive relations within the community in which inclusivity and protection to all of our residents goes hand in hand with their mission of guaranteeing public safety and security for our community.

Considering that in our system we are all accountable under the rule of law, including the government , its officials and agents as well as the individuals and private entities that are part of our community and, in order to guarantee a sense of safety and accountability the laws should be clear, just, publicized, applied evenly and enforced in a way that reflects the community served.

We as residents of Great Barrington hereby publicly designate the Town of Great Barrington as a safe, inclusive and welcoming community, with its commitment to the following principles , policies and procedures to be followed uniformly throughout our Town:

Great Barrington Trust Policy Principles

1. Great Barrington will continue to ensure civil liberties of all and enforce protection from discrimination for all residents regardless of their race, skin color, national or ethnic origin , gender, sexual orientation, mental or physical disability, immigration status, religious, political or social affiliations, professed beliefs, homed or homeless status and any other demographic characteristics.
2. Great Barrington police will equally enforce the laws, promote safety and serve the Great



Barrington community without consideration of individuals' immigration status or other demographic characteristics.

3. Great Barrington will not participate in enforcement of federal immigration law or aid in the detention, transfer or deportation of residents for civil immigration purposes.
4. Great Barrington police and any other Town agencies will not profile groups, i.e. not contact detain, or arrest based only on demographic characteristics, including immigration status.
5. Great Barrington will not use Town funds or resources to assist in federal immigration detention and arrest processes, except in criminal cases.
6. Great Barrington will follow public record laws and will not, except as required by law, collect, keep or distribute information about any individual or group based on demographic characteristics, including immigration status for any other purpose.
7. Great Barrington will provide training to Town employees regarding these policies and practices in alignment with accreditation requirements and serving the purpose of our Trust Policy.

Great Barrington Trust Policy Protocols

1. No Town participation in U.S. Immigration and Customs Enforcement (ICE) holds, arrests, detentions, or raids, or use of town resources to facilitate said activities, except in cases where ICE demonstrates a criminal warrant signed by a judge and based probable cause.
2. No responding to ICE requests seeking information outside of a criminal warrant, or providing access to local records and databases.
3. Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE, where Great Barrington law enforcement acquiesces to the ICE request, shall be provided with, a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.
4. In furtherance of the US Victims of Trafficking and Violence Prevention Act, Town of Great Barrington law enforcement shall consider and sign a U Visa certification request if an individual is:
 - (a) The victim of a qualifying crime, and
 - (b) Has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
5. Make reports publicly available of ICE activity in Town including but not limited to holds, reimbursements, and removals.
6. Develop a formal process for addressing violation of Trust Policy Commitments at Selectboard meetings and in collaboration with a proposed Residents' or Human Rights Commission to be established at a later time.



25. Greenfield #1

07/20/2017

[Issued on 07/20/2017.]

EXECUTIVE ORDER #2017-3

Immigration Order

WHEREAS: I, William Martin, Mayor of the City known as the Town of Greenfield, am Chief Administrative and Executive Officer and am responsible for maintaining the well-being of Greenfield and its citizens; and,

WHEREAS: It is known anecdotally and by history, through conversation and by print, that the Town of Greenfield has a rich ancestral past derived from the energies and efforts of people from other countries. And that, the evidence demonstrates that the richest asset of a community is its people; and that, we know Greenfield is comprised of multiracial, multiethnic, multilingual, multicultural and multi-belief people that live together with the knowledge of oneness; and that, it is this strength of community, the drive to be present, to contribute to our tomorrows with sweat and dialogue that I offer this Executive Order.

WHEREAS: As expressed and authorized under Article 3 of the Charter of the City known as the Town of Greenfield, and for the purposes of maintaining the traditional role of law enforcement for the Town,

NOW THEREFORE, I, Mayor William Martin, hereby state, by Executive Order, that the Chief of Police of the Greenfield Police Department, and any other department so charged, shall direct their departments in the following:

THAT: The Greenfield Police Department shall not authorize or employ any agreement under Section 287 (g) of the Immigration and Nationality Act (INA) without the expressed authorization and approval of the Mayor; and,

THAT: The Chief of Police shall direct the officers of the Greenfield Police Department to maintain current recurring law enforcement partnerships and to enforce requests for U.S. Immigration and Customs Enforcement (ICE) detainers that are criminal in nature or subject to a judicially issued warrant; and,

THAT: officers of the Greenfield Police Department will not inquire as to an individual's immigration status, unless the status of the individual's immigration is pertinent to a criminal matter, criminal investigation, or otherwise required by federal or state law; and,

THAT: each Officer and municipal employee sworn by duty to serve the Constitutions of the United States of America and the Commonwealth of Massachusetts and to the Charter of the Town of Greenfield shall honor his or her oath under penalties of law and employment; and,



THAT: the Greenfield Police Department shall continue to arrest anyone who violates criminal law and to promote the full force of prosecution in their primary and budgeted mission to serve and protect the locally governed population; and, Furthermore, having been a cooperative partner of the concerns for the quality of life for all residents of Greenfield, the Chief of Police shall make public his statement of the Greenfield Police Department's commitment to upholding the spirit of this Executive Order.

This order shall be effective immediately.

26. Greenfield #2

7/17/2019 and 11/05/2019

[Passed at City Council Meeting on 07/17/2019. After a citizen petition challenge, ordinance passed as ballot initiative on 11/05/2019.]

An Ordinance Establishing the City of Greenfield as a Safe City, Submitted by President Renaud, June 26, 2019.

Preamble

This ordinance shall be known as the City of Greenfield Safe City Ordinance. The purpose of the Ordinance is to affirm that Greenfield is a welcoming city, which embraces everyone including but not limited to the immigrant, the refugee, the asylum seeker and anyone of good faith and good will who wishes to be a member of our community. The purpose of this ordinance is to promote a sense of openness and trust between all members of our community and to let all people know that they are welcome here.

Definitions

- (a) "City official" means any City of Greenfield department and its employees and any officer or employee of the City authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.
- (b) "Civil immigration detainer request" means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement ("ICE") or by any other federal immigration officer or agency to a local law enforcement official, either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.
- (c) "Eligible for release from custody" means that there is no judicial warrant, judicial order or law that prevents an individual from being released from the custody of a Greenfield official.
- (d) "ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

Maintaining a Safe City



- (a) A city official shall not inquire as to an individual's immigration status unless required by federal or state law.
- (b) A city official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
- (c) A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
- (d) Notwithstanding sections 2(a) and 2(c) above, a person's immigration status shall not prohibit or inhibit the City or any city official's participation in any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.
- (e) When an individual is eligible for release from custody, a city official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant for the individual.
- (f) A city official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person's release from custody, home address, work address, or phone number.
- (g) To the extent permissible by law, a city official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Compliance with Federal Law

Nothing in this ordinance shall prohibit or restrain any city official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

Effective Date

The provisions of this ordinance shall be effective immediately upon passage.

Implementation

All policies, practices, procedures, and training necessary to effectively implement this ordinance shall be implemented by the City and its departments.

Severability

If any part of this ordinance is declared invalid for any reason, the remainder of the ordinance shall remain in full force and effect.



27. Harwich

05/06/2019

[Passed at Annual Town Meeting on 05/06/2019 by unanimous vote. Citizens petition.]

ARTICLE 51: To see if the Town of Harwich will vote to request the Selectmen to authorize Town law enforcement and Town officials to refrain from using Town funds and/or other Town resources to enforce federal immigration laws to the extent permissible by law, including, but not limited to, 8 U.S.C. §1373 and 8 U.S.C. §1644, in keeping with current practices, unless presented with a criminal warrant, court order or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution, and to act fully thereon. (Non-binding resolution) By Petition. No funding requested.

28. Ipswich

12/01/2017

[Passed at Annual Town Meeting on 05/10/2017. Citizens petition. (Annual Town Meeting began on 05/09/2017.) Approved by AG (with deletion of language inconsistent with Lunn decision) on 12/01/2017. Codified in § 156-1 of Ipswich's By-laws.]

ARTICLE I⁴⁸⁶

Warrantless Seizure

[Adopted 5-9-2017 ATM by Art. 25,1 approved 12-1-2017]

§ 156-1. Prevention of warrantless seizure of immigrants.

A. Definitions. For the purposes of this article the following definitions apply:

- (1) Civil immigration detainer request means a non-mandatory request issued by an authorized federal immigration officer under Section 287.7 of Title 8 of the Code of Federal Regulations to a local law enforcement official to maintain custody of an individual for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration officer prior to the release of that individual.
- (2) Convicted means having been proved guilty of a criminal act in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.
- (3) Eligible for release from custody means that the individual may be released from custody because any of the following conditions has occurred:
 - (a) All criminal charges against the individual have been dropped or dismissed;
 - (b) The individual has been acquitted of all criminal charges filed against him or her;
 - (c) The individual has served all the time required for his or her sentence;
 - (d) The individual has posted a bond, or has been released on his or her own recognizance;

⁴⁸⁶ From the Town Municipal Code: "Editor's Note: This article was adopted as Ch. 225, but was renumbered to maintain the organization of the Code."



- (e) The individual has been referred to pretrial diversion services;
- (f) The individual is otherwise eligible for release under state or local law.
- (4) Law enforcement official means any department, officer, or employee of the Town of Ipswich, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.
- (5) ICE means the United States Immigration Customs Enforcement.

B. Detainment.

- (1) A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.
- (2) (Reserved)⁴⁸⁷
- (3) Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual pursuant to this section.

C. Reporting. Beginning no later than January 31, 2018, and no later than January 31 of each subsequent year, the Ipswich Police Chief shall submit a report to the Town Manager who shall forward that report to the Select Board who shall docket the report and include it as an agenda item in their next-occurring meeting. The report shall include the following information for the preceding twelve-month period:

- (1) A statistical breakdown of the total number of civil immigration detainer requests lodged with the Town's law enforcement officials, organized by the reason(s) given for the request;
- (2) A statistical breakdown of the total number of individuals that Ipswich law enforcement officials detained pursuant to Subsection B(2), organized by the reason(s) supporting the detention;
- (3) The total number of individuals transferred to ICE custody; and
- (4) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to Subsection B(3), organized by individual case.

⁴⁸⁷ From the Town Municipal Code: "Editor's Note: This subsection was stricken by the Attorney General 12-1-2017." From PHRGE files: The deleted language: Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to 48 hours after that individual becomes eligible for release from custody, excluding Saturdays, Sundays, and holidays, if the individual meets any of the following criteria:

- a. ICE has a criminal warrant for the individual;
- b. The individual has been convicted of a violent crime as defined in M.G.L. c. 140, § 121;
- c. In the past ten years, the individual has been convicted of a felony as defined in M.G.L. c. 274, § 1;
- d. The individual is a current registrant on the Massachusetts Sex Offender Registry;
- e. The individual is identified in the federal government's consolidated terrorist watchlist.



29. Lexington #1

02/27/2017

[Issued on 02/27/2017.]

OFFICE OF SELECTMEN

PROCLAMATION

WHEREAS, We are in a current environment in which there is a growth in bias, hate speech, bigotry and violence; and

WHEREAS, Lexington is a community committed to peaceful resolution of differences and remains dedicated to open and honest conversation/dialogue as a way to promote respect, understanding, acceptance and inclusion for all; and

WHEREAS, the Town of Lexington, birthplace of American Liberty, is proud of its historic role in the American war for independence, the founding of this great country, and the adoption of its Constitution, and is respectful of our ancestors' sacrifices to attain our country's civil rights and liberties; and

WHEREAS the citizens of Lexington regard the liberties guaranteed in the Constitution and the Bill of Rights as their most precious bequest to Americans, and intend to preserve these freedoms as rightful inheritance of their posterity; and

WHEREAS the preservation and vitality of the Bill of Rights depends not only on the President, Congress, and the Supreme Court, but primarily on our towns, neighborhoods, and our citizens to be free of intolerance and bigotry; and

WHEREAS the Town of Lexington welcomes all people who recognize the rights of individuals to live their lives with dignity, free of discrimination and hostility.

THEREFORE,

We, The Board of Selectmen of Lexington declare that our town is committed to making Lexington a welcoming, inclusive, and safe community for everyone, treating all people fairly and fully embracing the unique contributions of all Lexington residents. In Lexington we affirm that all means all people.

We, declare that we stand with those people of the United States of America, who believe in the principles of the Declaration of Independence and strongly condemn those who attempt to fan the fires of bigotry and intolerance for political or other purposes.

We, on behalf of all residents of Lexington, deplore expressions and acts of hostility, intimidation, harassment, and other acts of intolerance and bigotry.

We, hereby renew and reaffirm our commitment to ensure that all members of our community are free from acts that are rooted in fear, ignorance, prejudice, and hate, and we urge all our citizens to judge each other by the strength and qualities of their character.



30. Lexington #2

04/04/2018

[Passed at Annual Town Meeting on 04/04/2018 by a vote of 153 to 5 with 2 abstentions. Citizens petition. (Annual Town Meeting began on 03/26/2018.)]

ARTICLE 34 TO MAKE LEXINGTON A “WELCOMING, INCLUSIVE, SAFE COMMUNITY”

Proposed Resolution to Make Lexington a “Welcoming, Inclusive and Safe Community”

MOTION:

Resolved, that the Town is committed to making Lexington a truly “Welcoming, Inclusive and Safe Community”.

To this end, be it further resolved that the Town of Lexington hereby announces its support for the Safe Communities Act (SCA, S.1305 & H.3269), currently before our legislature.

In support of this resolution Town Meeting requests that the Town take the following actions as soon as practical:

1. Update the Police Policy and Procedures Manual so that it is fully compliant and fully aligned with the SCA.
2. Train all police department employees, with respect to these changes in the Police Policy and Procedures Manual.
3. Inform the community through public communications, municipal signage and other means deemed appropriate, that the town is a Welcoming, Inclusive and Safe Community.
4. Provide quarterly reports by the Lexington Police Department to the Board of Selectmen on all contacts in aggregate, and the nature of those contacts, with ICE or other federal immigration authorities. If the Safe Communities Act or a similar Act is passed that requires similar public reporting to the state, this requirement to report locally will be considered unnecessary.
5. Report any subsequent changes to the Police Policy and Procedures Manual related to this resolution in a Public Hearing.
6. Refer to, and consider including to the extent consistent with applicable laws, all of the elements of the Safe Communities Act (S.1305) as submitted to the Massachusetts Legislature on January 20, 2017 that apply to municipalities, when updating the Police Policy and Procedures Manual.



31. Lincoln

03/24/2018

[Passed at Annual Town Meeting on 03/24/2018 by majority vote. Citizens petition.]

ARTICLE 36

That the Town vote to adopt a resolution declaring Lincoln to be a Welcoming, Safe Town which resolves to make all residents, workers and visitors feel safe and secure regardless of immigration status.

Whereas: Lincoln's Vision Statement states our goals of fostering economic, racial/ethnic and age diversity among our citizenry through educational, housing and other public policies.

Whereas: The people of the Town of Lincoln have been involved in important moral and humanitarian issues for hundreds of years – including anti-slavery work in the 1830's, women's right to vote 40 years before passage of the 19th Amendment, and Sanctuary for Vietnam War draft resisters and Central American refugees fleeing wars and violence.

Whereas: In 2018, when discrimination and harassment based on race, color, religion and national origin continues, and is abetted by the federal government, we must: reaffirm our commitment to respect each person's dignity; lawfully decline to become agents who enforce federal immigration law; help people in our town feel safe and able to call upon us in times of need; and honor and comply with the decisions of our Supreme Judicial Court.

Therefore, be it resolved that:

We, the people of Lincoln affirm and support the policies adopted by the Board of Selectmen and the Lincoln Police to abide by the SJC's July 24, 2017 decision in *Lunn v. Commonwealth*, which declared that "Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody";

We, the people of Lincoln declare Lincoln to be a Welcoming, Safe Town, and we all shall work to make all residents, workers and visitors feel safe and secure regardless of immigration status;

This Resolution is consistent with the Town of Lincoln's obligations under state and federal law, including 8 U.S.C. §§1373 and 1644. This Resolution shall be interpreted as to not violate any requirements of state or federal law, including 8 U.S.C. §§1373 and 1644; and

We, the people of Lincoln request the Board of Selectmen to endorse S. 1305 or comparable legislation, the Massachusetts Safe Communities Act, and to send copies of this Resolution to Governor Baker, State Senators Michael Barrett and Jamie Eldridge, Acting Senate President Harriette Chandler, State Representative Thomas Stanley, and Speaker of the House, Tom DeLeo.



32. Mashpee

05/06/2019

[Passed at Annual Town Meeting on 05/06/2019 by a hand count vote of 85 to 72. Citizens petition.]

Article 33

To see if the Town will vote to adopt the following resolution to protect the civil liberties of Mashpee residents. We join here with the towns of Eastham, Dennis, Wellfleet, Provincetown, Brewster and Truro to adopt a resolution to protect the civil liberties of our residents.

Whereas the rights and liberties of the citizens and non-citizen residents of Mashpee, protected by the Constitutions of the Commonwealth of Massachusetts and the United States of America include: Freedom of speech and assembly; The right to privacy; The rights to counsel and due process in judicial proceedings; Protection from unreasonable searches and seizures; The right to be notified of charges against them.

and, whereas the mission of the Mashpee Police Department states that the "Department strongly embraces the philosophy of community policing... we hope to build a strong collaborative supportive relationship, which will build public trust and mutual respect between our citizens and our police department, increasing the quality of life for those that live, work and visit the beautiful Town of Mashpee."

and, whereas the Town of Mashpee Inclusion and Diversity Committee includes the purpose to "Strive for a community characterized by the values of inclusion. Inclusion is defined as actively pursuing goals of including, integrating, engaging, and welcoming all persons regardless of their race, color, ethnicity, gender, sexual orientation, gender identity, disability, age, religion, creed, ancestry national origin, military or veteran status, marital status, family status, or receipt of public benefits."

and, whereas the Supreme Judicial Court of Massachusetts has stated that the Tenth Amendment to the United States Constitution prohibits the Federal government from compelling States to employ their resources to administer and enforce Federal programs; and ruled "Conspicuously absent from our common law is any authority (in the absence of a statute) for police officers to arrest generally for civil matters, let alone authority to arrest specifically for Federal civil immigration matters."

It Is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Mashpee in the absence of probable cause of criminal activity, to the extent legally permissible, and in keeping with current practice, from:

1. Participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government.
2. Enforcing immigration matters.
3. Profiling based on race, ethnicity, citizenship, religion, or political values
4. Using town funds and other town resources for the enforcement of federal immigration



laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution.

5. Violating the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status.

33. New Salem #1

06/05/2017

[Passed at Annual Town Meeting on 06/05/2017 by a vote of 48 to 25.]

ARTICLE 36: To see if the Town will vote to instruct its representatives in the Massachusetts State Senate and House to support the Safe Communities Act (SD 1596, HD 3052).

This Act would

- Prohibit state support for any Muslim registry. Prohibit law enforcement agencies and the Registry of Motor Vehicles from allowing access to databases or records for enforcement of any federal registry program based on national origin, religion or other protected characteristics.
- Ensure Basic Due Process Rights for immigrants detained in state and local facilities. Require informing detainees - in a language they understand - that they have the right to decline an interview with ICE agents, and to have their own attorney present (at their own expense) if they so choose.
- Ensure that police resources are used to fight crime, not separate families. Ensure that state, local and campus police don't participate in federal immigration enforcement activities, including participation in inquiries, investigations, raids, arrests or detentions that are based solely on immigration status. When police become ICE agents, immigrant victims and witnesses of crime are afraid to call police, which makes us all less safe.
- Prohibit collaboration agreements between the U.S. Department of Homeland Security (DHS) and law enforcement agencies that deputize state and local officers as immigration agents, like those recently concluded by Bristol and Plymouth counties.
- Uphold constitutional standards. The bill puts citizens and non-citizens on equal footing with respect to law enforcement. It would not prevent police from arresting or detaining a person in the course of a criminal investigation or prosecution supported by probable cause of a crime, which is consistent with constitutional standards applicable to all people in the Commonwealth.
- Conform to federal law. The bill contains several provisions ensuring compliance with federal law, specifically 8 U.S.C. § 1373, which prohibits state and local governments from restricting the exchange of information about citizenship or immigration status.

Motion: That the Town Clerk be directed to send copies of this resolution to Stan Rosenberg its representative in the Massachusetts State Senate and to Susannah Whipps, its representative in the Massachusetts House.



34. New Salem #2

06/05/2017

[Passed at Annual Town Meeting on 06/05/2017 by a vote of 46 to 24.]

ARTICLE 37: To see if the Town will vote to adopt the following resolution, or take any action in relation thereto:

We the residents of New Salem, MA affirm that our nation is dedicated to the principle of equality. We recognize the inherent value of all individuals in our community, regardless of race, sex, age, national origin, religion, sexual orientation or immigration status. This commonwealth of ours has been committed since its founding to the common good. **It is our belief that policies which deter certain individuals from contacting government officials, law enforcement, or medical assistance, or accessing educational opportunities, out of fear of deportation, create a community which is less welcoming and less safe for all residents.**

In accordance with these beliefs, we charge the New Salem government to serve every town resident equally and without regard to immigration status. We charge schools serving New Salem residents to continue to enroll children in the district regardless of immigration status, in accordance with rulings of the U.S. Supreme Court and guidance of the Federal Department of Justice and Education, which state that students cannot be denied a free public education due to their immigration status. **We further direct the New Salem police department to refrain from initiating an investigation or taking law enforcement action on the basis of immigration status, and to refrain from inquiring as to an individual's immigration status except as required by state or federal law.**

35. Newburyport

03/26/2018

[Passed at City Council Meeting on 03/26/2018 by a roll call vote of 8 to 2 with 1 present.]

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ADMINISTRATION

Chapter 2 Administration; Article III Boards, Committees, Commissions; Division 6 Human Rights Commission

Section 2-125 a

Delete:

It is the policy of the City of Newburyport to uphold the human rights of all persons in Newburyport and the free exercise and enjoyment of any rights and privileges secured by the Constitution and laws of the United States and the Commonwealth of Massachusetts. This policy shall promote and support equal opportunity for each person regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, and source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit and healthcare.



Add:

It is the policy of the City of Newburyport to uphold the human rights of all persons in Newburyport and the free exercise and enjoyment of any rights and privileges secured by the Constitution and laws of the United States and the Commonwealth of Massachusetts. This policy shall promote and support equal opportunity for each person regardless of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, and source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit and healthcare.

Further, City employees shall not ask for information about immigration status in the performance of daily tasks unless required to do so by Federal or State statute, regulation or court decision.

City department heads shall use tools at their disposal, including meetings and trainings, to direct their staff to comply with the City's policies described above. A communication shall be issued by City department heads to their staff upon adoption of this ordinance.

36. Newton

02/21/2017

[Passed at City Council Meeting on 02/21/2017 by a vote of 16 to 1.]

Version 1

ARTICLE VII. WELCOMING CITY

Sec 2-400 Purpose and Intent

The City of Newton has long derived strength from its diverse community, including those who identify as immigrants. Through the City's commitment to social justice and inclusion, one of the City's most important objectives is to enhance relationships with all residents, including immigrants, and to make all residents, workers and visitors feel safe and secure regardless of immigration status. We believe it is critical to reaffirm in this ordinance, the City's commitment to fair treatment for all. (Ord. No. A-102, 02-21-17)

Sec 2-401. Definitions.

"Administrative warrant" means an immigration warrant issued by ICE, or a successor or similar federal agency charged with enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

"Agency" means the City Council, Executive Office and every City department, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.



“Agent” means any person employed by or acting on behalf of an agency in an official capacity, but shall not include independent sub-contractors of the City.

“Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States.

“ICE” means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.

“Immigration detainer” means an official request issued by ICE, or other federal agency charged with the enforcement of civil immigration laws, to another federal, state or local law enforcement agency to detain an individual based on a violation of a civil immigration law.

“Serious violent felony” means a felony crime as defined in M.G.L. c. 265, *Crimes Against the Person*. (Ord. No. A-102, 02-21-17)

Sec 2-402. Prohibitions.

No Agency or Agent shall:

- (a) identify, investigate, arrest, detain, or continue to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a civil immigration violation or that the person is otherwise deportable;
- (b) arrest, detain, or continue to detain a person based on any immigration detainer, federal administrative warrant, or any other such order or request in any form whatsoever or otherwise honor any such detainer, warrant or request to detain, interview or transfer a person to federal authorities, provided however, the police department may arrest, detain or continue to detain a person in accordance with Sec 2-403;
- (c) notify federal authorities about the release or pending release of any person for immigration purposes except in accordance with Sec 2-403;
- (d) provide federal authorities with information about the upcoming release of a person in custody or the person’s home or work address for immigration purposes;
- (e) cooperate with or enforce any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin. (Ord. No. A-102, 02-21-17)

Sec 2-403. Exceptions to Prohibitions.

The prohibitions in Sec 2-402 shall not apply where the individual to whom such information pertains provides his or her informed consent as to how the information might be used (or if such individual is a minor, the informed consent of that person’s parent or guardian), where the information is necessary to provide a City service or where otherwise required by valid state or federal law. In addition, the Newton Police Department may detain or arrest an individual in cooperation with ICE only when an investigation conducted by or information received by any City Agency indicates that: the individual has an



outstanding criminal warrant, has a prior conviction for a serious violent felony, is being investigated for terrorism, or if there is a law enforcement or public safety purpose to do so that is not related to the enforcement of civil immigration law provided that the arrest or detention is based upon valid Massachusetts arrest authority and is consistent with the 4th Amendment to the United States Constitution and Article XIV of the Massachusetts Constitution. (Ord. No. A-102, 02-21-17)

Sec 2-404. Requesting or Maintaining Information Prohibited.

No Agency or Agent shall request or maintain information about, or otherwise investigate or assist in the investigation of, the citizenship or immigration status of any person unless such inquiry is required by valid state or federal law.

Sec 2-405. Use of City Resources Prohibited.

No Agency or Agent shall use City funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal civil immigration law or to gather information regarding the citizenship or immigration status of any person, unless permitted under section 2-403. Nothing in this section shall prevent an Agency or Agent from lawfully discharging duties in compliance with and in response to a lawfully issued judicial warrant, judicial subpoena or immigration detainer. (Ord. No. A-102, 02-21-17)

Sec 2-406. Ordinance Not to Conflict with Federal Law.

Nothing in this ordinance shall be construed or implemented to conflict with any otherwise valid and enforceable duty and obligation imposed by a court order or any valid federal or applicable law. Nothing in this subsection shall prohibit or restrain the Agency or Agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with Section 1373 of Title 8 of the United States Code. (Ord. No. A-102, 02-21-17)

Sec 2-407. No Private Right of Action.

This ordinance does not create or form the basis of liability on the part of the City, its Agencies or Agents. It is not intended to create any new rights for breach of which the City is liable for money or any other damages to any person who claims that such breach proximately caused injury. The exclusive remedy for violation of this ordinance shall be through the City's disciplinary procedures for employees under applicable City regulations, unless the Agency or Agent is lawfully discharging duties as set forth in Sec 2-402 and Sec 2-403. (Ord. No. A- 102, 02-21-17)

Sec 2-408. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Newton hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections,



sentences, clauses, phrases, or portions were to be declared invalid or unconstitutional. (Ord. No. A-102, 02-21-17)

37. North Adams

02/14/2017

[Passed at City Council Meeting on 02/14/2017 by a vote of 9 to 0. Approved by Mayor on 02/15/2017.]

A RESOLUTION DECLARING NORTH ADAMS' COMMITMENT TO BEING A SAFE AND INCLUSIVE COMMUNITY

As our city continues to evolve into a more diverse and dynamic community, we bring forward this resolution of being a safe and inclusive city as a means of embracing and appreciating our future together.

WHEREAS, the North Adams City Council asserts that the City of North Adams does not and shall not tolerate hate crimes and expressions of hate such as malicious acts designed to promote fear, discourage civil discourse, marginalize a community of individuals, or unfairly and inequitably mistreat any member of our community; resident or visitor; and

WHEREAS, the City of North Adams supports respect for civil and human rights and recognizes that pursuant to the First Amendment of the United States Constitution whereby congress shall make no law prohibiting the free exercise of any religion; the Universal Declaration of Human Rights adopted by the United Nations in 1948, Article 3, "Everyone has the right to life, liberty and security of person" and Article 5, "No one shall be subjected to...degrading treatment;"

WHEREAS, the North Adams City Council stands in strong opposition to white supremacist, white nationalist, and authoritarianism beliefs, policies, actions and rhetoric that engender hatred; and

WHEREAS, the North Adams City Council believes in the rights of all people to lead lives of peace and dignity, free of fear, harassment, violence, and undo process; and

WHEREAS, the North Adams City Council is committed to protecting the residents of and visitors to the City of North Adams from racist, misogynistic, homophobic, transphobic, anti-immigrant, and anti-refuge sentiments and acts, those targeting others based on religious beliefs and practices, and all other targeting of residents and visitors based on their identities or perceived identities; and

NOW THEREFOR BE IT RESOLVED that the City Council of the City of North Adams, Massachusetts emphasizes its commitment to the values of freedom, justice, and equality that bind us as a community.

BE IT FURTHER RESOLVED that we stand in solidarity with, and advocate for the civil liberties and human rights of, every resident of, and visitor to North Adams regardless of race, ethnicity, religion, sexual and gender identity, national origin, citizenship or of any perceived or actual identity.

That we commit to working towards a community, country and world that are non-discriminatory, welcoming, just, inclusive, and pluralistic.



That the City of North Adams will be intolerant of and strongly condemn hate crimes, acts of vandalism, discrimination, harassment, and violence towards members of our community and beyond.

That the City Council of the City of North Adams supports the immediate response and action by the North Adams Police Department and our regional judicial system, to hold those responsible for said hate crimes and discriminatory actions, accountable to the fullest extent of the law.

That we call upon all members of our community to engage in positive community-building and take the necessary and courageous steps to prevent and respond to discrimination and hatred whenever and wherever they see it.

That we urge our local, state, and federal leaders to promote the values and commitments expressed in this Resolution.

That the City Council of the City of North Adams stands in solidarity with those communities nationwide that support and are committed to the values and commitments expressed herein.

AND BE IT ORDERED: that the City Clerk of the City of North Adams shall cause a copy of this resolution to be sent to U.S. Senators Elizabeth Warren and Ed Markey; Massachusetts Speaker of the House Robert DeLeo; U.S. Representatives Richard Neal; Massachusetts Governor Charles Baker; Massachusetts Attorney General Maura Healey; Massachusetts Senate President Stanley Rosenberg; Massachusetts State Senator Adam Hinds; Massachusetts State Representative Gailanne Cariddi; Massachusetts State Representative Tricia Farley-Bouvier; Massachusetts State Representative Paul Mark; Massachusetts State Representative William Smitty Pignatelli; the North Adams Police and Fire Departments; and to be visibly posted in the North Adams Public Schools.

38. Northampton #1

05/04/2017

[Passed in its first reading at City Council Meeting on 04/20/2017 by a unanimous 9-0 vote. Passed in its second reading at City Council Meeting on 05/04/2017 by another unanimous 9-0 vote.]

R-17.287

A Resolution

**in Support of Bill S.1305 - An Act to Protect the Civil Rights and Safety of All
Massachusetts Residents (the "Safe Communities Act")**

WHEREAS, Northampton Mayor David J. Narkewicz issued this City's Executive Order on August 28, 2014, directing the Northampton Police Department to "not honor or enforce any detainer request from U.S. Immigration and Customs Enforcement that is non-criminal and not subject to a judicially issued warrant and despite threats from the current U.S. Presidential administration that federal grant funds to "sanctuary cities" will be withdrawn, has pledged his continued commitment to ensuring that the order be enforced; and



WHEREAS, the Northampton City Council in its November 20, 2014 resolution supporting the Mayor's Executive Order committed to ensuring that the protections enforced in the order are applied consistently and fairly; and

WHEREAS, in addition to Northampton, cities and towns in Massachusetts, including Amherst, Somerville, Cambridge, Boston, Holyoke, Lawrence, Chelsea, Orleans, and Springfield have all passed Trust Acts, resolutions, or other policies designed to limit local law enforcement cooperation with Immigration and Customs Enforcement (ICE) and are referred to as "sanctuary cities"; and

WHEREAS, legal experts, including Massachusetts Attorney General Maura Healey, have stated that the proposal made by President Trump to strip sanctuary states and cities of federal grant money is an unconstitutional attempt to coerce local policy by manipulating federal funds;

WHEREAS, immigration enforcement in the United States was explicitly established as the responsibility of the federal government in *Fong Yue Ting v. U.S.* in 1893, yet over the last two decades, local jurisdictions and states have been compelled to increase their immigration enforcement role beginning primarily with the 287(g) provision of the Illegal Immigration Reform & Immigrant Responsibility Act (IIRIRA) of 1996 and increasing dramatically throughout the 21st century; and

WHEREAS, the increasing cooperation between local law enforcement agencies and the Department of Homeland Security (DHS) causes us to have significant constitutional and human rights concerns because of immigration enforcement practices such as racialized policing, lengthy periods of detention, excessive transfer of immigrant detainees, and violations of immigrants' rights to due process; and

WHEREAS, studies have shown that immigrants are less likely to report crimes when state and local law enforcement agencies cooperate with federal immigration enforcement, thus diminishing trust between communities and law enforcement and putting immigrant victims and potential victims at heightened risk; and

WHEREAS, the current bill in the 190th General Court of the Commonwealth of Massachusetts, S. 1305 – An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, also known as the "Safe Communities Act," aims to protect all residents of Massachusetts and build trust within communities by limiting cooperation between local law enforcement agencies and ICE; and

WHEREAS, the Safe Communities Act will ensure due process rights for people detained for civil immigration violations, prohibit law enforcement from inquiring about a person's immigration status unless required by law, prevent law enforcement agencies from arresting or detaining a person solely based on immigration status, prohibit information sharing from state and local law enforcement and the Registry of Motor Vehicles to DHS for the purposes of enforcement of any federal program requiring registration of persons on the basis of race, gender, sexual orientation, religion, or national or ethnic origin, and prohibit local law enforcement including county sheriffs from ordering their employees to act as immigration agents.

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts remains committed to ensuring equal, just, and fair treatment of all persons who live in and visit this city, and to maintaining our status as a "sanctuary city."



BE IT FURTHER RESOLVED that we support the Massachusetts Safe Communities Act and urge its passage by the Massachusetts Senate and House of Representatives. We ask that Governor Charles Baker, who has expressed support for “sanctuary cities,” to support this state-wide bill and to sign it in a timely manner to ensure the protection of all residents of the Commonwealth of Massachusetts.

BE IT FURTHER RESOLVED that we commend and support State Representative Peter V. Kocot for being one of the petitioners of S. 1305.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to U.S. Senator Elizabeth Warren; U.S. Senator Ed Markey; MA Governor Charles Baker; MA Attorney General Maura Healey; MA Senate President Stanley Rosenberg; Speaker Robert A. DeLeo; MA State Representative Peter V. Kocot; the original co-sponsors of S. 1305, MA Senator James B. Eldridge and MA Representative Juana Matias; and the Co-Chairs of the MA legislature’s Joint Committee on Public Safety and Homeland Security, MA Senator James E. Timilty and MA Representative Harold P. Naughton.

39. Northampton #2

12/05/2019

[Passed in its first reading at City Council Meeting on 11/21/2019 by a unanimous 9-0 vote. Passed in its second reading at City Council Meeting on 12/05/2019 by a unanimous 8-0 vote. Approved by Mayor on 12/06/2019.]

ARTICLE III Safe City

[Adopted 12-5-2019 by Ord. No. 19.153]

§ 241-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE FOR RELEASE FROM CUSTODY — There is no judicial warrant, judicial order or law that prevents an individual from being released from custody of the City.

IMMIGRATION DETAINERS or ICE DETAINERS — Requests made by federal immigration officials, including but not limited to those authorized under Section 287 .7 of Title 8 of the Code of Federal Regulations to local law enforcement or courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

IMMIGRATION ENFORCEMENT — Refers to the federal agency Immigration and Customs Enforcement (ICE), and any other federal agency charged with the enforcement of immigration laws.

§ 241-9. Policy.



It is the policy of the City of Northampton that unless required by state or federal law, the City shall not take any action for the sole purpose of facilitating federal immigration enforcement, including providing nonmandatory information to any state or federal agency.

Furthermore, City resources shall not be used:

- (1) To determine the immigration status of a person unless such inquiry is required by state or federal law or to provide a public benefit.
- (2) To take action on the basis of actual or perceived immigration status, unless to provide a public benefit.
- (3) To neither detain nor delay the release of an individual otherwise eligible for release from custody on the basis of an immigration detainer.
- (4) To perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.

A person's immigration status shall not prohibit or inhibit the City's participation in any government operation or program that confers an immigration benefit, including temporarily or permanently protecting noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.

§ 241-10. Implementation.

The Mayor shall enforce this article and promulgate the necessary policies, procedures, directives, and training necessary to effectively and faithfully enforce and implement this article.

Nothing in this article shall be construed to violate any valid federal law, or to prohibit any City official from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

40. Oak Bluffs

04/11/2017

[Passed unanimously at Annual Town Meeting on 04/11/2017. Citizens petition.]

Article 43. To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town Officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution, or take any other action relative thereto.



41. Pelham #1

05/06/2017

[Passed unanimously at Annual Town Meeting on 05/06/2017.]

Annual Town Meeting May 6, 2017

Article 46

The Town of Pelham hereby resolves to support **The Safe Communities Act, An Act to protect the civil rights and safety of all Massachusetts residents** (SD 1596/HD3052), and urges our elected officials including our state representative, senator, and the Governor of the Commonwealth of Massachusetts to support this Act which would prohibit state collaboration with the federal government for the purposes of creating a Muslim registry, and ensure that state resources are not used to enforce federal immigration law. We further resolve that copies of this resolution be sent in to our state senator and representative, and to the Governor as quickly as possible in order to effect a judicious and speedy consideration and passage of this Act.

The Safe Communities Act includes the following provisions:

- **Ensures that police resources are used to fight crime, not assist federal immigration enforcement.** Ensures that state, local and campus police do not participate in federal immigration enforcement activities, including participation in inquiries, investigations, raids, arrests or detentions that are based solely on immigration status. The bill expressly permits police to arrest or detain a person in the course of a criminal investigation or prosecution supported by probable cause of a crime, consistent with constitutional standards applicable to all people in the Commonwealth.
- **Prohibits state support for any Muslim registry.** Prohibits law enforcement agencies and the Registry of Motor Vehicles from allowing access to databases or records for enforcement of any federal registry program based on national origin, religion or other protected characteristics.
- **Prohibits collaboration agreements** between the U.S. Department of Homeland Security and law enforcement agencies that deputize state and local officers as immigration agents, like those recently concluded by Bristol and Plymouth counties.
- **Ensures Basic Due Process Rights** for immigrants detained in state and local facilities by requiring that detainees be informed - in a language they understand - that they have the right to decline an interview with Immigration and Customs Enforcement (ICE) agents, and to have their own attorney present (at their own expense) if they so choose.
- **Conforms with federal law.** The bill contains several provisions ensuring compliance with federal law, specifically 8 U.S.C. § 1373, which prohibits state and local governments from restricting the exchange of information about citizenship or immigration status.
- The bill does not provide immunity to crimes. The Safe Communities Act simply ensures that the civil rights of all our residents are protected.



42. Pelham #2

05/12/2018

[Passed unanimously at Annual Town Meeting on 05/12/2018. Citizens Petition. Approved by Attorney General on 04/14/2022.]

Annual Town Meeting May 6, 2017

Article 47

Citizen Petition for a Bylaw:

A motion was made and seconded that the Town of Pelham approve a Bylaw as follows:

Whereas the Town of Pelham seeks to assure equal, just and fair treatment of all persons who live in and visit the town;

Whereas effective police work requires relationships of trust between the Police Department and the communities of the town;

Whereas enforcement of immigration laws is a federal, not local, responsibility; and that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Pelham ;

Whereas the non-criminal immigration detainer (Form I-247 Request) is not an arrest warrant, nor does it provide probable cause for an arrest

Therefore, to the extent permissible by law, it will be the on going policy of the Town of Pelham, MA. that;

-Municipal employees of the Town of Pelham, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual's immigration status.

-Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual's immigration status unless directly relevant to the offenses charged.

-to the extent permissible by law, the Pelham Police Department will not honor or enforce any detainer requests from Immigration and Customs Enforcement (I.C.E.) that are non-criminal in nature and not subject to a judicially issued warrant, nor will the Pelham Police department hold people past the point when they would ordinarily be released.



43. Provincetown #1

02/20/2017

[Issued on 02/20/2017.]

PROCLAMATION

WHEREAS, Provincetown, Massachusetts is the First Landing Place of the Mayflower Pilgrims and the location of the Signing of the Mayflower Compact on November 11, 1620; and

Whereas, the Mayflower Compact was crafted to create a new civil body politic for these religious refugees and the crew and travelers that came with them, and

WHEREAS, President John Quincy Adams described the Compact as "the only instance in human history of that positive, original, social compact" and the Compact is popularly believed to have influenced all subsequent forms of government in the colonies, and later the Declaration of Independence and the United States Constitution; and

WHEREAS, Provincetown has served as a home and gathering place for many groups of people seeking freedom and liberty to enjoy their full life's potential ; and

WHEREAS, Provincetown is home to a large international community of seasonal workers from many countries;

and

WHEREAS, on Friday January 27, 2017 President Donald Trump signed an Executive Order which bans entry of those fleeing from war-torn Syria indefinitely, suspends the entire refugee program for 120 days, and cuts in half the number of refugees the United States can admit and halts all travel from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen into the United States for at least the next 90 days;

Now therefore, Be it Resolved:

That no matter any threat, Provincetown will remain a welcoming Town.

That we, the people of Provincetown, will not turn our backs on the women and men from other countries who help make our Town great.

That This is Provincetown, a community that builds bridges, not walls; and be it
FURTHER RESOLVED,

That we will never back down on women's rights, in the workplace or the home; and

That there will be no withdrawal of individual rights in Provincetown. We were the first small town in America to issue same sex marriage Licenses in 2004 and we shall not stop now. And to all the LGBTQ people all over the country who feel scared, bullied, or alone: You matter. You are seen; you are loved, and Provincetown will never stop fighting for you; and



That we still believe in the Mayflower Pilgrims and our nation's founding principle of religious freedom. We do not ban people for their faith; and

That climate change is not a hoax. In this town, surrounded by water on three sides, science matters. We will continue our work to protect and sustain our environment, including Renewable Energy, Zero Waste, and everything else we can do to protect future generations; and

That we believe in Health Care Access for all, and we will continue to work to provide for the Health Care needs of all our town residents and visitors; and finally be it

PROCLAIMED, on this day, Monday February 20, 2017 by the Board of Selectmen in the Town of Provincetown, in the County of Barnstable of the Commonwealth of Massachusetts, that Provincetown will fight discrimination and recklessness in all its forms. And continue to stand for the values of equality, inclusivity, respect, and dignity.

[Signature of "Selectmen"]

44. Provincetown #2

04/03/2018

[Passed at Annual Town Meeting on 04/02/2018. (Annual Town Meeting began on 04/02/2018.) Citizens petition.]

Article 18. Petitioned Article –Non-binding Resolution - Petition for Safe Communities Act. To see if the Town will vote to request that Selectmen authorize all Town officials to refrain from using Town funds and other Town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution (non-binding resolution). And, furthermore to see if the Town will vote to request that the Selectmen protect the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status. Or take any other action relative thereto.

Allison Dwyer moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 18. Motion Passed.

45. Salem

03/29/2017 and 11/07/2017

[Passed at City Council Meeting on 03/29/2017 by a vote of 7 to 4. Survived a ballot challenge on 11/07/2017 with 54% of the vote.]

ARTICLE XVII. - CITY SERVICES RELATED TO IMMIGRATION STATUS; INCLUSIONARY ADVISORY COMMITTEE

Sec. 2-2060. - Purpose.



To reaffirm existing policies and provide guidance to city employees on protecting all residents' access to police protection and public services.

(Ord. of 11-7-2017 , § 1)

Sec. 2-2061. - Preamble.

Whereas, Salem is a welcoming city that serves and protects its residents regardless of their immigration status and country of origin;

WHEREAS, in Salem, all people, including immigrants and refugees, are valued contributors and are vital to our shared prosperity;

WHEREAS, according to the latest United States Census Data, approximately 26 percent of Salem residents describe themselves as Hispanic/Latino, Black/African American, Asian, American Indian/Alaskan Native or Native American or are comprised of two or more races;

WHEREAS, 15 percent of Salem residents have a country of origin outside the United States and are proud to call Salem their home and live peacefully as our neighbors, colleagues, and friends;

WHEREAS, Salem Public Schools currently teach students who speak 33 different languages, reflecting the approximately 1,200 students within the Salem school district for whom English is not their first language;

WHEREAS, we know there are youth living in Salem and/ or attending Salem State University that have received temporary status through the Deferred Action for Childhood Arrivals (DACA) program and they deserve an opportunity to have a bright future and to contribute their time and talent to make Salem a prosperous city of innovation and growth;

WHEREAS, the vitality of the City of Salem, increasingly ethnically, racially and religiously diverse and has been built on the strength of its immigrant communities;

WHEREAS, The city and its public safety personnel value and recognize that the cooperation of and communication with all persons, both documented citizens and those without documentation status, is essential to achieve the city's goals of ensuring the health, safety, and welfare of all, and the protection of life and property, the prevention of crime and the resolution of problems;

WHEREAS, Salem desires to maintain and foster a culture and environment where our immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of their adopted city;

WHEREAS, the City of Salem does not believe in the unwarranted identification, detention, and deportation of residents in good standing and/or the separation of families that may result;

WHEREAS, no person living, visiting or working in Salem should ever fear calling public safety personnel for assistance; and



Now therefore, be it Ordained by the City of Salem: [See subsequent sections 2-2062 and 2-2063.]

- (a) City employees shall serve all residents and city services shall be accessible to all residents, regardless of immigration status or identity, including ancestry, race, ethnicity, country of origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, unless providing such service is prohibited by state or federal statute, regulation, or court decision.
- (b) City employees, with the exception of police officers who shall abide by police department policy, shall not ask for information about immigration status in the performance of daily tasks unless required to do so by federal or state statute, regulation, or court decision.
- (c) Salem public safety personnel, including police and fire fighters, recognize and value as their first priority, the safety, protection and security of all Salem residents, regardless of one's country of origin. No person living, visiting or working in Salem should ever fear calling public safety personnel for assistance. Further, local public safety personnel recognize that being able to have clear and open communication with any and all Salem residents is the most effective way to ensure the health, safety and welfare of the entire community.
- (d) The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for the city, as an employer, to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based on an individual's citizenship or immigration status. Consistent with federal law, all persons hired by the City of Salem will be required to verify identity and eligibility to work in the United States and to complete an employment eligibility verification document form upon hire. The city affirms that employment eligibility verification will occur only after an offer to hire has been made, unless citizenship status is required of the position by law or regulation.
- (e) City department heads shall use tools at their disposal, including meetings and trainings, to direct their staff to comply with the city's policies described above. A communication shall be issued by city department heads to their staff upon adoption of this ordinance.

Sec. 2-2063. - Policy limitations; severability.

- (a) No provision continued herein shall condition additional benefits to immigrant or refugee residents in the City of Salem.
- (b) No provision contained herein shall violate federal or state statutes, regulations, or court decision nor impact federal funding.
- (c) As provided in section 1-9 of this Code, the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.



46. Shutesbury

05/06/2017

[Passed unanimously at Annual Town Meeting on 05/06/2017. Citizens petition.]

Article 25. A motion was made and seconded that to see if the Town will vote to approve the Resolution Honoring Our Differences in a Safe Community - Citizen Petition

In recognition that we are a nation of blended indigenous and immigrant people, we, the citizens of Shutesbury, support and endorse a culture of appreciation for the inherent value of all persons within our community regardless of race, sex, age, national origin, religion, sexual orientation or immigration status.

With awareness that many of our residents have strong feelings about the current political environment, we resolve to stand together, embracing our diversity and honoring our political differences. Furthermore, we will not condone any political rhetoric, regardless of viewpoint, that involves threatening or intimidating language. We support and encourage thoughtful and respectful dialogue and debate about controversial issues. It is part of our democratic spirit of engagement. We shall be vigilant in defense of the rights of all people in our determination to be a welcoming community.

To that end, we resolve that the Town of Shutesbury will equally enforce the law and serve the public. Citizenship, immigration status, lack of immigration documentation, national origin, race, and ethnicity shall have no bearing on an individual's treatment by the Town of Shutesbury's Police Department.

Furthermore, this resolution shall be displayed publicly.

We acknowledge that it will be the combined actions of our entire community and not simply this resolution that will be our guiding force.

47. Somerville

06/13/2019

[Passed unanimously at City Council Meeting on 06/13/2019.]

Section 2-6. Somerville Welcoming Community Ordinance.⁴⁸⁸

(a) Purpose.

The purpose of this ordinance is to establish our city as a Welcoming Community, to declare that all are welcome here, and to increase public confidence in Somerville's government by providing guidelines associated with our city's voluntary involvement in federal immigration enforcement. This Welcoming Community Ordinance shall replace Section 2.6 of the Somerville Municipal Code ("The Trust Act") in its entirety.

(b) Background.

⁴⁸⁸ This is the Municipal Code version.



The City of Somerville first declared itself to be a Sanctuary City by Resolution of the Board of Aldermen in 1987. Policies regarding the city's voluntary involvement in federal immigration enforcement were formally established by Executive Order in May of 2014 and in October of 2014 the Board of Alderman ordained the "Trust Act," which codified certain aspects of those policies. In 2016 the Board of Aldermen, by Resolution, reaffirmed Somerville as a Sanctuary/Trust Act City. This Welcoming Community Ordinance further codifies existing policy and serves to reinforce the city's ongoing commitment to the immigrant community and Sanctuary City status.

(c) Preamble.

It is not within the purview nor mandate of the City of Somerville to enforce federal immigration law or seek the detention, transfer, or deportation of Somerville residents for civil immigration purposes, nor should the City of Somerville's resources be expended toward that end. The City of Somerville will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

(d) Definitions.

ICE means the federal agency "Immigration and Customs Enforcement" (ICE), and any other federal agency charged with the enforcement of immigration laws.

ICE administrative warrant means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (1-200, 1-203, 1-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

Immigration detainers and ICE detainers are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts, to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

(e) Order.

- (1) *Equal treatment.* The City of Somerville will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by employees or officers of city agencies or departments.
- (2) *Inquiries about immigration status.* Officers and employees of the city may not inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, except as required to provide a public benefit.
- (3) *Role of police in immigration enforcement.* The Somerville Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including without limitation the initiation of a stop, an apprehension, or arrest. The Somerville Police Department shall not take part in or assist with federal immigration enforcement operations.



- (4) *ICE detainers and administrative warrants.* Consistent with Massachusetts law, no officer or employee of the Somerville Police Department may arrest or detain an individual solely on the basis of an ICE detainer or ICE administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
- (5) *Federal requests for information.* No officer or employee of the Somerville Police Department shall provide a federal officer with the following information relating to a person in the custody of the Somerville Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth).
- (6) *Encountering persons driving without a license.* When taking action against a person who is found to be driving without a valid driver's license, officers of the Somerville Police Department shall, whenever possible and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle.
- (7) *Notice to individuals subject to ICE interventions.* If the Somerville Police Department receives an immigration detainer or ICE administrative warrant for a person in its custody, the Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.
- (8) *ICE access to facilities.* Except in response to a judicial warrant or other court order, ICE agents shall not be allowed access to individuals in custody either in person or via telephone or videoconference.
- (9) *U Visa Certification.* In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Somerville Police Department shall consider and sign a U Visa certification request if an individual (i.) is the victim of a qualifying crime, and (ii.) has been, is being, or will likely be helpful in the investigation/prosecution of that crime.
- (10) *Raids and other immigration enforcement actions.* No officer or employee of the Somerville Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes, except in response to a request to assist with support services deemed necessary to ensure officer safety or to prevent a breach of the peace during a federal operation, such as requests to establish traffic perimeters, control traffic, or provide police escort.
- (11) *Deputizing of local officials.* No officer or employee of the City of Somerville shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
- (12) *School records and enrollment.* No employee of the Somerville Public Schools shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment



purposes. If such information becomes known to an employee of the Somerville Public Schools, such information shall not be kept or distributed, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth (if any) for the purpose of providing English Language Learners with appropriate services shall be used only for that purpose and not distributed further.

- (f) *Complaints.* Allegations of violations of this ordinance may be filed by any method provided for filing of complaints, including without limitation with the Personnel Department or, in the case of a complaint against an officer or employee of the Somerville Police Department, the Department's Internal Affairs office, who shall investigate the complaint and take appropriate disciplinary action.
- (g) *Reporting.* Beginning on the date of passage of this ordinance and every six months thereafter, the Somerville Chief of Police shall submit a report, with the information detailed below, to the Mayor and the City Clerk and such report will be placed on the agenda of the next- occurring meeting of the City Council, with notification provided to the local immigration nonprofits in the city.
 - (1) The total number ICE holds, administrative warrants, and notification requests lodged with Somerville Law Enforcement officials, organized by the reason(s) given for the request;
 - (2) The total number of individuals detained on an ICE hold or administrative warrants, if any;
 - (3) The total number of individuals transferred to ICE custody, if any; and
 - (4) The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.
- (h) *Compliance with federal law.* Nothing in this ordinance shall be construed to violate any valid federal law, or to prohibit any city agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. section 1373.
- (i) *Other.* The provisions of this ordinance shall be effective immediately upon passage.

All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed and promulgated by the Administration, the Somerville Police Department, and all other relevant entities.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

([Ord. No. 2019-14](#), 6-13-2019)

Editor's note— [Ord. No. 2019-14](#), adopted June 13, 2019, repealed the former § 2-6, and enacted a new § 2-6 as set out herein. The former § 6 pertained to The Trust Act and derived from Ord. No. 2014-07, §§ 1—3, October 23, 2014.



48. Springfield

12/17/2018 and 12/18/2018 and 01/14/2019

City Council

[Passed at City Council Meeting on 12/17/2018 by a vote of 10 to 3. Vetoed by Mayor 12/18/2018. Veto overridden by City Council on 01/14/2019.]

Ordinance from 1/14/2019 technical name = ORD-2018-18

Welcoming Community Trust Ordinance

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING CHAPTER 415 THEREOF

Be it ordained by the Council of the City of Springfield, as follows:

Chapter 415, WELCOMING COMMUNITY TRUST, of the Code of the City of Springfield, is hereby added to state as follows:

§415-1 Purpose.

This ordinance shall be known as the City of Springfield **Welcoming Community Trust Ordinance**. The purpose of the Ordinance is to affirm that Springfield is a welcoming city, to promote trust between employees of the city and all members of our community, and to facilitate effective law enforcement and public safety.

§415-2 Definitions.

"City official" means any City of Springfield department and its employees and any officer or employee of the City authorized, or with the power, to enforce regulations, codes, local ordinances, or criminal statutes; or authorized to detain or maintain custody of individuals.

"Civil immigration detainer request" means a non-mandatory, written or verbal, request issued by Immigration and Customs Enforcement ("ICE") or by any other federal immigration officer or agency to a local law enforcement official, either (1) to maintain custody of an individual once that person is eligible for release from local custody, or (2) to notify the requesting federal immigration office or official prior to the release of that individual.

"Eligible for release from custody" means that there is no judicial warrant, judicial order or law that prevents an individual from being released from the custody of a Springfield official.

"ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

§415-3 Maintaining Community Trust



- A. A city official shall not question persons they encounter about their immigration status unless such inquiry is required by state or federal law or to provide a public benefit.
Nothing in this subsection shall prohibit the Springfield Police department from using other investigatory tools to establish information about a suspect of crime.
- B. A city official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
- C. A city official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
- D. Notwithstanding sections 415-3(A) and 415-3(C) above, a person's immigration status shall not prohibit or inhibit the City or any city official's participation in any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the federal Violence Against Women Act.
- E. When an individual is eligible for release from custody, a city official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.
- F. A city official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, I-247A, or I-247X or provide ICE with information about the home address, work address, or phone number of a person in custody.
- G. To the extent permissible by law, a city official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.
- H. Nothing in this ordinance shall prohibit or restrain any city official sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

§415-4 Reporting.

- A. Upon written request of a member of the City Council of the City of Springfield ("the Council"), the City Clerk shall submit a report to the Council, which shall be placed on the agenda of its next occurring meeting. The report shall include the following information for the immediately preceding calendar year:
 1. The number of civil immigration detainer requests submitted to city officials by ICE and/or any other federal immigration officer or agency, and the reason(s) given for each request;
 2. The number of individuals that city officials detained pursuant to a judicial warrant requested by ICE or any other federal immigration officer or agency and submitted to the City;
 3. The number of individuals taken into custody by ICE who immediately preceding that had been in the custody of city officials;



4. The number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.

§415-5 Implementation.

- A. The provisions of this ordinance shall be effective immediately upon passage.
- B. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this ordinance shall be promptly developed, promulgated, and implemented by the City and its departments.
- C. If any part of this ordinance is declared invalid for any reason, the remainder of the ordinance shall remain in full force and effect.

49. Sudbury

05/08/2018

[Passed at Annual Town Meeting on 05/08/2018 by a vote of 177 to 118. Citizens petition.]

Article 44 – SUDBURY WELCOMING TOWN RESOLUTION

A RESOLUTION to ensure that Sudbury is a safe and welcoming community for all individuals who visit, work, or live here.

WHEREAS: bipartisan efforts have failed since the 1990s to fix our broken federal immigration policies.

WHEREAS: the Town of Sudbury has long valued diversity and the fair and respectful treatment of all.

WHEREAS: aligned with our country's core values, our town government, the Town's police department, and schools welcomed everyone regardless of their ethnicity, religion, race, gender identity or sexual orientation.

WHEREAS: the Sudbury Police Department has established a Policy to protect the rights of undocumented immigrants and ensure their fair and just treatment.

WHEREAS: the trust undocumented immigrants have in our law enforcement personnel, town employees, and local medical and domestic violence agencies is paramount to their safety and well being and our Police Department's ability to prevent and solve crime.

WHEREAS: a growing number of immigrants are being deported from our state and country solely because they are undocumented, thereby resulting in fear, broken families, and their return to dangerous places in the world.

WHEREAS: in growing numbers, cities and towns in our state and country have expressed their support of immigrants by becoming welcoming or safe communities.

THEREFORE, BE IT HEREBY RESOLVED: that Town Meeting expresses its solidarity with other towns and cities in Massachusetts and throughout the country that have chosen to become a welcoming or safe community.



BE IT FURTHER RESOLVED: that Town Meeting affirms and supports the following Sudbury Police Department's Policies on the Treatment of Undocumented Immigrants:

1. The enforcement of the nation's federal civil immigration laws is the sole responsibility of the federal government, not the Sudbury Police Department. No Sudbury police officer shall be appointed as an agent of any agency that would grant them the powers duly authorized under the federal civil immigration laws.
2. No police officer of Sudbury shall arrest, detain, or continue to detain or prolong an individual's detention based solely on their immigration status unless such detainer or document is accompanied by a court order from a court of competent jurisdiction or duly authorized judicial warrant.
3. No police officer of Sudbury shall inquire about the immigration status of an individual, including but not limited to, a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the police officer has contact, unless necessary to facilitate a criminal investigation, protect the personal safety of an individual or keep the peace.
4. A person's immigration status shall not affect their ability to file a police report or otherwise benefit from police services from the Town of Sudbury.
5. The Sudbury Police Department will not keep a local index or list of persons suspected of being aliens or deportable aliens.
6. No Sudbury police officer shall voluntarily respond to any ICE notification requests regarding civil immigration violations by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention home address, or personal information.
7. The Sudbury Police Department may provide information regarding citizenship or immigration status in accordance with state or federal law, including, but not limited to, 8 U.S.C. § 1373. Nothing in this Policy shall prohibit or restrain any Sudbury law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373 or an order from a court of competent jurisdiction.
8. No police officer of Sudbury or Sudbury Police Department employee shall allow Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) agents investigating a civil immigration violation access to municipal facilities or a person in custody for investigative interviews or investigative purposes unless acting under a court order from a court of competent jurisdiction, a duly authorized warrant, or other legitimate law enforcement purpose that is not related solely to the enforcement of a civil immigration violation.
9. The Sudbury Police Department will continue to investigate reports of hate crimes, criminal discrimination, and criminal harassment of persons based upon their protected status, including, but not limited to, religion, race, ethnicity or national origin without regard to the person's known or suspected immigration status within the United States.
10. No Sudbury police officer shall participate directly in an ICE tactical operation relative to the enforcement of civil immigration laws. The Sudbury Police Department's role, if any, in such operations is strictly safety related and peacekeeping.



11. Nothing shall prevent an officer or employee from lawfully discharging his or her duties in compliance with and in response to a court order from a court of competent jurisdiction, lawfully issued judicial warrant, judicial subpoena, or judicial detainer or acting when necessary to protect public or personal safety.

BE IT FURTHER RESOLVED: that Town Meeting encourages all Town Departments to enact similar policies in regards to the Treatment of Undocumented Immigrants.

BE IT FURTHER RESOLVED: that the Town rejects the word “illegal” and “alien” to describe any human being.

BE IT FURTHER RESOLVED: that the Town upholds and reasserts its belief in basic human rights and the dignity of every human being.

BE IT FURTHER RESOLVED: that the Town Clerk shall forward a copy of this resolution on behalf of the Town of Sudbury to the Massachusetts Congressional delegation and the Governor of Massachusetts.

50. Tisbury

04/26/2017

[Passed unanimously at Annual Town Meeting on 04/26/2017. Citizens petition. (Annual Town Meeting began on 04/25/2017.)]

ARTICLE 32 TO AUTHORIZE LAW ENFORCEMENT AND ALL TOWN OFFICIALS TO REFRAIN FROM USE OF TOWN FUNDS AND RESOURCES TO ENFORCE FEDERAL IMMIGRATION LAWS

To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practices unless presented with a criminal warrant or other evidence of probable cause as required by the fourth Amendment of the United States Constitution.

51. Truro

04/24/2018

[Passed at Annual Town Meeting on 04/24/2018. Citizens petition.]

Article 22: REFRAIN FROM USE OF TOWN FUNDS FOR THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS- PETITIONED ARTICLE

Requested By Petitioned Article

To see if the Town will vote to: request that Selectmen authorize all Town officials to refrain from using town funds and other town resources for the enforcement of federal immigration laws to the extent permissible by law and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution (non-binding resolution). And furthermore to see if the town will vote to request the Selectmen protect the civil liberties and human rights of all



residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status.

Explanation: This was submitted by petition for consideration at Town Meeting. The Board of Selectmen voted 4-0-0 to reserve their recommendation for Town Meeting.

Board of Selectmen Recommendation: Reserve (5-0 as reported at Town Meeting)

Article 22: Move to amend as read: To see if the Town will vote to: request that Selectmen authorize all Town officials to refrain from using town funds and other town resources for the enforcement of federal immigration laws to the extent permissible by law, including, but not limited to, 8 U.S.C. §1373 and 8 U.S.C. §1644, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution (non-binding resolution). And furthermore to see if the town will vote to request the Selectmen protect the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status. Article 22: Motion carries.

52. Waltham

04/10/2017

[Passed at City Council Meeting on 04/10/2017. The vote was 14 in favor and 1 present.]

IN THE CITY COUNCIL

IN THE YEAR TWO THOUSAND SEVENTEEN

Waltham a "Welcoming City"

Whereas ... The Waltham City Council is committed to preserving a community where all of our residents are welcome, safe, and able to fully participate and contribute, and

Whereas ... Waltham is a City of immigrants; a community made strong by our diversity, and

Whereas ... All Waltham's residents, regardless of place of birth, ethnic heritage, or immigration status are a vital part of our community, and

Whereas ... Our continuing growth and strength depends on ensuring that all residents are able to freely and fully contribute to our city's cultural, spiritual, social and economic life now therefore

Be it Resolved ...

That the Waltham City Council affirms its commitment to ensuring that Waltham remains a community that is supportive and safe for all residents including immigrants who have made Waltham their home, and that Waltham is a "Welcoming City".



53. Wayland

04/29/2019

[Passed at Annual Town Meeting on 04/29/2019 by a vote of 505 to 154. Citizens petition.]

ARTICLE 10: WAYLAND WELCOMES RESOLUTION

Proposed by: Petitioners

To determine whether the Town will vote to ensure that Wayland remains a welcoming community for all individuals who visit, work, or live here by:

- adopting the following formal resolution relative to immigrants who work, live, or visit Wayland, adhering to current practices already taken by the Wayland Police Department
- joining the growing number of towns and cities in Massachusetts and across the country that have expressed their support of immigrants by becoming welcoming communities.

WHEREAS; aligned with our country's core values, our Town government, the Town's police department, and schools continue to welcome everyone regardless of their ethnicity, religion, race, gender identity, or sexual orientation.

WHEREAS; the Wayland Police Department and Town agencies have a strong history of working to protect the rights and just treatment of all individuals, including undocumented immigrants.

WHEREAS; the enforcement of the nation's federal civil immigration laws is the sole responsibility of the federal government and not that of state or local agencies or departments.

WHEREAS; the trust that undocumented immigrants have in Town employees, including law enforcement personnel and local medical and domestic violence agencies, is paramount to the well-being of our community and the safety of all residents.

BE IT RESOLVED: that Town Meeting affirms the following eight principles:

- No employee of Wayland inquires about the immigration status of an individual, including but not limited to, a crime victim, a witness, or a person who calls or approaches the police or other Town employee, unless necessary to facilitate a criminal investigation, protect the personal safety of an individual, or keep the peace.
- The enforcement of the nation's federal civil immigration laws is solely the responsibility of the federal government, not the Wayland Police Department or other Town agencies. No local police officer or employee of Wayland performs the functions of an immigration officer, and no department of the Town uses Town funds, resources, facilities, property, or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section prevents an officer, employee, or department from lawfully discharging duties in compliance with and in response to a lawfully issued judicial Warrant.
- No police officer of Wayland arrests, detains, or prolongs an individual's detention based solely on their immigration status unless such detainer or document is accompanied by a



judicial Warrant.

- No Wayland police officer or Town employee will provide Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) with any information about any individual in regards to any civil immigration violation investigations.
- Nothing in this resolution prohibits or restrains any Wayland law enforcement officer or Town employee from sending to, or receiving from, any local, state, or federal agency information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.
- No police officer of the Wayland Police Department allows ICE or CBP agents investigating a civil immigration violation access to municipal facilities or a person in custody unless acting under a duly authorized Warrant.
- The Wayland Police Department will continue to investigate reports of hate crimes, criminal discrimination, and criminal harassment of persons based upon their protected status, including, but not limited to, religion, race, ethnicity, or national origin without regard to the person's known or suspected immigration status within the United States.
- Nothing shall prevent an officer or employee of the Town from lawfully discharging his or her duties in compliance with and in response to a court order from a court of competent jurisdiction, lawfully issued judicial Warrant, judicial subpoena, or judicial detainer or acting when necessary to protect public or personal safety.

54. Wellfleet

04/26/2017

[Passed at Annual Town Meeting on 04/26/2017 by voice vote. (Annual Town Meeting began on 04/24/2017.)]

OFFICE OF THE TOWN CLERK

At a legal meeting of the qualified voters of the Town of Wellfleet held on April 24, 2017, the following Article 46 was printed in the Warrant:

To see if the Town will vote to request Wellfleet Selectmen authorize all Town officials to refrain from using Town funds and other resources for the enforcement of federal immigration laws in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the fourth amendment of the United States constitution. (non-binding resolution)

And furthermore, to see if the Town will vote to request Wellfleet Selectmen protect the civil liberties and human rights of all Wellfleet residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status.



55. Wendell

03/16/2017

[Passed unanimously at Special Town Meeting on 03/16/2017.]

ARTICLE 3: To see if the Town will vote to adopt the following resolution, or take any action thereon: We the residents of Wendell, MA, New England, USA, North America, state affirmatively and with conviction that we support all immigrant communities, open our borders, and offer resources. We abhor and therefore resist policies that suggest or profess anti-humanitarian sentiments or suppression of personal rights and justice. This vote shall be sent to the White House, our State and Federal legislators, at least two local papers and at least four local radio stations.

MOTION: I move the article as written. 2nd; passed unanimously

56. West Tisbury

04/11/2017

[Passed at Annual Town Meeting on 04/11/2017.]

ARTICLE 30: To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution.

57. Westhampton

05/12/2018

[Passed at Annual Town Meeting on 05/12/2018 by a secret ballot vote of 48 to 46. Citizens petition.]

Article 30: To act on the following article submitted by petition:

Whereas the Commonwealth of Massachusetts Legislature Senate Bill 1305 (sponsored by State Senator Jamie Eldridge) and House Bill 3269 (sponsored by State Senator Juana Matia) powerfully articulates the protection of the civil rights and safety of all Massachusetts residents, we – the residents of the Town of Westhampton – both affirm and join solidarity with these two bills.

In accordance with the moral and ethical stance of the aforementioned Bills to protect civil rights and safety of all Massachusetts residents, we charge the governance and enforcement bodies of the Town of Westhampton to abide by the aforementioned Bills also known as Safe Communities Act.

Furthermore, by the privileges power of our vote we – the residents of the Town of Westhampton – show decisive actions of kindness, wisdom, and compassion by calling upon the government and enforcement bodies of the Town of Westhampton to fully embody representing as Caring Community in support of Safe Communities.



58. Williamstown

05/16/2017

[Passed at Annual Town Meeting on 05/16/2017 by majority vote. Citizens petition.]

Article 40 - RESOLUTION ON IMMIGRATION ISSUES

WHEREAS, the Town of Williamstown desires to provide opportunity, access, and equality for immigrants, and to highlight the essential role that immigrants have played and continue to play in the life of our community; and

Whereas, the Town of Williamstown wants to be a welcoming community to immigrants and wants to establish a policy that will establish trust with them; and

Whereas, the Federal government's department of Immigration and Customs Enforcement ("ICE"), which is a part of the Department of Homeland Security, has from time to time used local law enforcement data to identify suspected immigrants subject to detention who are in local custody ; and

Whereas, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected individuals in local custody, a practice which has been found in other jurisdictions to violate the Fourth Amendment and to expose local law enforcement agencies to liability; and

Whereas, administrative "warrants" from ICE are NOT court-issued warrants, have not been scrutinized by an independent judge, and do not in fact require Town compliance; and

Whereas, when civil immigration law is enforced by local government through the indiscriminate collection of immigration data and through the honoring of all ICE civil immigration detainer requests and administrative warrants, with the result that non-criminal aliens are targeted, the participation of immigrants in the civic, educational, religious, and economic life of the Town is restricted; and

Whereas, the Town of Williamstown seeks to ensure that all immigrants are able to participate fully in the civic, educational, religious, and economic life of our community, which benefits our businesses and economy, while broadening the experience of all of us in our increasingly connected world; and

Whereas, General Order 17-01 demonstrates that it is already the policy of the Williamstown Police Department not to investigate civil immigration laws, as this role falls to the Federal government; and

Whereas, in order to assure the permanence of this policy and its application town-wide, therefore,

Be it resolved that:

1. The Town of Williamstown proudly supports the leadership of the Town officials and especially the Williamstown Police Department in issuing **General Order 17-01**, on immigration laws and issues, a copy of which is attached hereto; and,
2. The Town of Williamstown further resolves that any modification to this order, or



implementation of a similar order specifically impacting immigrants, shall not be effective until presentation of such action at a public meeting of the Board of Selectmen with such presentation given 30 days advance public notice in the manner required for public meetings; and

3. The Town of Williamstown further resolves that the provisions of General Order 17-01 shall extend to all employees of the Town in the following manner:

In addition to the Williamstown Police Department, already otherwise included in General Order 17-01, all town officers and employees 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 is contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws; and

4. The Town of Williamstown resolves that town officials shall take any and all actions related thereto in order to fully implement this Act.

[Attached was Williamstown Police Department General Order, number 17/01, dated 03/14/2017, on "Immigration Laws & Issues. Date of Issue: 03/14/2017. Effective Date: 03/14/2017.]

GENERAL ORDER	Date of Issue: 03/14/17
	Number: 17/01
Subject: IMMIGRATION LAWS & ISSUES	Effective Date: 03/14/17
Reference: N/A	<input type="checkbox"/> Amends <input type="checkbox"/> Rescinds

We want the community we serve to know that the Williamstown Police Department will continue to be committed to building and maintaining positive relationships within the community. We will always serve everyone in our community and we have zero tolerance for bullying or harassment. To further this commitment, it should be known that the Williamstown Police Department does not investigate civil immigration laws, as this role falls to the federal government. All of those within our borders should be completely confident that we are here to assist them in any crisis.

Municipal police exist to ensure public safety and security, and the Williamstown Police Department has worked hard to ensure that there are strong, positive relationships among all groups in this community. We will continue in this manner moving forward, placing the following emphasis on the immigration status with Williamstown:

- 1. The Williamstown Police Department should not engage in certain activities solely for the purpose of enforcing federal immigration laws:**



- (A) Department members shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected immigration or citizenship status, or a civil immigration warrant, administrative warrant, or an immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database;
- (B) Shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual;
- (C) Shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy.

2. Absent a judicial warrant, the Williamstown Police Department should honor ICE or CBP detainer requests only in limited, specified circumstances:

Subject to the jurisdiction of the Bail Clerk of the Court referenced in 2(D) below, the Williamstown Police Department may respond affirmatively to a civil immigration detainer from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours ONLY IF the request is accompanied by a judicial warrant, EXCEPT THAT local police may detain a person for up to 48 hours on a "civil immigration detainer" in the absence of a judicial warrant IF:

- (A) There is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. § 1326 and;
- (B) the individual has been convicted at any time of (i) a specifically enumerated set of serious crimes under the Massachusetts laws (e.g., rape, fraud, racketeering, burglary, assault and battery, embezzlement, kidnapping, murder, robbery, arson, and other crimes that generally carry a penalty of one year or more in prison), or (ii) a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under Massachusetts Law, for any of the preceding felonies; or
- (C) There is probable cause to believe that the individual has or is engaged in terrorist activity.
- (D) NOTE: BAIL CLERK JURISDICTION applies to arrests made when the courts are closed. In cases of arrestees bearing valid (by the above criteria) Immigration Detainers, the following procedures apply.



1. It shall be the decision of the Bail Clerk of Court to decide whether to set a monetary bail, release on personal recognizance or order the arrestee be held in police custody via an Immigration Detainer until the next court session:
 - a. Notify the Bail Clerk of Courts as for all arrests and inform of the Immigration Detainer;
 - b. Make a copy of the Immigration Detainer and attach it to the arrest report;
 - c. Although the issuance of an Immigration Detainer is not a criminal charge, add it to the charges section of the arrest for future reporting purposes; and
 - d. Provide a copy of the Immigration Detainer to the arrestee.
2. Reminder: Federal law provides that an individual cannot be held on an Immigration Detainer for longer than forty-eight (48) hours, excluding weekends and holidays. At the end of the forty-eight (48) hour period, the Immigration Detainer shall expire forthwith.

3. Absent a judicial warrant, the Williamstown Police Department should not honor ICE or CBP requests for certain non-public, sensitive information about an individual:

(A) The Williamstown Police Department may respond affirmatively to an ICE or 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, only if the request is accompanied by a judicial warrant, EXCEPT THAT nothing in this law prohibits any local agency from:

- Sending to or receiving from any local, state, or federal agency, per 8 U.S.C. § 1373: (i) information regarding an individual's country of citizenship or (ii) a statement of the individual's immigration status; or
- Disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or
- Disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order.

(B) The Williamstown Police Department shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law.

4. The Williamstown Police Department should not provide ICE or CBP with access to individuals in their custody for questioning solely for immigration enforcement purposes.



5. The Williamstown Police Department should protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing those persons with appropriate notice:

- (A) Department members shall not delay bail and/or release from custody upon posting of bail solely because of (i) an individual's immigration or citizenship status, (ii) a civil immigration warrant, or (iii) an ICE or CBP request for the purposes of immigration enforcement for notification about, transfer of, detention of, or interview or interrogation of that individual.
- (B) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Williamstown Police Department shall provide a copy of that request to the individual named therein and inform the individual whether the Williamstown Police Department will comply with the request before communicating its response to the requesting agency.
- (C) Individuals in the custody of the Williamstown Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

6. Williamstown Police Department resources should not be used to create a federal registry based on race, gender, sexual orientation, religion, ethnicity, or national origin:

The Williamstown Police Department may not use department monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, or national origin.

7. The Williamstown Police Department should collect and report aggregate data containing no personal identifiers regarding their receipt of, and response to, ICE and CBP requests, for the sole purpose of monitoring the Department's compliance with all applicable laws:

- (A) The Police Chief's annual report shall contain:
 - A statistical breakdown of the total number of civil immigration detainer requests lodged with the Williamstown Police Department, organized by the reason(s) given for the request;
 - A statistical breakdown of the total number of individuals that the Williamstown Police Department detained pursuant to subsection (b)(2), organized by the reason(s) supporting the detention; and
 - The total number of individuals transferred to ICE custody.

DEFINITION OF KEY TERMS

"ICE" means "U.S. Immigration and Customs Enforcement" and "CBP" means "Customs and Border Protection".



“Civil immigration detainer” (also called a “civil immigration warrant”) means a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar request from ICE or CPB for detention of a person suspected of violating civil immigration law. See DHS Form I-247D (“Immigration Detainer—Request for Voluntary Action”) (5/15), available at <https://www.ice.gov/sites/default/files/documents/Document/2016/I-247D.PDF>.

“Judicial warrant” means a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant, or other document signed only by ICE or CBP officials.

“Probable cause” means more than mere suspicion or that something is at least more probable than not. “Probable cause” and “reasonable cause,” as that latter term is used in the Massachusetts criminal procedure code, are equivalent standards.

The Board of Selectmen unanimously recommends the adoption of this article.

