

Article # 34 [Amended]
Welcoming, Inclusive and Safe Community

April 4, 2018

Presentation by Lexington People Power

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Lexington People Power



(Left to right) *Todd Burger, Catherine Rielly, Freda Flammer, Tony Rodriguez, Jessica Bethoney, Aruna Sharma, Lenka Zbruz, Anne Engelhart (not in picture), Bonnie Brodner (HRC Liaison, not in picture)*

- **Organized:** March 2017, with meetings in two Lexington living rooms under guidance of the American Civil Liberties Union (ACLU)
- **Who Are We:** Teachers, parents, engineers, health professionals, consultants, and policy analysts

Lexington People Power Goals

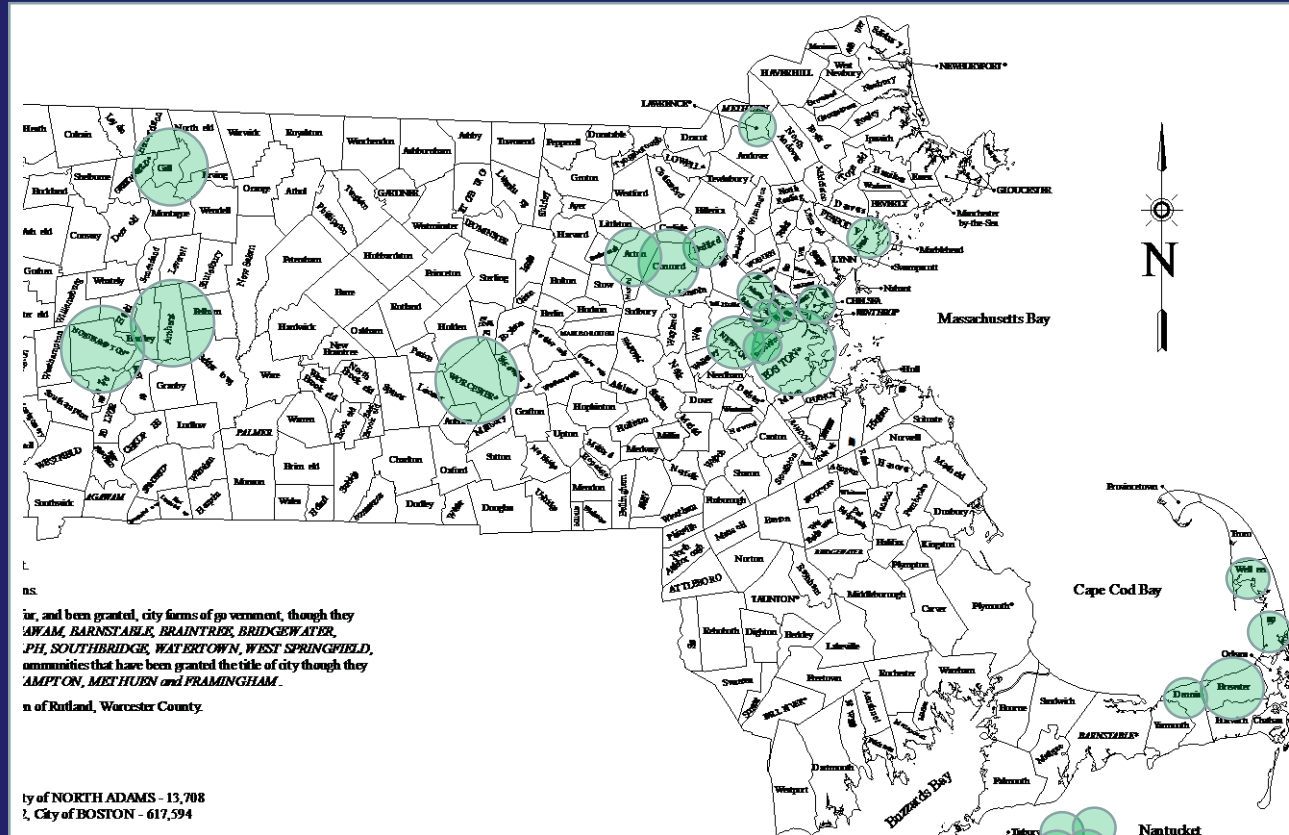
We are working to ensure that the civil liberties of all U.S. residents, regardless of immigration status, are protected:

- *LOCAL: Make Lexington a Welcoming, Inclusive and Safe Town*
- *STATE: Advocate for passage of the Safe Communities Act (SCA)*
- *NATIONAL: Fight unjust immigration policies, including cancellation of Deferred Action for Childhood Arrivals (DACA) and ending extensions of Temporary Protective Status (TPS)*

The Safe Communities Act (SCA)

- The SCA bars use of local & state police from arresting or detaining a person solely for federal immigration enforcement.
- This fosters good policing, which depends upon trust and communication.
- Without the SCA, undocumented immigrants will remain discouraged from reporting crime or contacting the police.
- Nearly 20 municipalities across the Commonwealth have adopted by-laws, resolutions, ordinances & policies to reflect many of its provisions, since the legislature has failed to act.

MA Towns & Cities that Have Passed Welcoming Laws or Policies



... and been granted city status of government, though they
AWAM, BARNSTABLE, BRAINTREE, BRIDGEWATER,
PH, SOUTHBRIDGE, WATERTOWN, WEST SPRINGFIELD,
communities that have been granted the title of city though they
AMPTON, METHUEN and FRAMINGHAM.

ty of NORTH ADAMS - 13,708
City of BOSTON - 617,594

Town/City	2018 Population Estimate	What Was Enacted?	Description
Amherst	39.86	Bylaw	Sanctuary City
Acton	23.11		
Boston	692.48	City Ordinance	Trust Act
Brookline	60.41	Resolution, Police Policy Manual Changes	Sanctuary Town
Cambridge	116.07	Resolution	Sanctuary City
Chelsea	41.12	Resolution	Sanctuary City
Gill	1.58	Resolution	Sanctuary City
Aquinnah	0.33	Resolution?	Sanctuary City
Chilmark	0.91	Resolution?	Sanctuary City
West Tisbury	2.89	Resolution?	Sanctuary City
Edgartown	4.29	Resolution?	Sanctuary City
Oak Bluffs	4.77	Resolution?	Sanctuary City
Vineyard Haven	2.23	Resolution?	Sanctuary City
Brewster	10.35	Resolution?	Sanctuary City
Eastham	5.22	Resolution?	Sanctuary City
Dennis	14.97	Resolution?	Sanctuary City
Wellfleet	2.90	Resolution?	Sanctuary City
Somerset	19.14	Resolution?	Sanctuary City
Worcester	191.71	Unofficial Adherence	Refuses to cooperate with ICE
Lawrence	81.25	City Ordinance	Trust Act
Northampton	29.32	Mayoral Executive Order	Sanctuary City
Somerville	86.05	Mayoral Executive Order	Sanctuary City
Arlington	46.21	Resolution	Welcoming City
Newton	90.98	City Ordinance	Welcoming City
Salem	44.38	City Ordinance	Sanctuary City
Concord	19.05	Resolution	Welcoming City
Bedford	14.37	Resolution	Welcoming City
	1,645.94	6900	23.9%

The Effect of Welcoming Policies

(comparing sanctuary counties to non-sanctuary counties)

- There are, on average, 35.5 fewer crimes committed per 10,000 people.
 - Median household annual income is, on average, \$4,353 higher.
 - The poverty rate is 2.3 percent lower, on average.
 - Unemployment is, on average, 1.1 percent lower.
 - Sanctuary counties with the smallest populations see the most pronounced effects.
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Why Act Locally?

- The SCA has not been approved by the legislature and acting locally will encourage passage of the Act.
 - When local police collaborate with ICE (Immigration and Customs Enforcement), it erodes trust in the community.
 - When people are afraid to interact with town officials, since it could lead to immigration status questions, they do not seek help, they do not report crimes, and they do not cooperate with police in fighting crime.
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How and Why Was Article 34 Amended?

- At the March 26 Board of Selectmen meeting, Lexington People Power listened to Chief Mark Corr's and the Selectmen's concerns about Items 4 and 6 of the Motion:
 - Item 4 could be construed to require dual reporting by the LPD on immigrant-related actions
 - Item 6: Summary of the Safe Communities Act ("A" through "J") not accurate
 - Lexington People Power Response:
 - Modified Item 4 to avoid dual reporting
 - Replaced Item 6 "A through J" with a direct reference to the actual text of the Safe Communities Act (09/20/2017)
 - We also removed an unnecessary reference in Item 1 to the new wording in Item 6 at the request of one of the Selectmen.
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What Does the Article 34 Motion Request?

1. Update of the *Police Policy and Procedures Manual*
 2. Training of all police department employees on changes
 3. Informing the community about these changes
 4. Providing quarterly reports about ICE contacts
 5. Reporting of subsequent changes to the *Police Policy and Procedures Manual* in a Public Hearing
 6. Referring to the Safe Communities Act (S.1305) when updating the Police Policy and Procedures Manual
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What the Article 34 Motion Will Do

- Protect the civil liberties of undocumented persons in Lexington
 - Improve trust between residents and our police department staff, and consequently improve public safety
 - Greatly reduce the likelihood that the town could be sued by persons asserting that their civil liberties were infringed upon by local police acting on behalf of federal immigration authorities (This has happened in other jurisdictions with significant burdensome settlements.)
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What The Article 34 Motion Will Not Do

- This motion will ***not*** stop police from investigating crimes or prosecuting anyone who commits a crime.
- This motion will ***not*** stop police from collaborating with federal agencies, including ICE, as part of criminal investigations such as operations to stop gangs or drug traffickers.

Article Aligned with Town's Historic Path

- This motion builds on Lexington's proud and longstanding heritage of defending its civil liberties.
- It is also a logical next step after the Board of Selectmen's 2017 Inclusivity Proclamation.
- That Proclamation stated that: **“Lexington strives to be a welcoming, inclusive and safe community for everyone.”** *(emphasis added)*

Warrant Article 34

Resolution To Make Lexington a “Welcoming, Inclusive, Safe Community”

This article concerns the rights and relationships between Lexington Police Department employees (including their agents) and undocumented immigrants, living, working and traveling through the Town of Lexington.

Warrant Article 34 Motion

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.

Warrant Article 34 Motion (continued)

In support of this resolution Town Meeting asks 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.

Warrant Article 34 Motion (continued)

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.

Warrant Article 34 Motion (continued)

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.
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Warrant Article 34 Motion (continued)

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.
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Warrant Article 34

Resolution to Make Lexington a “Welcoming, Inclusive, Safe Community”

Questions?

Warrant Article 34

Resolution to Make Lexington a “Welcoming, Inclusive, Safe Community”

Key Elements of the the Safe Communities Act (from ACLU-MA)
[An Act to Protect the Civil Rights and Safety of All Massachusetts Residents]

- Says NO to any federal registry
- Guarantees basic due process rights
- Focuses police on crime, not deportation
- Protects Massachusetts families
- Conforms to federal law Uphold the constitution