

## Suggested Talking Points for Sanctuary City / Trust / Safe Communities Policy

*Updated March 1, 2017*

- Now, more than ever, it is crucial to state [City/Town] stands with our immigrant neighbors and to draw a clear line between the roles of the federal immigration enforcement agency (Immigration and Customs Enforcement, “ICE”) and our local agencies.
- This is about our values as a [city/town]. When our immigrant neighbors are in danger of being deported, we should stand by them, instead of having policies that help split up families and drive immigrants underground.
- While Trump has vowed to deny federal funding to “sanctuary cities,” there is broad consensus by legal scholars that this would be hard—if not impossible—to do legally. The 10<sup>th</sup> Amendment to the Constitution prohibits the federal government from forcing or coercing cities and towns to implement federal laws. Any attempt to withdraw funding is sure to face legal challenges and may be tied up in the courts for months or years.
  - The cities of Chelsea and Lawrence have already filed a lawsuit because they are sanctuary/Trust cities, asking the court to block any denial of funding.<sup>1</sup>
- Even if we stand to lose some funding, no amount of money should force us to betray our values as a city/town.
  - Being sensitive to the fact that federal funding often helps the most vulnerable members of our community, we can and should organize to make up the difference.
- New research shows that sanctuary cities have lower crime rates and stronger economies than comparable non-sanctuary cities.<sup>2</sup>
- Sanctuary City policies build trust between immigrant communities and the local police.
- When local police collaborate with ICE, it erodes trust in the community. When people believe that any interaction with a city agency—especially police—is likely get them deported, they will not seek help, they will not report crimes, and they will not cooperate with police in fighting crime.
- This problem is real. Even if in the past, the federal government didn’t ask our [city/town] police to collaborate in deportation efforts, the increased federal pressure on local police has already begun: the federal government has asked local police departments around Massachusetts to

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<sup>1</sup> <http://lawyerscom.org/we-just-sued-trump-to-protect-you-and-your-neighbors/>

<sup>2</sup> See <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

provide additional bed space for people being deported<sup>3</sup> and Trump has said he wants more police to enter into contracts that grant federal deportation powers local police officers.<sup>4</sup>

- Trump’s immigration plan is based on racism and prejudice. He has called Mexicans “rapists” and has banned people from certain Muslims countries from coming to the United States. His closest advisors have openly aired their racist and xenophobic views. We should not be involved in such a racist system.
- This policy talks only about the police’s *voluntary* collaboration with ICE. We are wholly within our rights to limit that collaboration and decide how to use our local resources. Nothing in the resolution stops police from fighting crime. Police can still investigate crime.
- This policy does not create special rights for anybody. It does not give undocumented immigrants any rights that others don’t have. It says that we must treat everyone the same, regardless of immigration status.
- The policies protect the city from potential liability for violating residents’ constitutional rights. This is because ICE often asks localities to hold a person on an “ICE detainer” when they would otherwise be released, but does not provide the foundation of probable cause that is constitutionally required to detain a person.
  - In Massachusetts, the law is clear: police may not hold a person on an immigration detainer alone because there is no probable cause to do so. The Supreme Judicial Court (Massachusetts highest court) is currently hearing a case that will further clarify this.
  - People all across the U.S. are suing local police agencies for holding individuals on ICE detainers, and winning large judgments when their rights are violated.
- Four states and over 400 localities around the country, including 8 in Massachusetts, have passed policies similar to this one.
  - MA cities with Trust Acts: Boston, Cambridge, Somerville, Holyoke, Northampton, Amherst, Lawrence, Newton.
  - States: California, Connecticut, Illinois, Rhode Island
- Quotes and Statements:
  - Somerville Mayor Curtatone: Somerville’s crime rate had dropped 50 percent since they became a sanctuary city in 1987.<sup>5</sup>

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<sup>3</sup> See [http://www.necn.com/multimedia/WEB-Chris-Immigration-11pm\\_NECN-414680894.html](http://www.necn.com/multimedia/WEB-Chris-Immigration-11pm_NECN-414680894.html)

<sup>4</sup> See <https://www.theatlantic.com/politics/archive/2017/02/trump-immigration-enforcement/517071/>

- Attorney General Maura Healey on the Executive Order threatening to cut funding from sanctuary cities: “The President’s executive order is an irresponsible attempt to coerce our communities into conducting his mass deportations, and would impact all residents by stripping federal funding for roads, schools, police, health care, the elderly, and assistance for those in need,” Healey said. “My office will be watching closely and I will be ready to stand with our cities and towns in the coming days.”<sup>6</sup>
- Boston Mayor Marty Walsh: “For everyone’s safety, both documented and undocumented immigrants need to know they can report crimes without fear of being targeted over civil issues or mere suspicions. The Boston Police Department has worked hard to build this trust while focusing its energies on serious crimes. Cities with ["Trust Acts"](#) are among the safest in the United States.”<sup>7</sup>

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<sup>5</sup> <https://www.boston.com/news/politics/2017/01/25/mayor-joseph-curtatone-says-somerville-will-not-waiver-despite-president-trumps-sanctuary-city-order>

<sup>6</sup> <https://www.boston.com/news/politics/2017/01/25/mayor-joseph-curtatone-says-somerville-will-not-waiver-despite-president-trumps-sanctuary-city-order>

<sup>7</sup> <http://www.cnn.com/2017/01/28/opinions/cities-will-protect-immigrants-boston-mayor-walsh/>