

**ARTICLE 59**

**RESOLUTION/SANCTUARY TOWN**

To see if the Town will resolve to become a Sanctuary Town, joining hundreds of municipalities nationwide, providing a safe haven and sanctuary for undocumented residents of our Town, ensuring that all immigrants can fully and safely participate in the civic and economic life of the Town and protecting all residents from hate and prejudice, by resolving to refrain from using Town resources for discriminatory purposes in gathering information regarding citizenship, immigration status, ethnicity, national origin, or religious affiliation, provided, however that this resolution shall not prevent law enforcement from investigating, arresting or charging someone for a crime or other legal infraction; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Arlington Human Rights Commission)

**VOTED:** 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**

**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 (“APD”) 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 APD’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.**

**COMMENT:** The Board of Selectmen values and respects the thorough and civil debate that has already taken place to date on this article. There are relatively few instances where national politics on an issue as broad as immigration impacts a local government's functions and a community's values so distinctly as the issue of how our local police force should operate and expend its resources relative to the enforcement federal immigration laws. The resolution recommended by this Board and the Arlington Human Rights Commission endorses and encourages the Arlington Police Department's existing, operationally sound and humane practices with respect to gathering and disseminating information on the immigration status of the residents, workers, and visitors in Arlington.

These practices, considered consistent with a immigration "Trust Act" in other communities, will be bolstered by this resolution because one of the critical virtues of this resolution is making it clear to undocumented immigrants – as witnesses, victims of crimes, concerned residents or visitors, or others in need to assistance – that the Town of Arlington and its police force and first responders are here to protect and serve this community, not engage in deportation activities. Through advertising such a message, we believe Arlington is a safer and more welcoming community because no one will avoid providing information to APD or seeking appropriate assistance from the Town out of fear of immigration repercussions. Moreover, it maintains the tone of this community, as perhaps best reflected every year at Town Meeting, that we invite engagement and we invite dialogue with this Town's government.

Many real and important concerns have been articulated in opposition to this resolution and we do not dismiss them lightly, including the unlikely, but potential loss of federal funds (which under legal norms should be limited to homeland security-related activities). However, it must be stressed that this is not a matter of complying with one set of laws to ignore others we find merely inconvenient. Rather, it is an occasion where conflicting laws and foundational legal principles, including the rights and powers of state and local governments versus the federal government are brought into focus. The Selectmen believe that we have the right and duty to support our police force and other Town personnel in a just practice that benefits our community; that we should not have our arms twisted to our own detriment and the detriment of others. Therefore, we unanimously recommend this resolution to Town Meeting.