

RE: Please Support Article 59 (Trust Act Resolution)

Dear Town Meeting Members,

We are writing to ask you to support Article 59, also known as the Trust Act Resolution. The resolution is a public statement to reassure all Arlingtonians that our police force, first responders, educators, and other Town personnel protect and serve ***everyone*** in our community by declining to engage in non-mandatory activities that erode community trust and waste Town money on federal deportation activities.

Four states and over 400 localities around the country have passed policies similar to Article 59, including our nearby neighbors in Boston, Somerville, Cambridge, and Newton.

The warrant article was proposed by residents and is sponsored by the Human Rights Commission. It has been carefully researched and thoroughly vetted by Town officials. We worked closely with the Town Manager, Town Counsel, and Arlington Police Department to draft Article 59, and it has received the unanimous approval of the Board of Selectmen.

To provide more information regarding Article 59, please see our attached 1-page factsheet. You can find Town Counsel's original commentary from the Board of Selectmen hearing and a legal update from April 28 on the Town's website:

<https://arlington.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=4147&MeetingID=467>

Sincerely,

The Arlington Human Rights Commission, which includes the following Town Meeting Members:

Christine Carney (AHRC co-chair), TMM-Pct. 11

Mel Goldsipe (AHRC co-chair), TMM-Pct. 20

Sheri Baron, TMM-Pct. 7

William Logan, TMM-Pct. 2

David Swanson, TMM-Pct. 5

Trust Act Resolution (Article 59) – Factsheet from the Arlington Human Rights Commission

Article 59 was proposed by residents, sponsored by the Human Rights Commission, and unanimously recommended by the Board of Selectmen. **The Trust Act Resolution asks Town Meeting to endorse the Arlington Police Department's current community policing practices.**

Article 59 is a non-binding resolution that does not create laws, appropriate funds, or attempt to establish police policies. **The Trust Act Resolution is a public statement to reassure all Arlingtonians that our police force, first responders, educators, and other Town personnel protect and serve *everyone* in Arlington** by declining to engage in non-mandatory activities that erode community trust and waste Town money on federal deportation activities.

Background and Context

- Being a Sanctuary Community refers to police practices in relation to federal enforcement of immigration laws. Sanctuary Communities refrain from using local police resources to check or report on the immigration status of those they encounter in routine interactions. This is consistent with current police practices in Arlington.
- If Article 59 passes, someone arrested for a crime will still be entered into a computer system that routinely checks for and notifies the federal authorities about their immigration status. In a recent check of 1,000 criminal arrests made by the Arlington Police Department (APD) only 1 person had an immigration detainer. Federal officials did not act on it.
- Current APD practices regarding matters of immigration status are already in accordance with the practices described above and have been in place for many years. Article 59 is an endorsement of APD's community policing philosophy.

In response to community concerns, the word "sanctuary" does not appear in the Trust Act Resolution.

What Article 59 Would Do

- **Reaffirm** Arlington's long-standing commitment to inclusiveness, as evidenced in Art. 9, sec. 1 of the Town's by-laws: "We will be known for the warm welcome and respect we extend to all."
- **Support** APD and its current practices of using local law enforcement resources to fight crime, not assist in non-mandatory federal immigration enforcement.
- **Encourage** all Town officials and departments to refuse to gather personal identification info for the purpose of creating or maintaining any federal registry program based on religious affiliation, ethnicity or national origin.
- **Increase** safety and foster a welcoming atmosphere in Town.
 - Community policing practices build trust in communities, making everyone in town safer. New research shows that Sanctuary Cities have lower crime rates and stronger economies than comparable non-Sanctuary Cities.
- **Protect** the Town from potentially violating residents' constitutional rights.
 - In the past, federal Immigration and Customs Enforcement (ICE) has asked localities to hold a person on an "ICE detainer" when they would otherwise be released. These detainers do not provide information showing a 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.
- **Align** Arlington with 4 states and over 400 communities around the country, including 8 in Massachusetts, which have passed policies similar to this one.

What Article 59 Would Not Do

- **Would not** threaten continued federal funding for Arlington, despite President Trump's executive order that seeks to cut federal assistance to sanctuary communities.
 - The broad consensus among legal experts is that President Trump's executive order violates the Constitution's separation of powers doctrine by improperly seeking to wield congressional spending power and/or violates the 10th Amendment prohibiting the federal government from coercing local authorities to implement federal programs. On April 25, a U.S. district court judge imposed a temporary nationwide injunction as the case moves forward.
 - The majority of legal opinions on the matter agree only funding directly related to immigration or Department of Homeland Security (DHS) programs can be legally withheld. None of Arlington's ~\$4.5 million per year in federal grant funding is for law enforcement, immigration enforcement or other DHS programs and cannot be withheld.
- **Would not** provide any protection or immunity to felons or violent criminals.
 - The Trust Act Resolution expressly supports APD's goal of keeping all dangerous or violent individuals, regardless of immigration status, off the streets. It does this by assuring potential witnesses or victims of crime, or others in need of emergency assistance, that they are not in danger of deportation just for cooperating with Town authorities.
- **Would not** entitle undocumented immigrants to new local services, such as housing or other accommodations.