



## Becoming a Welcoming Community Frequently Asked Questions

### **Q: What is the Massachusetts Safe Communities Act (SCA)?**

A: The Safe Communities Act now before the Legislature is Senate bill [S.1401](#) (Sen. Jamie Eldridge) and House bill [H.3573](#) (Reps. Ruth Balser and Liz Miranda). There are 76 House and 21 Senate co-sponsors presently. The key features of the Safe Communities Act are:

#### **1. No questions about immigration status:**

This provision bars law enforcement and court personnel from asking people about their status unless required by law. The Massachusetts State Police already have a similar policy. Many immigrants fear that calling 911 or speaking to police will lead to separation from family members – especially children – making them more vulnerable to domestic abuse, wage theft, and other crimes. This provision would send a strong message that, in our Commonwealth, police protect us all.

#### **2. Protects due process:**

Before Immigration & Customs Enforcement (ICE) questions someone in local custody, this provision requires police to obtain their consent using a form that explains their right to decline an interview and to have their own attorney present. Without these protections, people often make statements or sign documents jeopardizing their immigration cases. Non-citizens are often unaware of these rights, because “Miranda” warnings are not required in the civil immigration context.

#### **3. Limits notifications to ICE:**

This provision bars police, court officers, and jail officials from notifying ICE that someone is about to be released from custody. This would help ensure that people aren’t put into ICE detention before their cases are fully adjudicated, which denies justice to victims and due process to defendants. ICE may still be notified when a person is being released upon completing a jail or prison sentence.

#### **4. No more 287(g) agreements:**

This provision ends contracts with ICE that allow State and County personnel to act as Federal immigration agents at State taxpayers’ expense. Such contracts are the most extreme form of entanglement with ICE, and putting people into ICE custody before they can go to court undermines due process as it affects their ability to be given a fair hearing. Massachusetts is the only state in New England to have such agreements, and we have four: with Bristol, Barnstable, and Plymouth counties, and with the Department of Corrections.

#### **5. Provides crucial training and accountability:**

This provision requires law enforcement agencies to train their personnel regarding this law, and if there is an alleged violation, people can file a complaint with the

relevant agency or the Attorney General. These provisions would help ensure transparency and tackle problems as they arise.

**Q: Why do towns become “Safe/Welcoming” Communities?**

A: To further their community’s trust in police by avoiding entanglement in immigration matters and protecting due process for all. To gain the protections provided in the Commonwealth of Massachusetts “Safe Communities Act” that has not yet passed (see description above). They want all people living, working, or visiting their community to be unafraid that interactions with any town/city agency or officials will lead to questions about their immigration status. Such fear makes many less likely to seek help, report crimes, or for residents to even respond to the local annual census.

Also, some towns want to send a message to the world that they are a US town welcoming to all people. For example, the Network for Social Justice wants Winchester to not only comply with the Safe Communities Act, with its focus on police policies, but to be even more “welcoming” because all the major institutions here (e.g. all government Departments, the Hospital, businesses, and schools, etc.), are known for their policy and practice of being non-discriminatory on the basis of immigration status except in hiring and voting situations.

Finally, many want to show all Massachusetts legislators and the Governor that their town clearly supports passage of the state-wide Safe Communities Act.

**Q: Why do law enforcement officials support the SCA or similar policies?**

A: Good policing depends on trust and communication. Without the SCA, undocumented immigrants and others who are protective of them will remain actively discouraged from reporting crime and from contacting the police for any reason.

**Q: How many MA towns have become Welcoming Communities?**

A: There are now about 80 towns and cities in Massachusetts who have declared they are becoming Safe or Welcoming Communities. Local law enforcement agencies in those localities are focused on building trust with immigrant communities, rather than acting as enforcers of the current Administration’s anti-immigrant policies.

**Q: Who in the cities/ towns made the official decision to become a Welcoming Community?**

A: It varies widely: Mayoral pronouncement, passage of a Town Meeting Warrant Article, Police Chief announcement, or declaration by the Select Board and Town Manager.

**Q: Why is it necessary to have police policies explicitly consistent with Welcoming Community principles?**

A: Without written policy and compliance training, there is no little or no accountability for those whose rights have been violated. And these policies are not helpful if people who live and work in our communities do not know about this. For that reason, we encourage policies to be written down and that police engage with community members to let people know about such policies. Also, clear policies and associated

training helps lessen the risk that a community becomes liable if an individual officer violates anyone's due process.

**Q: Would becoming a Welcoming Community prevent Winchester police from investigation of crimes or prosecuting anyone who commits a crime?**

**A:** No. Nothing in these policies stops police from doing their jobs. In fact, they are meant to help police gain the trust of the community in order to better do their jobs.

**Q: Would Winchester's becoming a Welcoming Community provide any protection or immunity to felons or violent criminals?**

**A:** No!

**Q: Would becoming a Welcoming Community stop Winchester Police from collaborating with Federal agencies, including ICE, in criminal investigations such as those aimed at gangs, human traffickers, or drug traffickers?**

**A:** No!

**Q: Would Winchester's becoming a Welcoming Community violate any valid, existing Federal law?**

**A:** No.

**Q: Would Winchester's becoming a Welcoming Community threaten its continued Federal funding?**

**A:** This issue is currently being litigated in several federal courts. All but one court have agreed that federal funding cannot be denied to municipalities just because they have Welcoming Community policies. Recently, the 9th circuit ruled that the federal government could condition one grant limited only to police based on a municipality's assistance with immigration enforcement. Those grants (Department of Justice COPS grants) are limited in nature and directly address local police-federal relations. The ruling may be appealed further.

**Q: Would becoming a Welcoming Community prohibit any Winchester department or authorized employee from providing another law enforcement agency citizenship or information status consistent with 8 U.S.C 1373, which addresses the exchange of information regarding citizenship and immigration status among Federal, State, and local government entities and officials?**

**A:** No.

**Q: Would Winchester's becoming a Welcoming Community entitle undocumented immigrants to new local services such as housing or other benefits and accommodations?**

**A:** No.

**Q: What would be the Winchester budget cost and savings impact of becoming a Welcoming Community?**

**A:** Training and outreach could likely be covered within existing budgets. The major potential budget impact would be savings from the reduced risk of costly settlements

to persons claiming (as they have elsewhere) that their civil liberties were infringed upon by local police acting on behalf of Federal immigration authorities.

**Q: Do Welcoming Communities experience lower crime?**

A: Yes, there is [evidence](#) of this, with reports that “sanctuary counties average [35.5 fewer crimes](#) per 10,000 people compared to non-sanctuary counties.”

**Q: Is there broad support among Massachusetts secular and religious organizations for passage of the state’s Safe Community Act.**

A: Yes. Well over 100 respected state, regional or local organizations have endorsed passage of the Safe Communities Act. (see this [link](#) for more info)