



Amherst Massachusetts

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Town of Amherst Sanctuary Community Bylaw Approved by Attorney General

Attorney General Maura Healey approved the Town of Amherst's Sanctuary Community Bylaw on Friday.

In a letter to Town Clerk Sandra Burgess, the Attorney General stated, "We approve Article 29 ("Town of Amherst Sanctuary Community Bylaw") from the Amherst Annual Town Meeting of April 26, 2017."

As stated in the letter, the "Sanctuary Community Bylaw limits police investigatory authority based on immigration status, prohibits police detentions based on civil immigration detainer requests or ICE administrative warrants, and requires reports of the number of civil immigration detainer requests lodged with the Town and the Town's response to the requests."

The Attorney General said she approved the bylaw because it did not conflict with the Constitution or state law. She noted that the Massachusetts Supreme Judicial Court, in fact, ruled recently that law enforcement officials lack authority to arrest an individual pursuant to a request contained in a Federal civil immigration detainer.

Select Board Chair Douglas Slaughter said, "We are pleased that Attorney General Healey agreed with the wisdom of the people of Amherst who petitioned to have this article presented to Town Meeting. The values and the content of the bylaw truly reflect the values we seek to hold as a community."

Town Manager Paul Bockelman added, "The Town has made a strong statement that Amherst is a welcoming community and seeks to ensure public safety and trust between law enforcement and all members of the Amherst community. We are very proud of the work of our Police Department and are pleased that the Attorney General has reinforced and strengthened the Town's policies."

Town of Amherst Human Rights Commission Chair Matthew Charity stated, "While we expected the Commonwealth to approve the Sanctuary Community bylaw, especially after the Supreme Judicial Court's July decision in *Lunn v. Commonwealth*, we are, of course, pleased that the Massachusetts Attorney General's Office found the bylaw in conformity with the laws of the Commonwealth. While no document is perfect, we are proud to be part of a community that looks to protect the rights we all share, and limit the possibilities and impact of racial and ethnic profiling. The overwhelming support of Town Meeting and the work done by residents of our Town and region, as well as the voices of civic and religious leaders, expressed our sense of who we are as a community and our belief in protecting rights;

the statement by the Attorney General's Office after months of review recognizes that our sense of right conforms with the Commonwealth's understanding of the law.”

Police Chief Scott Livingstone noted, “The bylaw approved by the Attorney General closely follows our current department policies and follows our commitment to the entire Town of Amherst community and our community policing practices.”

Attorney General Healey concluded, “We determine that the Amherst Sanctuary Community Bylaw does not conflict with the Constitution or laws of the Commonwealth. On the contrary, the by-law’s central mandate – that Amherst law enforcement officials shall not detain individuals solely on the basis of a civil immigration detainer request or ICE administrative warrant - is in harmony with the Lunn court’s conclusion that “Massachusetts law provides no authority for Massachusetts [law enforcement officers] to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody.””