

Town of



# AMHERST *Massachusetts*

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TO: Town Meeting Members  
FROM: John P. Musante, Town Manager  
SUBJECT: Article 29 – Motion to be Made By Petitioners  
DATE: May 16, 2012

Petitioner Ruth Hooke is prepared to make the following motion for Article 29, which has received a positive recommendation from the Select Board and I.

I move the following resolution:

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called "Secure Communities" (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating the sharing of local law enforcement reporting with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM- November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS the Code of Federal Regulations, 28 C.F.R. §20.21(c)(3), provides that “[s]tates and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order”; then

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst and its officials and employees, to the extent permissible by law, shall not participate in federal law enforcement programs relating to immigration enforcement, including but not limited to, Secure Communities, and cooperative agreements with the federal government under which town personnel participate in the enforcement of immigration laws, such as those authorized by Section 287(g) of the Immigration and Nationality Act. Should the Commonwealth of Massachusetts enter into an agreement or Memorandum of Agreement regarding Secure Communities, the Town of Amherst shall opt out if legally and practically permissible. To the extent permissible by law, immigration detainer requests will not be honored by the Amherst Police Department. Municipal employees of the Town of Amherst, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual’s immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information developed is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual’s immigration status unless directly relevant to the offenses charged.”