

CITY OF NORTHAMPTON

MASSACHUSETTS

August 18, 2011

In City Council,

Sponsored by City Council President David Narkewicz, Councilor Pamela Schwartz,
and Police Chief Russell Sienkewicz

A Resolution of the Northampton City Council on the Secure Communities Program and the Preservation of Our Civil Rights

Whereas, the City of Northampton recognizes the vital importance of protecting civil rights and civil liberties; and

Whereas, the City of Northampton provides a broad range of services to a diverse population, all who contribute to the vitality of the community, helping establish its unique character and identity; and

Whereas, the City Council of Northampton, motivated by the commitment to "uphold the human rights of all persons in Northampton and the free exercise and enjoyment of any and all rights and privileges secured by our Constitutions and laws of the United States, the Commonwealth of Massachusetts and the City of Northampton," passed an ordinance in 1998 which established the Human Rights Commission of the City of Northampton; and

Whereas, the City Council of Northampton passed a resolution in 2002 stating the city's request that local law enforcement preserve residents' freedom of speech and privacy in the wake of the passage of the USA PATRIOT Act, and that local law enforcement respect these principles to be transparent as much as legally and practicably possible; and

Whereas, several acts and orders recently enacted at the Federal level, including the Secure Communities initiative and other Immigration and Customs Enforcement (ICE) programs may call into question fundamental rights under the Massachusetts and U.S. Constitutions; and

Whereas, it is recognized this resolution does not intend to regulate local law enforcement participation with ICE programs commonly referred to as the Child Predator Program, Internet Crimes Against Children (ICAC) and other internet, human trafficking and similar initiatives recently supported by the Massachusetts Legislature involving local law enforcement; and

Whereas, the Northampton Police Department agrees that all residents and visitors of Northampton can feel comfortable notifying the police if they are the victim of or witness to a crime, can come forward without fear of deportation or detention, and can continue to rely on the department to offer immigrants legal issues referral information both online and in the station lobby; and,

Whereas, Governor Patrick announced his decision to not participate in the Secure Communities program, and

Whereas, the Massachusetts House of Representatives voted on April 28, 2011 against an amendment that would implement the Secure Communities program in the Commonwealth, and therefore, the City Council of Northampton, Massachusetts, aims to demonstrate its commitment to the protection of civil rights and civil liberties for all people, then

Now, Therefore Be It Resolved, that the City of Northampton 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 city 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 City of Northampton shall opt-out if legally and practicably permissible. Municipal employees of Northampton, 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 the 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; and

Be it Further Resolved that, the Northampton City Council urges the Mayor of Northampton to refuse to sign any memorandums of understanding regarding participation in the Secure Communities Initiative that would deter the reporting of criminal activity, encourage racial profiling, or would deteriorate the relationships with citizens from every corner of the community we are all proud to inclusively call the City of Northampton.