

City of Northampton
MASSACHUSETTS

In City Council, November 20, 2014

Upon the Recommendation of City Councilors Jesse M. Adams, Paul D. Spector,
and Alisa F. Klein

Resolution Supporting the Executive Policy Order on Police Procedures

Whereas: The City of Northampton has been, and continues to be enriched by the contributions of community members who have traveled from all points of the globe to make their homes here; and

Whereas: Northampton is a welcoming city that seeks to ensure public safety and trust between law enforcement and all members of our community; and

Whereas: There is no legal authority upon which the federal government may compel an expenditure of City resources to comply with an Immigration and Customs Enforcement (ICE) detainer request; and

Whereas: The Transparency and Responsibility Using State Tools (TRUST) Act, versions of which are pending before state and federal legislatures, aims to keep immigrants who pose no risk to society safe in their communities and with their families while also promoting trust between the immigrant community and local law enforcement; and

Whereas: According to the Massachusetts TRUST Act Coalition, which includes State Senator Jamie Eldridge and former State Representative Carl Sciortino, ICE issued more than 5,000 detainers in Massachusetts from 2008 through 2011, and more than 75% of these detainers were placed on individuals who had no criminal conviction or history; several were issued on children under the age of eighteen; and

Whereas: In April, 2014, a federal judge ruled that it is a violation of constitutional rights to hold an individual for immigration authorities without probable cause; and

Whereas: As a result of this ruling, cities and counties nationwide are beginning to revise their policies regarding voluntary cooperation with ICE detainer requests; and

Whereas: On August 18, 2011, the Northampton City Council, with the cooperation of Northampton Police Chief Russell Sienkiewicz resolved that community members would not be subjected to civil immigration detainer requests or administrative immigration warrants issued by ICE or Customs and Border Patrol (CBP); and

Whereas: That resolution has served as the *de facto* policy of the Northampton Police Department since its passage; and

Whereas: On August 28, 2014, Mayor David J. Narkewicz issued an Executive Policy Order asserting "that it shall be the continuing policy of the City of Northampton to assure equal, just, and fair treatment of all persons who live in and visit the city and, in furtherance of that policy, the Chief of Police shall develop formal departmental policies and procedures implementing the following:

- 1) Directing Northampton Police Department personnel to not honor or enforce any detainer request from U.S. Immigration and Customs Enforcement (ICE) that is non-criminal and not subject to a judicially issued warrant.
- 2) Directing Northampton Police Department personnel to allow motor vehicle operators stopped for a violation and found to be unlicensed a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle, regardless of immigration status. Nothing in such policy shall apply to violations that are subject to a statutory or regulatory requirement of vehicle impoundment.
- 3) Continuing and enhancing existing programs and procedures of the Northampton Police Department to allow access by immigrants to police services in their native languages.
- 4) Providing for record keeping with regard to the policies set forth herein which can be made available to the Mayor upon request"; now therefore be it

Resolved: that the Northampton City Council resolutely supports the spirit and intent of this Executive Policy Order; and be it further

Resolved: that the Northampton City Council will use its authority to assure these protections are applied consistently and fairly; and be it further

Resolved: that the Northampton City Council calls upon other communities, the Massachusetts Legislature, the Governor of the Commonwealth, Congressman James McGovern, Senators Elizabeth Warren and Edward Markey and President Barack Obama to pursue and enact similar protections to further the American principles of justice, trust and security.

In City Council, November 20, 2014
Passed First Reading, on a Roll Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Dwight & Murphy)
Attest: *Sam H. Poes*, Clerk of Council

In City Council, December 4, 2014
Passed Second Reading, on a Roll Call Vote of 9 Yes, 0 No
Attest: *Sam H. Poes*, Clerk of Council

Approved: David J. Narkewicz, Mayor

Rules suspended, passed two readings and enrolled

I hereby certify that the above Resolution passed the Northampton City Council on December 4, 2014
David J. Narkewicz, Mayor approved the Resolution on December 5, 2014

Attest: *Sam H. Poes*, Clerk of Council