

Policy Order Resolution

O-1
IN CITY COUNCIL

June 2, 2014

COUNCILLOR CARLONE
VICE MAYOR BENZAN
COUNCILLOR CHEUNG

WHEREAS: The City of Cambridge, like the United States itself, has been enriched and built by generations of immigrants; and

WHEREAS: The City of Cambridge has a proud history as a Sanctuary City, as declared on April 8, 1985, when large numbers of refugees fleeing the war in El Salvador arrived in Cambridge and were threatened with deportation; and

WHEREAS: The City of Cambridge reaffirmed its status as a Sanctuary City on May 8, 2006, and formally adopted the language "undocumented" when referring to those who do not have federally recognized resident status and "immigrant" to refer to those who have migrated to the US from another country; and

WHEREAS: The federal Secure Communities program is currently being used to identify undocumented immigrants in the custody of local agencies; and

WHEREAS: Immigration and Customs Enforcement (ICE) is part of the United States Department of Homeland Security; ICE issues "detainer requests" pursuant to Title 8 U.S.C. Section 1226, and Title 8 U.S.C. Section 1357(d), which asks local authorities to hold individuals who have been ordered released from custody for up to 48 hours (after they have been ordered released), so that they can be taken into federal custody; and

WHEREAS: There is no legal authority upon which the federal government may compel an expenditure of City resources to comply with an 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; now therefore be it

ORDERED: That the City Manager be and hereby is requested to work with the Police Commissioner to ensure that only in cases where immigration agents have a criminal warrant, or Cambridge officials have a legitimate law enforcement purpose not related to immigration, will Cambridge Police comply with federal ICE detainer requests to hold persons solely for immigration purposes; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the council on this matter; and be it further

ORDERED: That the City Council does hereby go on record in joining the national TRUST Act movement to no longer hold immigrants in detention for the sole purpose of deportation; and be it further

ORDERED: That the City Council does hereby go on record in supporting the Massachusetts TRUST Act bill currently before the state legislature; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Cambridge state legislative and Congressional legislative delegations.