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Support the Safe Communities Act

Protect Public Health and Public Safety

S.1579 (Sen. Eldridge), **H.2418** (Reps. Balser and Miranda)

The COVID-19 crisis has underscored the impact of longstanding state and local involvement in deportations--undermining testing, treatment and contact tracing efforts in immigrant communities, and impeding access to court and police protection. State action is urgently needed to restore trust in our public institutions and ensure that everyone can seek medical care, emergency assistance, and protection without fear of deportation. The Safe Communities Act (SCA) will:

1. **Ensure court and police officials do not inquire about immigration status unless required by law.** The Massachusetts State Police and many local police departments have similar policies. This practice is especially important to immigrant survivors of domestic violence and those who assist them, including medical providers, who seek assurance that the abuse can safely be reported to the police.

2. **Protect basic rights, just like a "Miranda" warning.**
   ICE officials regularly visit our jails and correctional facilities to identify people for deportation. The SCA requires written consent before any ICE interview can take place, and ensures that people in local custody are informed in writing of the purpose of the interview and of their right to decline it or to have their own attorney present. Without knowledge of these rights, people often jeopardize their immigration cases – up to and including signing their own deportation orders.

3. **Ensure that everyone has access to justice in our courts.**
   Current practice undermines our court system by encouraging ICE to take custody of people before they have their day in court, denying justice to victims and defendants alike. The SCA allows police and court officials to notify ICE of a person's pending release from custody only at the end of a sentence of incarceration, not before. It does not otherwise restrict communications with ICE.

4. **End 287(g) agreements that require local officials to do the federal government's job, at state expense.** The SCA would prevent contracts with ICE that allow law enforcement to act as federal immigration agents, at state taxpayers' sole expense. We are the only state in New England with such agreements, which damage the relationship between immigrant communities and law enforcement and encourage racial profiling. The federal government ended the Bristol County sheriff's agreement following a devastating MA Attorney General report on his violation of detainees' civil rights, and Plymouth Country ended its program after a legal challenge, leaving the Barnstable County Sheriff and the MA Dept. of Corrections as the sole outliers.

5. **Require law enforcement training on SCA guidelines and provide state oversight.** The SCA would ensure that law enforcement agencies incorporate this guidance into their training programs and permits the filing of complaints with the relevant agencies, who must investigate and provide a summary of findings to the Executive Office of Public Safety and Security.

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