

**Suggestions from the Public to the Board of Selectmen’s Immigration Policies for
Consideration by the Selectmen on April 25, 2017**

(prepared by Selectman Bernard Greene)

Legend:

“Okay” - These are suggestions that I think should be incorporated and are indicated so below.

“Later” – These are suggestions that should be included in later proposals after careful consideration by the DICR Commission.

“No” – These are suggestions that I do not believe are appropriate or practical.

“Included” - These are suggestions that we have already addressed.

Scott Ananian

Four things from ACLU policy proposal should be included:

- Defined access rule – regulate access by ICE to police station and jails - #3 **Later**
- Clear ID rule; ICE agents must show clear ID as ICE agents when doing a raid - #4 **Later**
(the Commission is working on proposals for ICE raid situations)
- Surveillance issues – cameras, etc. - #5 **Later**
- Defined means of redress; what citizens can do if they see police violating the rules re immigration **Later**
- Confidential special orders to include in description the section of public records law that make it confidential **Okay**
- Redaction of information that is confidential, not the entire special order **No – in my view I don’t think this is necessary or useful.**
- Special orders effective only after publication – he says chief is okay with this **Okay**
- Doesn’t like §1373 provision – ACLU noted it but said cities and towns should make their own judgment on whether to addressⁱ **Okay – I think the ACLU language is acceptable**

Marty Rosenthal

- Thinks that general orders and special orders are confusing re how they become a part of the police manual **No – I think it’s clear enough; we should welcome specific language**
- Various comments to the proposal **Later**

Robert Lepson (Thorndike Street)

- Wants to be more explicit re what police can do; smallest amount of discretion possible – e.g., training provision – he thinks it should be more explicit re training officers **No – we don’t need to micro-manage training; are there specific other examples of where we should be more explicit**
- Also opposes 1373 provision **No – see changes**

Margaret Rhodes

[Type here]

- Take out 1373 provision **No – see changes**
- **Harriet Rosenstein**
- Take out 1373 provision **No – see changes**

Jessica Chaiko (immigration attorney)

- Noted that INS is now Dept. of Homeland Security **Okay**
- Question whether 1373 provision is necessary **No/Okay – see changes**

Jan Schreiber

First Policy:

- #2 – replace “they” with “Such officer or employee” in 2ndline **Okay**
- #3 – badly worded **No – good enough**
- #4 – “statute” instead of “program” in 2nd line **Okay – add statute; could be added as a non-statutory program (i.e., illegally)**
- #5 – suggests more concise 2nd sentence – “If in the course of standard processing procedures, Immigration and Customs Enforcement files an immigration detainer” **Okay**
- #7 – take our “[their]” **Okay**
- #8.d add “amount of” – e. add “he or she was” **No – use non-gendered language**

Second Policy – re Orders:

- #2 – add “may include” **No – we want some identifying information to be required**

Third – Statement

- #1 – objection to no prohibition language **No – see changes**

Petitioners requests not included:

1. immigration raids **Later**
2. inquire re immigration **Included (#2)**
3. provide copy re no holding people under detainer **Later**
4. log of all communications with ICE **Included (#8)**
5. not hold people for ICE **Included – see added language (#3)**
6. no policies re ICE without vote of BOS **Included – see general and special orders**
7. file suit re executive order **No**

[Type here]

ⁱ **C. Scott Ananian, TMM 10:**

For the record, the ACLU model language for this provision is:

Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits [County/City/State] officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any Federal, State, or local government entity. Nothing in [County/City/State] policies is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

The ACLU commentary is:

* Final Note: The Trump Administration has asserted, falsely, that if localities do not help advance Trump's mass deportation agenda, they are violating federal law. The following rule, which is the only applicable federal law in this area, would help ensure your city, county or town establishes its clear intent not to violate federal law. While not a necessary addition, this rule may be a useful complement to the above policies.

* 1373 Rule: Is optional, but meant to signal in a clear way that, while your city, county, or town wants to be immigrant-friendly and a "Freedom City," it does not want to violate federal law. Your local leaders can point to this rule to show that your policies are fully consistent with federal law. That would be true even without this rule, but this rule reiterates it. It is like driving 40 mph on a street with a 50 mph speed limit, yet nevertheless calling the police and telling them that you are driving 10 mph less than the limit.

* This version also doesn't mention the "Immigration and Naturalization Service".