

MASSACHUSETTS SAFE COMMUNITIES COALITION

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The Safe Communities Act: What it Does & Doesn't Do

WHAT THE SAFE COMMUNITIES ACT DOES:

1. It DOES prohibit the use of state databases or records for enforcement of any federal registry program based on religion or other protected characteristics (such as a Muslim registry).
2. It DOES limit state and local agencies' involvement with U.S. Immigration and Customs Enforcement (ICE) by barring them from arresting or detaining a person *solely* for federal immigration enforcement purposes, or participating in inquiries, investigations or raids based *solely* on immigration status.
3. It DOES prohibit collaboration agreements between the U.S. Department of Homeland Security (DHS) and law enforcement agencies that deputize state and local officers as immigration agents and co-opt state and local resources for federal purposes.
4. It DOES ensure basic due process rights for immigrants detained in state and local facilities, such as to be informed, in a language they understand, that they have the right to refuse to speak to ICE agents, or to have a lawyer present (at their own expense) for any interview.

WHAT THE SAFE COMMUNITIES ACT DOESN'T DO:

1. It DOES NOT stop police from investigating crimes or prosecuting anyone who commits a crime. On the contrary, it encourages immigrant witnesses and victims of crime to cooperate with police investigations, and ensures that police resources are not diverted from fighting crime.
2. It DOES NOT stop police from collaborating with federal agencies, including ICE, as part of *criminal* investigations, such as joint operations to stop gangs or drug traffickers.
3. It DOES NOT keep ICE from getting information about people who are arrested – by default, all booking information is shared with numerous federal authorities, including the FBI and ICE, as required by federal law.
4. It DOES NOT keep ICE from conducting investigations, raids or arrests in Massachusetts communities, or interfere with those activities.
5. It DOES NOT jeopardize any community's federal funding, because the bill is carefully tailored to comply with all relevant federal laws. Indeed, although the bill was drafted well before U.S. Attorney General Jeff Sessions defined what constitutes a "sanctuary" jurisdiction, the provisions of the bill fall squarely *outside* that definition.