

S. 1401 / H. 3573 The Safe Communities Act

What is this all about?

In the current climate, immigrants in Massachusetts are increasingly unwilling to avail themselves of basic protections and services, including medical treatment, emergency 911 services, and police protection for fear that these everyday interactions will result in separation from loved ones, especially children. The Safe Communities Act keeps our police and court officials focused on protecting public safety by creating clear guidance for interactions with Immigration and Customs Enforcement.

What is the substance of this bill?

- Ensures that police and court officials refrain from inquiring about immigration status unless required by law, with an exception for judges and magistrates. The State Police and many local police departments have a similar policy. This practice is especially important to providers who assist immigrant survivors of domestic violence, including medical providers, who seek assurance that they can safely encourage their clients and patients to report abuse to the police.
- Protects due process by requiring police to obtain informed consent using a form that explains right to decline an interview and to have an attorney present before Immigration & Customs Enforcement (ICE) questions someone in local custody. Without these protections, people often make statements or sign documents jeopardizing their immigration cases. Non-citizens are often unaware of these rights because “Miranda” warnings are not required in the civil immigration context.
- Creates guidelines for when law enforcement and court officials may notify ICE of someone’s pending release—a practice that makes victims and witnesses unwilling to avail themselves of police and court protection. ICE may be notified only when someone is released from a correctional facility at the end of a sentence of incarceration.
- Ends 287(g) agreements with ICE that allow state and local law enforcement to act as federal immigration agents at state taxpayers’ expense. Such contracts are the most extreme form of entanglement with ICE. Because police departments routinely bring people to the sheriffs to be held overnight, such contracts damage the relationship between immigrant communities and the police they rely on for protection. Massachusetts is the only state in New England to have such agreements, and we have four: the Sheriff’s Departments of Bristol, Barnstable Plymouth Counties, and the Massachusetts Department of Corrections.
- Ensures that law enforcement agencies incorporate this guidance into their training programs, and permits the filing of a complaint with the relevant agencies or the Attorney General’s civil rights division, which would annually summarize any complaints it receives.

Who are the bill’s sponsors?

The bill is sponsored by Senator James Eldridge and Representatives Ruth Balser and Liz Miranda. Cosponsors include 76 Representatives and 21 Senators of the Commonwealth.

What is the current status of this bill?

It has been referred to the Joint Committee on Public Safety and Homeland Security.

What is ACP's position on this bill?

We are advocating for this bill in 2019 as we did in 2017. As physicians we promote wellness and prevent unnecessary injury or illness. We believe an individual's right to due process and protection under the law is important for psychological and physical health. We have witnessed an intense wave of fear permeating our community of patients who are afraid to call the police and to seek medical care. We believe that the changes outlined in this bill will serve to revitalize a trusting relationship between local law enforcement and community that is paramount to the health and well-being of all.

Who does the American College of Physicians represent?

The American College of Physicians (ACP) is a diverse community of internal medicine specialists and subspecialists united by a commitment to excellence. Internists apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness. With 154,000 members in countries across the globe, ACP is the largest medical-specialty society in the world. ACP and its physician members lead the profession in education, standard-setting, and the sharing of knowledge to advance the science and practice of internal medicine.