

Article 33

To see if the Town will vote to adopt the following resolution to protect the civil liberties of Mashpee residents. We join here with the towns of Eastham, Dennis, Wellfleet, Provincetown, Brewster and Truro to adopt a resolution to protect the civil liberties of our residents.

Whereas the rights and liberties of the citizens and non-citizen residents of Mashpee, protected by the Constitutions of the Commonwealth of Massachusetts and the United States of America include: Freedom of speech and assembly; The right to privacy; The rights to counsel and due process in judicial proceedings; Protection from unreasonable searches and seizures; The right to be notified of charges against them.

and, whereas the mission of the Mashpee Police Department states that the "Department strongly embraces the philosophy of community policing...we hope to build a strong collaborative supportive relationship, which will build public trust and mutual respect between our citizens and our police department, increasing the quality of life for those that live, work and visit the beautiful Town of Mashpee."

and, whereas the Town of Mashpee Inclusion and Diversity Committee includes the purpose to "Strive for a community characterized by the values of inclusion. Inclusion is defined as actively pursuing goals of including, integrating, engaging, and welcoming all persons regardless of their race, color, ethnicity, gender, sexual orientation, gender identity, disability, age, religion, creed, ancestry, national origin, military or veteran status, marital status, family status, or receipt of public benefits."

and, whereas the Supreme Judicial Court of Massachusetts has stated that the Tenth Amendment to the United States Constitution prohibits the Federal government from compelling States to employ their resources to administer and enforce Federal programs; and ruled "Conspicuously absent from our common law is any authority (in the absence of a statute) for police officers to arrest generally for civil matters, let alone authority to arrest specifically for Federal civil immigration matters."

It Is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Mashpee in the absence of probable cause of criminal activity, to the extent legally permissible, and in keeping with current practice, from:

1. Participating in or cooperating with any inquiry, investigation, surveillance or detention having to do with immigration matters falling under the jurisdiction of the Federal government.
2. Enforcing immigration matters.
3. Profiling based on race, ethnicity, citizenship, religion, or political values
4. Using town funds and other town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4th Amendment of the US Constitution.
5. Violating the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status.

Submitted by Petition

Explanation: This article is our way to show our support and thanks for the current practice and policy of Mashpee police's mission of "community policing," and of the Diversity Committee's goal of keeping Mashpee a welcoming community for all residents. Its goal is to reinforce adherence to current law, to our civil liberties, and to the priority for local resources to be directed toward the safety of Mashpee residents.

The Board of Selectmen takes no position on Article 33 by a vote of 4-1

The Finance Committee takes no position on Article 33 by a vote of 5-0