



City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

TEL: (508) 580 - 7114

MINUTES – ORDINANCE COMMITTEE

April 4, 2019

The Standing Committee on Ordinances and Rules was called to order at 6:05 p.m. by Councilor Sullivan with Councilors Sullivan, Cruise, Monahan, Farwell, and Derenoncourt present.

Councilor Sullivan read the agenda into the record.

The Committee first considered the following:

1. Acceptance of the minutes of the March 14, 2019 Ordinance Committee Meeting.

Motion by Councilor Cruise to Accept the Minutes and Report of the March 14, 2019 Ordinance Committee Meeting, 2nd by Councilor Monahan, motion carried.

Next the Committee considered the following:

2. Brockton United Ordinance: The purpose of this ordinance is to create unity among residents of Brockton, whether born here or abroad; to welcome newcomers; and to engage community members in building trust and solidarity between the different ethnic groups that make up the City of Brockton and the City's government. (Continued from Ordinance meeting of March 14, 2019)

Comments by Councilor Sullivan

(read order and list of invitees, email from Mayor, states he already stated his reasons for opposition to the proposed order, email from Superintendent of Schools not able to attend by sent a designee)

Comments by Dr. Debarros

(Brockton Public Schools is ahead of the game, registration form provided, and registration brochure, incoming students are not asked about immigration status/visa, just ask for a birth certificate, doesn't ask for social security cards, and

if they do receive it they write it out, not sent out to schools, kept in admin offices, does ask for questions about where the child was born for ESL screening, language testing/placement, general reporting regarding country of birth)

Comments by Councilor Farwell

(step further, if there were an inquiry at the school, it gets funneled down to central administration to evaluate how to handle it)

Comments by Dr. Debarros

(all information held at central office, reference to federal law regulating education of children in the United States)

Comments by Councilor Farwell

(re October 1st count)

Comments by Dr. Debarros

(18 month delay from when the children arrive after Oct. 1, this is already their practice)

Comments by Councilor Cruise

(any immigration information requests?)

Comments by Dr. Debarros

(never, principals have been told not to give any information to ICE, they've been told to get that information to central office, and central office goes through their attorneys)

Comments by Councilor Derenoncourt

(re the ordinance, thanks Dr. Debarros for coming, doesn't see how Brockton Schools have anything to do with the ordinance)

Comments by Councilor Monahan

(does she the interest of the Brockton School system and this proposed ordinance, no problems in the school department with ICE trying to obtain information, feels better about it)

Comments by Councilor Derenoncourt

(students have the right to go to school, focus is on ICE for the ordinance, this issue has to do with ICE working with the Brockton Police Department, common knowledge that kids need to go to school)

Comments by Councilor Monahan

(this is an example about what's going on in our school, it's part of the Brockton system, good to know the steps/program taken by the administration, school department is part of the ordinance)

- Comments by Councilor Sullivan
(the ordinance talks about the schools, so it is germane, there is a section relating to schools)
- Comments by Councilor Derenoncourt
(this isn't about not allowing immigrant students in the school system, it's about preventing measures to help ICE)
- Comments by Dr. Debarros
(FERPA, doesn't give away information without parent's consent)
- Comments by Councilor Sullivan
(re impact on Brockton Police officer, ramifications on local level if the ordinance is violated, comments re grievance filings)
- Comments by Police Union Bill Healy (Patrolmen's Union)
(president of the union, hasn't seen anything in writing, questions re how this passes)
- Comments by Councilor Sullivan
(only 5-member committee, it will go back to the full City Council whether voted favorably or unfavorably, then passed to City Council for a vote)
- Comments by Police Union Bill Healy (Patrolmen's Union)
(process would be to confer with the attorney and determine to grieve it, step 1 to let the Chief know, Step 3 for a hearing, Step 4 to binding arbitration)
- Comments by Councilor Derenoncourt
(doesn't seem to have had a chance to have read it)
- Comments by Police Union Bryan Maker (Supervisors Union)
(same process, smaller union)
- Comments by Councilor Farwell
(re U VISA certification, questions re training for U VISA certifications)
- Comments by Police Union Bryan Maker (Supervisors Union)
(not on the police level, additional training would be needed)
- Comments by Police Union Bryan Maker (Supervisors Union)
(police department makes arrests, officers does not go out of their way to notify ICE, if the detainees don't get released, they get transfers to the Court where ICE may be involved, not something the Brockton Police Department gets involved in)
- Comments by Councilor Derenoncourt

(re ICE reaching out to the Brockton Police Department, doesn't want the residents of the City to be reported to ICE)

Comments by Councilor Sullivan

(re Brockton Police does not actively inquire or report immigration status)

Comments by Councilor Farwell

(all agree that everyone is treated with the same level of respect and support and no inquiry is made as to immigration status, doesn't see certain sections of the ordinance as an appropriate policy, will it constrain the police from sharing information)

Comments by Paul Studenski (former Police Chief; former Ward 4 City Councilor)

(can't take tools out of the police department, concern re obstruction of justice, budget cuts in the past, at that time need help from other departments like state police and federal authorities, ATF and FBI had a desk in Brockton, no complaints at the time about ICE's involvement, biggest concern re hindering police department)

Comments by Councilor Monahan

(re any suggestions)

Comments by Paul Studenski (former Police Chief; former Ward 4 City Councilor)

(need to be restructured, perhaps with the attorneys for the police unions)

Comments by Councilor Derenoncourt

(says ICE doesn't have authority, comments re not reading the ordinance, need to build trust with residents, talking about ICE, not trying to turn Brockton into Sanctuary City)

Comments by Paul Studenski (former Police Chief; former Ward 4 City Councilor)

(re comparison to Sanctuary City, re expedition treaties)

Comments by Councilor Rodrigues

(thanks Committee for going through the process and time given to the meetings on this issue, State of the City by the Mayor, clueless about immigration law, practice of police department and school department leads to sanctuary establishment, but is against sanctuary cities, not protecting criminals, looking for a process to ease relationships with the police department, deportation not the punishment, due process and punishment, clarification that this has nothing to do with law enforcement, not about ATF, immigration law is not criminal, it's a civil matter, ICE is not federal law authority, comments re information already in public record for prior arrests, this does not prevent Brockton Police Department from working with federal law department, wants something in black and white telling the residents what the police and school department does)

Comments by Councilor Farwell

(re criminal work by ICE, need positive relationship with Brockton Police, ICE helps Police Department by posting information, Mayor should be present to answer questions, commends Councilor Derenoncourt for public service)

Comments by Councilor Rodrigues

(not a body that incarcerates)

Comments by Councilor Farwell

(re amendments, wants language from Mayor, Law Department, and Police Chief as to language they would accept)

Comments by Councilor Monahan

(knows this isn't a sanctuary city ordinance, doesn't want to see his residents deported, morally favorable, wants to see some tweaking to the language)

Comments by Councilor Rodrigues

(Mayor made it clear he isn't going to support it, strong council weak mayor system, doesn't want to see wasting time with individuals who do not want this passed to begin with)

Comments by Councilor Farwell

(reads it as equal access to public safety services, this is the responsibility of the Mayor and Police Department)

Comments by Councilor Sullivan

(re opinion of attorneys re violation of federal law, can't support this due to language of subsection C, but can do this in a lawful way)

Comments by Councilor Derenoncourt

(comments by City Solicitor and Assistant City Solicitor's opinions, Mayor will veto, proud of where he comes from and proud to be a resident of Brockton, City Solicitor/Police Chief/Mayor not willing to work, they've been given the opportunity already, just put it to a vote)

Comments by Councilor Cruise

(subsection (c) is the issue, concern re attorney opinions and police chief re issue)

Comments by Councilor Farwell

(re direction of legislative council to have solicitor/mayor weigh-in on the language)

Comments by Councilor Sullivan

(specific date, looking to have this voted upon before the budget)

MOTION by Councilor Farwell re request for language from Mayor/Law Department within 14 days, 2nd by Councilor Monahan. Motion carried.

Motion by Councilor Derenoncourt re Amendment to subsection 5, 2nd by Monahan. Debate on the motion commenced.

Motion by Councilor Sullivan to insert in that amendment, including by not limited to in lieu of use of “(i.e.)”, 2nd by Councilor Monahan, all.

On the motion of Councilor Derenoncourt and as amended by the Motion of Councilor Sullivan, the amendment to read as follows:

This Ordinance does not preclude the Brockton Police from working collaboratively with federal law enforcement agencies (including but not limited to the FBI, DEA, ATF, U.S. Marshals Services, and the U.S. Secret Services) in the prevention and enforcement of any local state and federal crimes.

Motion as amended carried.

Motion by Councilor Cruise to POSTPONE until the next Ordinance Meeting, 2nd by Councilor Farwell. Motion carried.

Motion to adjourn by Councilor Monahan, 2nd by Councilor Farwell. Motion carried.

The meeting was adjourned at 7:47 p.m.