



April 26, 2017

In response to a recent citizen's inquiry as to whether Middlebury is considered a "sanctuary city," attached is a January 26, 2017 memo from Middlebury Police Chief Tom Hanley explaining the Town's status.

Kathleen Ramsay
Middlebury Town Manager

MEMO

To: Kathleen Ramsay, Town Manager

From: Thomas Hanley, Chief of Police

Date: January 26, 2017

Re: Response to Inquiry about "Sanctuary City" Status

Kathleen,

None of our policies would get us classified as a "Sanctuary City". We operate within the scope of our jurisdiction and authority. We are not an extended arm of CIB (Customs, Immigration, and Border Patrol) and therefore don't extend our jurisdiction artificially. To divert our attention from the civil and criminal matters that affect quality of life would be a waste of time and resources. Hunting down undocumented foreign nationals for no other purpose would require us to adopt a profiling system which is repugnant to our values. As a matter of policy we do not inquire of residency or immigration status when dealing with crime victims or people in need of assistance; we don't use suspected immigration status, race or ethnicity as reasonable suspicion of an offense or crime. We focus on crimes that are violations of state law. We have no interest in combing farms, hotels, restaurants, or other businesses for potential undocumented workers. That's outside our mission.

That being said, we have four instances where we work with CIB:

1. On a request for assistance from CIB in Middlebury, in that event we are there for public safety purposes to work within our jurisdictional authority, not to enforce federal law;
2. To work on cases of human trafficking;
3. When a person is arrested for a crime, and we discover that the person is undocumented, we notify their respective consulate as well as CIB, as we are legally obligated to do; (though we don't bother with minor offenses like traffic offenses and disputes);
4. When during an investigation we discover severe violations of VT employment law, as in two cases where local workers were dismissed from a job site and replaced by a subcontractor bringing in grossly underpaid undocumented workers outside the scope of VT employment law. We don't enforce those laws, but we fulfill our obligation to notify the state and CIB and who primarily go after the contractor.

To be a "sanctuary city" as noted by A/G Donavon, the town would have to take many actions contrary to federal law, such as prohibiting relations with and even interfering with CIB, providing resident status on all civil matters in the town, allowing everyone to be considered "residents" on all matters - town meeting attendance, voting, recreation programs, library access, and whatever privileges town residents have.