



Brian A. Kyes, President
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February 4, 2018

Re: Endorsement of Bill No. **S.1350**

As committed law enforcement leaders dedicated to preserving the safety and security of our respective communities across this great Commonwealth, both the members of the Massachusetts Chiefs of Police Association and the members of the Massachusetts Major City Police Chiefs Association are writing to express our support and endorsement of a revised version of **S.1305** titled an “*Act to Protect the Civil Rights and Safety of all Massachusetts Residents*”.

While we are in agreement that civil immigration enforcement is primarily a federal law enforcement responsibility, which should be decoupled from state and local police enforcement priorities, we remain steadfast in our commitment that as officers sworn to protect and serve the public that we should be utilizing every strategic resource at our disposal to optimize and enhance the safety and security of our respective communities within the confines of all legal statutory and constitutional boundaries.

Based on the recent SJC decision this past July in *Lunn v. Commonwealth*, police officers in this state no longer have the legal authority to “honor” immigration detainer requests received from federal law enforcement officials, which as the result of this decision have now been classified as “new arrests” requiring separate and independent probable cause beyond that for which the initial predicate arrest was originally made.

Versions of this bill as originally filed in January of 2017 in both the House and in the Senate were recently amended over the last few months with the input and assistance from the aforementioned Police Chiefs Associations working in close collaboration and partnership with members of our State Legislature and other important community advocacy leaders.

The redraft of this bill now allows for what we view as a more effective balance of both building and improving trust in our respective communities while simultaneously enhancing public safety across the entire State. The modified version of this bill allows for a limited, yet effective, 6-hour “no-bail provision period” for those individuals arrested by local and state police who also have a conviction on their respective criminal records for certain violent offenses or who have been arrested for a terrorism related offense and who Federal Immigration and Customs Enforcement Officials (ICE) also have what is deemed to be an actionable interest in based on the confirmation of received biometric fingerprint data that was acquired by police during the administrative booking procedure for the offense for which the individual was initially arrested.

Arlington, Attleboro, Beverly, Boston, Brockton, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall River Fitchburg, Framingham, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Malden, Massachusetts Bay Transit Authority, Massachusetts State Police, Medford, Methuen, New Bedford, Newton, Peabody, Pittsfield, Quincy, Revere, Salem, Somerville, Springfield, Taunton, Waltham, West Springfield, Weymouth, Woburn, Worcester

We believe that this newly modified bill is a commonsense, policy prudent, and safety-orientated approach to addressing the existing “gap” in the state of the current law in this Commonwealth that was created by way of the SJC’s decision in Lunn.

Without this bill, State and local police would remain unable to detain any arrestee for any period of time despite the issuance of a federal ICE detainer, even an individual with a demonstrated propensity for committing violence based on their history of prior felony convictions on their record, to allow for the possibility of federal ICE agents to conduct an interview and possibly take the arrestee into federal custody if the circumstances were warranted.

This important legislative change will absolutely enhance public safety in our respective communities by preventing dangerous individuals who meet the aforementioned criteria from being released back into our cities and towns to potentially reoffend and commit further acts of violence.

Therefore, it is our collective hope that both the Senate and the House will act favorably on this important public safety legislation and submit it to the Governor for his astute review and consideration and ultimate signature to make this bill become law across our Commonwealth.

We remain available for any questions or concerns that may result.

Sincerely,

Chief Brian A. Kyes
President, Major City Police Chiefs Association
Chairman, MCOPA Legislative Committee

CC: Chief Stephen Wojnar, President MCOPA
Mark Leahy, Executive Director, MCOPA