



**Testimony in support of
H.1477, *An Act relative to enforcing federal law*
Submitted to the Joint Committee on the Judiciary
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H.1477, *An Act relative to enforcing federal law*, would prohibit state officials from spending any state or local funds to participate in 287(g) agreements with Immigration and Customs Enforcement (ICE), a federal agency. These 287(g) agreements allow local sheriffs to act as federal immigration enforcement agents to detain immigrants for civil, not criminal, infractions.

In July 2017, the Supreme Judicial Court ruled in [Commonwealth v. Lunn](#) that "Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody." Therefore, holding people on civil ICE detainers is unconstitutional in the Commonwealth.

Barnstable County and the state Department of Corrections presently have 287(g) agreements with ICE. Until recently, Bristol County and Plymouth County both had 287(g) agreements. Members of this committee are well aware of the human rights abuses that have occurred in Bristol County and Plymouth County ICE detention centers. Plymouth County Sheriff McDonald terminated his agreement in September, attributing it to staffing issues. However, ICE detainees remain incarcerated there and detail human rights violations. LWVMA signed on to a letter requesting Sheriff McDonald release ICE detainees housed at Plymouth County who have endured physical abuse, verbal abuse, as well as lack of access to hot water, interpretation services, and religious needs.

The U.S. Department of Homeland Security terminated its 287(g) agreement with the Bristol County Sheriff's Office in May 2021, with Secretary Mayorkas stating, "We will not tolerate the mistreatment of individuals in civil immigration detention or substandard conditions of detention." This termination occurred one year after the May 1, 2020, violent incident at the C. Carlos Carreiro Immigration Detention Center at the Bristol County Sheriff's Office (BCSO) when detainees were hospitalized. Attorney General Healey's [final report](#) of the investigation concluded, "BCSO's calculated use of force included the use of a flash bang grenade, pepper-ball launchers, pepper spray canisters, anti-riot shields, and canines—against detainees who had exhibited calm and nonviolent behavior for at least an hour before this operation." When Senator Sonia Chang-Diaz was denied entry to the facility the next day on May 2, 2020, the Senate Committee on Post Audit and Oversight launched an investigation and [issued a report](#) in December 2020.

As of September 2021, [only three other states besides Massachusetts are engaged with the federal government in 287\(g\) jail enforcement model agreements](#): Arizona, Georgia and Florida. Rarely do we find the Commonwealth on par with these three states in any public policy area—



nor should we. We need to look no further than Framingham to know that 287(g) agreements do not promote or ensure public safety, they erode public trust of police. Framingham withdrew from the program in 2009 due to fear within the immigrant community. Then-Police Chief Carl stated, “We want them to report crimes. We want them to call us when they’re victims. We don’t want them to be afraid of us. If we participated ...they’d be terrified of us.” Local police resources should be used on issues the local community is currently facing and not on federal immigration matters.

Sheriffs claim that 287(g) agreements generate revenue for the Commonwealth. However, the official audit report of the Bristol County Sheriff’s Office issued February 13, 2019, by State Auditor Suzanne Bump for the period July 7, 2015 through December 31, 2017, indicates that BCSO “did not ensure that the Commonwealth received appropriate compensation for the service it provided under its agreement with ICE.”

The League of Women Voters of Massachusetts, representing 47 local Leagues from Cape Cod to the Berkshires, opposes deputizing state and local police to enforce federal immigration laws in Massachusetts. The League of Women Voters of the United States supports cities, towns, counties and states that make a decision not to cooperate with federal deportation and enforcement actions that include non-criminal undocumented immigrants. LWV stands in solidarity with immigrants and our partners in the immigrant rights community.

Massachusetts should not be in the business of housing ICE detainees because it is unconstitutional, breeds human rights abuses, contributes to fear within immigrant communities, and costs taxpayers money. Rep. Antonio Cabral, the bill’s chief sponsor, said it best in his [opinion piece](#) in *The Boston Globe*, “The Massachusetts Legislature has the power to end this shameful collaboration, and should do so without delay.”

For all these reasons, the LWVMA supports this bill and asks that you favorably report this bill out of committee. Thank you for your consideration.