

## ERO – Boston Field Office

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### Secure Communities Ten-Week Snapshot:

Secure Communities Biometric Hits 3/19/18 to 5/30/18		
Status	Number of Actionable Hits	Detainers Issued
Final Order of Removal	56	34
Reentry after Deportation	66	46
Present without Admission	134	63
Non-Immigrant	116	31
In Removal Proceedings	71	33
OSUP/OREC	13	9
Totals:	456	216

### Massachusetts Biometric Interoperability Hit analysis

- Approximately 400 biometric hits are received each month that relate to previous immigration records. Of these, many are naturalized U.S. citizens, lawful permanent residents, Asylees, non-immigrants, previously deported Aliens, aliens present without admission, final orders of removal (deportation warrants), and aliens already in removal proceedings.
- For the ten-week period from March 19, 2018 to May 30, 2018, eight hundred and thirty-two (832) biometric matches were reviewed by ICE based on criminal arrests in Massachusetts.
- Of those, 456 were identified as potentially actionable (immediately amenable to ICE arrest.)
- Of those, 216 ICE detainers were issued to Massachusetts law enforcement agencies identifying arrested subjects as illegal immigrants amenable to ICE immigration enforcement action. The aliens for whom detainers were issued had been arrested for a wide variety of state crimes including, but not limited to: rape, assault, firearms possession, drug distribution & trafficking, drug possession, OUI, domestic violence, as well as property crimes and motor vehicle offenses.
- Of the 456 Biometric hits, 130 were released from state custody before an ICE detainer could be issued and were referred to the At-Large teams for action and 110 of the hits were referred to the CAP unit for follow up.

Due to the recent Lunn decision, Massachusetts state and local law enforcement agencies, including: police departments, sheriff's offices, local jails, state prisons, and trial courts will no longer detain removable aliens based on an administrative ICE action; to include lawfully issued ICE Detainers. Some agencies have adopted additional internal policies that limit or prohibit their cooperation and information sharing with ICE. These policies often result in the release of potentially dangerous criminal aliens back into the community because ICE officers are not notified of pending releases from state custody. It is estimated that close to 50% of ICE detainers issued in Massachusetts are lifted because aliens are released on bail without notification to ICE. This happens at the time of arrest as well as post-arraignment bail releases from local jails and houses of correction.

## ERO – Boston Field Office

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Several recent cases have highlighted the risk to public safety created by this lack of cooperation between state and local agencies and ICE. A few examples are outlined below.

- On April 25, 2017, the Newton, MA Police Department arrested a citizen of Dominican Republic on a after he allegedly raped a female Boston College student in the back seat of his car after he picked her up in the Boston Seaport while driving for Uber. The subject was taken to Newton District Court for arraignment on 4/25/17 with an ICE detainer. The subject was previously deported from the U.S. on 2/17/2010 and had previous criminal convictions for assault and battery with a dangerous weapon and possession of controlled substance.

ERO officers spoke with the ADA handling the case and assured her of ICE's interest in taking custody of the subject if there was a chance he could be released from state custody. The ICE detainer was discussed in open court and the judge was aware of the immigration issue and ICE's interest in the defendant. Despite these facts, the judge set bail at \$2,500.00 and allowed the subject to post bail at the courthouse and abscond without prior notification to ICE. That subject remains at large.

- On November 19, 2017, a citizen of Guatemala was arrested by the Fitchburg, MA Police Department for Domestic Assault and Battery. An ICE Detainer was lodged with the Fitchburg District Court by the PERC. The ICE Detainer was not honored and the alien was released without ERO notification on November 20, 2017. The judge advised court staff to take no action on the ICE detainer and not to call ICE. The subject was later located and arrested by ERO Boston on January 18, 2018.
- On December 14, 2017, a citizen of Guatemala was arrested for armed assault to murder and assault and battery with a dangerous weapon by Lynn Police Department. The subject was held at Essex County House of Correction in Middleton, MA. Boston ERO lodged a Form I-247 Immigration Detainer at Essex County House of Correction on December 20, 2017. The Immigration Detainer was not honored, and the subject was released from Essex County on January 17, 2018. The subject was later located and arrested by ERO-Boston.
- On January 18, 2018, two citizens of the Dominican Republic were arrested for possession with intent to distribute Class A and Class B (Heroin and Cocaine) by the Worcester, MA Police Department. ICE Detainers were lodged with the Worcester, MA District Court by the PERC on January 19, 2018. The ICE detainers were not honored and both subjects were released from the court on the same date. They both remain at large.
- On February 16, 2018, a citizen of Guatemala was arrested by the Lawrence, MA Police Department for armed robbery. An ICE Detainer was issued based on a biometric match identifying the subject as an alien currently in removal proceedings. Lawrence District Court released the subject from the courthouse without notifying ERO Boston. The subject remains at large.

## ERO – Boston Field Office

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- On February 16, 2018, a citizen of Guatemala, was arrested by the Lawrence, MA Police Department for domestic violence. An ICE Detainer was issued based on a biometric match identifying the subject as a fugitive alien. Lawrence District Court released the subject from the courthouse without notifying ERO Boston. The subject remains at large.
- On March 30, 2018, a citizen of the Dominican Republic was arrested by the Newton, MA Police Department for possession of cocaine. The Subject was identified as an alien previously removed from the United States based on a biometric interoperability match to his fingerprints at the time of his arrest and booking at the Newton Police Department. Based on that biometric match, an ICE Detainer was issued to the Newton Police Department notifying them of ICE's intent to arrest and detain the alien for removal purposes.

On April 2, 2018, ERO officers attended the subject's arraignment at Newton District court and advised court personnel of their intent to arrest the subject. However, the subject was allowed to abscond from the courthouse by a court security officer, despite ICE officer's attempts to arrest the subject. The subject was later located and arrested by ERO officers.

- On April 12, 2018, the Weymouth, Massachusetts Police Department arrested a 30-year-old citizen and national of Ghana, and charged him with rape. ERO Boston issued an I-247A Immigration Detainer with the Weymouth Police Department based on a biometric interoperability hit identifying the subject as a non-immigrant overstay. After arraignment at the Quincy, Massachusetts District Court on April 13, 2018, the subject was transported to the Norfolk County Jail and released from state custody on bail. The Quincy District Court did not forward the Immigration Detainer to the Norfolk County Jail, nor did they notify ERO Boston of the subject's pending bail release. ERO Officers were present at the Quincy District Court to take him into custody following his arraignment, but were told by the Massachusetts Trial Court security officers that they couldn't speak with the subject. Following the subject's release from state custody, ERO officers determined that he departed the United States to Accra, Ghana on April 15, 2018.
- On May 7, 2018, an unidentified subject slashed the throat of a female victim in Chelsea, MA. The Chelsea Police Department investigation identified the name of a suspect that they believed to be illegally present in the United States. However, due to lack of communication with ICE, the Chelsea Police Department did not contact ICE for assistance in further identifying or locating the suspect. Instead, the U.S. Marshal's Service contacted ERO Boston and provided a name and photograph of the suspect. With the information provided by the USMS, ERO was able to identify the suspect and provide a date of birth, FBI number, and additional photographs of the subject who was determined to be a previously deported alien from El Salvador. Using the information provided by ERO, a criminal warrant for assault with intent to murder was obtained and the subject was arrested by the USMS in Maryland a few days later.

In addition to these highlighted cases, a high number of removable aliens charged with the distribution of heroin and fentanyl are released from state custody without notification to ICE. Countless removable aliens have been arrested for contributing to the opioid epidemic in Massachusetts, mostly by trafficking and distributing Class A drugs. These aliens are routinely released on bail from local jails after normal business hours when ICE officers are unable to respond in a timely fashion or are not notified about the release. Lack of cooperation by state agencies has significantly contributed to the continued distribution of dangerous drugs.