

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary E. Heffernan
Secretary

June 3, 2011

Marc Rapp
Acting Director, Secure Communities
Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, S.W.
Washington, DC 20536

Dear Acting Director Rapp:

I am writing at the request of Governor Deval Patrick to inform you of his decision and directive that Massachusetts not sign any memorandum of agreement to participate in the Secure Communities program.

Governor Patrick and I share your public safety objectives and agree that serious criminals who are here illegally should be deported. That is why Massachusetts has and will continue to send fingerprints to the Federal Bureau of Investigation for our law enforcement needs. That is also why the Massachusetts Department of Correction works with Immigration and Customs Enforcement (ICE) to facilitate the removal of undocumented immigrants who have been convicted of felonies in the Commonwealth under our 287(g) agreement.

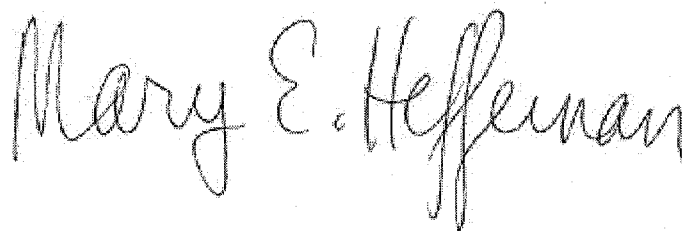
However, Secure Communities, as implemented nationally, does not reflect those objectives. As stated in the draft MOA, Secure Communities "is a comprehensive ICE initiative that focuses on the identification and removal of aliens who are convicted of a serious criminal offense and are subject to removal." Yet, ICE statistics indicate that only about 1 in 4 of those deported since the inception of Boston's pilot participation in Secure Communities were convicted of a serious crime and more than half of those deported were identified as "non-criminal."

The Governor and I are dubious of the Commonwealth taking on the federal role of immigration enforcement. We are even more skeptical of the potential impact that Secure Communities could have on the residents of the Commonwealth. Through the community meetings we have held around the Commonwealth, residents have expressed concerns about racial profiling as a result of the program. Some in law enforcement fear the program is overly overbroad and may deter the reporting of criminal activity. Moreover, advocates for victims of violence, particularly domestic violence, have expressed grave concern that the program as implemented will further victimize their constituents. Others, including mayors, are apprehensive that the program will deteriorate relationships with communities that have been carefully cultivated with years of hard work.

ICE has sent conflicting messages about the implementation of the Secure Communities program, as the Department of Homeland Security (DHS) has publicly acknowledged. The DHS Office of Inspector General has also committed to conduct a review of the program to “determine the extent to which ICE uses the program to identify and remove dangerous criminal aliens from the United States.” We are reluctant to participate if the program is mandatory and unwilling to participate if it is voluntary.

Accordingly, Massachusetts will not enter into a memorandum of agreement to implement Secure Communities. Governor Patrick looks forward to working with the Obama Administration on comprehensive federal immigration reform. Meanwhile, we will continue our current practices.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Heffernan". The signature is written in dark ink and is positioned centrally below the word "Sincerely,".

Mary Elizabeth Heffernan
Secretary