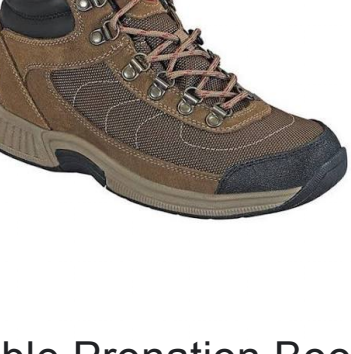



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OPINION

Sheriffs' ICE contracts are on their way out in Mass. Here's why that's a good thing.

The Plymouth County sheriff's office announced it's exiting ICE's controversial program that allows it to enforce federal immigration law, leaving Barnstable County an outlier in the state.

By **Marcela García** Globe Columnist, Updated September 13, 2021, 4:13 p.m.

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The announcement from the Plymouth County sheriff's office came Friday in [an interview with a radio station on the South Shore](#). Sheriff Joseph McDonald told WATD he's notifying US Immigration and Customs Enforcement of his intention to end his office's 287(g) agreement with the federal agency, which allows local sheriffs' offices and other state and local law enforcement agencies to enforce federal immigration law.

It's welcome news. Plymouth County's voluntary decision to withdraw from the program comes on the heels of a lawsuit filed by local immigration advocates in December challenging the [role Massachusetts sheriffs play in immigration enforcement](#). It also comes after the Biden administration [terminated the Bristol County sheriff's office's long-lasting 287\(g\) agreement](#) in May, saying "there is ample evidence" that the "treatment of detained individuals and the conditions" at the immigrant detention center run by Sheriff Thomas Hodgson in Bristol County "are unacceptable."

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Immigration activists and attorneys, as well as advocates for civil rights, had long claimed that the 287(g) agreements signed by local sheriffs were illegal under Massachusetts law. After Plymouth's withdrawal from the program, that leaves a single sheriff as an outlier in the state with such a partnership: the [Barnstable County sheriff's office](#). It's why [Lawyers for Civil Rights sent a demand letter](#) on Monday to Barnstable County Sheriff James Cummings about his office's 287(g) partnership. They want Cummings to see the writing on the wall and follow McDonald's lead to voluntarily exit Barnstable County's immigration enforcement partnership with ICE.

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The program's legality is indeed an open question in Massachusetts. As the lawsuit filed last year alleged, there is nothing in "the state constitution, statute, or common law that grants Massachusetts sheriffs the power to enter into such agreements." Additionally, [287\(g\) contracts can be costly](#) to taxpayers.

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Historically, these partnerships have resulted in racial profiling of Latinos. The most infamous case is that of Sheriff Joe Arpaio of Maricopa County, Ariz. Under the program, the [US Department of Justice concluded in a 2011 investigation](#) that Arpaio's deputies were nine times more likely to stop Latino drivers in certain parts of the county than non-Latino drivers. Similar issues with the program were found in a [Department of Justice investigation in Alamance County, N.C.](#), where the sheriff's office there was also unlawfully detaining and arresting Latinos.

Generally speaking, [these agreements allow deputized officers](#) to interrogate individuals about their immigration status, issue civil immigration detainers to hold people on behalf of ICE, or even make recommendations for detention and immigration bond decisions, among other functions. The many potential negative outcomes from 287(g) are why, every session since 2017, state Representative Antonio Cabral has [filed a bill](#) to end the program in the state.

But lawmakers haven't acted yet. It's why [Lawyers for Civil Rights](#) and [Rights Behind Bars](#) sued the Plymouth County sheriff's office last year. Plymouth then moved to dismiss the case. But in July, a Superior Court judge ruled that the suit, which had been filed on behalf of several taxpayers in the county, [could proceed](#). "The court issued a really strong decision saying that the case had merit, that we were making a viable claim, and that [the case] could move forward," said Iván Espinoza-Madrigal, executive director of LCR.

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McDonald said he was ending Plymouth County's 287(g) agreement due to staff shortages. "We're finding it's very difficult to manage at this point," the sheriff told WATD, referring to the program. "We just don't have the staffing and wherewithal to keep it going."

Because the matter against Plymouth appears to be essentially resolved, Espinoza-Madrigal said his organization now wants Barnstable County to terminate its 287(g) program with ICE. [In the letter sent Monday](#), LCR is warning Cummings that a lawsuit may be brought in light of the "potential legal liability," said Espinoza-Madrigal.

"These programs are not an appropriate use of local and state resources, and it creates tension with community-oriented policing," Espinoza-Madrigal said.

Not counting Plymouth County, ICE has [144 agreements under the 287\(g\) program](#) with jurisdictions across the country. Notably, President Biden made a commitment during the presidential campaign to "aggressively limit the use of 287(g) and similar programs that force local law enforcement to take on the role of immigration enforcement," [according to The Biden Agenda for the Latino community](#).

But that hasn't exactly happened, which has been disappointing. Hence the urgency for the state Legislature to ban these types of enforcement deals. It shouldn't be up to advocates and their lawsuits — which may involve legal costs to taxpayers — to finally ban 287(g) programs in Massachusetts.

Marcela García can be reached at marcela.garcia@globe.com. Follow her on Twitter [@marcela_elisa](#).

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The search was suspended Monday in a Florida nature preserve for the man police say is a person of interest in the death of his girlfriend Gabby Petito, whose body authorities believe was discovered at a Wyoming national park the couple visited.

Hundreds of students protest outside UMass fraternity house alleging sexual assault

Students who participated in the demonstration alleged that a sexual assault occurred at the Theta Chi house during a party Saturday night. Fraternity officials did not immediately respond to requests for comment.

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