

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES  
CHAMBER OF THE ASSEMBLY OF DELEGATES @ 4:00 P.M.  
FIRST DISTRICT COURTHOUSE  
ROUTE 6A, BARNSTABLE, MA 02630**

**APPROVED Journal of Proceedings - January 3, 2018**

**Call to Order**

Speaker MCAULIFFE: It is 4 o'clock, and I will call to order the meeting of the Cape Cod Regional Government. This is the Assembly of Delegates. It's Wednesday, January 3<sup>rd</sup>, 2018 at 4:00 p.m.

We will start with a moment of silence to honor our troops who have died in service to our country and all those serving in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Will the Clerk please call the roll?

**Roll Call**

**Roll Call Attendance (74.05 %): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).**

**Arrived Late (23.65%): Christopher Kanaga (2.73% - Orleans - @ 4:05 P.M.), Patrick Princi (20.92% - Barnstable - @ 4:05 P.M.).**

**Absent (2.30%): Edward Atwood (2.30% - Eastham).**

Clerk O'CONNELL: Madam Speaker, you have a quorum with 74.05 percent of the Delegates present; 25.95 percent are absent.

Speaker MCAULIFFE: Thank you.

**Approval of the Calendar of Business**

Speaker MCAULIFFE: I'll take a motion to approve the Calendar of Business.

**Ms. GREEN: So moved.**

Speaker MCAULIFFE: Is there a second?

**Mr. O'HARA: Second.**

**Speaker MCAULIFFE:** Any discussion? All those in favor? Aye. Any opposed? Okay. **The calendar of business is approved.**

**Approval of Journal of Proceedings of December 20, 2017**

Speaker MCAULIFFE: The Journal from December 20<sup>th</sup>, 2017; is there a

motion?

**Mr. O'MALLEY:** Madam Moderator, unless there are revisions from other Delegates, **I would move approval of the Journal of December 20<sup>th</sup> as distributed.**

**Mr. BERGSTROM:** Second.

**Speaker MCAULIFFE:** Any corrections? All those in favor? Aye. Any opposed? Okay. **It passes unanimously.**

Speaker MCAULIFFE: We're going to now go into the part of the meeting where we have comments and presentations. There is an order on the agenda which was posted at the back of the room.

And when we get to the Public Hearing part, which is after the presentation, then we will have the sign-up sheet and I will go through the sign-up sheet for people to have their comments.

### **Summary: Communications from the Board of Regional Commissioners**

- Commissioners reorganize for 2018 – Leo Cakounes continuing as Chairperson.
- Commissioners approve Ordinance 17-13: BCEDC.
- Cost to County of Open Meeting Law complaints calculated and available.
- Application for appointment to the BCEDC will be available on the website with anticipation that committee will be operational by mid-February.
- Cape Light Compact reports and accounting information will be presented at a future meeting of the Assembly.

### **Details**

Speaker MCAULIFFE: So the first item is communications from the Board of Regional Commissioners. We have Commissioner Cakounes here.

Commissioner CAKOUNES: Thank you, Madam Speaker, and Happy New Year to you and the board. I'm going to keep my presentation extremely short. In fact, I didn't bring my case or my file. Since we last met, we've had two meetings, both happen to be on the same day. They were actually yesterday.

By Charter, we are mandated to have on the first business day of the year a reorganization, and I'm just here to report to you that I am going to be continuing as the Chair of the County Commissioners. So, I will be giving you the report from now on as I have normally been doing for this following year.

I would like to, at this time, just reserve my rights under the Open Meeting Laws to go back the next time I'm in front of you on the January 2<sup>nd</sup> meeting in the event there's anything on those agendas that you guys would like to address with me or that I neglect to report to you today.

As far as our first regular meeting of the year which we happened to post on Tuesday also, not Wednesday, the only thing that I do want to make call to is two things, actually.

One is that the Barnstable County Commissioners did pass the new Barnstable County EDC, and there are letters and applications out as we speak for

new members to be appointed to that.

So once we get that all formulated, I'll make sure your clerk has it, and that way there if you have anyone you would like it forwarded to, please let us know. We will forward it to them.

And, secondly, I was asked a number of times by Assembly member Jim Killion and I also believe John Ohman for some numbers from our County Counsel in regards to the cost of the County for the Open Meeting Law complaints and other related things. I do finally have those documents, and with their permission, I will forward it to the Clerk, and the Clerk can forward Attorney Troy's response to that question. It's basically a Word document with a breakdown of dates and times and a bottom-line figure. But I think that will answer your questions.

So with that said, because I know you have a full agenda in front of you, I will leave it.

Speaker MCAULIFFE: Wait a minute. Susan Moran has a question.

Ms. MORAN: Commissioner, thank you for that report. Could you be more specific with respect to the question on the accounting of legal fees, just what is the number?

Commissioner CAKOUNES: How much was it?

Ms. MORAN: Correct.

Commissioner CAKOUNES: I really -- publicly I --

Ms. MORAN: Approximate.

Commissioner CAKOUNES: -- approximately between \$2,500 and \$3,000.00 is what I'm comfortable saying at this point.

Ms. MORAN: Thank you.

Commissioner CAKOUNES: I don't have it in front of me.

Ms. MORAN: All right. Secondarily, with respect to the BCEDC, is it possible to put the applications on the website so that third parties may have direct access?

Commissioner CAKOUNES: I have asked for that to be done, and if it's not done within a few days, those of you that go on our website, please call me and let me know because it's our full intentions to do that; yes. It's a one-sheet application form, and it does allow people to attach to it a resume or a, in their words, how they feel they might benefit being a member or benefit the County being a member. But the actual sheet itself is only one page. It's pretty self-explanatory.

Ms. MORAN: Is there a deadline for the application?

Commissioner CAKOUNES: Not at this time, no, because the letters haven't gone out. Once all the letters go out and I feel comfortable enough that people are well aware of it, I'm going to try to put a deadline. I'm, personally, shooting again for mid-February. I just don't want to wait that long. I want to get this committee up and running. I would have liked to have the letters gone out two weeks ago and they didn't.

Ms. MORAN: It's very helpful. Thank you.

Commissioner CAKOUNES: Okay.

Speaker MCAULIFFE: For those that don't know, the BCEDC is the

Barnstable County Economic Development Council, formally just the Cape Cod or the Economic Development Council. It's been reformulated, refigured, and any information get it either from the Commissioners' office or our website because if you have an interest in working on economic development issues, the applications are available. Sometimes acronyms we're very familiar with.

Commissioner CAKOUNES: I'm just trying to be quick --

Speaker MCAULIFFE: Nope, I know.

Commissioner CAKOUNES: -- before Dr. O'Malley throws something at me because he forgot his bell. I gave him a bell. He's got snowballs over there; I know he does.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Chair, and thank you, Commissioner Cakounes. I just have a quick follow-up question from the last meeting we had. You said that you were meeting with Mary McIsaac --

Commissioner CAKOUNES: Yes.

Ms. GREEN: -- regarding information about the County and the Cape Light Compact Termination Agreement and details in that you would forward to us, any information about things like the transition amount and amount of employee-related liabilities, the transition, and amount of funds in the County accounts. Again, the severances/transition of the contracts; do you have any information?

Commissioner CAKOUNES: I have all that information. I didn't bring it today because of your lengthy -- things that are in your agenda. And as I expressed before through the Speaker, I think it would be prudent for the Speaker to put on the agenda both myself and Ms. McIsaac to be here. And at that time, I think it would be prudent to be able to hand out any related documents to that.

But it is the end of the year and we do have all those assessments in, and the separation is moving on and moving forward.

Ms. GREEN: And I think it would be helpful for us to review it before the meeting so if it's possible.

Commissioner CAKOUNES: I'll try to get it to you before the meeting then; I promise.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Thank you. Are you all set? Thank you, very much.

### **Summary: Presentation by Sheriff James Cummings regarding the ICE 287g Agreement**

- **Clarification over confusion surrounding what the ICE 287g Agreement is and is not.**
- **The ICE 287(g) allows the Department of Homeland Security and law enforcement agencies to make agreements which require the state and local offices to receive training and work under the supervision of U.S. Immigrations and Customs Enforcement.**
- **The 287(g) Program is about identifying criminality not nationality.**
- **The 287(g) Agreement we requested to be part of operates under a jail-**

**enforcement model which functions solely within the confines of our jail in Bourne.**

- **The goal of this program is to enhance public safety by identifying aliens, lodging immigration detainers, and initiating removal proceedings by issuing charging documents on potentially deportable criminal aliens booked into the jail facility.**

### Details

Speaker MCAULIFFE: Our next item is a presentation from Barnstable County Sheriff James Cummings. Thank you, very much. Welcome. Come on up to the table. There's a microphone.

And this is a presentation to the Assembly regarding the Immigration and Customs Enforcement 287(g) Agreement, which as we all know is part of a resolution that's before us later on in the business meeting.

This is for Sheriff Cummings to give us some information. It was the request of Delegate O'Malley that we have an ability to ask questions and get answers, so this is an opportunity if you have a question, this is -- yes.

Mr. KANAGA: Excuse me; I just wanted to let you know that there are two members of the media out in the lobby waiting and if there's extra space in a side room or something where they can hear something, I think it would be to everyone's benefit if they could be in here.

Commissioner CAKOUNES: At the old jail.

Clerk O'CONNELL: I think they've gone to the other building.

Speaker MCAULIFFE: I think they've gone to the Harborview.

Clerk O'CONNELL: Yes.

Speaker MCAULIFFE: Unfortunately, that's something that because of fire codes they're pretty strict on the numbers now. It's sort of out of our hands.

This is an opportunity -- Delegate O'Malley wanted an opportunity to hear the information directly from the Sheriff's office so that we could be informed and get a chance to ask questions of the Sheriff.

And then when he's done, that will be -- that part of the meeting will be over and he will leave. And then we will go into our Public Hearing.

So I guess I will start with Sheriff Cummings.

SHERIFF JAMES CUMMINGS: Thank you, Madam Speaker, and good afternoon, everybody. Recently, my office filed an application with the Immigrations and Customs Enforcement to participate in their jail-model program.

Speaker MCAULIFFE: Excuse me; is your microphone on? There should be a green light.

SHERIFF JAMES CUMMINGS: Yes.

Speaker MCAULIFFE: Okay. Just pull it a little closer then so people can hear.

SHERIFF JAMES CUMMINGS: Here we go. There seems to be some confusion about what 287(g) is and what it is not. Section 287(g) of the U.S. Immigration and Nationality Act authorizes the Department of Homeland Security to deputize elected state and local law enforcement officers to enforce selected federal immigration laws. Specifically 287(g) allows the Department of Homeland

Security and law enforcement agencies to make agreements which require the state and local offices to receive training and work under the supervision of U.S. Immigrations and Customs Enforcement.

ICE provides the officers with authorization to identify and process and, when appropriate, to further detain immigration offenders already in their custody.

For the Sheriff's office, this means those who have already been arrested, arraigned, and placed in our custody by a state judge on a separate or unique local criminal offense. The 287(g) program is all about identifying criminality not nationality.

The 287(g) Agreement we requested to be part of operates under a jail-enforcement model which functions solely within the confines of our jail in Bourne. Under this model, an alien must first be arrested by local law enforcement on other criminal charges and brought to the facility before any 287(g) screening activity takes place.

The goal of this program is to enhance public safety by identifying aliens, lodging immigration detainers, and initiating removal proceedings by issuing charging documents on potentially deportable criminal aliens booked into the jail facility.

The Sheriff's office is not authorized or interested in patrolling our communities and detaining those individuals who are simply here illegally. Such investigations and detentions are exclusively the responsibility of ICE.

The Sheriff's office role with illegal immigrants occurs solely within the inside of the correctional facility. Thus, there should be no impact to the reporting of crime in our community by someone who is here illegally. Any immigrant in the country illegally and who commits a crime here in Barnstable County and is held on bail or without bail for that crime would be held at our correctional facility under their local charges until their local charges are resolved. And then they would be turned over to ICE for disposition of any immigration-related charges.

Should an ICE detainee be held at the correctional facility for any time related to their ICE issues, the federal government would reimburse the Commonwealth.

In Barnstable County, I put the public safety first and foremost. Following the law and working together with our law enforcement partners at the local, state, and federal level to remove violent and dangerous criminals from the states and neighborhoods of Cape Cod will be enhanced by the 287(g) program.

If somebody doesn't like the law as it is, they should call your elected members of Congress in the U.S. Senate. In the meantime, I, and all of my deputies, are sworn to uphold the laws and enforce them as they stand.

A couple of things to note; the court holds people on bail or without bail for two reasons. The first one is because they're a danger to the community, and the second one is because they're a flight risk.

And also the Sheriff's office will not be asking for additional funding or personnel in order to accommodate the 287(g) program.

Madam Chair, if I could if it's allowed, I'd like to address the Resolution 17-10.

Speaker MCAULIFFE: Yes

SHERIFF JAMES CUMMINGS: As the resolution states: “Whereas, participation in this program would allow the Sheriff’s Department to detain individuals whose legal status has been cleared, based solely on suspicions about their immigration status raising the concern of racial profiling.”

Well, my answer to that is the legal status will be held -- they will be held in custody per order of the court due to the commission of a crime in Barnstable County.

The individual’s immigration status would be secondary to their arrest for a criminal offense, as the individual was already under arrest and in custody, there should be no concern with racial profiling.

Secondly, the resolution states: “Whereas, the threat would tend to discourage anyone of uncertain immigration status from interactions with the police,” and

“Whereas, police departments across the Cape have adopted community policing, which focuses on police building ties and working closely with members of the communities that would be adversely affected by the perception that interactions with police could result in deportation proceedings.”

Again, these individuals have already interacted with the police and have been arrested for criminal acts. Also, these individuals tend to commit crimes against their own communities victimizing their own people.

Last week, I asked the police chiefs in our three largest towns: Barnstable, Falmouth, and Yarmouth along with the District Attorney’s Office if they had ever had an incident in Barnstable County where a case could not go forward because a member of the immigrant community was afraid to speak to the police, and they all answered, “No.”

Next, “Whereas, the seasonal economy of Cape Cod is critically dependent on foreign workers, who may find this environment threatening and, therefore, seek employment elsewhere with the potentially devastating effect on local businesses.”

So an individual with a work visa is going to avoid coming to Barnstable County because if he commits a crime, he may be deported. I don’t think that makes any sense.

And, finally, “Whereas, the Supreme Judicial Court of Massachusetts found detainers by local law enforcement to be illegal.”

The 287(g) program would give my officers the authority to issue detainers and hold these individuals for further review by immigration court.

And, by the way, Mr. Lunn, who this decision was based on, was recently rearrested in Barnstable for armed robbery and assault and battery. He stole \$2,000 from a woman in a wheelchair. This is exactly the type of crime I’m trying to prevent from happening here in Barnstable County.

Speaker MCAULIFFE: Thank you. So we go to the members of the Assembly. Are there questions?

Yes, Mary.

Ms. CHAFFEE: Hello, Sheriff. Thank you for being here today.

Speaker MCAULIFFE: Is your microphone on, Mary?

Ms. CHAFFEE: It is.

Speaker MCAULIFFE: They seem quiet. Maybe just move it closer.

Ms. CHAFFEE: Hello, Sheriff.

SHERIFF JAMES CUMMINGS: Good morning/afternoon.

Ms. CHAFFEE: Thanks for being here. Investigations by the United States Department of Justice found Maricopa County Sheriff's Office in Arizona engaged in a pattern and practice of constitutional violations, including racial profiling of Latinos after they entered into a 287(g) Agreement.

The Alamance County Sheriff's Department in North Carolina was also found to have engaged in a pattern and practice of constitutional violations by unlawfully detaining Latinos.

How will you ensure that these types of constitutional violations won't happen here?

SHERIFF JAMES CUMMINGS: Sure. I think in those Sheriff's Offices, the 287(g) Agreement with ICE was relative to a task force-type operation where they were actually out in the street locating individuals, questioning individuals relative to their immigration status.

Basically, this program is designed specifically for inside a correction facility. So when my officers are working relative to the 287(g) program, they'd, basically, be sitting behind a computer and getting information out of that computer. There is nothing in the agreement with ICE or in the agreement that is coming with ICE relative to officers being out in the street and questioning individuals.

I'm trying to find individuals who are here with questionable immigration status. Again, this is just for people who are arrested here for a criminal offense and then are held by the court on bail or without bail.

Ms. CHAFFEE: Thank you. I do have one other question. I see that you entered into a 287(g) Memorandum of Agreement in June of 2007 --

SHERIFF JAMES CUMMINGS: Yes.

Ms. CHAFFEE: -- with ICE. What happened with that agreement? Were there any problems that you noted? How did you remedy the problems, and why did that one end?

SHERIFF JAMES CUMMINGS: Actually, it really never got off the ground. Our officers were actually sent to training. ICE installed the necessary IT computer equipment into the correctional facility. And then, for whatever reason, ICE decided not to move forward with the program. There was a change in administration at that time, and they walked away from the program.

Ms. CHAFFEE: Thank you.

Speaker MCAULIFFE: I wanted to go to Deb and then I'll --

Mr. BERGSTROM: Yes.

Deputy Speaker MCCUTCHEON: Sheriff, I want to thank you for coming here today and for presenting your report. I had some confusion when I was looking at your booklet and various other information that's available about the Sheriff's office. Can you tell me where you report statistics like felon numbers of people who were held on felonies; the numbers of people that are held on misdemeanors; the numbers of people who are awaiting trial? You do gather those statistics?

SHERIFF JAMES CUMMINGS: Yes. They're reported to the Executive Office of Public Safety, Secretary of Public Safety, as well as the summary reports that are sent to the Governor's office, as well as the Senate and House committees, various committees, the Ways and Means committee -- anything to do with funding is sent to the Ways and Means Committee.

Deputy Speaker MCCUTCHEON: And how frequently do you send these population of the jail statistics?

SHERIFF JAMES CUMMINGS: Monthly.

Deputy Speaker MCCUTCHEON: Monthly.

SHERIFF JAMES CUMMINGS: Yes.

Deputy Speaker MCCUTCHEON: Are those readily available to a request at your office?

SHERIFF JAMES CUMMINGS: Yes.

Deputy Speaker MCCUTCHEON: Okay. Thank you, sir, and I have one other question. There's been some indication in the newspaper of a substantive difference of opinion between various people as to whether a felony is grounds for invoking the 287(g) procedure or whether a misdemeanor would be sufficient or simply being held would be sufficient? Do you have a clear position on that, sir?

SHERIFF JAMES CUMMINGS: Sure. I think that was a result of my comment that we have never sent anyone -- no one has ever been sent to jail for operating a motor vehicle with a taillight out for a speeding violation.

As I mentioned earlier, the courts send people -- hold people on bail for two reasons, dangerousness in the community and being a flight risk.

As far as parameters for which ICE will deport people or begin that review, it's set by them. ICE sets the parameters for how they're going -- what they're going to look for relative to moving people forward into an immigration proceeding.

Deputy Speaker MCCUTCHEON: And is it your testimony that your people don't have any discretion at all as to who gets identified?

SHERIFF JAMES CUMMINGS: You know, the way that procedure, I assume, is going to work because we haven't done it yet is whenever somebody is booked into the correctional facility, one of the first things we do is we take a live scan of their fingerprints. And when that's done, those prints are automatically sent to the state police database in Southborough, and they're also sent to the FBI database in Quantico, Virginia. That usually results if somebody has been arrested in the past anywhere else -- anywhere in the United States we get a response from them relative to that. You know, usually it's within 15 minutes.

And my assumption is that in order to get into the ICE database when we get into their program, that information will be forwarded to ICE at the same time during the booking process probably through the FBI databases in Virginia.

Deputy Speaker MCCUTCHEON: So as I understand what you're telling me under your system, the system you're going to implement, someone who is charged with a misdemeanor, their fingerprints would go into this -- both/all of these systems; is that correct?

SHERIFF JAMES CUMMINGS: If they come into the jail, their fingerprints are live scanned. And the purposes of that is to make sure we don't

have somebody that's coming into the jail without knowing where they might be wanted in some other state or had been arrested before under a false name.

Deputy Speaker MCCUTCHEON: But it's a clean sweep; everybody who comes in is?

SHERIFF JAMES CUMMINGS: Yes.

Deputy Speaker MCCUTCHEON: Okay. Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes. Sheriff, a lot of us, fortunately, have not been involved in the criminal justice system to any extent, so I think a lot of the misinformation may rise from that.

Run me through this; let's say I have a few too many on Friday night, and I get picked up on the highway for DWI; would I wind up in your jail awaiting arraignment or bail or something like that?

SHERIFF JAMES CUMMINGS: You would if there was some reason for a bail commissioner to decide that you should be held. Usually for driving under cases, you know, the bail is usually \$45, which is the fee for the bail commissioner who might come to the police station, and usually the local police or the state police will hold an individual for driving under for up to 12 hours just to make sure they're sober before they let them go, or they'll hold them until somebody comes to the station and takes responsibility for them and then they'll let them go.

Mr. BERGSTROM: Okay. So you can actually get bailed without having to go to court the next morning and stuff like that?

SHERIFF JAMES CUMMINGS: Yes. If it's after-hours or if it's on a weekend, there are on-call bail commissioners, who the local police department or state police know, as well as our office, will know to call and order for someone to come in and bail them.

Mr. BERGSTROM: So the only time that the ICE connection comes into place is when they actually come into your jurisdiction?

SHERIFF JAMES CUMMINGS: Correct.

Mr. BERGSTROM: Now, how many people -- I should know these statistics and Deborah referred to them, but what's the percentage of people that are there for a short time, you know, held for 30 days or 60 days as opposed to people who are convicted of crimes and are there for a longer stretch?

SHERIFF JAMES CUMMINGS: Our average sentence is about 13 months.

Mr. BERGSTROM: Okay.

SHERIFF JAMES CUMMINGS: So, you know, and there are, you know, we do have people for 10 days and 30 days, but we also have people for -- someone can get sentenced to us for two and a half years for breaking and entering and two and a half years on an after for a larceny, so that's five years. I mean we don't get a lot of them, but there's a possibility of that.

Mr. BERGSTROM: I think some of the concern is that somebody would get arrested and be put into jail for a few days. For some reason or not, they can't make bail or something like that, and then you automatically -- I know that you would normally fingerprint them and see if they committed a crime. But, theoretically, if they're here illegally that is a crime.

So would you say that if you notified ICE, they would have the names of people who maybe have overstayed their visa or something or they have mostly criminal things?

SHERIFF JAMES CUMMINGS: Yes, they would have people who have overstayed their visa or people who have been deported once before or twice before in the past. It would be in there as well.

Mr. BERGSTROM: Now, I don't want to take too much time --

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: -- because I know you have other questions. But the follow-up on this, if somebody winds up in your system and you find out that they're overstayed their visa, their now in custody, right?

SHERIFF JAMES CUMMINGS: Yes.

Mr. BERGSTROM: Is there a follow-up to their family, to the people around them? Does ICE come in and say, "Who do you live with? Do you have any kids?" and stuff like that?

SHERIFF JAMES CUMMINGS: Yes, absolutely. You know, we have, you know, where we've been doing this without having access to the database for the past couple of years, I mean in 2017 we had nine offenders that were here for criminal offenses and were -- they had detainers issued against them or were turned over to ICE. And we have consulates from different countries coming into the jail all the time to speak to their countrymen when they're being held. There are telephones in the booking area, as well as in every housing unit where inmates can make telephone calls so.

Mr. BERGSTROM: Yes, I'm not concerned about the family support; I'm worried that their families would get caught up in the web of ICE. In other words, they could have a wife, you can have kids; who knows if there here legally. So how far does ICE go beyond the people you have in your custody; do you know that or not?

SHERIFF JAMES CUMMINGS: I don't know how far ICE would go, but we're only going to deal with the people who come into the jail.

Mr. BERGSTROM: Okay.

SHERIFF JAMES CUMMINGS: If someone comes to visit them, they'll just go through the regular visitor process and that will be it.

Speaker MCAULIFFE: Before I go to the next person, I'm, by law, required to ask if anyone is recording this meeting outside our regular -- It's not that we care about that, it's a law that I have to ask.

Is there anybody recording? Just stick your hand up outside of -- okay.

Thank you. I just have to ask that question.

Linda.

Ms. ZUERN: I have a couple of questions, and thank you for coming today, Sheriff Cummings.

SHERIFF JAMES CUMMINGS: Yes.

Ms. ZUERN: Anyone could go online and read Section 287(g), and I did do that myself. And I read, and you can correct me if I'm wrong, that the people you're training have to have specific training before they go through this new training, and they have to be working in a prison or a jail and have law

enforcement credentials and that kind of thing; am I right on that?

SHERIFF JAMES CUMMINGS: Yes. We'll be sending four deputies to train, and ICE actually does their own background investigation on these deputies. And we have to commit them to this program for two years.

And in part of the training, they have to pass the certain test that ICE might give them relative to this, and it includes a whole gamut of federal civil rights protections, and who you have to notify when somebody with an immigration issue is placed in custody and things of that nature.

Ms. ZUERN: So you're taking people from the jail who are already working there, not people from the general community and making them deputies or officers or anything, right?

SHERIFF JAMES CUMMINGS: Correct.

Ms. ZUERN: And then it's been said that you already filed the application, so this is actually a done deal. So no matter how we vote today, you're still going forward with the application and program, right?

SHERIFF JAMES CUMMINGS: Yes.

Ms. ZUERN: Okay. Thank you.

Speaker MCAULIFFE: I have more hands. Yes, Brian.

Mr. O'MALLEY: Sheriff, thank you for being here today. Let me just pick up a little bit of the thread of Delegate Bergstrom's questions.

So it's Friday night, somebody's picked up, arrested, taken in by the local police, presumably, transported for keeping because local police don't house people for any length of time.

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: This person can't make bail. Under those circumstances, you'll be running them? You're holding them for the weekend.

SHERIFF JAMES CUMMINGS: If the local police decide to send him up to the jail, yes.

Mr. O'MALLEY: You're going to run it?

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: Right. Under that circumstance, is it not altogether possible that that person will then be found to be in violation of immigration status, which is a civil infraction and not a criminal one, as you well know?

SHERIFF JAMES CUMMINGS: Yes, in most instances.

Mr. O'MALLEY: In most instances, it's a civil infraction.

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: It's not criminal.

SHERIFF JAMES CUMMINGS: Right.

Mr. O'MALLEY: But immigration infractions. This person is then, essentially, being jailed for what is not a crime; what am I missing here?

SHERIFF JAMES CUMMINGS: I think driving under is a crime. I'm sorry; I thought you meant about the immigration.

Mr. O'MALLEY: And I certainly don't -- I don't disagree with you on that. I mean I think we're both on the same page with respect to a crime is a crime.

SHERIFF JAMES CUMMINGS: Right.

Mr. O'MALLEY: If somebody's committed a crime driving intoxicated, I

don't want that person on the road.

SHERIFF JAMES CUMMINGS: Correct.

Mr. O'MALLEY: I don't really care where they came from.

SHERIFF JAMES CUMMINGS: Right.

Mr. O'MALLEY: I don't really care. How about the situation where a person is arrested and charged with a more serious offense? They are subsequently taken to court and found that there are no -- there's no probable cause. The magistrate says, "You're free to go."

But while you were holding them, you've run their profile, and ICE has said, "Hang onto this guy."

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: Is it not the case that you are going to continue to detain him?

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: So, in fact, then there is really quite a real potential for people being jailed, and it is being jailed; you're running -- that's what you operate, being jailed for noncriminal offenses. These are administrative violations, and they then fall into what appears to me to be an entirely administrative nonjudicial process; is that correct?

SHERIFF JAMES CUMMINGS: Yeah, but again, every one of those cases is going to be reviewed by ICE and will have to be in line with the parameters they set up. Now, I don't know what it is currently, but at one time ICE was only interested in deporting individuals that were held on the civil side as you say that had served a sentence of over a year.

So very well what would happen in that circumstance is we'd get the necessary computer information, send it to the ICE supervisor, and they would say, "Don't issue a detainer on that individual. We're not interested in him."

Mr. O'MALLEY: Thank you. But I think the point is still clearly there. When a detainer is issued and you hold a person, they fall into what becomes an administrative hearing. It is not before a magistrate. It is ICE officials and higher-ups and administrators and the likes of that; is that correct?

SHERIFF JAMES CUMMINGS: Yes, but, you know, what could happen in that circumstance as well is we'd just say, all right, you've been requested or report to an ICE hearing on such and such a date, here's the notice of the date and have a good day, and they'd be released.

Mr. O'MALLEY: Or, they could be held?

SHERIFF JAMES CUMMINGS: Yes, again, but they would have to meet those parameters that are set by ICE.

Mr. O'MALLEY: Right. Thank you.

SHERIFF JAMES CUMMINGS: And, you know, in the years that we've been doing this, I've never had that situation. I mean the people that we've held and turned over to ICE have all committed some fairly serious crimes.

Mr. O'MALLEY: Okay. Thank you.

SHERIFF JAMES CUMMINGS: You're welcome.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: Sheriff, like others on the Assembly, we appreciate you

being here today to answer questions and clarify some issues regarding this resolution for us.

Speaker MCAULIFFE: Can you move your microphone up a little closer?

Mr. PRINCI: Certainly. You mentioned the nine in 2017 that ended up being detained and then deported. The majority of those individuals being violent felons.

My question is prior to your new designation, was the process whereby you would identify individuals as they came in, book them, and get the fingerprints and so forth, and then that information as far as determining their status was sent to Homeland Security, and then they would do the protocols that you could now do under this new designation?

SHERIFF JAMES CUMMINGS: If it was done by telephone. You know, our intake staff would contact ICE by telephone and they'd give them some -- what information we had and ICE would say, "All right. We'll get back to you." Then they might get called back in a day or two and say, yeah, find out this, find out that and it was all done over the phone.

Mr. PRINCI: So now, basically, with the sheriffs being deputized, you can take care of this task in-house?

SHERIFF JAMES CUMMINGS: Right.

Mr. PRINCI: Would that ever provide an individual with speedy justice or people that are held for considerable periods of time awaiting a response from the Homeland Security when they necessarily shouldn't really be held?

SHERIFF JAMES CUMMINGS: No. If that were to happen, when that individual went to court for the criminal charge, if those changes were resolved that day in court and we didn't have the necessary paperwork from ICE, they'd be released from the court.

Mr. PRINCI: Okay. Thank you.

Speaker MCAULIFFE: I just want to make sure I've got everyone first. Okay. Before I go to seconds, I'm taking -- Ed.

Mr. MCMANUS: Again, thank you, Sheriff, for being here.

SHERIFF JAMES CUMMINGS: My pleasure.

Mr. MCMANUS: I noticed when you announced the agreement that you had been accepted by ICE, you issued a statement in the press, presumably, and you listed -- gave a listing of the detainees that had been in through your system over since January 1<sup>st</sup> of 2016, some 15 individuals over the past two years.

SHERIFF JAMES CUMMINGS: Yes.

Mr. MCMANUS: And I think it was a very, in terms of providing clarity and transparency to the public, it gave a very good sense of the people, the individuals that this program will be in effect for.

Would you, going forward, look at releasing a similar list in the public every six months or a year or so?

SHERIFF JAMES CUMMINGS: Absolutely.

Mr. MCMANUS: Okay. That would be, I think, very helpful for the community to know how this, on an ongoing basis, how this program --

I guess the concern is with a lot of the community is this issue of somebody being stopped, you know, for a misdemeanor, and there are misdemeanors, which

are the traffic and a speeding ticket or a tail-light out and then --

In terms of misdemeanors, what are misdemeanors that would lead somebody to be being taken into custody? What are the sorts of things that that falls in?

SHERIFF JAMES CUMMINGS: Well, you know, I'll go back to the courts. The courts only hold people for those two reasons; either they're a danger to the community or they're a flight risk. And the way they determine the flight risk is by seeing -- looking at their record and see if they have previous default warrants where they haven't showed up for court.

And usually whether they're a danger to the community is based upon, you know, the crime they're being charged with or a psychological evaluation given by a court psychiatrist if, in fact, the judge finds that's necessary.

And, again, most of the arrests that happen on the Cape, we never see those people. You know, they're handled by the local police department. There's a small amount of bail. They make bail and they're gone. They never get to us. We only get the people, for the most part, that are held on bail or without bail or on weekends like a Friday night if one of the smaller police departments on the Cape made an arrest, we would take that individual for them as well.

But, again, they're still being held on bail set by a bail commissioner or the court.

Mr. MCMANUS: So a type of misdemeanor that somebody would be more likely to be held and transferred to your facility is somebody who has been stopped for an OUI and shows a past history that he's going to go out and get another bottle and get back in the car.

SHERIFF JAMES CUMMINGS: If it were the third or fourth OUI --

Mr. MCMANUS: Yes.

SHERIFF JAMES CUMMINGS: -- they very well could be held without bail for that.

Mr. MCMANUS: All right.

Speaker MCAULIFFE: Susan.

Ms. MORAN: Thank you, Madam Chair. Sheriff, one of the points of information I think was not well dispersed. There was not enough interaction with the community before you took this action. Was the fact that in your view as you say this 287(g) will operate strictly within the confines of the jail.

I'm curious if you are aware or if there are any plans or if you perhaps foresee in the future applications for interacting with ICE with your department beyond 287(g)? That's the first part of my question.

SHERIFF JAMES CUMMINGS: No, nor has ICE given any indication that they would like us to be involved any more than the jail program.

Ms. MORAN: So in terms of what the community can expect and this basically being, you know, a community that, you know, of course while we have a citizenship that is filled with a lot of immigrant-history immigrants; we also have a seasonal economy that relies very heavily on visa workers, J-1s.

So you, I'm sure, understand that the high level of concern in the community about the effect of this new program. And one of the things I just want to point out; I spoke with the Falmouth Chief of Police Ed Dunn who about a year

earlier had put out a pamphlet that says, “A Message from the Police Chief regarding DHS ICE.” And it essentially talks about the fact that, you know, nothing changes with respect to Falmouth protecting its citizens and really bringing forth its mission.

So I just, for everyone that is here, I left some of the pamphlets at the table up there. Feel free to take them with you. I might be helpful to bring to your own police stations in view of the fact that we, you know, this is already going forward.

And I just want to commend Brian O’Malley for bringing this discussion forth for the Assembly and for all of you here today and watching at home.

Thank you.

Speaker MCAULIFFE: John, and then before -- okay, and then Lilli-Ann. And because I don’t want to go into too much of the public’s time, if anybody’s going to have a second call, it would be for one comment or one question.

John.

Mr. OHMAN: Thank you, Madam Speaker. And Sheriff, I want to reiterate, thank you for coming and explaining yourself for us. It’s important and very wise for the communities on the Cape.

These are follow-up questions. Number 1, Mary Chaffee from Brewster had asked you a couple questions about the difference between your application and the application as used by the sheriffs in different parts of the country; North Carolina and Arizona.

You actually physically apply differently to a different level with ICE, or is there one application and it’s applied on a different manner as time goes on?

SHERIFF JAMES CUMMINGS: No. Our application was solely for the jail program.

Mr. OHMAN: And so it is an actual different level of application to ICE that you were accepted -- applied to and accepted for?

SHERIFF JAMES CUMMINGS: Right.

Mr. OHMAN: Okay. And there’s no follow-up to add to that later on?

SHERIFF JAMES CUMMINGS: No.

Mr. OHMAN: Okay. Thank you for that clarification.

And, also, there was a couple of questions on public access to your activity. And you could call it success; you could call it anything you wanted for that sort of adjective. But how would the public access that information every six months or every month, or how do you plan to let the public know how effective this program is going forward?

SHERIFF JAMES CUMMINGS: Probably the most accurate way will be to put it on our website, and that’s something we could probably do daily.

Mr. OHMAN: Now because I thought there would be much more out there than nine people or 17 over two years.

SHERIFF JAMES CUMMINGS: Again, it’s not --

Mr. OHMAN: I really didn’t -- I thought there was a much larger level of activity with this sort of thing. I wasn’t aware that it was that little. I guess we’re grateful to have a community that doesn’t have that kind of activity going on.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker, and thank you, Sheriff, for

being here and for trying to clarify something that is very complicated and has different ramifications, especially for people that don't normally work in that kind of a system.

So what I think I'm hearing from you is that it is possible that someone could be arrested, could go into your facility, could be proven to be innocent, and could be registered with ICE and then deported, and that person could, indeed, fall through the cracks; is that correct?

SHERIFF JAMES CUMMINGS: I'd say it's not likely but it certainly could happen.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Okay. Now to go to the second round, one comment or one question because there are people here to speak. I'll start and go this way. Ron, one.

Mr. BERGSTROM: One question. The question is you say a person could be held for a couple reasons; one of the reasons is a flight risk. If they come into your custody before they go to trial and it is determined that they are here illegally or they don't -- would that be considered de facto a flight risk if they're not -- if they're --

SHERIFF JAMES CUMMINGS: Probably not only because the judge probably wouldn't know that at the time of the arraignment.

Mr. BERGSTROM: And you're not going to tell him?

SHERIFF JAMES CUMMINGS: Well, we might not know yet either. A lot of times these people go from local PD to the court and the judge sets bail there, and then they're brought up to us.

Mr. BERGSTROM: Thank you.

Speaker MCAULIFFE: Deb, you want -- and then Ed.

Deputy Speaker MCCUTCHEON: Yes. I just want to be clear about one thing. There is a class of people that are -- there are purely civil matters that you would, none the less, include in the stories. For example, someone who's on a bench warrant, like a landlord who's not providing heat on a bench warrant. He could be arrested on a Friday afternoon and not be admitted to the judge that issued the bench warrant until Monday. He spends the weekend in your jail and he then has his fingerprints sent to ICE.

Similarly someone who is on contempt for not paying the child support payment would -- might vacation in your jail for a weekend. Those people would be reported to ICE even though they were on solely civil infractions; is that right?

SHERIFF JAMES CUMMINGS: Yes.

Speaker MCAULIFFE: Okay. Ed McManus.

Mr. MCMANUS: A lot of the concern is how this will affect the view of our immigrant community and the immigrants that come here to work during our summer vacation season.

Are you going to, you and your staff, going to make an outreach effort to those immigrant organizations in the community to go out and explain how the program works so they understand it, and in actual terms rather than a lot of the supposition that is being --

SHERIFF JAMES CUMMINGS: You know, we'd certainly be more than

willing to do that, but I mean I think the easy message is don't commit a crime while you're here and you have nothing to worry about.

Speaker MCAULIFFE: Thank you.

SHERIFF JAMES CUMMINGS: You know, I mean, in Falmouth, we have a lot of immigrants that come over to work, you know, on the visa program during the summer and they're great people. Most of the ones that I've talked to and got to know, they work too hard to get involved in committing crimes. So I'm not concerned about seeing those people.

I think there's a misconception that everybody who comes into the United States illegally comes because they're trying to get away from some type of, you know, bad lifestyle or, you know, obscene or outrageous conditions, which may be true, but a lot of the people who come to this country are in here for bad reasons.

I mean we have some people coming into the country now that are just here to commit crimes. They're here to further their drug cartels businesses.

And just recently, law enforcement has been notified of an effort whereby individuals who have been here, been arrested, been deported, been charged with major drug crimes and have fled and gone back to their country of origin, have come back in here with different identifications.

And now we're hearing that what they're doing is they're stealing identities from people in Puerto Rico and using those identities to come back into the country. And the individuals that keep showing up now are individuals who were arrested and they have two FBI numbers; that means that they've been arrested twice but under different names because you only get one FBI number once you're arrested.

So I mean there's a lot of illegal stuff that's going on with immigration as well, and my job is to enforce those laws, and that's what I'm doing here.

You know, we're certainly not against immigration. As a matter of fact, the sheriff's office has an academy class starting in January, and we have three people that are Polish nationals that have got their citizenship. We have a gentleman from Nigeria that has got his citizenship in our last class. We had a gentleman from Jamaica that's now a citizen of the United States.

So I think we might see that as a trend here on the Cape because we get along so well, and we are so good to our immigrant population and that's great. I think they're going to be great employees.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: Well, the last time I read the immigration laws, it did say that harboring someone who is illegal is a felony, and people who are on visas if they vote that is also a crime; is that still true?

SHERIFF JAMES CUMMINGS: As far as I know, yes.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Brian.

Mr. O'MALLEY: Just to clarify something, Sheriff. You indicated that you will be operating a jail-model program only.

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: It's my understanding that the field model, which was made notorious, so notorious by Sheriff Joe Arpaio down in Maricopa County --

SHERIFF JAMES CUMMINGS: Yes.

Mr. O'MALLEY: -- has been essentially eliminated; am I correct in that that that's now gone, that only the jail model remains for ICE?

SHERIFF JAMES CUMMINGS: Gees, all I can say -- I haven't heard of the task force model at all.

Mr. O'MALLEY: The task force model, the field model.

SHERIFF JAMES CUMMINGS: I haven't heard of that at all so you may very well be right.

Mr. O'MALLEY: My understanding that it was -- they canceled that. Only the jail model remains. Okay. Great. Thank you, very much.

SHERIFF JAMES CUMMINGS: Yes.

Speaker MCAULIFFE: Okay. Good. Thank you.

SHERIFF JAMES CUMMINGS: All right. Thank you, very much.

Speaker MCAULIFFE: I want to thank you for your -- all the information. This was very helpful even though the Sheriff's Department is no longer a department of Barnstable County and, technically, not under the Assembly of Delegates.

The Assembly does take a lot of time to educate itself on a lot of issues. And I think, also, this is, you know, the intent of this was to get the word out to the community by having a public forum and a public discussion. I really appreciate your participation.

SHERIFF JAMES CUMMINGS: I'm happy to come and speak to this Assembly any time you would like to speak to me. And I did leave booklets which explains all the other functions of the Sheriff's Office. And we are always open to give tours of the jail. So if anyone would like a tour or your group would like a tour, please feel free to come and visit us. Maybe you could have an Assembly meeting at the jail sometime. Thank you.

Speaker MCAULIFFE: Actually, I've had a tour of the jail and it's fascinating. Thank you.

Speaker MCAULIFFE: All right. Are there any communications from public officials?

### **Public Hearing on Proposed Resolution 17-10: Sheriff's Office/ICE 287g Agreement**

**Speaker MCAULIFFE:** All right. The next item will be our Public Hearing. I know that we have people -- we have an overflow crowd. We have people in the Harborview Room who can see us but can't really participate.

So anyone up there who wanted to make comments or wants their comments heard, please put them in writing; please send them to us. They will be part of our official record.

We have made every accommodation to try and include as many people as possible, and, unfortunately, we just don't have the capacity of a huge hall but we did provide space for everyone to observe.

So I want all comments that people are interested in making, they can be

submitted in writing and not just spoken.

So I will now open the public hearing, and this is on Proposed Resolution 17-10, which is the Sheriff's Office Immigration and Customs Enforcement, this 287(g) that we've been hearing about. And the Sheriff pretty much read a lot of the statements. But the bottom line is the resolution states that the Assembly does not support the 287(g) Agreement with the federal government.

So, after we have a Public Hearing, hear your comment, the Assembly will convene, and we will have a discussion and a vote on that. I understand that it's moot. It's not really something under our control, but the Assembly does have the ability to express an opinion, and that's what this is, essentially, just an opinion.

**So I will now open the Public Hearing.** The sign-up sheet has about 20 signatures. We'll go through all the signatures. The standard for public comment is typically around three minutes. I would appreciate if people would speak -- try and stick to a three-minute timeframe because that allows every -- all 20 people to have a chance to speak. Try not to repeat if you can and, certainly, when you come up, if you wouldn't mind just giving your name and your town so that we know who's addressing the Assembly.

And, actually, I'm going to call the name but I'm not sure I'm going to pronounce it correctly. So, first is Adam Lange.

### **Public Comments**

**Mr. ADAM LANGE (Brewster):** Hi. Adam Lange, resident of Brewster and proud father of a U.S. Navy Junior Lieutenant currently deployed. I want to thank Brian O'Malley for allowing the community to come here today and share our views on illegal immigration.

As one of the many Cape families that has lost a loved one to heroin, I support Sheriff Cummings in his efforts to keep dangerous criminal illegal aliens off our Cape Cod streets and away from our kids.

I oppose lawless sanctuary policies that encourage unvetted illegal aliens into our community. The FBI reports that nearly all heroin comes over our southern border via illegal alien gangs. The Boston Police reported in 2017 that heroin trafficking in Boston is controlled by Dominican illegal aliens.

Liberal activists would lead you to believe that Cape illegals are somehow different. We, as a nation, need to know who is coming into our country to maintain public safety. Not all individuals come to make a better life for themselves. Some individuals are fugitives.

Data from the U.S. Sentencing Commission suggests that many of those that violate our immigration laws and enter illegally are, in fact, bad hombres. While legal aliens make up less than 4 percent of the U.S. population, the recently released U.S. Sentencing Commission 2016 Sourcebook identifies a disproportionate share of noncitizen federal convictions as follows:

22 percent of murder convictions, 33 percent of money laundering convictions, 29 percent of drug trafficking convictions, and 72 percent of drug possession -- possession convictions.

The recently released Department of Homeland Security Alien

Incarceration Report 2017 found that 32 percent of federal inmates are aliens and 94 percent are here illegally. With this being known, government officials have put their ideology above the law lose all respect and credibility with moderate voters, such as myself.

Our number one expectation of our government is to ensure all the laws that define our society are followed, not just the laws that support their personal political agenda.

We admit over a million legal immigrants a year. No other country comes close. Our nation's immigration policy is unwelcomed by design towards illegal entry to protect U.S. citizens. Those immigrants that are here illegally have no path to citizenship and cannot be employed by law. I applaud our Sheriff's efforts to restore the rule of law on Cape Cod.

Thank you.

**Mr. RICH VENGROFF (Mashpee):** That's fine. My name's Rich Vengroff. I live in Mashpee. By way of full disclosure, I have to tell you that I'm accredited by the U.S. Department of Homeland Security to provide advice and assistance in the area of immigration.

Today's comments, however, represent my opinion alone, not that of any other organization that I may belong to or may be represented.

I commend the Speaker and our elected Delegates for scheduling this hearing so that the fundamental rights and freedoms of speech and assembly for the community are respected.

Unfortunately, I'm not absolutely sure that all our County officials share that view, but you're setting a good example for them.

As a professor of political science and dean for over 40 years, I've had the opportunity to review much serious policy research and analysis of the program known as 287(g). Such studies include work done by the Brookings Institute, University of North Carolina, the International Associations of Chiefs of Police, and many more distinguished scholars and institutions too plentiful to mention here.

With all due respect to the Sheriff, presentations by the Sheriff, both written and oral, do not appear to be informed by those findings or to reflect the realities associated with the implementation of this controversial program.

The 287(g) program was initially designed to emphasize the identification, detention, and removal of immigrants who have been convicted of serious crimes and/or pose a threat to public safety. In fact, its purpose has, under this current administration, been dramatically changed and grossly distorted by the iterations they put in place for 287(g).

A large number of immigrants with no criminal record, some with only traffic tickets, have been deported. It allows for individuals to be held in a very un-American way without charge in the County jail.

The evidence is clear that it contributes to racial profiling, a decrease in trust that effects community policing, and high-costs running in the millions of dollars for unwarranted jail stays. I don't care what has been said to us. If you look at all the data county police departments that have participated in this

program have demanded millions of dollars to keep the program going. And many people have had -- have experienced unwanted jail stays before being deported in an unprofessional fashion.

Our Founding Fathers would turn over in their graves if they knew the constitutionally questionable behavior promoted by 287(g).

I, therefore, urge our Delegates in the strongest terms possible to withhold their support for County participation in 287(g) and offer their condemnation for a policy which is totally inconsistent with core American values and the rights of us all.

I urge endorsement of the motion on the floor as a first step in that direction.

Thank you.

**Mr. MARK GABRIELE (Wellfleet):** Yes. Thank you, Madam Speaker. I'm Mark Gabriele; I'm from Wellfleet, and I'm a member of the Cape Cod Coalition for Safe Communities, and these comments reflect the position of our group.

There has been some discussion regarding who the targets of the 287(g) program would be, and we've heard some contradictory statements. According to the standard memorandum of agreement form which is available on ICE's website, there is no reference to any limitation in use with regard to categories misdemeanor versus felony.

Instead, the wording reads, "Shall follow ICE's civil immigration priorities." These are set by President Trump's Executive Order which outlines a much broader set of immigration priorities than previous and calls for those charged with any criminal offense, felony or misdemeanor, convicted or charged or even who just could be charged.

Without anything stated to the contrary in the memorandum of agreement, ICE would be within its rights to press the Sheriff to apply the program to anyone in his access. Those arrested but not arraigned and those charged with misdemeanors as well as felonies.

As a case in point, I can tell you about the Framingham police in 2009 who pulled out of their 287(g) Agreement once ICE's objectives became more clear to them. They thought they were just getting computers and direct access to the ICE database. When they found out, they were expected to engage in far more aggressive enforcement than they wanted to, they withdrew.

So if ICE tells our Sheriff to screen everybody, what will he do? Where will he draw the line? This is a concern for us.

Thank you.

**Mr. ROD MACDONALD (Brewster):** Good afternoon. Yes, my name is Rod MacDonald. I'm a Presbyterian Minister living in Brewster. I add my voice to support for Resolution 17-10. I also represent the position of the Cape Cod Coalition for Safe Communities.

As a former pastor, I'm especially concerned for the impact that the presence of a 287(g) Agreement has beyond the walls of the jail; the impact on the

community as a whole.

Yes, it's been explained that under the jail model, immigration enforcement activities are limited to correctional premises only. But do we think for a moment that its impact won't reach far beyond the walls and be felt by many undocumented and documented immigrants, the vast majority of whom are here not to deal drugs but to try to work and raise families, pay taxes, and be part of our communities.

In our work for Safe Communities, we found no shortage of animosity toward immigrants in our region. And 287(g) programs have been associated with increased crime against immigrants in the form of sexual exploitation, wage theft, hate crimes, and domestic abuse of persons afraid to report it to authorities.

And so, yes, we also found no shortage of fear in the immigrant community, even documented immigrants feel it. Fear to seek help from law enforcement or to report crimes, fear of seeking healthcare from local providers. What they will understand from the presence of 287(g) and ICE as a program of the County Sheriff is here is one more tool to steer immigrants into deportation.

And many of these, as has been pointed out, are the same workers we rely on for seasonal help to clean our homes, work in our restaurants, take care of our elderly and sick.

As the major cities Chiefs Association warns, "Entangling local law with federal immigration enforcement would result in increased crime against immigrants and in the boarder community and eliminate the potential for assistance from immigrants to solve crimes and prevent terrorism."

Yes, we all want criminals to be incarcerated and deported when appropriate, but the Sheriff already has the authority to transfer criminals to ICE. We should all be concerned about the collateral community damage to trust and safety when a sheriff and his officers, in fact, become ICE.

Please consider this as you vote on this resolution.

Thank you.

**Mr. WALTER NORTH (Orleans):** Correct. Good evening, Delegates, and thank you for this hearing. I'm Walter North, former Ambassador for the United States. I'm speaking today on behalf of the Cape Cod Coalition for Safe Communities.

I want to thank you for considering what you can do to stop Barnstable County Sheriff from entering into a 287(g) Agreement with ICE. A clear statement of opposition on our behalf would be welcomed. Such a statement should encourage our state legislators to pass the Massachusetts Safe Communities Act.

As I understand, that act would stop new 278(g) (sic) Agreements in Massachusetts. We have been told that the 287(g) program is focused on criminals. Unfortunately, nationally, broad reach of the program has targeted many who are undocumented on the basis of their status rather than because of any criminal behavior. Undocumented aliens are not criminals.

The failure to process documentation is a civil issue and has multiple sources. For example, think of the nearly 800,000 dreamers living in this nation.

What crime have they committed? What fear will they feel if the 287(g) program is expanded across this country?

Overly expansive targeting and a climate of fear discourages cooperation with law enforcement for a significant part of our community and exposes that community to increased risks of criminal exploitation.

And this community, predominantly a law-abiding one and one that drives our economy, deserves our support rather than our stigmatization.

Moreover, while the 287(g) program does provide some financial resources, it is not clear that it will completely fund the additive costs it triggers.

Finally, it may shift the workload and priorities of the Sheriff's Department away from other critical law enforcement issues.

In conclusion, I understand that the Sheriff has suggested that cooperation with ICE under this agreement is like ordering à la carte. He will just eat the good stuff.

Unfortunately, experience suggests an older truth is likelier. He who pays the piper calls the tune. Last spring at town meetings across this wonderful Cape Cod, citizens supported a different vision. They voted for welcoming and safe communities for all our residents.

I encourage the Assembly to do the same. Thank you.

**Ms. GERALDINE RAMER (Wellfleet):** My name is Geraldine Ramer, and I'm a resident of Wellfleet, and I am also a member of the Coalition for Safe Communities.

And I'd like to address another critical point of consideration. I think some of it has been covered up to a certain extent, but that is the fiscal repercussions for our County. As the standard agreement with ICE spills out, despite any per diem fees for holding ICE detainees, there is a local expense and liability. This is not insignificant. In fact, it caused Prince William County Virginia, whose first year expenses were -- yes, sorry, first-year expenses were \$6.4 million causing the County to raise property taxes, dip into a rainy day fund, and reduce monies given to the police and fire departments.

Alamance County, which I believe one of the delegates mentioned, in North Carolina, their first year expenses were \$4.8 million. Our Sheriff has cited \$93 a day in federal compensation for holding detainees.

However, a MassINC Report on Correctional Expenditures in Massachusetts allows us to calculate the cost to taxpayers for the Barnstable County Jail and House of Corrections at full occupancy to be \$258 a day. Full occupancy of 300 beds would result in a cost of \$28,301,000.00.

Thanks. It just sounds like a lot to me. So when I reread now, I think is that true?

I'd also like to just read briefly since I have a minute or half a minute from something that just came to me this afternoon. It's some testimony given by Emily Leung, who's a staff attorney at the Massachusetts Law Reform Institute, and she specializes in immigration issues affecting low-income families in Massachusetts.

She says, "The agreements made with ICE explicitly state that the agency that is participating," that would be in our case the Barnstable County Sheriff, "the

agency is responsible for personnel expenses including but not limited to salaries and benefits, local transportation, and official issue material, and that the agency will be responsible and bear the costs of participating personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.”

So I'll leave you with that. Thank you.

**Ms. JILL STEWART (Eastham):** Thank you. I'm Jill Stewart from Eastham, and I am a member of the Coalition for Safe Communities also, and want to support your vote against the 287(g) and for the amendments to do whatever we can at this point.

Before I start, I just want to say Happy New Year. I think this past year has been a rough one no matter what part of the spectrum we're from, and we all need a new chance for peace and goodwill for all. That's why we're here today.

Our democratic values have come under attack this year, not by invading armies or even terrorists. These we are strong enough to handle. What our enemies could never do with physical power, they are attempting to do by undermining our democratic ideals. If they can get us to be afraid enough or angry enough to turn on each other, to think we have to be suspicious of the other, even if the other is our next-door neighbor and his family; if they can make us think we have to oppress others to have enough for ourselves and our family, then they can get us to give up our own democracy without ever going to war.

I know that some people say we need to have this 287(g) Agreement so we can be safe, but that we of the Cape Cod Coalition for Safe Communities are trying to shield felons but far from it. We believe that what keeps us safe is our constitution and our democratic ideals that all men are created equal and deserve due process. Not just citizens, not just friends or people who look like us or think like us, but people we don't like or that we are afraid of.

We already have laws in place that protect us from felons and people who do harm to other, regardless of who they are. We do not need separate laws for the other  
It diminishes us.

We believe that this 287(g) Agreement should be nullified, not just because it treats immigrants' unequal, but because by enacting it, we voluntarily give up the very democracy that we seek to protect without any gain in safety and without any external enemy ever firing a shot.

May this new year find us reinforcing our democratic ideals and recommitting to the same laws for all. That is what keeps us safe.

Thank you, very much.

**Mr. RICK GLEASON (So. Yarmouth):** Yes, good afternoon. Thank you, Madam Speaker. My name is Rick Gleason; I'm from South Yarmouth, and I am here to support the program for the Sheriff to give him the tools that he needs to do his job. He's been elected by the people of Barnstable County. He's assembled a staff. He's having specially trained deputies to do this program, and I believe we need to let him use these tools to do his job.

As he testified earlier today, the background checks are already being run. They're being run by telephone and paper. This just gives the opportunity to get it done a little bit quicker.

I hear a lot of talk here today that somebody will be held against, you know, for too long; if they can make a phone call, I mean, get on the computer over there 15-20 minutes, I think that's what he testified, that person might get out a lot sooner because it turns out they're not illegal. So, again, you've got to keep that in mind.

I also hear a lot of talk about visa program, the J-1 visa. I've been a store owner in the past. I entered into the agreement with that and I hired some of these people. Hard-working people, they're great. But you know what, they're here legally. That's a legal process. They have to go through whatever paperwork they have to do to get themselves here and they work. And when the time has ended, they go home.

So the key word here, I believe, is "legal" versus "illegal." I see a lot of buttons here today that say, "Equal rights for immigrants." Essentially, I agree with that but you've got to add that one word "legal" immigrants.

So, again, I hope this Assembly would consider supporting the Sheriff in this program and put it on record.

Thank you.

**Ms. BETSY SMITH (Brewster):** Good evening. My name is Betsy Smith. I live in Brewster. I'm a retired Professor of English as a Second Language at the college here. And I would guess that most of you have read *A Tale of Two Cities* either in high school or on your own. I would like to tell you a tale of two students.

In the course of my teaching at 4C's, I've had many students in my ESL intermediate class. One of them, and let's call her Mary, that's not her real name, was married to an American. She had a daughter who had recently graduated from Barnstable High School and both of them were taking classes at four C's. Mary with me; her daughter in other fields.

Mary was not the very best student, but she never missed a class. She worked really hard. She tried to perfect her English and was looking forward to a better job in the future. She and her daughter worked in the same place and one day after work they were arrested and deported.

She didn't show up for class the next week because she was no longer here in this country. I didn't know why she didn't show up for class and that she didn't show up again the following week. I found out much later about her arrest, her daughter's arrest, her arrest, and her deportation.

My other student was a very good student. She was in my class in 2008, and I hadn't seen her for many, many years. And then a couple of months ago I was at a place at the Harvest Wine Bar in Dennis and listening to Brazilian music, and this woman, whom I did not recognize, tapped me on the shoulder and said, "Is your name Betsy?" and I said, "Yeah." And she said, "You don't remember me but my name is" let's call her Jane. I said, "Oh, yeah, I kind of" -- she said, "I have to tell you the happiest, proudest day of my life was this past July 4<sup>th</sup> when I

became an American citizen.” And we hugged, and she sent me pictures from the hearing or whatever the ceremony is called and from the newspaper.

Now these two women, I can’t get them out of my mind. Neither Jane nor Mary posed a threat to public safety. Neither Jane nor Mary was violent or a dangerous criminal. Neither Jane nor Mary was a danger to the community or a flight risk. We on the Cape benefit from having Jane still being here. We lose when Mary and her daughter are deported.

I urge you to think about the implications for people, for families, for friends, for workers, for our life here on the Cape, and support Dr. O’Malley’s resolution.

Thank you, very much.

**Ms. MELISSA YEAW (No. Truro):** Hi. I’m Melissa Yeaw; I’m from North Truro. I have a very brief comment to make. All the police departments across the Cape and Islands have decided not to work directly with ICE the way the Sheriff has asked to do. It’s in direct contradiction to the community policing and the kindness that we try to foster across the Cape.

So I hope you all go with this memorandum -- reference -- resolution. Thank you.

**Ms. BRENDA HAYWOOD (Provincetown):** I’m very grateful to be here, and thank you for assembling this meeting. I am Pastor Brenda Haywood, Community Minister in Provincetown and Chair of the Racial Justice Provincetown Group.

I was deeply disturbed when I heard the Sheriff state that he made the assumption that every immigrant was illegal and that came into this country illegally. I thought there was a law that said you are innocent until proven guilty. And with that assumption that he made, he has already made a statement to any person who is an immigrant that they are totally illegal. And I have a feeling he would treat them as such, and they would not get due process of law.

Thank you.

**Mr. JOHN GULLETT (So. Yarmouth):** Thank you, very much, for allowing me to speak tonight. I’d especially like to thank all of you who I understand are elected to look after the welfare of the counties of the Cape and Islands. And I feel that this is an important issue that Dr. O’Malley has brought up.

I should, in the spirit of disclosure, say that I’m a retired physician myself and a proud colleague of Dr. O’Malley’s. I beat him into retirement by a couple of years.

I based my remarks on the op-ed piece that Sheriff Cummings wrote in the Cape Cod Times and on the remarks he made this evening. And I was persistently troubled by his conflation of the concept of guilt with arrest. And it is not so that people who are arrested or incarcerated are necessarily guilty of anything.

So, I think it’s disingenuous to suggest that this program is so benign because it’s going to check up on people who are not guilty of anything. And it’s

incumbent, I think, on an officer of the court, such as the Sheriff, to understand the difference between the truth and the whole truth. And to say, yes, we're going to get all these people that are arrested; they're felons. It's not so. Many of them are not convicted of anything, and many of them will be subsequently tried, found innocent, and released. They're presumed innocent until their proven guilty.

It bothers me that the Sheriff missed many opportunities this evening to clarify the difference, and instead he conflated the issue of guilt with the arrest, and I don't think that's right.

I would like to remind the Delegates of a statement by the late Louis Brandeis, Associate Justice of the United States Supreme Court, that "The greatest danger to liberty lurks in the insidious encroachment by men of zeal, well meaning, well meaning but without understanding."

And I feel that the Sheriff doesn't understand the far reach of this program. And I think many people who have spoken tonight have already made it very clear that this is a very troubling program when it's applied across the board to include people who are not guilty of anything.

So I urge support for the resolution. Thank you.

**Mr. BRUCE MASON (Provincetown):** Thank you for this meeting. I'm from Provincetown. I wished we had had this kind of a meeting, in fact, I had written a letter to the Cape Cod Times several weeks ago talking about needing some kind of hearings. It never got published. And I am a regular subscriber so I did check it every day just to hope it would be there.

I've learned a lot this evening, but what I really learned is that we need to be even more vigilant about how we portray ourselves in our daily work and in our daily lives.

We're adding with ICE, I believe, another building block that can work against our democracy. It's more big government, more big brother kind of thing, and I get increasingly aware of this because of my not being very involved in technology but being warned not to say this on the phone or say that because it will be -- it'll just be to my detriment in some ways if I'm talking to someone trying to sell something.

I think my main point is that this is adding another -- another building block like I just said, and it's a deterioration of our small city/small town atmosphere where most of us take some pride in our local police providing good community policing. And knowing at the same time that if something is awry, it will be taken care of.

So I would hope that this commission would not support our being in 287(g), and I would hope that we will be more vigilant in the future when things new things are happening within our country that it be made -- that it be made known to all of us so that we don't meet after the horses come out of the barn.

I think that's it for me. Thank you.

**Ms. KACHTICK-ANDERS (Provincetown):** Hello. Thank you for hearing us this evening -- this afternoon. I'm concerned because I live in a town that's pretty dependent on foreign workers through for much of the year, and

287(g) and ICE talk has created unrest and nervousness in our community.

I'm the mother of seven children and I imagine the other mothers, the other families now have to face whether to take their kids to school, get on the streets, drive, go to the doctor, or report crimes. And I think it makes our county and our country less safe, not more safe.

In addition, you have entire countries like New Zealand, Germany, and Canada issuing U.S. travel warnings because of issues such as this. And more of this will have an adverse effect on our tourist community or tourism on the Cape.

And I think it's fear mongering that creates an us versus them mentality that can actually be seen in this very courthouse with people wearing their beliefs in a poor attempt at intimidation. And I'm pretty sure that the majority of violent crimes on the Cape, as well as our country, are not committed by undocumented workers but by on legal male citizens.

Thank you.

**Ms. NANCY YEAW (Provincetown):** Hello. I'm Nancy Yeaw from Provincetown, and I'm a member of the Immigration Committee which is a subgroup of Indivisible Outer Cape. And I'm very happy to be here today. I'm happy you're holding this hearing -- you know, I have trouble remembering the names of things. I'm happy that you're holding this public forum because I just want to encourage you to pass the resolution. And I think -- I had a lot of things to say but they've already been said. And so rather than repeat, I would just encourage you to pass this resolution and, unfortunately, though it seems to me that it's a done deal.

So I'm glad that we have the opportunity to say we don't like it, but going forward, I think we ought to really try to keep track of what's going on here.

Okay. That's it. Thank you.

**Ms. HELEN MIRANDA WILSON (Wellfleet):** I'm on the Board of Selectmen but I'm speaking as an individual. A point that hasn't been made is the fact that the gates are very narrow for people who want to become legal citizens or to even just be here legally.

If we had a different policy and a different structure, most of the people who were known to be illegal -- here illegally would prefer to be legal, would prefer not to get aliases, would prefer not to use dead people's social security numbers.

They live in countries where the criminals that very often also operate here from those countries and drug cartels and so forth make their lives unbearable. Nobody in this room has to live like that. We know this. We know the world is unstable. We know that there are economic problems with having people come here and be living here and not legal. I mean they'll pay social security that they can never benefit from in the future, so there's sort of a cash cow for us.

But what makes me angry about this is that this country is not accommodating more people, and we can afford it compared to a lot of other countries in the world. It may be hard for us, but as the child of someone who had to become a citizen of this country and leave her home in Europe because of the

Second World War. If she had stayed there, things would not have gone well for her. She got in, you know why, she wasn't Jewish. There was no quota to be met. But if she had stayed there and been Jewish in Europe, things wouldn't have gone well, and things are much worse for people all over the world now than they were then for the citizens of Europe and that's saying a lot.

So I support this resolution, and your formal support of it will make a difference in Boston with the legislature. And I feel that even having this hearing is a good end result of this resolution.

Thank you.

Speaker MCAULIFFE: Thank you. I have four more speakers signed up, and I noticed a couple people have left. And if any of the speakers who have spoken would like to leave, we might be able to accommodate a couple of people from the Harborview up the hill who wanted to speak. This is something Delegate Kanaga had mentioned.

So if anyone's up at the Harborview and has a burning need to speak, I see a couple more people leaving. I think we can accommodate five or six, and we will add you on at the end.

**Mr. WAYNE BERGERON (Dennis):** Thank you, Madam Speaker, and members of the Assembly. I rise in support of the resolution. I would begin by saying be careful for any percentages you hear regarding the number of incarcerated minorities within our legal system. That is just as much a factor of having poor legal representation and prejudice as it is than anything else.

Previous to the last two years, our Cape community has coexisted peacefully with our immigrant population documented and undocumented. We see them at our houses of worship, our schools, our workplaces, and our stores.

What has changed? Have we been invaded in these last two years by all these drug dealers who are immigrants? I suspect not. There's an atmosphere that exists right now where our immigrants are being scapegoated; we're having hate mail arriving at our homes. We have a member of the Barnstable County Commissioners calling for any undocumented person to be turned in by other people, all resulting in fearful immigrant community.

Not everyone who's arrested for a felony is necessarily guilty. This country's built upon a system of jurisprudence that assumes all individuals accused are innocent until proven guilty. This applies not only citizens but anyone within our nation.

The application of due process is not just a legal right but a bedrock of our Constitution. Removing individuals who have been accused of felony and who have not had their day court is not just contrary to who we are but is also a violation of basic human rights.

To that end, I think the following questions need to be answered by the Sheriff completely and fully. Will immigrants be permitted to have legal representation during any questioning? Will they be provided that opportunity? If an individual that is held by the department and accused of felony be allowed the right of a usual trial before being released to ICE? Will the Sheriff's Department

in a timely manner disclose how many children, men, and women they have detained, what the processing time will be, and what the rationale is for their detention? All in the full spirit of public accountability and done in a timely manner.

If these questions cannot be answered satisfactorily, and I believe they cannot, then I believe the Assembly should vote to support the resolution in front of us.

Thank you, very much.

**Ms. SCOTTI FINNEGAN (Chatham):** Good evening. I'm here actually as Co-President of the League of Women Voters to read an official letter from the League.

The League of Women Voters of the Cape Cod area thank you for your public service and for the opportunity to express our support for Resolution 17-10.

We oppose the ICE 287(g) Agreement that the Barnstable County Sheriff's Office has entered into with the federal government. Our concerns include our communities becoming less safe with 287(g) and the use of local funds for federal programs.

We all want a safe community; however, deputizing local county sheriff personnel as ICE agents would create fear among the immigrant population and prevent them from coming forward or cooperating with the police.

Supporters of the 287(g) program say this would only affect immigrants who have committed a crime. But, according to U.S. News & World Report, the number of noncriminal arrests of undocumented immigrants has soared by 42 percent under the current administration.

A further concern is the use of local funds for federal purposes. The federal government has not developed a comprehensive immigration policy and the lack of action has directly led to this current situation.

Our area is dealing with a devastating opioid crisis. Would it not be better to use local funds for local needs?

We encourage the Assembly of Delegates to support Resolution 17-10. Furthermore, if any Delegate or member of the audience opposes the ICE 287(g) program, please contact your legislators and advocate for the Safe Communities Act S.159 -- 1596/H3052.

The Safe Communities Act would nullify the 287(g) program and does not create a sanctuary state or make any town a sanctuary city but does state that our local police officers cannot be deputized by ICE to do the federal government's work.

Thank you.

**Ms. JANE FRANKE (Wellfleet):** Thank you. In the interest of not being redundant with all the excellent comments that have already been stated, I just want to encourage the Assembly to support the resolution, and thank Dr. O'Malley for bringing it forward.

Thank you.

**Ms. MARIE BROUDY (Eastham):** I also encourage you, please, to vote for the resolution. I think it is important in terms of the state. And I don't want to take up any more time because, as Jane said, there have been wonderful comments, and there are people in the other place that need to speak.

But I think it's very important that we not allow our country to become a police state. And little by little by little that's what's been happening.

So, thank you.

Commissioner CAKOUNES: Madam Speaker, could I just give you an FYI?

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: You put a call out to the people in the other room, and I've been texting the gentleman that's running that room over there.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: And a few members did walk out.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Only one so far has showed up.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: I'm going to go back out because the door locks, and I'll be outside if you want to give everybody, I guess, five minutes to walk over.

Speaker MCAULIFFE: Sure. And in the meantime, we can hear from Phyllis Sprout from Mashpee.

Commissioner CAKOUNES: That's the young lady that I just let in.

Speaker MCAULIFFE: Yes. Thank you.

Commissioner CAKOUNES: So I'll be up at the door.

Speaker MCAULIFFE: Thank you. I appreciate that, Leo.

**Ms. PHYLLIS SPROUT (Mashpee):** Good evening, Delegates. Thank you for holding this meeting. Of course it's a regularly scheduled meeting. I've been listening up at the Harbor Room, and I appreciate the chance to speak.

And I want to speak in support of Sheriff Cummings. He's laid out some very narrow parameters where with the Sheriff's Department will cooperate with ICE. I'm sorry; I'm nervous.

But I've been noticing that there's an assumption amongst many of the speakers that have come here that there's a glow about illegal aliens. And I refuse to use that term "undocumented aliens." I'm sorry. Illegal is illegal. That's a foundation place and the laws of this country are for legal citizens. Human dignity for all, yes.

But there are laws for people that have come here illegally and there are laws for people who are here legally. What concerns me is that not -- we're going to have government creep, and, believe me, there have been times in history when it's been very dangerous committee to public safety run roughshod over everybody.

But I'm looking at stories coming out of places like New Jersey where you had gangs like MS-13 who are coming in and taking over communities, and they

didn't come here legally. And I believe that by tying the Sheriff's hands with this memorandum of -- well, he's got the memorandum of understanding, but this resolution, even though it's kind of for an opinion piece here, it's not going to be good.

I do not want to see our Sheriff confined in any way from doing the job that he's already doing. He just wants to do it better. And I want to see our communities safe, safe for everyone. And, as he said, if you haven't committed a crime, there's not going to be an impact on you.

And that's all I want to say. Thank you, very much.

Speaker MCAULIFFE: All right. I don't -- I figured it would take about 10 minutes for people to book it down the hill if they were up at the old jail -- in a nice room up there.

Speaker MCAULIFFE: It's a beautiful room. The Harborview is a beautiful room, but the old jail is being refurbished for County use.

Do you see anyone else coming?

Clerk O'CONNELL: No, not yet.

Speaker MCAULIFFE: Is Phyllis still here? Phyllis, did you see anybody else leaving with you who was coming down here?

Ms. PHYLLIS SPROUT: Not specifically, no.

Speaker MCAULIFFE: Okay. Thank you. Is there anyone else who didn't sign up who wanted to add their comments to the hearing?

Mr. OHMAN: Madam Speaker, there is someone.

Speaker MCAULIFFE: Oh, I'm sorry, there is someone?

Mr. OHMAN: Yes.

Speaker MCAULIFFE: All right. Get in under the wire here. Name and town, please.

**Mr. BUD BERGSTROM (Barnstable):** Yes, my name is Bud Bergstrom. I'm from Cummaquid, if that's a town/Barnstable. I didn't know much about this. I don't get the Cape Cod Times because they have too many rodeo pictures and I'm an animal rightist.

But is the last woman who spoke correct that the Sheriff is only interested in those who are guilty? Because the prior speakers were saying the same thing that I thought was that anybody that gets picked up, they're going to be reviewed by ICE, and that's my grave concern. And I would hope that you operate under the facts and not false impressions.

Thank you.

Speaker MCAULIFFE: Thank you. I saw one more person walk in under the wire. If you wouldn't mind giving us your name and your town, please.

**Mr. KEN COHANE (Plymouth):** I did run. My name's Ken Cohane; I'm from Plymouth. Our Sheriff did sign the agreement. I have one question for you. Under this agreement -- I'm in shape really but just in aerobics, no.

One question; in Plymouth now we have ICE detainees from Vermont,

Rhode Island, Connecticut, California, and Texas. Do you want that here? Simple question.

Thank you.

Mr. BERGSTROM: Madam Speaker, could I suggest a recess?

**Speaker MCAULIFFE:** No. Commissioner Cakounes has been in communication with the Harborview Room and that is our last speaker.

**Okay. So I'm going to close the hearing and go back to our agenda.**

Thank you, everyone, for your comments.

It was very informative and a lot of great preparation.

Speaker MCAULIFFE: And then we have a general communication from members of the public who are addressing the resolution.

Was there some -- yes.

MALE VOICE: I had said I wanted to speak, but I'll come to a later meeting another time. It's getting late.

Speaker MCAULIFFE: Okay. Thank you.

### Assembly Convenes

#### Proposed Resolution 17-10:

Whereas, the Barnstable County Sheriff's Office has applied to have its officers deputized as agents of US Immigration and Customs Enforcement, and;

Whereas, participation in this program would allow the Sheriff's Department to detain individuals whose legal status has been cleared, based solely on suspicions about their immigration status, raising the concern of racial profiling, and;

Whereas, this threat would tend to discourage anyone of uncertain immigration status from interactions with the police, and;

Whereas, Police departments across the Cape have adopted community policing- which focuses on police building ties and working closely with members of the communities- that would be adversely affected by the perception that interactions with police could result in deportation proceedings, and;

Whereas, the seasonal economy of Cape Cod is critically dependent on foreign workers, who may find the environment threatening, and therefore seek employment elsewhere, with a potentially devastating effect on local business, and;

Although the Sheriff's Office is not a function of Barnstable County Regional Government, it does and will have authority in relation to the residents of this county that will be expanded only in relation to the specific group of residents who are immigrants to the US, though an opaque and unaccountable process, and;

Whereas, the Supreme Judicial Court of Massachusetts ruled last year, found detainers by local law enforcement to be illegal;

**NOW, THEREFORE,**

**BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates:**

**Does not support the pursuit of a 287g agreement with the federal government.**

**Details**

Speaker MCAULIFFE: Then I will now convene the Assembly and our item is to vote on Proposed Resolution 17-10, and this is the resolution that we have been discussing all evening.

Is there a motion to put the resolution on the floor?

Yes, Brian. Oh, it is on the floor. No. You've got to re-put it on the floor. We postponed it the last time.

**Mr. O'MALLEY: Madam Speaker, I move Proposed Resolution 17-10 as submitted.** In fairness to the number of people who have expressed a perspective on this, I will not be introducing any amendments to what was originally put out.

**Mr. OHMAN: Second.**

Speaker MCAULIFFE: Second. Motion and a second. Any discussion from the Assembly?

Mr. O'MALLEY: Stories in the Cape Cod Times on November 8<sup>th</sup> and the Provincetown Banner November 9<sup>th</sup>; November 8<sup>th</sup> and November 9<sup>th</sup>, that the Barnstable County Sheriff's Office had applied "To be an immigration enforcement authority in partnership with U.S. Immigration and Customs Enforcement, or ICE, through the 287(g) program." The federal decision was to be made six days after the first story, although ICE would not comment to the press about the selection process.

Within that very tight window of time, the Barnstable County Commissioners voted in support of the application. The press stories and communications from concerned constituents led to my independent research into the program. I read widely and talked with many people.

My understanding became that this was less a program from our Sheriff's Department but more a reach by the Department of Homeland Security with no community input.

The 287(g) program dates from the days of the Red Scare, McCarthyism in the United States. In its current iteration, specifically the deputizing of local law enforcement agencies, was administratively authorized on January 25 of last year, five years into our new administration in Washington.

It has resulted this year for the first time in more deportations from the interior of the United States than from the borders which, in fact, are at a 46-year low. A large turnout at our December 6 meeting, the press coverage, and the usual amount of email from the community around an Assembly issue speak to the concerns felt by many people. These concerns focus on a cluster of issues.

One, the potential for racial profiling; who is stopped? Who is detained? Whose immigration status is investigated? Is it color? Is it ethnic or religious appearance? Is it mastery of the English language?

Number 2; the chilling potential effect on foreign labor so critical to Cape economy. Foreign workers may seek employment in communities perceived as more "visitor friendly." Employers have expressed to me their concerns for their

already difficult summer worker needs.

Number 3; it has been noted the conflict with the community policing model adopted by every Cape police department which model seeks engagement, not estrangement from all members of the community. And, specifically, the police do not inquire about immigration status in their encounters. People with immigration status issues will be likely to avoid any contact with the police, even when they, themselves, are the victims of crime.

Number 4; it allows detainers ongoing imprisonment after settlement of legal proceedings bail or release, which are entirely administrative, secretive, and not time limited. And the Sheriff confirmed that this afternoon in his responses to me.

Next, the program will operate behind a veil of secrecy. There are no provisions for public review in the memorandum of agreement which local law enforcement agencies complete with ICE. Presumably, this is the same model that what the Barnstable Sheriff will sign or has signed.

And, finally, under Massachusetts law, this agreement appears to be illegal. The Supreme Judicial Court in *Lunn versus Commonwealth*, 2017, found first immigration violations alone are federal civil offenses and not criminal. The U.S. Supreme Court found in 2012 that “As a general rule, it is not a crime for a removable alien to remain present in the United State.” And that the administrative process for removal of someone from the country “Is a civil, not criminal matter.”

Second, both the Massachusetts Police may be authorized to enforce federal law but are not required to. Their authority is a matter of Massachusetts common and statutory law. The delegated power to hold a person under federal civil law is inconsistent with state law.

And, finally, they found “There is no federal statute that confers on state police officers the power to make this kind of arrest.”

We did learn on December 20 that the application by the Barnstable County Sheriff’s Department to have its officers deputized as ICE agents under the 287(g) program had been approved. The community had no opportunity to provide perspective on this significant incursion by the federal government into local law enforcement.

My purpose in bringing forth the present resolution was to allow your elected representatives in this body to discuss the many concerning implications of the 287(g) program on the Cape and to express their considered opinions.

And although the resolutions wording opposes the application for this now approved program, it is, in any event, only an opinion of this Assembly. We do not have any statutory authority over the program participants, either the Department of Homeland Security, ICE, or the Sheriff’s Department.

However, as the legislative body of our regional government, we have a broad responsibility for the residents and for the very critical business climate here on the Cape. And we are most fortunate to have an established Barnstable County Human Rights Commission within our Barnstable County government. A quote from its mission, “Actively promotes equal opportunity for all who live and work in or visit the County.”

Each town has a representative tasked, among other things, with accepting reports of human rights violations and working to resolve them.

With the enhanced awareness of the new 287(g) program, the volunteers of the HRC will have the added responsibility of monitoring for this new challenge.

Should it be the case that the reassurances we have heard today from Sheriff Cummings reflect how well this program is implemented, there will be no rights violations reported. That will be a good thing.

And on the other hand, should there be a pattern of alleged human rights abuses reported, the community should know and be involved in seeking corrective solutions.

I will be paying attention as will many others, and I ask for your vote as a matter of conscience.

Thank you.

Speaker MCAULIFFE: Any other comments from the -- okay. Susan.

Ms. MORAN: I just want to take a minute and express my appreciation to the chair to standing steadfast and allowing this to continue before the Assembly as brought by Delegate O'Malley in the face of Commissioner Beaty's attempt to not have this Public Hearing, which I think will be extremely important going forward.

I think all of the opinions that were heard here today are very, you know, instructive for the community, for the tourism economy, for the Sheriff, and I'm very appreciative certainly as one member of the Assembly.

Speaker MCAULIFFE: Okay. Ron.

Mr. BERGSTROM: Yes, first of all, I'd like to say that I think the Sheriff is sincere. I don't think he's trying to be deceptive in the way he describes his enforcement of the ICE mandate.

But the fact is that we have had a lack of a comprehensive immigration policy in this country for years, decades. And all of a sudden the political winds seemed to shift and people became aware of people in places. Certain places became aware that there was a critical mass of people who look different than us and spoke a different language and so on, and there was a resentment against that. Of course you can't throw out the people who are here legally, so it started this big push to get rid of the people who are illegally in.

You have to ask, well, if they're here -- I don't want to say they're here illegally; Dr. O'Malley's right that it's a civil matter.

But if you ask, well, if they came here against the law, why should we allow them to stay? And the answer is because we, as a society, are complicit in this. I mean we knew it what was going on.

I mean, as I said at the December 6 meeting, these people came; they harvested our crops; they cleaned our hotel rooms; they mowed our lawn, and we looked the other way as long as it was in our economic interest to do that. And when the winds changed, all of a sudden, boom, oh, who are all these people?

So the call's out now for a comprehensive policy on the federal level,

because immigration is a federal issue, to say, okay, you're a criminal; you show up on the database.

I mean, Sheriff Cummings said that he takes fingerprints of people who are in his custody. Well, if they've committed a crime just on the basis of those fingerprints, he should know. I mean there has to be a federal fingerprint database. I can't believe there isn't. So if they committed a crime, they have to go.

What about the person who came here at age 5 and has now graduated from high school and college, is working? Well, you know, under the previous administration they could stay; under this administration it's not quite certain yet. We're coming back and forth. We change the latest Tweet. (Laughter.)

So what's happening is we, on the local -- since they have failed to act, and there was a bill before the Congress that they didn't want to bring to the floor because it wasn't in their interest because they failed to act. They're now passing this down through the system to where we're here now, people from Wellfleet and Brewster arguing over an immigration policy. It shouldn't happen.

So I'm going to support Dr. O'Malley's resolution.

I'm going to support it because I believe that until we have a serious set of parameters as to who can stay and who can go and giving a chance for citizenship to people who have shown that they are responsible, and they haven't committed crimes, and they've contributed to society and getting rid of those who haven't. Until we have that policy, I don't think Cape Cod, Barnstable County, the town of Chatham, the town of Wellfleet should have anything to do with enforcing immigration laws.

So that's what I have to say.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: Well, I'm going to, I think, I'm going to be voting for the resolution for many of the same reasons Ron has stated. Having been, you know, it troubles me that this is being passed down to local levels. This is clearly a federal responsibility.

Having been many years as a school board member and having to bear up under the financial burden of the Americans with Disability Act and the failure of the federal government to adequately fund that; this is just another something that they're passing down to the local level that they don't want to fully fund nor fully deal with as Mr. Bergstrom pointed out.

I think, you know, it's clear that our Sheriff is no Joe Arpaio, the fellow from Arizona. But the fact is there are other sheriffs around the country that are very much like Joe Arpaio. And by us joining in this program, we further support that. And I just don't want to be one of those counties that is supporting the abuses that other counties around country are doing through this program.

And I guess, finally, it's clear the Sheriff will probably be operating this program. I just hope he does it transparently and releases the reports that he's indicated he will.

And I'd also encourage him to go out and meet with the immigrant organizations and communities and be very straightforward and upfront on what

his office will be doing, what his department will be doing. And, hopefully, we can disseminate some of the concern and fear that many members of our immigrant, all-important immigrant community on Cape Cod is feeling.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: I, too, on behalf of Truro, and we're only, you know, .9 percent of one vote here, but we're going to cast it in favor of this resolution.

There's a creeping pernicious disease that's happening in America these days. When I grew up, I used to feel a great deal of pride when I saw the flag and we said the Pledge of Allegiance.

I don't feel that kind of pride anymore. It's more a little fear that happens. I mean who thinks up these names anyway? ICE; we're going to put you on ICE until we're ready to ship you out of here. There is something about this program, several things that are not right.

The Sheriff says he's not going to arrest anybody who's not guilty of a felony, and then he says anybody on a bench warrant; it's a civil infraction. And anybody else who's there on a civil infraction is going to get a fingerprint and be in the system.

I don't want to be fingerprinted and put in the system. Fortunately, I have blonde hair and blue eyes.

I will vote for this resolution.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. Thank you, very much, for holding this hearing. It was your discretion to do that, and I sincerely appreciate that, as well as I appreciate the public for being here and for speaking on this topic.

I do appreciate the fact that there are five people from Wellfleet in this room and who knows if there were others in the other Harborview. And I hope that people continue to take an interest in County government and the workings of the Assembly of Delegates.

I think this is a very important topic even though I know our vote is only a vote. I will support this resolution wholeheartedly. I think that if there's one person who can fall through the cracks like that who can be arrested and proven innocent and deported and go back into a situation where it is harmful to them and their family, I think that we have to do better than that.

So, and I do represent my town, and my town has voted at Town Meeting to be a safe community. So I will vote for this resolution.

Thank you.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I have to totally disagree. Once you have open borders and, Ron, you were talking about just recently we had a change in government. We had

a change in government eight years ago. We had stricter immigration laws eight years ago. The local communities were involved in the immigration problems eight years ago.

The last eight years has been open borders, a one-world government, everybody has, you know, the same rights we do whether they're citizens or not.

Under the Constitution, citizens have constitutional rights. Not everybody who decides to come into our country illegally over the border, taking jobs from other people, not going along with other laws that the citizens have to abide by. They don't have to get licenses to work; they can, you know, get paid under the table and so on and so on.

I think what's happened in the last year is that people have been fed up with that kind of loose government. Once we have open borders, we no longer have a sovereign country. We have no boundaries anymore, nothing that says we're Americans anymore.

I also made an oath as an elected official to support the Constitution and our laws. And it is a felony to harbor illegals. It is a felony -- it's no felony but it is against the law for people who have visas to be voting because it is against the law for them, for illegals to do certain things in our communities. And to say that, "Well, it's only the ones who commit murder, or, you know, harm someone, those are the only ones that we should be discussing or concerned about.

Well, those are the ones that Sheriff Cummings has in his jail, the ones who have committed felonies and murder and have assaulted people. I would not want one person who's illegal to get out and murder somebody else. Maybe they didn't commit murder here, but maybe the data base says that they murdered somebody in Florida, or they committed other crimes in other states. Why should they not have to go to trial for those other offenses?

So I am totally against this resolution. It talks about immigrants. I am totally for immigrants. All of our great grandparents or grandparents or parents immigrated to this country at one time. I'd probably say in this room 99 percent of them did it legally, and that's how I think we should continue to do it.

I know people who are here on visas and they're totally against people coming in over the border illegally when they had to go through a procedure; when they had to go through years of paperwork and bring x-rays with them and pay fees to get here, and they don't think it's fair that these other people come in illegally.

So, I think to make our communities safe, you're talking about the Safe Community Act. To make the community safe, we have to get rid of people who are harming us, people that are committing murders and crimes in our country.

If you look at what happened in Germany when they let all the refugees or immigrants, whatever you want to call them, into Germany without being assimilated, the last article I read about this past New Year's is that the women were so assaulted a year ago during the New Year's Eve celebrations that this year Germany had to set up safe zones for women. So, now, the citizens are no longer free to go wherever they want. They can just go to the safe zones and celebrate their holidays that way.

I don't want our country to be the same. So I am totally against this resolution and in favor of following the laws.

Thank you.

Speaker MCAULIFFE: John.

Mr. OHMAN: Thank you, Madam Speaker. I must say I'm humbled by the outpouring and the caring nature of the audience and all the emails I've gotten over the last couple of weeks.

I've learned a lot today. I thought I was pretty involved, and I thought I knew a lot but you taught me a lot more. And, personally, I hire legal J-1 students and they come here in fear. They get targeted. My restaurant's in Orleans; they get targeted at local places like the Hot Chocolate Sparrow. ICE agents come in there and ask them because of the color of their skin, because of the dark nature of their hair because they have brown eyes and not blue eyes and blonde hair like some of us on the Assembly.

So, I am wholly in favor of this, and I have no qualms about supporting it, and going on to asking my state representatives and my federal government's representatives to support it as well.

Thank you.

Speaker MCAULIFFE: Mary.

Ms. CHAFFEE: Thank you, Madam Speaker. I did kind of a quick tally while the audience was speaking, and I want to thank you, all, again, for being here to present your views on this issue.

I counted three folks in support of the Sheriff's 287(g) program, one was a little unclear, and 19 against, and that reflected generally the proportion of views expressed in emails to me over the last few weeks.

I think it's important that we heard that the police departments on the Cape are not supporting direct engagement with ICE. It was important that the Sheriff has reported that he has already, with the tools that he has in his toolkit already, been able to identify and detain parties who are the subject of this hearing.

I will support the resolution because I'm concerned about the potential degradation of due process and other issues that have been identified.

Thank you.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: Thank you, Madam Chair. Like many, I really appreciate everybody coming, and emotional stories, and it did make me think very much about everything that was said. Each of you had made a difference.

But I think the way I feel about this is that, and Ron had touched on it briefly, the Delegate from Chatham, and that is the fact that it seems as though the immigration system has failed and the federal government has failed.

These individuals are here; we have a policy and we have a mechanism to bring -- allow that immigration, somehow it's fallen apart and we have illegals. I don't know that there's a mechanism that will be changed to allow some of the

ones that are coming illegally to change their status to become legal citizens, maybe that's in the future.

But with that being said, I cannot support Brian's ordinance.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: I'm a process guy, and I just don't feel that this is necessarily the right process to -- for this resolution. It says here at the very bottom, "Does not support the pursuit of 287(g) Agreement." That's already been done. There was a process with the Sheriff's Department to voice our opinion back over a few months ago, and we failed to do that.

This is a matter that's a federal matter. It's a matter that we should be drafting resolutions if we are in support as a body of the Safe Communities Act that the state legislature's doing which would essentially trump all of this 287(g) Agreements in this County, in Plymouth County, as well as Bristol County.

It's just I appreciate everyone who came out and spoke their views on immigration issues. It's important that we have forums like this and that people do have the channel to exercise their views on this issue.

However, it's just not really within our purview I don't feel. I feel that our job as legislators is to be focusing on the next fiscal year's budget. It's to be focusing on the departments that we oversee. It's not meant for political-type propaganda pieces through these types of resolutions to come before us on matters that are federal matters, that are matters that the state should be addressing.

So I won't be supporting this resolution.

Speaker MCAULIFFE: Jim.

Mr. KILLION: Thank you, Madam Speaker. Much has been made about the local police departments at the composition. However, I reached out to my chief of police and asked him if, in fact, he had been contacted by anyone regarding this resolution to get his opinion, which he was not. He was in total agreement with the Sheriff's proposal to go with this process for obvious reasons. And he actually went on further to state that he has met with folks associated with the ACLU regarding the treatment of illegal aliens and how they're processed, and they were apparently quite satisfied with the way he's processing it.

But just on a note to what the Delegate from Barnstable said, I'm kind of a process guy myself, and we all know there is a process to enter this country legally. We may not like the process, but we have it, just like we have a process to become a doctor or a lawyer or to get a building permit. You know, we have to follow that process. And when we don't, there's consequences to it.

And I agree with what others have said here. If we don't like the process, we need to change it. This isn't a right or left issue. I think both parties have had an opportunity where they could have made changes to the immigration system and none of them have done that.

And my advice to anyone is if you don't like the government you have, then you need to change it so that you get the outcome that you want.

Consequently, I will not be supporting this resolution either because, again, I don't believe we should be encouraging other people to violate laws, whether they're civil or otherwise.

As I said, we're surrounded by civil laws whether they're the zoning bylaws or other types of infractions, and we're all expected to abide by them.

So I appreciate the folks that have come out and gave their opinions. I, like others here, have learned a great deal. And this certainly won't be the end of this discussion and, hopefully, we can have other constructive conversation in the future.

Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, I just want to add something. You know, this is a tough issue. I mean we had one of the carry officials out blogging and insulting everybody who agrees with Dr. O'Malley's resolution. You know, we have others on the other side.

And it would be easy to duck it. And one of the ways you duck it is you say, well, you know, I'm not going to say I'm for it or against it. It's just not in our bailiwick, you know, it's not what we do.

And I just think that that's a mistake. I mean everybody knows that this is a protest against the sheriffs joining ICE. Everybody knows that. And protest is part of America. I mean segregation was legal but people still marched against it, you know. The Vietnam War was going on and people still went out and they demonstrated against it. And I respect everybody in this room who are true citizen activists unlike the phony ones on the Internet who come out and protests against the policy that they don't like.

I don't have any problem making my vote known and making my feelings known. And I'm not going to say, well, it's not up to us and so on. We've got to speak out when we think something is wrong.

This is a venue. The Assembly of Delegates provides this venue to people who feel that in some ways the County is going in the wrong direction.

So I don't have any problem taking a clear vote for the resolution.

Thank you.

Speaker MCAULIFFE: Everyone had their chance? Then we'll have a vote.

Clerk O'CONNELL: I don't know if Ed Atwood is there.

Speaker MCAULIFFE: Oh, Ed Atwood, are you on the line? No.

Speaker MCAULIFFE: The vote is for Proposed Resolution 17-10, the Barnstable County Sheriff's Office 287(g) Customs -- Immigration and Customs Enforcement.

**Summary: Assembly Vote on Proposed Resolution 17-10**

- **Assembly failed to pass Proposed Resolution 17-10**

**Roll Call Vote on P.R. 17-10:**

**Voting “YES” (40.54%):** Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown).

**Voting “NO” (57.16%):** James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Patrick Princi (20.92% - Barnstable), Thomas O’Hara (6.49% - Mashpee), Linda Zuern (9.15% - Bourne).

**Absent (2.30%):** Edward Atwood (2.30% - Eastham).

**Clerk O’CONNELL:** Madam Speaker, Proposed Resolution 17-10 does not pass with 40.54 percent voting yes; 57.16 percent voting no; 2.30 percent are absent.

**Summary: Report from the Clerk**

- **Reminder that SFI filings are due by 5/29/18.**
- **Availability during budget season for committee meetings.**
- **Sexual acknowledgement form due.**
- **Vehicle Use Policy and acknowledgement form will be emailed.**

Speaker MCAULIFFE: So the next item is report from the Clerk.

Clerk O’CONNELL: Thank you, Madam Speaker, a few things today. One is I believe you all received email notification, the SFI filings will be due by the 29<sup>th</sup> of May for the public officials.

Number two, we’ve got a very busy budget season coming forward. If any Delegate is aware of times when they will be gone and you can share that information with me.

If you’re aware of times between February and May that you will need to be absent and you can let me know that, I may be able to consider that when I’m putting together committee meeting notices of committees that you may be serving on and would want to be present for. So if it’s possible, I may be able to juggle that.

And Number 2, I think -- I have one Delegate that has not turned in their acknowledgment yet for the sexual harassment policy that the County has circulated. So please check your folders. If you have a form in there with a little yellow tab that says “sign here,” I need to get that back.

And you will also be receiving from me via email a Vehicle Use Policy form that you’re going to have to review and also sign an acknowledgment for that, which I’m more than happy to print and put a copy of in the folder if it’s easier for you to do it that way versus signing it, printing it at home, scanning it, etcetera.

And that’s it; that’s all that I have today.

**Summary: Other Business**

- **Assembly discussion on government restructuring (P.O. 17-14) scheduled for next meeting.**
- **Budget meeting schedules will be going out to delegates.**

Speaker MCAULIFFE: Thank you. Anyone else have any other business?  
Okay.

We do have another hearing coming up on the governmental restructuring that Ron Bergstrom had submitted and we postponed until -- until it was completed. So that will be coming up probably the next meeting, another hearing within our meeting.

And then starting in February, the budget will start. And I will still put things on the agenda, but because we are all involved in subcommittees it makes for very long days that the actual Assembly meetings might be a little bit shorter just because people should start coming at one or two and three for their subcommittee meetings.

We'll get budget timelines and everything out to you as well.

**Deputy Speaker MCCUTCHEON: Motion to adjourn.**

Speaker MCAULIFFE: Yes. Motion to adjourn. Second?

**Ms. MORAN: Second.**

Speaker MCAULIFFE: Okay. We are adjourned. Thank you.

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:25 p.m.**

**Submitted by:**

**Janice O'Connell, Clerk  
Assembly of Delegates**

List of materials used and submitted at the meeting:

- Business Calendar of 1/3/18
- Unapproved Journal of Proceedings of 12/20/17
- Information booklet - Office of Sheriff Cummings
- Informational pamphlet – Falmouth Police Department
- Public Hearing Notice: Proposed Resolution 17-10
- Proposed Resolution 17-10
- Rules of Decorum for Assembly meetings
- Comments via email and in writing submitted from: Debra Elkind, Emily Kelldorfer, Holly Mottai, Peter O'Meara, Linda Pogue, William Taylor, David Twichell, Nancy Twichell, Mary Hunter Utt, Susan Volotta, Joseph Wisniewski.

