

CHARLIE BAKER
Governor



KARYN POLITO
Lt. Governor

FOR IMMEDIATE RELEASE:
October 18, 2018

CONTACT
Brendan Moss
brendan.c.moss@massmail.state.ma.us



PHOTO RELEASE: Lt. Governor Polito Hosts Roundtable on Dangerousness
Elected officials and public safety personnel highlight need to protect public from dangerous people



For high resolution and additional photos, click [here](#).

SPRINGFIELD — Lt. Governor Karyn Polito today brought together Springfield-area elected leaders and public safety officials to discuss the need for statutory changes that will provide law enforcement and district attorneys with the additional tools they need to prosecute those who repeatedly break the law. Last month, the Baker-Politico Administration filed legislation proposed expanding the list of offenses that can provide grounds for a dangerousness hearing and closing certain loopholes at the start and end of the criminal process that currently limit or prevent effective action to address legitimate safety concerns.

“Recent tragedies have demonstrated the tremendous damage that can occur when our criminal justice system fails to identify and detain dangerous people charged with serious crimes,” **said Lt. Governor Polito**. “Our administration has worked with law enforcement, district attorneys and victim advocacy groups, and consulted with the courts to propose improvements to existing law to keep dangerous people out of our communities. We want to provide police officers with the tools they need to protect their communities and hold trial defendants who pose a continuing danger to our communities.”

As part of this push, the Baker-Polito Administration is seeking to strengthen the ability of judges to enforce the conditions of pre-trial release by empowering police to detain people who they observe violating court-ordered release conditions; current law does not allow this, and instead requires a court to first issue a warrant. The Administration is seeking to empower judges to revoke a person’s release when the offender has violated a court-ordered condition, such as an order to stay away from a victim, or from a public playground. Current law requires an additional finding of dangerousness before release may be revoked.

“A person who is so dangerous that his or her release threatens the safety of a specific victim or of the community at large does not become safe to release merely because three or four months have passed since the time of their arrest,” **said Secretary of Public Safety and Security Daniel Bennett**. “This legislation would ensure that a person who a court determines is a danger or who violates his or her conditions of release is held until the time of trial or other disposition of the case, rather than being released after a defined period.”

“I appreciate the efforts of Governor Baker and Lt. Governor Polito to file this legislation,” **said Springfield Mayor Domenic J. Sarno**. “I have been on record through my bail legislation that a hard line has to be taken on these repeat violent offenders; the gangbangers, gun offenders and drug dealers that continue to victimize our Springfield and Commonwealth residents, businesses and police officers. Our brave men and women in blue put their lives on the line day in and day out just to have these negative individuals released. It has to STOP!”

“I’d like to express my gratitude to Governor Baker and Lt. Governor Polito for their efforts to assist public safety by filing this legislation,” **said Springfield Police Commissioner John R. Barbieri**. “It is critical that the courts get it right and hold those people who are a danger to their victims, the public or police. The courts must be provided with the ability to do this by enacting proper legislation that assists in keeping our citizens safe.”

The legislation expands the list of offenses which can provide grounds for a dangerousness hearing and

follows the long-standing federal model in including a defendant's history of serious criminal convictions as grounds that may warrant a dangerousness hearing. Current law requires courts to focus only on the crime charged and ignore a defendant's criminal history when determining whether the defendant may be the subject of this sort of hearing.

Additional provisions of this legislation:

- Improves the system for notifying victims of crimes of abuse and other dangerous crimes when a defendant is going to be released by creating clear lines of responsibility among police, prosecutors and corrections personnel to notify victims about an offender's imminent release from custody, and create a six-hour window for authorities to inform a victim before an offender is allowed to be released.
- Creates a new felony offense for cutting off a court-ordered GPS device.
- Requires that the courts develop a text message service to remind defendants of upcoming court dates, reducing the chance they will forget and have a warrant issued for their arrest.
- Allows dangerousness hearings at any point during a criminal proceeding, rather than requiring a prosecutor to either seek a hearing immediately or forfeit that ability entirely, even if circumstances later arise indicating that the defendant poses a serious risk to the community.
- Requires that the probation department, bail commissioners and bail magistrates notify authorities who can take remedial action when a person who is on pre-trial release commits a new offense anywhere in the Commonwealth or elsewhere.
- Creates a level playing field for appeals of district court release decisions to the superior court by allowing appeals by prosecutors, in addition to defendants, and giving more deference to determinations made in the first instance by our district court judges.
- Creates a task force to recommend adding information to criminal records so that prosecutors and judges can make more informed recommendations and decisions about conditions of release and possible detention on grounds of dangerousness.

The legislation also closes loopholes at the start and end of the criminal process that currently limit or prevent effective action to address legitimate safety concerns. It extends the requirement that police take the fingerprints of people arrested for felonies to all people arrested, regardless of the charge, to ensure that decisions about release can be made with knowledge of a person's true identity and full criminal history. It also allows, for the first time, bail commissioners and bail magistrates to consider dangerousness in deciding whether to release an arrestee from a police station when court is out of session.

###