

**Davis, Debbie**

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**From:** Ken Antanavica <antanavicak@leicesterpd.org>  
**Sent:** Tuesday, July 27, 2021 12:13 PM  
**To:** PHRGE Research; Davis, Debbie  
**Subject:** RE: Leicester Police Record Request  
**Attachments:** Northeast Law records request response.pdf

Hello Samantha :

Attached you will the response to your records request.

*Thank You and stay well*

*Chief Kenneth M Antanavica  
Leicester Police Department  
90 S. Main St.  
Leicester, Ma 01524  
(508) 892-7010 ext 2010  
Fax (508) 892-7012*

RECEIVED  
2021 JUL 27 PM 12:38  
TOWN CLERK'S OFFICE  
LEICESTER, MASS.

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**From:** PHRGE Research <PHRGEresearch@northeastern.edu>  
**Sent:** Sunday, July 18, 2021 10:34 PM  
**To:** davisd@leicesterma.org  
**Cc:** genereuxd@leicesterma.org; Ken Antanavica <antanavicak@leicesterpd.org>  
**Subject:** Leicester Police Record Request

Dear Ms. Davis,

I am writing on behalf of a research team at Northeastern University to request public documents from the Leicester Police Department. Please see the attached letter for the details of our request.

Please let me know if there is anything we can do to make responding to this request easier for you and your colleagues. Thank you very much for your time and help.

Best,

Samantha Sinclair

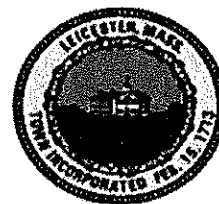
Samantha E. Sinclair



## Leicester Police Department

90 South Main Street  
Leicester, MA 01524

[www.leicesterpd.org](http://www.leicesterpd.org)



**Chief**  
**Kenneth M. Antanavica**  
[antanavicak@leicesterpd.org](mailto:antanavicak@leicesterpd.org)

Emergency: 911  
Non-Emergency: 508-892-7009  
Non-Emergency: 508-892-7010  
Fax: 508-892-7012

July 27, 2021

Northeastern University School of Law  
c/o Samantha Sinclair, PHRGE Research Assistant  
[PHRGEresearch@northeastern.edu](mailto:PHRGEresearch@northeastern.edu)

**RE: Public Records Request dated July 18, 2021**  
**Response of Records Access Officer**

Dear Samantha:

On July 19, 2021, we received your request pursuant to the Massachusetts Public Records Law for the following records:

Please send all **records**, as described below, that relate to or mention the department's policies or practices relating to interactions with persons who are not US citizens (whether that status is perceived or confirmed) and policies or practices relating to the Department's interactions with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Department of Homeland Security (DHS).

"All records" includes policies, procedures, General Orders, regulations, training materials, guidelines, agreements, contracts, and communications. With respect to policies, procedures, regulations, and General orders, please send (1) those that were in effect on January 20, 2021, and (2) those that are in effect currently.

Attached you will find the Leicester Police Departments Consular Notification Policy OPS 10.01 which covers any person who is not a U.S. citizen.

The Department has waived all fees due to the disclosure of the requested record being in the public interest.

**N** Northeastern Law  
**Program on Human Rights  
and the Global Economy**

Deborah K. Davis  
Leicester Town Clerk  
Attn: Police Records Request  
3 Washburn Square  
Leicester, MA 01524

July 18, 2021

Dear Ms. Davis,

We are requesting public records pursuant to the **Massachusetts Public Records Act § 66-10 et seq.**, for a research project we are conducting on Massachusetts police policies on immigration issues.

We request that you waive any fees you might normally assess to provide these records on the grounds that your provision of the requested records is in the public interest. We are seeking these records for research purposes and will not use them for commercial purposes. If you do plan to assess fees, please inform us first if the cost would exceed \$10.00.

Please send all **records**, as described below, that relate to or mention the department's policies or practices relating to interactions with persons who are not US citizens (whether that status is perceived or confirmed) and policies or practices relating to the Department's interactions with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Department of Homeland Security (DHS).

"All records" includes policies, procedures, General Orders, regulations, training materials, guidelines, agreements, contracts, and communications.

With respect to policies, procedures, regulations, and General orders, please send (1) those that were in effect on January 20, 2021, and (2) those that are in effect currently.

The Massachusetts Public Records Law requires you to provide us with a written response within 10 business days. If access to the records we are requesting will take longer than this amount of time, please contact us with information about when we might expect to receive copies or access to the requested records. If you cannot comply with our request, you are statutorily required to provide an explanation in writing.

# CONSULAR NOTIFICATIONS

|  |                               |
|--|-------------------------------|
| POLICY & PROCEDURE NO.<br><b>OPS 10.01</b>                           | ISSUE<br>DATE: 02/07/2011     |
|  | EFFECTIVE<br>DATE: 02/15/2011 |
| MASSACHUSETTS POLICE<br>ACCREDITATION STANDARDS<br>REFERENCED: 1.1.4 | REVISION                      |
|  | DATE: _____                   |

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As a signatory to the Vienna Convention on Consular Relations, the United States government has agreed to ensure the rights of foreign nationals to have access to their own governments in the event that they are detained or arrested. These rights are also granted to American citizens in the foreign countries that are also signatories. This reciprocal relationship is particularly important for Americans in countries which do not provide many of the rights that Americans enjoy, to their own citizens or visiting foreigners.

The application of this treaty rests with the employees of each police agency when they arrest or detain foreign nationals. Police employees should treat foreign nationals as they would want an American citizen to be treated in a similar situation in a foreign country.

## II. POLICY

It is the policy of the department that:

- A. Foreign nationals arrested or detained by members of this agency shall be advised of their right to have their consular officials notified, or that their consular officials shall be notified if such notification is mandatory.
- B. Consular officials will be notified if requested by the foreign national or regardless of the wishes of the foreign national if such notification is mandatory.

## 2. MANDATORY NOTIFICATIONS

- a. Determine if the detainee's country of origin is one requiring mandatory notification. A list of countries requiring notification is listed in Appendix C of this policy.<sup>1</sup>
- b. Foreign nationals for whom mandatory notification must be made shall be notified during the booking process using forms provided by the U.S. Department of State under Appendix A of this policy. The forms are available in thirteen (13) languages.
- c. Mandatory consul notifications shall be made regardless of the detainee's wishes.

## 3. OPTIONAL NOTIFICATIONS

- a. Nationals of countries not listed as mandatory notification shall be considered as optional notifications.
- b. Nationals of optional notification countries shall be advised of their right of consular notification and access using forms provided by the U.S. Department of State under Appendix A of this policy.
- c. All notification forms shall be filed with the booking documents by the booking officer.

### ***B. Notification of Consul***

#### 1. NOTIFICATION

- a. All actual notifications of foreign consuls shall be made "without delay" and such notification noted in the incident log. The entry must contain at a minimum:
  - 1) Identity of the foreign national;
  - 2) Date and time of notification;
  - 3) Employee making notification; and
  - 4) Identity of the country notified.
- b. After refusing notification of consul, foreign nationals may request notification be made on their behalf at any time while being held.
- c. For foreign nationals from optional notification countries who do not wish to have their consul notified, take no further action.
- d. For foreign nationals who request notification or are subject to mandatory notification of their consul, fax the notification using the Consul Notification Fax Sheet (MPI Form in Appendix B of this policy).

country must be notified. The foreign government may then notify the deceased's next of kin, cancel the party's passport, etc.

2. Notification may be made by FAX or telephone and should include at the minimum:
  - a. The national's name, address and date of birth if known;
  - b. A brief description of the circumstances surrounding the person's death (homicide, accident victim, found deceased, etc.); and
  - c. Passport number, date of issuance and place of issuance if known.

### ***E. References***

1. The U.S. State Department publication "Consular Notification and Access" is located at:  
[http://travel.state.gov/law/consular/consular\\_2003.html](http://travel.state.gov/law/consular/consular_2003.html).
2. Appendix A: Consular Notifications Rights Forms
3. Appendix B: Consular Notification Fax Sheet
4. Appendix C: Mandatory Notifications
5. Assistance is available at the Office of Public Affairs and Policy Coordination for Consular Affairs, CA/P, Room 6831, U.S. Department of State, Washington, DC 20520; telephone number 202-647-4415; facsimile number 202-736-7559. Urgent telephone inquiries after regular business hours may be directed to the State Department Operations Center, 202-647-1512.

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<sup>1</sup> U.S. Department of State Consular Notification and Access, Department of State Publication 10969, Office of the Legal Advisor.