

Bristol County District Attorney's Office
C. Samuel Sutter District Attorney

Press Release
August 1, 2010

Bristol County District Attorney Sam Sutter is proud to announce that the full Senate and House passed a bill late Friday night and late Saturday night respectively, which includes a provision to allow prosecutors to once again request dangerousness hearings when defendants are charged with gun felonies involving illegal possession.

The bill specifically gives prosecutors back the option to request dangerousness hearings whenever a defendant is charged with carrying an illegal firearm outside home or work; illegally possessing a machine gun or sawed-off shotgun; illegally possessing a high capacity firearm; or illegally possessing a firearm after having been convicted of a serious felony.

The legislation now only needs to be signed into law by Gov. Deval Patrick, who has been a staunch supporter of dangerousness hearings for defendants charged illegal gun crimes.

"The people of Massachusetts will strongly benefit from the passage of this amendment, especially those who live in urban areas. Gun violence is exacting a terrible toll on our society---here in Massachusetts and throughout the country. And the vast majority of the gun violence---in Bristol County over 90 percent---is being committed by those who have no lawful right to have a firearm and never could lawfully obtain a firearm. In my opinion, the best way to change the behavior of those individuals who are terrorizing our communities with these illegal guns is to let them know that if they are caught, they will be held without bail, prosecuted within 90 days and then convicted and sentenced to jail or state prison for a long time," District Attorney Sutter said.

In order to send out a clear and powerful message to everyone that the rising tide of gun violence would no longer be accepted as status quo in Bristol County, District Attorney Sutter instructed his prosecutors, from the day he started serving as the newly elected District Attorney in January 2007, to ask for dangerousness hearings virtually every single time someone was arrested and charged with an illegal gun felony.

District Attorney Sutter combined this initiative with other aggressive new policies aimed at reducing gun violence, such as rapidly prosecuting those held after a finding of dangerousness within the 90 days allowed by the statute; no reductions from the mandatory minimum sentence on the charge of carrying an illegal firearm; requesting a minimum of 10 years in state prison for defendants convicted of crimes involving a shooting; assigning assistant district attorneys to respond immediately to the scenes of non-fatal shootings and then investigate these crimes just like homicides; and requesting consecutive prison sentences for those defendants convicted of both drug dealing and firearm offenses. With the combination of all these new policies, District Attorney Sutter began changing the landscape concerning gun violence in Bristol County

And after 28 months of implementing these policies and working closely with our county's police chiefs and mayors, the results were eye opening. New Bedford

experienced a 33 % decline in reports of shots fired during this time period and went for a five month stretch from November of 2008 until April of 2009 without a single shooting. In the first year of the new dangerousness hearing policy, New Bedford also saw the number of shooting victims drastically reduced from 38 to just 13, and the number of shooting homicides drop from five to one.

The City of Fall River also saw a 34% decline in reports of shots fired and the City of Taunton witnessed a 29% decline during the 28 months all of these policies were in effect. Shootings overall in Bristol County declined dramatically from an average of four to five per month in 2006 to less than one per month during the six month period just prior to the Supreme Judicial Court ruling on May 4, 2009 concerning District Attorney Sutter's use of the dangerousness statute.

In its May 4, 2009 ruling, the Supreme Judicial Court stripped district attorneys of their ability to even ask for a dangerousness hearing when someone was charged with crimes like carrying an illegal firearm, felon in possession of a firearm or possession of a high capacity firearm. The SJC said carrying an illegal firearm is "passive and victimless," and stated there is no substantial risk of harm in the illegal carrying of a firearm, rather the risk is in the use of that firearm.

District Attorney Sutter and many others who believe those who carry illegal firearms are a danger to the public's safety had two main criticisms of the Court's decision: First, by the time a firearm is being used to commit a crime, the risk is over and the harm has begun. And, carrying an illegal firearm can not be considered "passive and victimless" when more than 90% of the shootings in Bristol County were being committed by those using illegal guns.

In the 15 months since the SJC took away the district attorney's best tool to combat illegal gun violence, District Attorney Sutter has been working tirelessly with legislators, public safety officials, mayors and community action groups to make sure legislation was passed to once again allow him and the 10 other Massachusetts district attorneys to attempt to hold without bail defendants accused of illegal gun felonies while their assistant district attorneys work to prosecute the cases within the 90 day window in the District Court or have the case indicted by a grand jury to Superior Court for major felony prosecution.

The District Attorney has traveled to Boston and other points outside of Bristol County approximately 30 different times to fight for the legislation's passage during the past 15 months and has held over 80 meetings with various individuals and groups connected to this legislative goal. Additionally, District Attorney Sutter also delivered two major addresses this year to the Massachusetts Police Association and the Massachusetts Major Cities Chiefs Association. Both organizations endorsed District Attorney Sutter's aggressive push for illegal firearm dangerousness hearing legislation. He also garnered the support of Bristol County's entire legislative delegation, all of Bristol County's mayors, and police chiefs and was backed in his fight for this legislation by several community action organizations such as Citizens for Safety and the New England Coalition to Prevent Gun Violence.

"I would like to thank all of those who assisted me with this vital initiative, starting with my fellow District Attorneys, the police chiefs of Bristol County, the Massachusetts Major Cities Chiefs, the Massachusetts Police Association, Mayors Lang, Crowley and Correia who testified with me before the Judiciary Committee, Nancy Robinson and Citizens for Safety, and, of course, Sen. Mark Montigny, who

filed this bill on the Senate side and Rep. Antonio Cabral, who did likewise on the House side, and the other members of the Bristol County delegation who worked hard for the passage of his amendment such as Sen. Joan Menard, Sen. James Timilty, Rep. James Fagan and Rep. Patricia Haddad," District Attorney Sutter said.