



PLYMOUTH POLICE DEPARTMENT



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PLYMOUTH POLICE FAQ'S ON IMMIGRATION

Q: Does the Plymouth Police Department (PPD) have a policy pertaining to the enforcement of Federal Immigration Laws?

A: **Yes.** The policy, based upon current law and guidance from the Massachusetts Chiefs of Police Association, ensures that the Plymouth Police Department follows state and federal law, as well upholding the constitutional protections of all.

Q: Does the Plymouth Police Department detain people based solely on immigration status?

A: **NO.** Massachusetts case law, (Commonwealth v. Lunn), prevents state and local police from detaining people based solely on immigration status.

Q: Can I be detained or deported by the Plymouth Police Department if I report a crime, am a witness to a crime, or am a victim of a crime because of my immigration status?

A: **NO.** The Plymouth Police Department does not inquire about immigration status, nor does it have the authority to enforce federal immigration laws. We are committed to equal enforcement of the law and equal service to all members of our community, regardless of immigration status.

Q: Can I be detained or deported by the Plymouth Police Department during a general Police encounter, such as a motor vehicle stop, a call for service, or a request for medical aid, because of my immigration status?

A: **NO.** The Plymouth Police Department does not have the authority to enforce federal immigration laws. You will not be arrested or detained by Plymouth PD solely because of your immigration status.

Q: Can a Plymouth Police officer stop or detain someone solely to check immigration status?

A: **NO.** Plymouth Police officers cannot stop or detain someone solely to check immigration status.

Q: If arrested by a Plymouth Police officer, will they ask about my immigration status?

A: **NO.** The Plymouth Police Department does not inquire about immigration status during a booking process, however, once fingerprinted, other law enforcement agencies could be electronically notified that you are in police custody, and for what charges.

Q: Does the Plymouth Police Department notify ICE when prisoners are released, or can the PPD hold someone for ICE if asked?

A: In Massachusetts, the courts determine whether a detainee is to be held or released on bail, not the municipalities. In the same way we would share information with any other federal, state, or local agency, we may advise ICE of the court's determination. However, under the Massachusetts Supreme Judicial Court's (Commonwealth v. Lunn) decision, local law enforcement has no authority to hold an individual solely based on a federal civil immigration detainer or a civil Warrant of Removal/Deportation. Holding someone past their lawful release time would constitute an unlawful arrest. Only a judicially issued arrest warrant allows local officers to detain someone.

Q: Does the Plymouth School Department communicate student immigration status to the Plymouth Police Department?

A: **NO.** Nor is immigration status asked about during police/student encounters.

Q: Does the Plymouth Police Department enforce federal immigration laws?

A: **NO.** Local police, including Plymouth Police, do not have the authority to enforce federal civil immigration laws. Local police may, however, cooperate with federal law enforcement on criminal matters unrelated to immigration status.

Q: Do federal immigration officers have enforcement authority in Plymouth?

A: **YES.** Federal immigration officers have full authority to enforce immigration laws anywhere in the country, including Plymouth. The Plymouth Police Department does not have the authority to prohibit federal immigration officers from coming into our jurisdiction, nor are federal immigration officers required to obtain our approval before acting within our community.

Q: Are federal immigration officers required to notify the Plymouth Police Department of any operations being conducted in the Town?

A: **No.** Federal law enforcement agencies may check in with and/or request assistance from local law enforcement as it relates to federal law enforcement action taking place in a specific municipality, however they are not legally required to.

Q: Can the Plymouth Police be required to enforce federal immigration laws?

A: **NO.** The federal government cannot force state or local police to carry out federal regulatory programs, including immigration enforcement. While the PPD may cooperate with federal authorities in certain criminal cases, we cannot be required to dedicate local resources to enforce federal immigration laws.

Q: Can the Plymouth Police Department share information with ICE?

A: **Yes.** In the same way we would share information with any other federal, state, or local agencies, and consistent with established federal and state laws including the Massachusetts Public Records Law. We are not required to proactively collect or report immigration information, but we also cannot obstruct lawful information sharing if requested.

Q: Might the Plymouth Police department accompany ICE Agents when they are acting under their authority within the Town of Plymouth?

A: **YES.** Plymouth Police officers may accompany or assist ICE Agents to maintain public safety and protect bystanders during federal enforcement actions. However, PPD does not participate in civil immigration enforcement or detain individuals solely based on ICE detainers. The Plymouth Police department does not have to cooperate with federal ICE Agents, however, PPD officers cannot interfere with ICE Agents performing their duties.

Q: What can Plymouth Police Officers not do during ICE operations?

A: **PPD officers cannot:**

- Arrest or hold someone solely on an ICE civil immigration detainer.
- Perform immigration arrests unless explicitly authorized by law.
- Interfere with protestors' right to record or peacefully assemble.
- Ignore threats to the safety of anyone present.

Q: Can Plymouth Police Officers interfere with ICE operations?

A: Federal law prohibits local officers from actively interfering with or obstructing federal agents in the performance of their lawful duties. The PPD's responsibility is to maintain public order and safety while allowing ICE to conduct its federal responsibilities.

Q: How do I find out if someone I know has been detained by ICE?

A: There are a few ways to inquire into specific ICE detention:

1. Check the ICE online detainee Locator System: <https://locator.ice.dhs.gov/odls/#/search>
2. Contact the Boston ICE Enforcement & Removal Operations (ERO) Field Office: Boston.outreach@ice.dhs.gov
3. Submit a Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE).

4. Check with your local police department. Please keep in mind, federal law enforcement agencies may check in with and/or request assistance from local law enforcement as it relates to federal law enforcement action taking place in a specific municipality, however they are not legally required to. This means the Plymouth Police Department may or may not have knowledge of the results of any federal law enforcement activity with our jurisdiction.