



Westford Police Department

Training Brief 4-2025

To: ALL Personnel

From: Captain Michael Breault

Date: June 11, 2025

Re: Cooperation with Federal Immigration Officials

The Westford Police Department recognizes and values the diversity of the community it serves. The enforcement of our nation's immigration laws is a primary responsibility of the federal government and not the Westford Police Department. A person's right to request assistance, file a police report, participate in police-community activities, or otherwise benefit from general police services is not contingent upon the individual providing proof of citizenship or documented immigration status. Officers do not routinely question any person about his or her specific citizenship or immigration status when responding to that person's request for assistance.

Typically, the Department will not undertake immigration-related investigations and shall not routinely inquire into the immigration status of people encountered during normal police operations, unless immigration status is pertinent (see **Policy & Procedure 1.20 – Consular Notification**). This prohibition does not prevent the Department from cooperating with and assisting federal immigration officials from the Immigration and Customs Enforcement Agency (ICE) when formally requested, or from notifying those officials in serious situations where a potential threat to public safety or national security is perceived.

The Department is concerned primarily with the safety and the welfare of all individuals found within the jurisdiction of the Town of Westford. Thus, the detection of criminal behavior is of primary interest and concern. Race, religion, gender, sexual orientation, age, occupation, immigration status or any other arbitrary characteristic pertaining to any specific individual or population have absolutely no bearing on any decision made by department personnel in the performance of their duties (see **Policy & Procedure 4.10 - Identification and Prevention of Bias-Based Policing**).

The immigration status of individuals alone is not, and shall not, be a matter of police concern or subsequent enforcement action. It is incumbent upon all officers and employees of the Department to make an unyielding personal commitment to equal enforcement of the law and equal service to the public regardless of documentation status. Confidence in this valued commitment will not only protect an individual's rights and freedoms but shall also increase the department's effectiveness and efficiency in protecting and serving all in the Town.

This training brief shall provide all Town of Westford Police Department personnel with guidance on how to handle immigration issues or requests from the Immigration and Customs Enforcement Agency (ICE).

Background - The Lunn Decision (2017)

In Commonwealth v. Lunn, the SJC held that Massachusetts law does not provide law enforcement, the authority to hold individuals solely based on a federal civil immigration detainer. An ICE civil detainer is **not** a judicial warrant; it is an administrative request from a federal agency. Holding an individual beyond their lawful release time solely based on an ICE detainer is considered an unlawful arrest under Massachusetts law. The presence of a Warrant of Removal/Deportation (Form I-205) does not authorize continued detention. It is not a judicial warrant and does not override the Lunn ruling.

Distinguishing Between Civil & Criminal Immigration Detainers

One of the most critical distinctions to understand is the difference between civil immigration violations and criminal immigration offenses. Federal immigration law classifies many immigration-related matters as civil infractions rather than crimes, meaning that Massachusetts police officers have no authority to enforce them unless explicitly authorized by law.

In some cases, ICE now provides both a civil immigration detainer and a Form I-205 (Warrant of Removal/Deportation). While this form may indicate that the individual is subject to a final removal order issued by a federal immigration judge, it remains a civil administrative document – not a judicial warrant issued by a neutral magistrate. The fact that the individual is subject to a final order of removal does **not** expand the authority of the Westford Police Department to hold the individual beyond their lawful release time. However, the Department may notify ICE of the anticipated release time of the individual, provided this does not result in delayed or extended custody.

When can Town of Westford Police Officers Act?

- If ICE presents a judicially issued federal arrest warrant, law enforcement agencies should treat it the same as any other federal arrest warrant from agencies like the FBI, DEA, or U.S. Marshals.
- If an individual is suspected of a federal immigration-related crime (i.e., human trafficking under 8 U.S.C. § 1324), Massachusetts law enforcement may cooperate with ICE to the same extent they would cooperate with any other federal criminal investigation.
- If ICE only presents a civil detainer, local law enforcement has no authority under Massachusetts law to hold the individual beyond their legal release time/date (i.e., upon bail being granted, individual turned over to the Middlesex Sheriff's Office as part of the Safe Keep program or transported to Ayer District Court).
- If ICE requests that an individual be held for transfer to federal custody, officers should verify whether a judicial warrant or valid federal criminal charge exists before complying.

Westford Police Officers **shall not** directly participate in any such ICE tactical operations solely for the civil enforcement of federal immigration laws such as part of any detention or arrest teams unless:

- For assistance in the apprehension of any individual who is also wanted on a Massachusetts issued Warrant Management Systems warrant (WMS) which remains in full force and effect at the time of the request.

Information Sharing with ICE

The Westford Police Department may share information with ICE to the same extent they would with any other federal agency. The Department must, however, provide at least that level of information would be provided in response to a request under the Public Records Law.

Immigration and Customs Enforcement (ICE) Requests for Assistance

If a specific request for assistance is made by an ICE Officer/Agent or any other officer/agent from any federal agency, the Department shall provide any available support services deemed necessary to ensure officer safety or to prevent a breach of the peace such as traffic control or keeper of the peace efforts during the duration of the federal operation as requested.

Any detention by a member of the Westford Police Department during the request for assistance by ICE should be based upon a reasonable belief that the detained individual is either involved in illegal activity (i.e., violation of MGL, etc.) or is wanted by the Commonwealth of Massachusetts on an active warrant.

Federal Laws Affecting Local Law Enforcement's Role in Immigration

- Local Officers cannot obstruct or interfere with ICE operations (18 U.S.C. § 111).
 - Officers cannot actively interfere with federal immigration enforcement operations.
 - Officers should not obstruct ICE agents in their lawful duties (i.e., executing a valid federal arrest warrant).
 - While Massachusetts law enforcement is not required to participate in federal immigration enforcement, any actions that deliberately impede federal officers could expose officers or departments to legal liability (18 U.S.C. § 1505).

Any Foreign National involved in a criminal investigation that is arrested or detained by the Westford Police Department must be provided all consular notification and access requirements in accordance with the International Treaties (see **Policy & Procedure 1.20 – Consular Notification**).

Conclusion

The Lunn decision makes it clear that Town of Westford police officers do not have the authority to detain individuals solely based on ICE civil detainees, while the Tenth Amendment's anti-commandeering doctrine protects local agencies from being forced to enforce federal immigration laws. At the same time, federal law prohibits obstructing or interfering with ICE operations, and Town of Westford Police Officers may, at their discretion, share information and cooperate with federal authorities to the extent permitted by law.

A COPY OF THIS ORDER WILL BE KEPT IN THE MANUAL SECTION OF THE "P" DRIVE IN A FOLDER LABELED TRAINING BRIEFS.