



TOWN OF PLYMOUTH

26 Court Street
Plymouth, Massachusetts 02360

Title	IMMIGRATION ENFORCEMENT
Date Approved	January 6, 2026
Reference: <i>Plymouth Police Department Policy & Procedure No. 4.48</i>	

I. GENERAL CONSIDERATIONS AND GUIDELINES

The Plymouth Police Department recognizes and values the diversity of the community it serves. Many residents have immigrated to Plymouth from other countries, and some may not be citizens or legal residents of the United States. The Town of Plymouth and its Police Department are committed to promoting safety and providing proactive policing services to all who are located in our community. In furtherance of the Department's policing philosophy, all community members and stakeholders should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.

Enforcing federal immigration law is not the mission of the Plymouth Police Department. Accordingly, it is not appropriate for a member of the Department to inquire about, or investigate a non-citizen's immigration or travel status if the sole purpose is to determine an individual's immigration status or whether the person is in the country lawfully, or to facilitate a person's detention or deportation by U.S.

II. POLICY

- A. It is the policy of the Plymouth Police Department to uphold the Constitutional and civil rights of all persons regardless of their immigration status.

III. DEFINITIONS

- A. *Bail Magistrate*: A person authorized to admit to bail out of court, including a clerk- magistrate or assistant clerk of the Superior Court, District Court, or Boston Municipal Court who has registered with the Office of Bail Administration, a bail commissioner inside or outside of Suffolk County, or, if appointed by the Governor in accordance with G.L. c. 221, § 53 or G.L. c. 218, § 36, a master in chancery or a justice of the peace, respectively.
- B. *Detainer*: DHS Form 247A, entitled "Immigration Detainer - Notice of Action." It states that the DHS has determined that probable cause exists to believe that the subject is a removable alien, and requires the immigration officer completing the form to indicate, by checking one or more boxes, the basis on which that determination was made. It also states that "[t]he alien must be served with a copy of this form for the detainer to take effect," and it provides blank spaces, to be filled in by the custodian, indicating the date and manner of service. It requests that the custodian notify DHS as early as possible (at least 48 hours, if possible) before the alien is released from custody, and "[m]aintain custody of the alien for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from [the custodian's] custody to allow [the department] to assume custody."
- C. *DHS*: Department of Homeland Security
- D. *ERO*: Enforcement and Removal Operations
- E. *ICE*: Immigration and Customs Enforcement (ICE), a federal agency, is charged with border and immigration control. ICE is responsible for the enforcement of immigration laws. Its agents issue detainers based on information about potential undocumented individuals gathered by its own officers and, when available, from information from state and local police and corrections institutions collected upon intake.
- F. *LESC*: The Law Enforcement Support Center (LESC) is a national enforcement operations facility administered by U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security (DHS). LESC is a single

national point of contact that provides timely customs information and immigration status and identity information and real-time immigration enforcement assistance to local, state and federal law enforcement agencies on aliens suspected, arrested or convicted of criminal activity. Located in Williston, Vermont, LESC operates 24 hours a day, 7 days a week, 365 days a year.

G. *S-Comm*: The DHS Secure Communities Program allows ICE to execute its enforcement priorities for those aliens detained in the custody of state or local law enforcement agencies. Under S-Comm, the FBI automatically sends arrestee fingerprints to DHS to check against its immigration databases. If these checks reveal that an individual is unlawfully present in the United States or otherwise removable, ICE takes enforcement action, based on its priorities. ICE, not the Plymouth Police, determines what immigration enforcement action, if any, is appropriate.

IV. PROCEDURES

A. Federal Secure Communities Program

1. Under the Federal Secure Communities Program, fingerprints of all persons arrested by the Plymouth Police Department are automatically shared with the Department of Homeland Security Immigrations and Customs Enforcement (DHS-ICE). This mandatory sharing happens automatically and requires no specific action by the Plymouth Police Department.
2. Immigration and Customs Enforcement (ICE) personnel will use the fingerprints to check the local arrestee's personal biographical information against the active DHS-ICE immigration databases. If ICE determines that it has what was deemed to be an "actionable interest" in the local arrestee based on a hit (match) on that database with the submitted fingerprints, ICE will then determine what specific enforcement action, if any, to take based on their DHS Enforcement Priorities and available personnel resources in existence at the time of the hit.

B. Requests for Detained by ICE

1. If the local arrestee appears to have violated the federal immigration laws and the arrestee is deemed to fall within any of the applicable enforcement priorities established by DHS, ICE will decide whether or not to issue what is known as an

Immigration Detainer for the arrested individual currently held in local police custody.

2. An Immigration Detainer, which is faxed after an initial phone call is made to the local police department, is an official request from DHS-ICE directed to the specific state or local law enforcement agency to hold the individual for a period not to exceed 48 hours so that ICE has the opportunity to arrange for the potential transfer of the individual into federal custody in situations when gaining immediate custody is either impracticable or impossible.

C. DHS Secure Communities (S-Comm)

1. DHS-ICE and the DHS Secure Communities Program do not operate in a vacuum and local law enforcement must always be mindful that the resulting enforcement actions that are undertaken by ICE may potentially adversely impact the local police agencies and the long standing relationships that they have with their respective communities in what some stakeholders may conclude is a negative fashion. According to DHS, S-Comm only entails the sharing of information known as “interoperability” between local and federal law enforcement. Any subsequent immigration enforcement action that is taken after that information is shared is not part of the S-Comm Program, but instead is the result of an independent determination by ICE Enforcement and Removal Operations (ERO). Similarly, any action taken by the local law enforcement agency at the time of the arrest and prior to booking and submission of fingerprints to the federal databases is not part of the S-Comm Program.
2. However, with this in mind, it is important to note that much of the criticisms of the S-Comm Program relate to the enforcement activities before (with the local police making an arrest) and after (with ICE Officials potentially transferring custody of the arrestee) the actual sharing of biometrics takes place. While ICE has distinguished between S-Comm’s “interoperability” function and the subsequent detention and/or removal of an individual via the ERO process, the distinction is often times lost on many community stakeholders, advocates and even some law enforcement officials.
3. The S-Comm Program does not make Plymouth Police Officers immigration agents, although it may cause them to be falsely viewed and misperceived as such. The S-Comm is merely the

automatic sharing of an arrestee's fingerprints which occurs automatically "behind the scenes" at the federal level.

4. It is imperative that the local community is informed and educated as to the specifics of the Department's extremely limited role in the S-Comm process so as not to jeopardize the trust, confidence and spirit of cooperation that the police department and the community at large have formed.

D. Immigration Enforcement

1. The enforcement of the nation's federal civil immigration laws are the primary responsibility of the federal government. Accordingly, the Plymouth Police Department will not initiate immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations. Exceptions may be made as specifically set forth in this policy. Further, the Plymouth Police Department will not enter into any voluntary Federal 287(g) Program that would have local officers trained and sworn to enforce federal civil immigration laws.
2. This prohibition does not preclude the Plymouth Police Department from cooperating and assisting with federal immigration officials from the DHS Immigration and Customs Enforcement (ICE) Agency when formally requested as part of an on-going criminal investigation, or from notifying those federal officials in serious situations where a potential threat to public safety or national security is perceived.
3. Being present in the country illegally is not by itself a crime. Illegal presence without more is only a civil violation of the Immigration and Nationality Act that subjects the individual to possible removal.

E. INS Immigration Alien (IAQ)

1. Whenever a foreign born person is arrested, the Shift Commander will ensure that an INS Immigration Alien (IAQ) query is conducted via the National Law Enforcement Telecommunication System (NLETS).
2. The IAQ is received at the LESC and manual searches of the Interstate Identification Index (III) and eight ICE service databases are conducted. When the manual searches are complete the LESC will send a response to the Department and

to the local ICE office. Information received from LESC may advise that the subject has been previously deported, appears to be in the U.S. legally or illegally, is wanted by ICE for removal or appears to be deportable but not currently wanted.

F. Immigration Detainer – Notice of Action

1. Whenever any Officer the Plymouth Police Department receives an Immigration Detainer from DHS-ICE, the Shift Commander shall notify the bail magistrate of the existence of the Federal ICE Detainer.
2. It shall be decision of the bail magistrate to determine whether to set a monetary bail, release on personal recognizance or order that the arrestee be held in police custody. However, no person shall be held solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from custody. (See Commonwealth v. Sreynuon Lunn, SJC-12276)
3. The Shift Commander shall ensure that the following procedures are followed when an Immigration Detainer is received:
 - a. Forward a copy of the immigration detainer to the Captain of Operations;
 - b. Attach the immigration detainer to the booking report;
 - c. Provide the arrestee a copy of the immigration detainer;
 - d. Add the immigration detainer as a charge, for tracking purposes, to the booking report (8 CFR 287.7);
 - e. Note the existence of the detainer in the Shift Commander's Log;
 - f. If a decision is made to bail the arrestee the Shift Commander shall notify ERO of the bail determination.
4. Federal law provides that the individual cannot be held on a Detainer for longer than 48 hours, excluding weekends and holidays. At the end of the 48 hour period, the Detainer shall expire forthwith.

5. No person will be arrested or held by the Plymouth Police solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from custody. (See Commonwealth v. Sreynuon Lunn, SJC-12276).

G. Inquiries into Immigration Status

1. A person's right to file a police report; participate in any police-community activities (i.e., Community Meetings, National Night Out, Citizen's Police Academy, etc.), or otherwise benefit from general police services shall not be contingent upon the individual providing proof of citizenship or any type of documented immigration status.
2. Consequently, officers shall not question any person about their specific citizenship or immigration status unless that person is reasonably believed to be involved in one or more of the criminal activities identified below. (See Section H.1. of this policy)
3. Officers shall not interrogate, arrest, detain or take other law enforcement action against an individual based on that individual's perceived race, national origin, sexual orientation, religion, language, or immigration status unless such personal characteristics link a specific individual to a particular criminal event or activity. Detention based on Immigration Detainers shall be based on this policy.
4. Officers shall not request passports, visas, work authorizations, resident alien cards (i.e., "green cards"), or travel documents in lieu of, or in addition to, driver's licenses and other standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable or when the officer is proceeding under the below-listed exception.

H. Notification to Federal Immigration Authorities

1. In furtherance of the department's policing philosophy and continued engagement and outreach efforts, Plymouth Police Officers shall not participate in any federal civil immigration related investigations of any immigrant or foreign national, except when the immigrant or foreign national is under arrest for any violent felony including but not limited to:
 - a. Murder
 - b. Assault with intent to Murder

- c. Assault & Battery by means of a Dangerous Weapon
- d. Assault by means of a Dangerous Weapon
- e. Armed Burglary
- f. Rape, (or any Sex Offense)
- g. Mayhem
- h. Armed Robbery

2. In addition, Plymouth Police Officers may provide information to Federal Immigration Authorities when:

- a. The PPD acquires reliable information that the individual in Plymouth Police custody has been convicted in a court of competent jurisdiction of any violent felony.
- b. An individual(s) is arrested by PPD Personnel for any terrorism-related offense, or is otherwise reasonably suspected of involvement in any terrorist and/or subversive activities.
- c. An individual(s) is arrested for any offense involving the entry or fraudulent assimilation or trafficking of individuals into the United States, or is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners in this country; or
- d. An individual(s) is suspected based upon the legal standard of probable cause (basis of knowledge and veracity) of participating in criminal street gang activity involving violence and/or distribution of illegal drugs/weapons.

I. Immigration and Customs Enforcement (ICE) Investigations and/or Requests for Assistance

- 1. The U.S. Bureau of Immigration and Customs Enforcement has primary jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.
- 2. Plymouth Police Officers shall not directly participate in any such ICE tactical operation(s) solely for the civil enforcement of federal immigration laws as part of any Detention or Arrest Team unless:
 - a. It is in direct response to a request for immediate (emergency) assistance on a temporary basis for "officer safety" purposes; or

- b. For the assistance in the apprehension of any individual who is also wanted on a Criminal Arrest Warrant.
- 3. Whenever ICE has occasion to be in the Town of Plymouth, whether looking for a target(s) who is the subject of a criminal warrant or looking for individuals who have Final Orders of Deportation the Shift Commander shall immediately notify the Captain of Operations and other Command Staff Personnel, as directed.
 - a. The Shift Commander shall ascertain from the notifying ICE Agent or Supervisory Agent who called the OIC pursuant to national de-confliction protocol to alert the presence in the Town at a specific address - the specific "reason" that they are looking to place the wanted individual into federal custody.
 - b. If it is for a Massachusetts Criminal Warrant or other State Warrant for which we as duly sworn Plymouth Police Officers have the right of arrest then we may assist.
 - c. If it is for civil reasons only then we shall stand down and not respond and only assist if a situation rises where an officer's (Agent's) safety is at risk where there is an emergency call for assistance.
 - d. In all cases the Shift Commander shall ensure that a CAD entry is made documenting the incident.
 - e. The ICE Agent shall be asked to report back with the results of the investigation (e.g., no service, one in custody, etc.) so that the CAD system can be updated.
 - f. **For those individuals placed in custody by ICE Officials solely for civil enforcement reasons a courtesy booking shall not be required.**
- 4. Any detention by a member of the Plymouth Police Department during the request for assistance by ICE should be based upon a reasonable belief that the detained individual is either involved in criminal activity or is wanted and subject to arrest based on a criminal arrest warrant. Except as specifically provided herein, Plymouth Police Officers shall not arrest, detain, or investigate an individual solely based on an alleged civil violation of federal immigration laws.

J. Policing Practices and Considerations

1. The Plymouth Police Department will uphold the Constitutional and civil rights of all persons regardless of their immigration status.
2. The decision to arrest or not to arrest a person who violates state law shall be made without regard to the suspect's immigration status. Massachusetts law does not authorize arrest for civil immigration violations.
3. The Plymouth Police Department will protect crime victims and witnesses regardless of their immigration status, and encourages all victims and witnesses to report crimes, regardless of their immigration status.

Signed By:



Chair, Select Board

1/9/2026

Date



Town Manager

1/8/26

Date