



# ACTION POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations			
POLICY & PROCEDURE # 1.12	DATE OF ISSUE: 05/12/2025	EFFECTIVE DATE: 05/12/2025	
SUBJECT: Immigration	ISSUING AUTHORITY: Chief James Cogan		
REFERENCE(S): Massachusetts Police Accreditation Commission # None	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> AMENDS	<input type="checkbox"/> RESCINDS

## I. PURPOSE

The Acton Police Department recognizes and values the diversity of the community it serves. Some of its residents have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. The Town and the Acton Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. In furtherance of the department's Community 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.

The Acton Police Department relies upon the cooperation of all persons, documented citizens and residents as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime, as well as resolving recurring neighborhood issues. Assistance from the many various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a crime. It is absolutely essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime.

This type of mutual trust and cooperation is absolutely crucial in preventing and solving crime incidents, as well as maintaining public order, safety, and security in the entire community.

## II. POLICY

1. All Persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States and the Commonwealth of Massachusetts and the Town of Acton and treaties of the United States, as applicable, irrespective of their immigration status.
2. No police officer or other employee of the Department shall inquire about a person's immigration status, nor shall such officer or employee take any policing action against a person based solely on the person's real or suspected immigration

status, except in limited circumstances specifically identified by the Chief, for example for an international drivers license which is valid for persons in the country for a certain amount of time. All persons shall have the right to file police reports and serve as witnesses to crimes, participate in police-community activities, and otherwise benefit from general police services without fear of having their immigration status used against them or made available to federal or state officials who may use such status against them.

3. No funds, resources, facilities, property, equipment, or personnel of the Department shall be used for any federal immigration custody or detainment or other enforcement purpose, unless required pursuant to a lawfully issued judicial warrant.
4. No police officer or civilian employee of the Department shall make any information in its databases or other record-keeping systems available to any entity for enforcement of any federal statute or program requiring registration of persons on the basis of race, gender, sexual orientation, gender identity, religion, national or ethnic origin, or political or social beliefs, unless required pursuant to a lawfully issued judicial warrant.
5. Any person who is arrested by the Department shall be booked in accordance with current policies and procedures for arrested persons. If, in the course of standard processing procedures, Immigration and Customs Enforcement files an immigration detainer, the arrestee shall be made aware of the detainer and provided a copy. The arrestee shall also be made aware that the Acton Police Department will not hold them in custody on the Immigration and Customs Enforcement detainer if they post bail or are released on their own recognizance.
6. No person shall be held in custody by the Department based solely on the existence of an Immigration and Customs Enforcement detainer or any other administrative warrant. The Department shall adhere to policies and procedures pertaining to the arrest of persons.
7. While the Department is prohibited from detaining persons on ICE detainers, it is not prohibited from detaining an arrestee, regardless of immigration status, for any lawful reason with a judicial arrest warrant.
8. The Department shall keep a record of all arrestees who have been the subject of an Immigration and Customs Enforcement detainer after arrest by the Acton Police Department. Included in the record shall be the following:
  - a. The person's name.
  - b. The charges or other grounds on which the person was arrested.
  - c. Whether a decision was made not to proceed with prosecution and the person was released.
  - d. The amount of bail set by the bail commissioner after arrest.

- e. Whether the person was released from the Department after booking or whether they were transferred to court

## **IMMIGRATION INFORMATION**

**History: Formerly Immigration 1.25**