



Police Department

Town of Upton, Massachusetts



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Upton Police FAQs on Immigration

- Q: Can I be detained or deported by the Upton 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 Upton Police Department does not have the authority to enforce federal immigration laws. You will not be arrested or detained by Upton PD solely because of immigration status.
- Q: Can I be detained or deported by the Upton Police Department if I report a crime or am a witness to a crime, because of my immigration status?**
- A: No, the Upton Police Department does not have the authority to enforce federal immigration laws. We are committed to equal enforcement of the law and equal service to all members of the community, regardless of immigration status.
- Q: Can an Upton Police Officer stop or detain someone solely to check immigration status?**
- A: No, Upton Police Officers cannot stop or detain someone to check immigration status.
- Q: Does Upton PD enforce federal immigration laws?**
- A: No, local police, including UPD, do not have authority to enforce federal civil immigration laws. Local police may, however, cooperate with federal law enforcement on criminal matters unrelated to immigration status.
- Q: Does Upton PD detain people based solely on immigration status?**
- A: No, Massachusetts case law (Comm. v. Lunn) prevents local police from detaining people based solely on immigration status.
- Q: Do federal immigration officers have enforcement authority in Upton?**
- A: Yes, federal immigration officers have full authority to enforce immigration laws anywhere in the country, including Upton. The Upton Police Department does not have the authority to prohibit federal immigration officers from coming into our jurisdiction nor are they required to obtain our approval before taking action within the community.

Q: If arrested by an Upton Police Officer, will they ask about my immigration status?

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

Q: Might the Upton Police Department be present when I.C.E. Agents are acting under their authority within the Town of Upton?

A: Yes, it is possible. Upton Police Officers may be present to maintain public safety or protect bystanders during federal enforcement actions. However, the UPD does not participate in civil immigration enforcement or detain individuals solely based on I.C.E. detainers.

Q: How do I find out if someone I know has been detained by I.C.E.?

A: There are a few ways to inquire into a specific I.C.E. detention:

1. Check the I.C.E. online Detainee Locator System: <https://locator.ice.gov/odls/#/search>
2. Contact the Boston I.C.E. Enforcement & Removal Operations (ERO) Field Office Boston.Outreach@ice.dhs.gov or (781) 359-7500
3. Submit a Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (I.C.E.)
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 your local police department may or may not have knowledge of the results of any federal law enforcement activity within their jurisdiction.