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## **Guidance | May 2026**

*Regarding Section 2 of Executive Order 650:*

### **Prohibiting Warrantless Arrests in Private Areas of State Property**

As confirmed in [Executive Order 650](#): Protecting Access to Essential Services and Keeping Massachusetts Communities Safe (EO 650), residents of Massachusetts have a right to access essential public services and conduct business with the state without fear or intimidation, regardless of national origin or immigration status. To that end, Section 2 of EO 650 provides:

Except as authorized by a judicial warrant or judicial order, civil arrests by Federal Immigration Officers shall not be executed in nonpublic areas of state facilities. The offices and agencies of the Executive Department shall ensure that relevant staff are aware of this requirement and trained on interacting with Federal Immigration Officers.

This Guidance provides answers to frequently asked questions about the implementation of the Executive Order.

#### **What is the purpose of Executive Order 650 as related to arrests in state facilities?**

The purpose of the EO 650, Section 2, is to prevent warrantless civil arrests in private areas of state facilities due to the legal requirement of a judicial warrant or order to enter private locations.

#### **How are warrantless civil arrests by Federal Immigration Officers defined under EO 650?**

A **warrantless civil arrest** is an arrest for a purpose other than for criminal prosecution or imprisonment that is conducted without a Judicial Warrant or Judicial Order. Generally, for the purposes of EO 650, a civil arrest would mean an arrest for immigration enforcement purposes.

Specifically, EO 650 defines civil arrest as:

**“Civil Arrest”** includes: “an arrest that is not for the sole or primary purpose of preparing the person subject to such arrest for criminal prosecution, for an alleged

violation of the criminal law of: (A) the Commonwealth or another jurisdiction within the United States, for which a sentence of a term of imprisonment is authorized by law; or (B) the United States, for which a sentence of a term of imprisonment is authorized by law, and for which federal law requires an initial appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the federal rules of criminal procedure that govern initial appearances.”

EO 650 defines judicial warrant or judicial order as:

“**Judicial Warrant or Judicial Order**, an arrest warrant or other judicial order issued by a judge or magistrate sitting in the judicial branch of state government or of the federal government, authorizing an arrest.”

Federal Immigration Officers may have **Administrative Warrants** issued by the Department of Homeland Security or another federal agency, authorizing a civil arrest. Administrative Warrants are not Judicial Warrants and must not be treated as such.

Remember: A Judicial Warrant is (1) signed by a judge or magistrate; (2) issued by a court (not the Department of Homeland Security); and (3) based on probable cause. A Judicial Order may take many forms but should include the caption of a court case, the name of the court, and a judge’s signature. Judicial Warrants and Judicial Orders may also be styled as a summons or subpoena. See Addendum A, below, for sample warrants.

### **Does the ban on warrantless civil arrests by Federal Immigration Officers include federal officers working alongside or in concert with Immigration and Customs Enforcement Officials (“ICE”) and/or Customs and Border Patrol (“CBP”)?**

Yes, for the purposes of the Executive Order, “Federal Immigration Officer” includes officers from Immigration and Customs Enforcement (“ICE”), Customs and Border Patrol (“CBP”), and any other federal agency working with ICE or CBP. The EO 650 definition of Federal Immigration Officer is below:

“**Federal Immigration Officer**” includes: An agent of federal Immigration and Customs Enforcement, federal Customs and Border Protection, any similar agency or successor agency, or any other federal law enforcement agency tasked with civil immigration enforcement or working in concert with Immigration and Customs Enforcement or Customs and Border Protection.

## **What properties are considered “state facilities” under Sections 2 and 3 of the Executive Order?**

For purposes of the Executive Order, state facilities are any buildings, or parts thereof, which are owned, leased, occupied, controlled by, or used for business by a state executive office or agency. This would include executive offices like the Executive Office of Health and Human Services, the Executive Office of Housing and Livable Communities, and the Executive Office of Veterans Services, and state agencies like the Department of Transitional Assistance.

Examples of “state facilities” include but are not limited to:

- Administrative offices of executive agencies (e.g. Ashburton Place, Pittsfield State Offices)
- EOHLC shelters (e.g. Emergency Assistance family shelters run by state contractors)
- Public hospitals (e.g. Shattuck, Taunton State Hospital)
- State-operated mental health facilities
- DTA offices
- RMV Offices
- State-operated veterans homes (e.g. Holyoke Veterans Home)
- State public housing
- State-operated group homes (e.g. DDS, DYS or DCF group homes)
- DMH shelters
- DPH and DMH substance abuse facilities

## **What types of buildings does this Executive Order *not* apply to?**

**EO 650 does not apply** to any buildings, or parts thereof, controlled or used by other branches of government, including the judicial branch, quasi-agencies, municipalities, sheriffs, schools or public colleges and universities, including the University of Massachusetts. By law, EO 650 applies only to state facilities under state executive office or agency control. However, other branches of government and entities not subject to EO 650 are strongly encouraged to follow it.

## **What are some examples of non-public (or private) areas of “state facilities” in which warrantless civil arrests by Federal Immigration Officers are not allowed under Section 2 of the Executive Order?**

Non-public or “private” areas of state facilities are closed to the public. Private areas are typically places where employees need a badge to enter; permission to enter is given by security after sign-in; a client or member of the public would not be allowed to enter without being admitted by a buzzer or through a locked door; and a client or member of the public receives services.

Examples of non-public or “private” areas of state facilities include but are not limited to:

- Areas of a DTA field office in which staff work and meet with clients;
- A family’s assigned housing unit;
- Parts of public hospitals, state-operated mental health facilities, or veterans’ homes that are not open to the public, such as patient rooms.

## **What should I do if I see someone being arrested in a private area of a state facility without a warrant?**

The most important thing for a bystander or onlooker to do is to document what is happening by taking good notes, and/or videos if you feel safe and comfortable doing so. Bystanders should never interfere with law enforcement activities.

If someone is arrested in violation of EO 650, their lawyer will want to know who was present, what happened, where it happened, when it happened, and how many officers were involved. It is also important to write down the names of witnesses and anything that will lead to identifying the officers involved (such as badge numbers or license plates). Whatever note-taking or evidence you collect if you witness a violation of this policy could later be used in court, including if the person arrested seeks release through a Habeas Corpus petition.

## **Should I call 911 or the state police if I think ICE is violating or has violated the Executive Order?**

Generally, local and state police cannot intervene in federal immigration enforcement efforts, including violations of a state Executive Order. If you observe what you believe to be a violation of EO 650, you should report it here: <http://www.mass.gov/fedmisconduct>. Additionally, anyone personally aggrieved by a violation of their constitutional rights may seek relief in state or federal court.

If you are in imminent danger or in need of immediate assistance, for any reason, you should not hesitate to call 911.

## Remember

Members of the public should *never* attempt to physically interfere with law enforcement.

Members of the public should, if they feel safe and comfortable, write down details regarding an incident, including officer badge numbers and notes of conversations between staff and the officers as well as considering taking photos and videos from a safe distance.

## ADDENDUM A: SAMPLE JUDICIAL AND ADMINISTRATIVE WARRANTS

Example of a **Judicial Warrant**, which is signed by a Judge.

AD 93 (Rev. 6/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT  
for the  
Southern District of California

In the Matter of the Search of )  
(briefly )  
or item ) )  
2943 Reynard Avenue )  
San Diego, California ) )

Case No. **'14 MJ 0396**

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of California  
*(Identify the person or describe the property to be searched and give its location. See Attachment A-2.)*

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized. See Attachment B-2.)*

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before February 17, 2014  
*(not to exceed 10 days)*

in the daytime: 6:00 a.m. to 10 p.m.  at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Hon. David H. Bartick  
*(Name)*

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*:  for \_\_\_\_\_ days *(not to exceed 30)*.

On this, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 1/17/2014 5:14 [Signature]  
*Judge's signature*

City and state: San Diego, California Hon. David H. Bartick, U.S. Magistrate Judge  
*Printed name and title*

Example of an ICE **Administrative Warrant**, should not give permission to enter.

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
*(Signature of Authorized Immigration Officer)*

\_\_\_\_\_  
*(Printed Name and Title of Authorized Immigration Officer)*

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ *(Location)*  
on \_\_\_\_\_ *(Name of Alien)* on \_\_\_\_\_ *(Date of Service)*, and the contents of this notice were read to him or her in the \_\_\_\_\_ *(Language)* language.

\_\_\_\_\_  
*Name and Signature of Officer*

\_\_\_\_\_  
*Name or Number of Interpreter (if applicable)*

Form 5-200 (Rev. 09/14)