

ROLL CALL ADVISORY

The PROTECT Act and Its Impact on Police Operations

The Governor signed **Chapter 163 of the Acts of 2026**, the PROTECT Act, on August 5, 2026. Among other provisions, the Act adds **G.L. c. 147, § 64**, effective **September 4, 2026**, which limits the circumstances in which a person's immigration or citizenship status may be inquired about, recorded, shared, or acted on.

This law applies to sworn officers and to all employees of the agency, including dispatch and records staff.

The act does not restrict the investigation or enforcement of criminal law. It prohibits actions taken for the purpose of conducting or participating in federal civil immigration enforcement.

Except as required by federal or state law, or under a judicial warrant, court order, or treaty, an officer or employee shall not:

1

INQUIRE ABOUT A PERSON'S IMMIGRATION OR CITIZENSHIP STATUS

KEY RULE. Under § 64(b)(1), a person's status is "directly material" only when it is necessary to establish an element of a specific Massachusetts criminal offense. Status is **never** directly material for assessing credibility, for assessing cooperation, or for general information gathering. There is one exception: an officer may inquire on an articulable, case-specific reason to believe status is directly material to an element of human trafficking (G.L. c. 265, §§ 50 to 52) or of a felony under Massachusetts law being investigated. The reason for any permitted inquiry must be documented in the report or case file. No documented reason, no inquiry.

2

RECORD IMMIGRATION OR CITIZENSHIP STATUS INFORMATION

Status may be recorded only where required by federal or state law or treaty, or where documented under Item 1. Receiving an immigration detainee is not itself a violation. Do not extend custody because of it, do not treat it as a basis to hold, and follow your department's policy for handling and retaining it. Notify a supervisor.

3

USE STATE OR LOCAL RESOURCES FOR, OR TAKE PART IN, FEDERAL CIVIL IMMIGRATION ENFORCEMENT

An officer or employee may **not** use or allow the use of state or local resources for federal civil immigration enforcement and may not conduct or participate in it. This covers investigating, questioning, or interrogating a person for that purpose, and it covers material support: staging space, perimeter or traffic control for a federal civil operation, transport, and queries run for a federal civil immigration purpose. This section does not apply to conduct required by federal or state law, a valid 287(g) or intergovernmental service agreement, or to disclosures permitted under Item 4.

4

GIVE INFORMATION TO A FEDERAL IMMIGRATION AUTHORITY

An officer or employee may not knowingly give a federal immigration authority nonpublic personal information, advance notice of a person's release, a person's **custody status**, or advance notice of a court appearance. These four prohibitions are subject to the same narrow exceptions: conduct required by federal or state law, a judicial warrant, court order, or treaty, or a valid 287(g) or other intergovernmental service agreement. Two of them carry an additional, narrower exception. Release notice is also permitted at the completion of a sentence for certain serious offenses, which will rarely apply to a municipal lockup. Court appearance information is also permitted on a written federal request received within the last 30 days naming a specific individual. **Custody status has no additional exception. In the ordinary case, the desk may not confirm or deny that a person is held.** Any disclosure that is permitted requires written authorization from the on-duty officer in charge (or the officer's own written documentation where obtaining it is impracticable), in addition to a lawful basis. **No supervisor's authorization makes a prohibited disclosure lawful.**

5

STOP, ARREST, SEARCH, SEIZE, OR DETAIN A PERSON BASED ON ACTUAL OR PERCEIVED STATUS

This includes investigating, questioning, or interrogating a person for the purpose of federal civil immigration enforcement.

6

HOLD A PERSON PAST RELEASE ELIGIBILITY BASED SOLELY ON AN IMMIGRATION DETAINER

This has been Massachusetts law since *Lunn v. Commonwealth*, 477 Mass. 517 (2017). The act writes it into statute.

7

TRANSPORT A PERSON INTO AN IMMIGRATION AGENT'S CUSTODY

Prohibited without a judicial warrant or court order, except under a valid 287(g) or intergovernmental service agreement.

WHAT YOU MAY STILL DO. THE STATUTE SAYS SO, § 64(d).

Investigate and enforce criminal law, including requesting and receiving personally identifying information during a lawful investigation, arrest, or booking.

Send fingerprints to the State Police State Identification Section, other criminal justice information systems, and the FBI.

Work coordinated criminal investigations with federal partners unrelated to civil immigration enforcement and transfer a prisoner to another agency for criminal enforcement, unrelated to federal civil immigration enforcement.

Ask a federal immigration authority to return a person to state or local custody for prosecution or to testify.

Use de-escalation tactics and keep the peace in public spaces.

Make the inquiries needed for T and U visa certifications, and make consular notifications, including the nationality questions those notifications require.

Check citizenship or immigration status when processing a firearms license, card, or permit (G.L. c. 140, § 121F).

Send or receive status information as required by 8 U.S.C. §§ 1373 and 1644.

RESPONDING WHERE FEDERAL AGENTS IS UNDERWAY

You may respond to a criminal offense or a breach of the peace at the scene, including an assault on a federal agent. That is criminal enforcement and peacekeeping, and the statute preserves both.

You may not hold a perimeter, direct traffic or a crowd to enable the civil arrest, transport, or provide staging for the operation itself. A request that comes in over the radio as a call for assistance does not change this.

Do not take assignments from federal agents at the scene. Handle the criminal matter or the peacekeeping function and clear.

This concerns federal civil immigration enforcement only. Assistance to federal partners on criminal matters, including joint task force work, is unaffected.

THE PURPOSE TEST

The same act can be lawful or unlawful depending on why you did it. Running a query, calling a federal agent, or transferring a prisoner is permitted in furtherance of a criminal investigation and prohibited if done for federal civil immigration enforcement.

Write your reason in the report at the time. If the purpose was criminal, the report should say what crime and why. The report is where purpose is proved, and a purpose reconstructed months later is worth far less than one recorded the day it happened.

CHECK YOUR UNDERSTANDING

An ICE agent calls the desk and asks whether a named person is in your lockup. What do you say?

Nothing that confirms or denies it. Custody status may not be provided to a federal immigration authority, no exception applies, and no supervisor can authorize it. Refer the caller to the officer in charge and note the call.

You are investigating an armed robbery and learn the suspect may have entered the country recently. May you ask about his status?

Only if you can articulate a case-specific reason why status is directly material to an element of the Massachusetts felony you are investigating, and you document that reason in the case file. Where a person was born is not such a reason, and the statute provides that status is not directly material to credibility or cooperation.

Federal agents making a civil immigration arrest radio for help with a growing crowd. Do you go?

You may go, but not to help. Respond to keep the peace and to address any crime, including an assault on an agent, a bystander, or an officer. Do not hold a perimeter for the arrest, control the crowd so the arrest can proceed, or take direction from the agents. Document why you responded and what you did.

This advisory is a roll call training summary of G.L. c. 147, § 64, issued jointly by the Executive Office of Public Safety and Security, the Municipal Police Training Committee, and the Massachusetts Chiefs of Police Association. The statute and your department's policies control over this summary. Direct questions to your chief of police, who may consult municipal counsel. Officers assigned to joint task forces should confirm the status of any federal agreement with their supervisor before September 4, 2026.