

Shutesbury Protect Bylaw

Adopted at Annual Town Meeting, May 9, 2026

Section 1. Purpose and Findings

The Town of Shutesbury affirms its commitment to the rights and dignity of all persons residing in, working in, visiting, or traveling through the Town.

This bylaw is adopted pursuant to the protections guaranteed under the United States Constitution, the Massachusetts Constitution, and the Massachusetts Supreme Judicial Court decision in *Lunn v. Commonwealth* (2017).

The purposes of this bylaw are to:

- 1.1.** to establish that the Town of Shutesbury is a welcoming community where all are welcome;
- 1.2.** to increase public confidence in Shutesbury's government by providing guidelines associated with the Town's voluntary involvement in federal immigration enforcement;
- 1.3.** to ensure that Town resources are not used to enforce federal civil immigration law; and
- 1.4.** to protect the public safety and constitutional rights of all persons regardless of citizenship, immigration status, national origin, gender, gender identity, sexual orientation, religion, race, or ethnicity.

Section 2. Definitions

For purposes of this bylaw:

"Civil immigration detainer request" means a non-mandatory, written, verbal, or electronic request issued by U.S. Immigration and Customs Enforcement ("ICE") or by any other federal immigration officer or agency, not accompanied by a judicial warrant or court order signed by a judge or magistrate, to a local law enforcement agency or official, seeking either (1) to maintain custody of an individual beyond the time the individual would otherwise be eligible for release from local custody, or (2) to provide advance notification of the individual's release.

"Civil immigration enforcement" means enforcement of federal immigration law that is not related to the investigation or prosecution of a criminal offense.

"Criminal warrant" means a warrant issued by a judicial officer based on probable cause to believe that a person has committed a criminal offense.

"Eligible for release from custody" means there is no judicial warrant, judicial order, or law that prevents an individual from being released from the custody of a Shutesbury official.

"Federal immigration agency" means the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or any successor agency.

"ICE" means the federal agency Immigration and Customs Enforcement (ICE) and any other federal agency charged with the enforcement of immigration laws.

"ICE administrative warrant" means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document, including but not limited to Forms I-200, I-203, I-205, or any successor or similar document listed in the National Crime Information Center (NCIC), issued by a federal immigration official rather than a judge or magistrate, and not based on a finding of probable cause of a criminal offense.

“Judicial warrant” means a warrant or court order signed by a judge or magistrate based on probable cause.

“Non-public personal information” means information not otherwise publicly available under Massachusetts public records law, including but not limited to home or work address, telephone number, email address, release date or time, court appearance information, or incarceration status.

“Release notification request” means any request, whether written, electronic, or oral, from a federal immigration agency seeking advance notice of the date, time, or location of an individual’s release from Town custody, including but not limited to requests made pursuant to federal forms I-247N, I-247A, I-247X, or any successor forms.

“Town Officer or Employee” means any elected or appointed official, employee, volunteer, contractor, department, or agent of the Town of Shutesbury acting in an official capacity or on behalf of the Town, including members of boards, committees, and commissions, and including any person authorized, or with the power, to enforce laws, regulations, codes, local bylaws, or criminal statutes, or to detain or maintain custody of individuals.

Section 3. Nondiscrimination and Equal Treatment

Town Officers and Employees shall treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Actual or perceived citizenship, immigration status, national origin, race, ethnicity, gender, gender identity, sexual orientation, or religion shall have no bearing on an individual’s treatment by Town Officers and Employees.

Section 4. Limits on Immigration Enforcement

4.1. No civil immigration enforcement role

No Town Officer or Employee shall act as an immigration officer, or otherwise enforce federal civil immigration law, except as required by a judicial warrant.

4.2. Prohibition on use of Town resources

No Town Officer or Employee shall use Town funds, personnel, equipment, facilities, databases, information systems, or other Town resources to assist in the enforcement of federal civil immigration law, except as required by a judicial warrant.

4.3. Prohibition on detention based on civil immigration authority

No Town Officer or Employee shall detain any person solely on the basis of a civil immigration detainer request or an ICE administrative warrant issued by a federal immigration agency.

4.4. Release from custody

When an individual is eligible for release from custody, a Town Officer or Employee shall not detain or delay the release of the individual on the basis of a civil immigration detainer request or an ICE administrative warrant, including a request pursuant to federal form I-247D, unless ICE presents a criminal warrant issued by a judicial officer.

4.5. Notification prohibition

All Town Officers and Employees shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal forms I-247N, I-247A, or I-247X, nor provide ICE with information about the home address, work address, or phone number of a person in custody.

4.6. Prohibition on deputization and 287(g) participation

To the extent permissible by law, no Town Officer or Employee shall perform the function of an immigration officer, whether pursuant to 8 U.S.C. §1357(g) (“287(g)”), or any other law, regulation, or policy, whether formal or informal.

4.7. Prohibition on immigration-status-based investigations

No Town Officer or Employee shall initiate an investigation or take law enforcement action, including regulatory action, on the basis of a person’s actual or perceived immigration status.

4.8. Protection of humanitarian and service institutions

No Town Officer or Employee shall initiate enforcement, regulatory, inspectional, or other legal action against a medical, educational, or faith institution solely on the basis of that institution's lawful provision of refuge, services, or assistance to immigrants or their families. Nothing in this subsection shall be construed to prohibit the lawful enforcement of generally applicable Town bylaws, zoning regulations, public health requirements, and other laws of general application.

4.9. Immigration benefits and protective programs

Notwithstanding the preceding subsections of this section, a person's immigration status shall not prohibit or inhibit the Town or any Town Officer's participation in any government operation or program that lawfully confers an immigration benefit, or that temporarily or permanently protects noncitizens from removal, including but not limited to the U Visa, the T Visa, and protections provided under the federal Violence Against Women Act.

Section 5. Information Sharing and Notification

- 5.1.** Town Officers and Employees shall not inquire into, question, collect, record, or maintain information regarding a person's actual or perceived immigration status, except as expressly required by state or federal law or as necessary to determine eligibility for a public service or benefit.
- 5.2.** No Town Officer or Employee shall inquire into, record, or use a person's actual or perceived immigration status for the purpose of discouraging or preventing that person from reporting a crime, serving as a witness, seeking emergency assistance, or accessing Town services.
- 5.3.** Town Officers and Employees shall not provide non-public personal information to a federal immigration agency unless expressly required by state or federal law or presented with a judicial warrant.
- 5.4.** Town Officers and Employees shall not notify a federal immigration agency of a person's release date, time, or location unless expressly required by state or federal law or presented with a judicial warrant.
- 5.5.** Nothing in this bylaw shall be construed to prohibit the exchange of information regarding citizenship or immigration status where such exchange is required by federal law, including 8 U.S.C. §1373. This provision shall not be interpreted to require the collection of such information or to permit the sharing of non-public personal information except as otherwise required by state or federal law.

Section 6. Access to Town Facilities and Individuals

- 6.1.** Federal immigration agents shall not be permitted access to non-public areas of Town property or to individuals in Town custody without a judicial warrant.
- 6.2.** Town Officers and Employees shall not assist federal immigration agents in locating, questioning, surveilling, or apprehending individuals for civil immigration enforcement purposes, including but not limited to providing traffic control, perimeter security, crowd control, translation services, access to Town records or databases, use of Town equipment or facilities, or otherwise facilitating civil immigration enforcement operations, provided that nothing herein shall be construed to prohibit compliance with any judicial warrant.
- 6.3.** Any request by a federal immigration agency for access to Town facilities or individuals shall be referred to the Town Administrator or Chief of Police (or their designee) for review of legal sufficiency.

Section 7. Interviews and Consent

- 7.1.** No Town Officer or Employee shall allow a federal immigration agency to interview or question a person in Town custody unless the person gives written informed consent, or a judicial warrant is presented.
- 7.2.** The consent form shall inform the individual that they have the right to refuse the interview, and they may consult with an attorney before agreeing.

Section 8. Cooperation in Criminal Matters

Nothing in this bylaw prohibits Town Officers or Employees from cooperating with federal agencies in the investigation or prosecution of criminal activity, provided such cooperation does not involve enforcement of civil immigration law.

Section 9. Implementation, Recordkeeping, and Reporting

- 9.1.** The provisions of this bylaw shall be effective upon the satisfaction of the procedures set forth in M.G.L. c. 40 §32.
- 9.2.** The Town Administrator, in consultation with the Chief of Police and other relevant Town Officers and Employees, shall be responsible for coordinating implementation of and compliance with this bylaw.
- 9.3.** Within ninety (a) days of the effective date: (a) all necessary policies, procedures, directives, and forms required to implement this bylaw shall be developed, revised, or adopted; (b) all Town Officers and Employees whose duties may implicate this bylaw shall receive training sufficient to ensure understanding of the requirements of this bylaw; and (c) Any written consent forms required under Section 7 shall be standardized and made available in languages commonly spoken in the community, as resources permit.
- 9.4.** To the extent practicable, Town contracts entered into after the effective date of this bylaw shall require contractors and agents acting on behalf of the Town to comply with the provisions of this bylaw when performing Town functions.
- 9.5.** All Town departments shall maintain records sufficient to document: (a) any civil immigration detainer received; (b) any ICE administrative warrant received; (c) any release notification request received; (d) any request from a federal immigration agency for access to Town facilities or individuals in Town custody; (e) the Town's response to each such request; and (f) the legal basis for any compliance with such request. Records shall be maintained in accordance with applicable public records and privacy laws.
- 9.6.** No later than March 31 of each year, the Town Administrator, in consultation with the Chief of Police, shall prepare and make publicly available an aggregate report covering the preceding calendar year. The report shall include, in aggregate form: (a) the number of civil immigration detainers received; (b) the number of ICE administrative warrants received; (c) the number of release notification requests received; (d) the number of such requests with which the Town complied, and the legal basis for each category of compliance; (e) the number of individuals detained pursuant to a criminal warrant requested by a federal immigration agency; (f) the number of individuals transferred to federal immigration custody; (g) any federal reimbursement received in connection with any request described above; and (h) the number of complaints received alleging violations of this bylaw and the general disposition of such complaints. No personally identifying information shall be included in the report. The report shall be posted on the Town's website and transmitted to the Select Board.
- 9.7.** Any person who believes this bylaw has been violated may file a written complaint with the Select Board. The Select Board shall refer such complaint to the appropriate official for review and response. Violations of this bylaw may result in disciplinary action consistent with applicable personnel policies and collective bargaining agreements. Nothing in this section shall be construed to create a private right of action.

Section 10. Public Notice and Language Access

The Town shall make this bylaw publicly available on the Town website and shall take reasonable steps, consistent with existing Town communication practices and available resources, to ensure that information about this bylaw is accessible to the public, including providing translations or summaries in commonly spoken languages.

Section 11. Severability

If any part of this bylaw is declared invalid for any reason, the remainder of the bylaw shall remain in full force and effect.