

February 2026

FAQ on Proposed Resolution Pending Before the Amherst Town Council Calling for Federal Immigration Agents To Be Held Accountable for Violations of Massachusetts Criminal Law

What does the resolution do?

The resolution commits the Amherst Town Council to communicate with key public figures in Massachusetts with the power to investigate and prosecute crimes in the Town of Amherst, Hampshire County, and across the Commonwealth of Massachusetts in order to make four primary demands: (1) to make a public statement confirming the principles that federal officials and agents are subject to state criminal jurisdiction; (2) to take affirmative steps to collect evidence of criminal acts committed by federal agents; (3) to issue guidelines to local law enforcement to preserve evidence; and (4) to launch investigations where evidence indicates that a crime has been committed, regardless of the power or prestige of the federal officeholder who is suspected of committing that crime. The resolution also commits the Amherst Town Council to calling on Massachusetts Governor Maura Healey to immediately cease all cooperation agreements with the U.S. Immigration and Customs Enforcement (ICE).

Can federal agents be prosecuted for violating Massachusetts criminal laws?

Yes, there is a well-established history of state prosecutions of federal agents and troops who commit crimes in violation of state law, and the resolution cites leading cases on that point. When a crime is committed in Massachusetts, law enforcement has a duty to investigate and prosecute, regardless of the perpetrator's power, status, or federal employment.

Are federal agents immune from being prosecuted for crimes they commit while they're on duty?

No. As one court held, the Constitution does not "gran[t] a license to federal officials to flout state laws with impunity." *Whitehead v. Senkowski*, 943 F.2d 230, 234 (2d Cir. 1991). To qualify for immunity, the U.S. Supreme Court held that a federal agent must demonstrate that the laws of the United States authorized him to act; and that he did "no more than what was necessary and proper." *Cunningham v. Neagle*, 135 U.S. 1, 75 (1890). An act is necessary and proper only when two conditions are met: (1) the officer subjectively believed that his actions were reasonable; and (2) the conduct was, in fact, objectively reasonable. In other words, a federal agent can claim immunity only where all three requirements are met—namely that the agent was authorized to act under the laws of the United States; that he subjectively believed his actions to be reasonable; and that his actions were objectively reasonable. Based on what is publicly known about a number of incidents of violence, kidnapping, assault and battery, and theft committed by federal agents in Massachusetts and across the country, it is clear that these conditions are rarely satisfied. State and local law enforcement should rigorously investigate every crime without making unwarranted presumptions about the perpetrator's immunity.

Have there been any incidents in Massachusetts to date that should lead to the opening of criminal investigations?

Yes, many—and likely many more that haven’t made the news. Federal agents violently detained Alejandro Reyes, brought him to a cemetery, beat him, and stole from him. Alejandro Reyes is a permanent resident, and still has not been given back all of his belongings, including money.¹ ICE agents stopped Hernan Escobar, smashed his car window while he was inside it, and assaulted him so badly that he was brought to the hospital on a stretcher.² Masked, unidentified agents violently kidnapped Rumeysa Öztürk off the streets of her neighborhood, smuggled her out of state in an attempt to evade court oversight, and subjected her to inhumane conditions of confinement until a judge forced the Trump administration to release her.³ We know that federal agents have assaulted, detained, and kept Massachusetts children and teenagers in inhumane conditions of confinement.⁴ And we know that in Minnesota, agents murdered two civilians, indicative of the fact that ICE and CBP agents are growing bolder in their assaults of suspected immigrants and lawful protesters.

State and local law enforcement and prosecutors can signal their willingness to protect the people of Massachusetts by taking past assaults seriously, carrying out thorough investigations, and prosecuting where appropriate. They should make it clear that they will not allow ICE and CBP agents or the senior officials who are orchestrating these violent operations, to act with impunity. All of the above incidents should be investigated, but law enforcement

¹ Mercedes Paris & Solangi Sosa, *Massachusetts worker says he was beaten in custody after ICE arrest*, NBC (June 6, 2025), <https://www.nbcnewyork.com/news/national-international/worker-arrested-by-ice-in-lynn-released-a-day-later-says-he-was-beaten-in-custody/6292515/>.

² William Brangham & Ian Couzens, *‘My husband is not a threat’: ICE detains man married to U.S. citizen*, PBS (Oct. 8, 2025), <https://www.pbs.org/newshour/show/my-husband-is-not-a-threat-ice-detains-man-married-to-u-s-citizen>; Sarah Betancourt, *Husband of local attorney detained by ICE in window shattering incident*, GBH (Sep. 18, 2025), <https://www.wgbh.org/news/local/2025-09-18/husband-of-local-attorney-detained-by-ice-in-window-shattering-incident>.

³ Reuters, *Judge rejects Trump administration effort to deport pro-Palestinian Tufts student*, The Guardian (Feb. 9, 2026), <https://www.theguardian.com/us-news/2026/feb/09/rumeysa-ozturk-tufts-student-deport>; Jose Olivares, *Footage shows masked ICE agents detaining Tufts graduate student*, The Guardian (Mar. 27, 2025), <https://www.theguardian.com/us-news/2025/mar/26/ice-agents-detain-tufts-university-graduate-student>.

⁴ Logan Hall & Riley Rourke, *Milford, Massachusetts student speaks out after friend is detained by ICE agents on way to volleyball practice*, CBS (June 4, 2025), <https://www.cbsnews.com/boston/news/milford-high-school-ice-agent-detained/>; Giulia McDonnell Nieto del Rio, *Chelsea family says ICE violently detained multiple family members, including permanent resident, at vehicle stop*, Boston Globe (Sep. 26, 2025), <https://www.bostonglobe.com/2025/09/26/metro/chelsea-violent-ice-arrest/?p1=Article Inline Text Link>; Andy Rose & Allesandra Freitas, *Her 13-year-old son was arrested, then taken by ICE to a detention facility. The police chief calls it a first for his city*, CNN (Oct. 15, 2025), <https://www.cnn.com/2025/10/15/us/13-year-old-detained-ice-boston>.

should not focus solely on the crimes that have received public attention. They should make sure that they are aware of where and how ICE is operating in the state, conduct investigations into suspicious incidents, and make sure that vulnerable victims have safe, secure ways to report the crimes that have been committed against them.

What is a 287 agreement?

A 287 agreement is named after Section 287(g) of the Immigration and Nationality Act (INA), which authorizes ICE to enter into cooperation agreements with state and local law enforcement or with state prison systems. In practice, these agreements mean that local and state law enforcement, which should be focused on protecting the residents of their communities and the rule of law in their states, are instead required to commit valuable human and financial resources to assist ICE in carrying out violent raids in their communities and detaining immigrants, regardless of whether these detentions are lawful, warranted, or humane. These costs come at the expense of local law enforcement and at the expense of the communities they serve.

What can we do to help?

Sign this petition! It urges your councilors on the Amherst Town Council to vote in favor of this resolution, and to protect the Amherst community. And, if passed, this resolution could help lead to other communities passing similar resolutions to protect the public.