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Michael Warhold

3310 McRoberts Road
Castle Shannon, PA 15234-2711
Phone: 412-885-9200
Fax: 412-885-9251

Website: borough.castle-shannon.pa.us
E-mail: csboro@comcast.net

MAYOR
Donald J. Baumgarten
CHIEF OF POLICE
Kenneth M. Truver
TAX COLLECTOR
Eileen L. O'Malley
MANAGER
Thomas C. Hartswick
SOLICITOR
Dennis R. Biondo

October 5, 2018

Amy Chin-Arroyo
Arik Davidson
Solena Laigle
Sheller Center for Social Justice
Temple University School of Law
1719 Broad Street
Philadelphia, PA 19122

Re: Right-to-Know Request – Borough of Castle Shannon

Dear Ms. Chin-Arroyo et al,

On October 1, 2018 the Borough of Castle Shannon received your request under the Pennsylvania Right-to-Know Law. You have requested copies of the following:

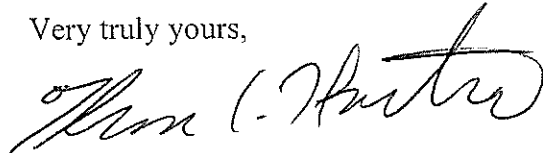
1. Any department policy, directive, order, training materials, or other document regarding the:
 - a. requesting, recording, investigating, or reporting of any individual's immigration status, national origin, or place of birth;
 - b. contacting, stopping, detaining, arresting, or interrogating an individual to verify their identification or driver's license; or
 - c. the use and acceptance of foreign identification.
2. Any policy, directive, order, training materials, or other document that relates to your department's contact or referral/sharing information with US Immigration and Customs Enforcement (ICE) about an individual's immigration status, national origin, or place of birth. This request includes any documents that reflect providing ICE access to the department's databases.
3. Any documents that reflect communication between your department and ICE from 2015 to the present. This request includes communications related to:
 - a. sharing information (e.g., incident reports, booking or database information);
 - b. collaborating by assisting in roving patrols, the apprehension of suspects, or the creation or implementation of vehicle checkpoints;
 - c. the 287(g) program;
 - d. providing back-up for ICE enforcement activities; or

e. providing office space for ICE representatives to use.

Pursuant to Section 902(a) of the Right to Know Law the Borough requires additional time to respond to your request because a legal review is necessary to determine whether any items exist which are responsive to your request and whether any such items, if any, are subject to access under the Right to Know Law. A further response to your request will be provided within thirty (30) days.

If you have any questions please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tom C. Hartswick".

Thomas C. Hartswick
Borough Manager

cc: Dennis R. Biondo, Borough Solicitor



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October 23, 2018

Amy Chin-Arroyo
Arik Davidson
Solena Laigle
Sheller Center for Social Justice
Temple University School of Law
1719 Broad Street
Philadelphia, PA 19122

Re: Right-to-Know Request – Borough of Castle Shannon

Dear Ms. Chin-Arroyo et al,

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1. Any department policy, directive, order, training materials, or other document regarding the:
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 - b. contacting, stopping, detaining, arresting, or interrogating an individual to verify their identification or driver's license; or
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2. Any policy, directive, order, training materials, or other document that relates to your department's contact or referral/sharing information with US Immigration and Customs Enforcement (ICE) about an individual's immigration status, national origin, or place of birth. This request includes any documents that reflect providing ICE access to the department's databases.
3. Any documents that reflect communication between your department and ICE from 2015 to the present. This request includes communications related to:
 - a. sharing information (e.g., incident reports, booking or database information);
 - b. collaborating by assisting in roving patrols, the apprehension of suspects, or the creation or implementation of vehicle checkpoints;
 - c. the 287(g) program;
 - d. providing back-up for ICE enforcement activities; or
 - e. providing office space for ICE representatives to use.

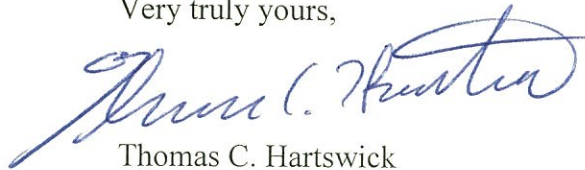
Your request is granted in part and denied in part. The following items are included with this letter:

- CSPD Policy 401 (Related to Bias-Based Policing)
- CSPD Policy 412 (Related to Foreign Diplomatic and Consular Representatives)
- CSPD Policy 412 (Related to Immigration Violations)
- Email correspondence. To the extent that certain portions of this correspondence is redacted your request is denied. The redacted sections are exempt from access pursuant to section 708(b)(2) of the Right-to-Know Law.

Except as noted above no other records exist which are responsive to your request and the Borough is not required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record. See section 705 of the Right-to-Know Law.

If you have any questions please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Thomas C. Hartswick", written in a cursive style.

Thomas C. Hartswick
Borough Manager

cc: Dennis R. Biondo, Borough Solicitor

Note: If you believe you have been denied access to a public record, you have the right to appeal this determination by writing to the Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response. Your appeal must include your original request and this letter. You must state the reasons for your appeal and why the record is a public record and address each of the reasons the Agency denies your request. Further information for filing an appeal may be found at the Office of Open Records website at <http://www.openrecords.pa.gov>.

From: Kenneth Truver
Sent: Tuesday, February 21, 2017 7:30 AM
To: [REDACTED]
Subject: RE: Potential ICE 287(g) - Immigration Training

10.4

Keep us informed?

I have a Sergeant who wants involved. I would send him as soon as the opportunity becomes available.

There has been other interest.

Ken

Kenneth M. Truver
Chief of Police
Castle Shannon Borough
3310 McRoberts Rd
Castle Shannon, Pa 15234
(412) 885-9300 x110
(412) 885-9252 FAX
ken.truver@csboro.com
FBINA Session 225

This message, together with any attachments, is intended only for the addressee(s). It contains information that is legally privileged, confidential and exempt from disclosure. If you are not an intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately by email reply and please delete this message from your computer and destroy any copies.

From: [REDACTED]
Sent: Tuesday, February 21, 2017 7:14 AM
To: Kenneth Truver <ken.truver@csboro.com>
Subject: RE: Potential ICE 287(g) - Immigration Training

As of right now, there is no additional information. [REDACTED] Aside
[REDACTED] from that, I think that headquarters anticipates more info after the next executive order regarding immigration.

[REDACTED]
Deportation Officer
ICE/ERO - Pittsburgh, PA

[REDACTED] (cell)

From: Kenneth Truver [mailto:ken.truver@csboro.com]
Sent: Tuesday, February 21, 2017 7:08 AM
To: [REDACTED]
Subject: RE: Potential ICE 287(g) - Immigration Training

[REDACTED]

I am starting to put together the agenda for March 21, 2017 meeting.
Is there any movement on 287g?

Ken

Kenneth M. Truver
Chief of Police
Castle Shannon Borough
3310 McRoberts Rd
Castle Shannon, Pa 15234
(412) 885-9300 x110
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From: [REDACTED]
Sent: Thursday, February 02, 2017 3:18 PM
To: Kenneth Truver <ken.truver@csboro.com>
Cc: [REDACTED]
Subject: RE: Potential ICE 287(g) - Immigration Training

If more info is available by then, I'd be happy to come out and present it to everyone.

[REDACTED]
Deportation Officer
ICE/ERO - Pittsburgh, PA

[REDACTED] (cell)

From: Kenneth Truver [mailto:ken.truver@csboro.com]
Sent: Thursday, February 2, 2017 3:15 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Potential ICE 287(g) - Immigration Training

Our next regional meeting is March 21, 2017, if you think you will have the program description available for a presentation.

Ken

Kenneth M. Truver
Chief of Police
Castle Shannon Borough
3310 McRoberts Rd
Castle Shannon, Pa 15234
(412) 885-9300 x110
(412) 885-9252 FAX
ken.truver@csboro.com
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From: [REDACTED]
Sent: Thursday, February 02, 2017 3:01 PM
To: Kenneth Truver <ken.truver@csboro.com>
Cc: [REDACTED]
Subject: Potential ICE 287(g) - Immigration Training

Sir,

Would you mind reaching out to the various Chief of Police Associations and forward the information below? ICE is [REDACTED] the 287(g) program, which basically cross designates local law enforcement to determine alienage and legal status of subjects encountered in the field, in an effort to assist local ICE offices. [REDACTED]

The training is offered in [REDACTED] and is [REDACTED] ong. [REDACTED]

[REDACTED]
[REDACTED] If the program gathers enough responses and interest, training would be planned and scheduled at that point. There is no set number of slots available and the training would cover police departments from all over the country.

If there is significant interest here in Pittsburgh and the surrounding areas, I will work with my supervisor to arrange a meeting with those departments to explain the program in more detail before selections are made.

If there is any interest, the individual departments can respond to me or SDDO [REDACTED]. His contact info is also in the email below. Please tell the departments to get back to us at their earliest convenience.

Thank You!

[REDACTED]
Deportation Officer
ICE/ERO - Pittsburgh, PA

Desk - [REDACTED]
Cell - [REDACTED]

From: [REDACTED]
Sent: Thursday, February 2, 2017 2:16 PM
To: [REDACTED]
Subject: FW: 287 g

[REDACTED]

[REDACTED]

[REDACTED]

Below is updated Facts on ICE's 287(g) Program.

Please reach out to your POC at the Western PA Chiefs of Police association and request that the information be forwarded to their members to assist in helping to identify interested law enforcement entities within the AOR.

If there is a level of interest, we may coordinate in the future for someone (local field office and/or ICE HQ personnel) to come out and explain the program in more detail if they so desire during a Chiefs of Police Association meeting.

Updated Facts on ICE's 287(g) Program

Summary

The Department of Homeland Security (DHS) Office of the Inspector General (OIG) conducted a review of the 287(g) delegation of authority program during the period from February 2009 through July 2009, and published its findings in March 2010. In September of 2012, DHS OIG released their report entitled "The Performance of 287(g) Agreements FY 2012 Follow-Up".

Since the audits were conducted, ICE has closed out all recommendations for both audits based on revisions to the 287(g) program in furtherance of strengthening public safety and ensuring consistency in immigration enforcement across the country by prioritizing the arrest and detention of criminal aliens.

To improve 287(g) program operations, ICE has done the following:

- Implemented comprehensive guidelines for ICE field offices that supervise 287(g) partnerships, prioritizing the arrest and detention of criminal aliens.
- Requires 287(g) officers to maintain comprehensive alien arrest, detention, and removal data in order to ensure enforcement efforts remain focused on criminal aliens, particularly those who pose the greatest risk to public safety.
- Strengthened the 287(g) basic training course and created a new refresher training course, providing detailed instruction on the terms and requirements of the MOA and the responsibilities of a 287(g) officer.
- Deployed additional supervisors to the field to ensure greater oversight over 287(g) operations.
- Established an Internal Advisory Committee, which includes the DHS CRCL, to review and assess ICE field office recommendations about pending 287(g) applications.

The Revised 287(g) MOA

- After extensive coordination between several ICE components to include ERO, Homeland Security Investigations, Office of the Principal Legal Advisor, Office of Professional Responsibility (OPR), Office of Policy, Office of Privacy, and the DHS CRCL, and with consideration given to recommendations made by OIG in their published report, OIG-11-19, The Performance of 287(g) Agreements FY 2011 Update, a new version of the MOA was created and approved in 2013.
- This updated document will ensure clarity, consistency and uniformity with current ICE policies and procedures and includes enhancements to the previous MOA relating to:
 - training requirements;
 - the OPR inspection review process;
 - program supervision;
 - ICE's civil immigration enforcement priorities;
 - civil rights standards;
 - complaint procedures;
 - release of information to the media;
 - the credentialing process;

- statistical reporting requirements.

Oversight and Supervision

- ICE has increased its human capital resources to enhance 287(g) program's mission and objectives and implemented national training programs for ICE field personnel and Law Enforcement Agency (LEA) personnel.
- ERO currently has seven (7) National Program Managers in Washington, D.C. and twelve (12) Field Program Managers within close proximity to active MOAs, tasked with oversight and management.

Benefits

- By working together, local and federal officers can better identify and remove criminal aliens – a tremendous benefit to public safety.
- One of the biggest benefits to our 287(g) partners is that they are able to better identify individuals in custody.
- The 287(g) program continues to receive overwhelmingly positive feedback from its partners.
- Our state and local law enforcement partners have become a force multiplier, allowing ICE to actively engage more officers/agents into ongoing enforcement operations nationwide that require increased manpower.

Racial Profiling

- Racial profiling is simply not something that will be tolerated, and any indication of racial profiling will be treated with the utmost scrutiny and fully investigated. If any proof of racial profiling is uncovered, that specific officer or department will have their authority and/or agreement rescinded.
- In addition to the training these officers receive from their local departments, the 287(g) training includes coursework on multicultural communication and the avoidance of racial profiling.

287(g) Training Programs

- Prior to being delegated ICE immigration authority, selected state and local officers must attend and successfully complete ICE's 287(g) Immigration Authority Delegation Program (IADP), which is the 287(g) basic training course.
- The basic training program is four weeks in duration and includes coursework in immigration law, the use of ICE databases, multi-cultural communication and the avoidance of racial profiling. This training is conducted at Federal Law Enforcement Training Center – Charleston.
- Additionally, every two years, every 287(g) state and local officer must return to the Federal Law Enforcement Training Center in Charleston, SC and successfully complete Immigration Authority Delegation Refresher Training Program (IADRP).

Thank you

[REDACTED]
Supervisory Detention & Deportation Officer
Immigration and Customs Enforcement
3000 Sidney Street, Suite 100
Pittsburgh, Pennsylvania 15203
Office: [REDACTED]
Fax: [REDACTED]
Cell: [REDACTED]

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Castle Shannon Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Castle Shannon Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Chief of Police should review the efforts of the Department to provide fair and objective policing and compile an annual report, including public concerns and complaints. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Chief of Police. Training should be provided no less than every three years.

Bias-Based Policing

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Castle Shannon Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Castle Shannon Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Foreign Diplomatic and Consular Representatives

412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving, may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - 4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

Castle Shannon Police Department

CSPD Policy Manual

Foreign Diplomatic and Consular Representatives

412.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)

Castle Shannon Police Department

CSPD Policy Manual

Foreign Diplomatic and Consular Representatives

Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability
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Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Castle Shannon Police Department for investigating and enforcing immigration laws.

414.2 POLICY

It is the policy of the Castle Shannon Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Pennsylvania Constitutions.

414.4 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

414.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Pennsylvania Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.

Immigration Violations

- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

414.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

414.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
 1. Transfer to federal authorities.
 2. Lawful arrest for a criminal offense or warrant.

Immigration Violations

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the County jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the County jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

414.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa must be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa must be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.8.1 T VISA APPLICATIONS FOR MINORS

A request for assistance by a victim of human trafficking who is a minor or his/her representative with an application for a T visa shall not be denied because the minor is not cooperating with law enforcement (18 Pa.C.S. § 3054).

414.9 TRAINING

The Chief of Police shall ensure that all appropriate members receive immigration training.