

Right to Know Request - US Immigration and Custom Enforcement

Inbox

Jamia Wright

Oct 12, 2018, 4:57 PM (3 days ago)

to me, Kris, Zachary

Right-To-Know Final Response

Re: Request for Sheller Center for Social Justice

Date: October 12, 2018

Citizen Name: Amy Chin-Arroyo, Arik Davidson, Solena Laigle

Organization: Sheller Center for Social Justice, Temple University Beasley School of Law

E-mail Address: TempleShellerCenter2018@gmail.com

Telephone Number: (215)-204-8800

Dear Mrs. Chin-Arroyo, Mr. Davidson and Mrs. Laigle:

Thank you for writing to the Borough of Chambersburg with your request for information pursuant to the Pennsylvania Right-To-Know law.

On October 1, 2018 you made a request for the following information:

- 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.**

The Borough of Chambersburg has **granted your request in part, and denied your request in part** for the following reasons. The Chambersburg Police Department is not in possession, custody, or control of any policy, directive, order, or training materials regarding “requesting, recording, investigating, or reporting of any individual’s immigration status, national origin, or place of birth; contacting, stopping, detaining, arresting, or interrogating an individual to verify their identification or driver’s license; or the use and acceptance of foreign identification.” The Chambersburg Police Department is also not in possession, custody, or control of any policy, directive, order, or training materials related 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, nor any documents that reflect providing ICE access to the department’s databases.

Pursuant to Section 705 of the Right to Know Law, “an agency shall not be 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 a record.” *65 P.S. § 67.705.*

The requested documents that reflect communication between CPD and ICE from 2015 to present, specifically incident reports containing investigative materials, are criminal investigation records exempt from disclosure pursuant to Section 708(b)(16) of the Right to Know Law. Specifically, Section 708(b)(16)(ii) exempts “investigative materials, notes,

correspondences, videos and reports.” *65 P.S. §67.708(b)(16)(ii)*. Additionally our appellate courts have ruled that an incident report regarding a criminal matter “is wholly exempt from disclosure because it is a criminal investigative record, which contains investigative materials and victim information.”^[1] Accordingly, any records that constitute “investigative materials, notes, correspondences, videos, and reports”, including incident reports, are denied.

Records responsive to your request that do not constitute criminal investigation records exempted from disclosure under Section 708(b)(16) of the Right to Know Law are attached for your review.

You have a right to appeal this denial of information in writing to: Franklin County District Attorney’s Office, 157 Lincoln Way East, Chambersburg, PA 17201, (717) 261-3827 or by submitting an appeal through the Office of Open Record’s website.

If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the agency’s response, as outlined in 65 P.S. § 67.1101. Please note that a copy of your original Right to Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denies your request. Visit the Office of Open Records website at <http://openrecords.state.pa.us> for further information on filing an appeal. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

If you have any questions, please do not hesitate to contact me.

^[1] Leatherman v. Pennsylvania State Police, Office of Open Records, Docket No. AP 2018-0991

Jamia L. Wright
Borough Secretary
Borough of Chambersburg
717 261 3254 - direct dial
717 264 0224 - fax
jwright@chambersburgpa.gov

Crime	UCR-1	Date Crime Reported	Time Reported	Domestic Violenc					
Speak to officer		7/06/2016	7:03						
Victim/Business Name	Victim Street Address	Apt/Lot/F1	Victim City/State						
**None *									
Victim Phone	Victim Bus Phone	Victim Employer	Victim SS No	DOB	Race	Ethnic	Sex	Age	
Location of Crime	Ward	Day of Crime	Date of Crime	Hours of Crime	Premise Type				
116 S Second Street	2	Wed- Fri	7/06/16-	7:03-	:00	232			
Reporting Person	Reporting Street Addr	Apt/Lot/F1	Reporting City/State						
Immigration Customs Enforcement	3400 Concord Rd		York		PA				
Rept Phone	Rept Bus Phone	Rept Employer	DOB	Race	Ethnic	Sex	Age		

PROPERTY: *NONE

WITNESS (ES): *NONE

FIELD CONTACT (S): *NONE

FIELD CONTACT (S): *NONE

SUSPECT (S):

VEHICLE: *NONE

Narrative**Incident# 2016-08346**

Printed: 10/09/18

Crime: Speak to officer

Report Date: 7/06/16

Supplement: 000 Original Narrative

Page: 1

Victim: **None *

On this date David MacPherson from US Immigration and Customs Enforcement came on station to advise CPD that he would be serving a warrant on a subject that resides at 226 E Queen St tomorrow morning at 0600 hrs. He stated he wanted to advise us due to the proximity of the station. He did not require any assistance but I advised him if the need arises to contact us.

Incident Date: 7/06/2016

Signoffs Reporting Officer
242 S Good**Supervisor**
152 J Clawson**Supplement Status: Admin Appr**
Chief
394 R Camacho

Crime	UCR-1	Date Crime Reported	Time Reported	Domestic Violence				
Miscellaneous		11/14/2017	5:33					
Victim/Business Name	Victim Street Address	Apt/Lot/F1	Victim City/State					
**None *								
Victim Phone	Victim Bus Phone	Victim Employer	Victim SS No	DOB	Race	Ethnic	Sex	Age
Location of Crime	Ward	Day of Crime	Date of Crime	Hours of Crime	Premise Type			
121 Grandview Ave	4	Tue - Fri	11/14/17-	5:33- :00	219			
Reporting Person	Reporting Street Addr	Apt/Lot/F1	Reporting City/State					
Immigration & Customs Enforcement	600 Callowhill St.		Philadelphia PA					
Rept Phone	Rept Bus Phone	Rept Employer	DOB	Race	Ethnic	Sex	Age	
	215-656-7162							

PROPERTY: *NONE

WITNESS (ES): *NONE

FIELD CONTACT (S): *NONE

FIELD CONTACT (S): *NONE

SUSPECT (S):

VEHICLE: *NONE

Narrative

Incident# 2017-12536

Printed: 10/09/18

Crime: Miscellaneous

Report Date: 11/14/17

Supplement: 000 Original Narrative

Page: 1

Victim: **None *

On 11/14/17, Communications advised that that they had received a call from ICE that there were three agents on Grandview Avenue attempting to locate Carlos Samayoa.

No assistance was requested.

CASE STATUS: Closed

11/14/2017 05:37:26RMC

BLUE EXPEDITION, RED IMPALA// WILL BE PARKED THERE FOR AN HOUR OR SO//
LOOKING FOR A CARLOS SAMAYOA// MIKE GOGLIA IS WITH THE CALLER

[1] 3 GUYS IN A SILVER DURANGO,

11/14/2017 06:13:44RMC

[2] Incident Re-opened: ASSIGN

4-09

Incident Date: 11/14/2017

Signoffs Reporting Officer

269 I Armstrong

Supervisor

269 I Armstrong

Supplement Status: Supv Apprv
Chief

Crime	UCR-1	Date Crime Reported	Time Reported	Domestic Violence				
Assist other agency		2/06/2017	7:12					
Victim/Business Name	Victim Street Address	Apt/Lot/F1	Victim City/State					
**None *								
Victim Phone	Victim Bus Phone	Victim Employer	Victim SS No	DOB	Race	Ethnic	Sex	Age
Location of Crime	Ward	Day of Crime	Date of Crime	Hours of Crime	Premise Type			
116 S Second St		2 Mon - Fri		:00- :00	231			
Reporting Person	Reporting Street Addr	Apt/Lot/F1	Reporting City/State		PA			
Robert Kirk Jr	116 S Second St		Chambersburg					
Rept Phone	Rept Bus Phone	Rept Employer	DOB	Race	Ethnic	Sex	Age	
717-000-0000	717-264-4131	Chambersburg Police Dept		WH	NH	M	40	

PROPERTY: *NONE

WITNESS (ES): *NONE

FIELD CONTACT(S) / ACCIDENT:

Code	Name	Address	Phone	DOB	Race	Ethnic	Sex	Age
	Joe Vankos				WH	NH	M	
			PA 00000					

FIELD CONTACT(S): *NONE

SUSPECT(S):

Name	Address	DOB	Race	Ethnic	Sex	Age	Ht	Wt	Eyes	Hair
Rolando Martin-Vicente	202 S Second St	8/08/96	WH	HI	M	20				
Chambersburg	PA 17201	Phone:								
S.S. No	Hair Length	Hair Style	Facial Hair	Eye Desc	Teeth Desc	Complex	Glasses	Scar Loc	Tattoo	
	UnKnown		None		Unknown	Unknown				
Clothing	Build	Disguise	Hand Used	Speech	Weapon Used	Weapon Feature				
None	Unknown	None	Unknown							
Tattoo Description	Nickname	Alias Last Name	Alias First Name	NCIC#	Cancel	Court #	County#			

VEHICLE: *NONE

Narrative**Incident# 2017-01505**

Printed: 10/09/18

Crime: Assist other agency

Report Date: 2/06/17

Supplement: 000 Original Narrative

Page: 1

Victim: **None *

On 02-06-2017 I was dispatched to the lobby to speak with Rolando Martin-Vicente. Rolando came to the police station because he heard police were at his residence earlier looking for him.

It was found the law enforcement agency that was actually looking for Rolando was Agent Joe Vankos from ICE. Cpl. Bietsch contacted Agent Vankos (215-828-4182) and he responded to the station and took custody of Rolando.

Nothing further.

Incident Date: 2/06/2017**Signoffs Reporting Officer**

230 R Kirk

Supervisor

230 R Kirk

Supplement Status: Admin Appr

Chief

394 R Camacho

Crime	UCR-1	Date Crime Reported	Time Reported	Domestic Violence				
Assist other agency		10/05/2015	7:58					
Victim/Business Name	Victim Street Address	Apt/Lot/F1	Victim City/State					
**None *								
Victim Phone	Victim Bus Phone	Victim Employer	Victim SS No	DOB	Race	Ethnic	Sex	Age
Inform/Business Name	Inform Street Address	Apt/Lot/F1	Inform City/State					
Herbert Lawson	370 Greenfield Ct		Chambersburg PA					
Inform Phone	Inform Bus Phone	Inform Employer	Inform SS No	DOB	Race	Ethnic	Sex	Age
863-651-3137			XXX-XX-1316	12/18/59	BL	NH	M	55
Location of Crime	Ward	Day of Crime	Date of Crime	Hours of Crime	Premise Type			
116 S Second Street	2	Mon - Fri	-	:00- :00	231			
Reporting Person	Reporting Street Addr	Apt/Lot/F1	Reporting City/State					
Joe Vankos			PA					
Rept Phone	Rept Bus Phone	Rept Employer	DOB	Race	Ethnic	Sex	Age	
		Ice		WH	NH	M		

PROPERTY: *NONE

WITNESS (ES): *NONE

FIELD CONTACT(S): *NONE

FIELD CONTACT(S): *NONE

SUSPECT(S):

VEHICLE: *NONE

Narrative**Incident# 2015-13943**

Printed: 10/09/18

Crime: Assist other agency

Report Date: 10/05/15

Supplement: 000 Original Narrative

Page: 1

Victim: Herbert Lawson

Joe Vankos, an agent from ICE, came to the station looking for information regarding Herbert Lawson. Lawson is an immigrant from Jamaica who is wanted by ICE. I showed Vankos various reports relating to recent contact with Lawson. Vankos asked that he be contacted if CPD were to make contact with Lawson.

Incident Date: 10/05/2015**Signoffs Reporting Officer**
310 M Lynch**Supervisor**
152 J Clawson**Supplement Status: Admin Appr**
Chief
312 D Arnold