

## FW: Potential ICE 287(g) - Immigration Training

Joseph Ley

Wed 2/8/2017 1:30 PM

Sent Items

To: Robert.G.Faber@ice.dhs.gov <Robert.G.Faber@ice.dhs.gov>;

SDDO Faber,

Ross Township would certainly be interested in exploring this in more detail if this develops.

Joe

**Chief Joseph A. Ley**  
**Ross Township Police Department**  
**1000 Ross Municipal Drive**  
**Pittsburgh, PA 15237**  
**(412)931-9070 x250**  
**(412)931-7065 FAX**  
**[www.rosspolice.com](http://www.rosspolice.com)**

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**From:** Ken Truver  
**Sent:** Thursday, February 02, 2017 3:23 PM  
**To:** Ken Truver  
**Cc:** Betschart, Patrick; Faber, Robert G  
**Subject:** FW: Potential ICE 287(g) - Immigration Training

W. Pa Chiefs membership,

Please see information below regarding a terrific training and partnership opportunity with ICE.

Please respond with your interest directly to SDDO Faber. (email cc'd)

If there is sufficient interest, they will come explain to us further at a regional meeting.

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](mailto:ken.truver@csboro.com)

FBINA Session 225

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**From:** Betschart, Patrick [mailto:Patrick.Betschart@ice.dhs.gov]  
**Sent:** Thursday, February 02, 2017 3:01 PM  
**To:** Kenneth Truver <ken.truver@csboro.com>  
**Cc:** Faber, Robert G <Robert.G.Faber@ice.dhs.gov>  
**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 bringing back 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. There will more than likely be a local ICE officer(s) designated as a point of contact & advisor. The training is offered in Charleston, SC and is four weeks long. Right now there is nothing set in stone, but they wanted the officers to reach out to our local counterparts and inquire whether or not there would be any interest. 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 Robert Faber. His contact info is also in the email below. Please tell the departments to get back to us at their earliest convenience.

Thank You!

***Patrick Betschart***  
*Deportation Officer*  
*ICE/ERO - Pittsburgh, PA*

*Desk - (412)432-2181*  
*Cell - (304)400-1656*





**From:** Faber, Robert G  
**Sent:** Thursday, February 2, 2017 2:16 PM  
**To:** Betschart, Patrick  
**Subject:** FW: 287 g

Pat,

Pursuant to the new Executive Order, we have been tasked with identifying law enforcement partners with in our AOR who might be interested and productive candidates for the 287(g) program.

- a. Identify the local law enforcement entities within our AOR.
- b. When the contact was made.
- c. If the entity is or is not interested in finding out more about the program and/or wants to participate in the program.

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

*Robert Faber*

Supervisory Detention & Deportation Officer

Immigration and Customs Enforcement

3000 Sidney Street, Suite 100

Pittsburgh, Pennsylvania 15203

Office: 412-432-2187

Fax: 412-432-2193

Cell: 412-287-6996

E-Mail: [Robert.Faber@DHS.GOV](mailto:Robert.Faber@DHS.GOV)

# INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name <b>Ross Township Police</b>			Case# <b>2016-16947</b>		
ORI <b>PA 0022200</b>			Date / Time Reported <b>12/08/2016 12:36 Thu</b>		
Location of Incident <b>1000 Ross Park Mall Dr, Pittsburgh 15237-</b>		Premise Type <b>Speciality Store</b>	Zone/Tract		Last Known Secure <b>12/08/2016 12:36 Thu</b>
					At Found <b>12/08/2016 12:36 Thu</b>
#1	Crime Incident(s) <b>Larceny - Shoplifting 06C</b>	(Com)	Weapon / Tools <b>NONE</b>		Activity
			Entry	Exit	Security
#2	Crime Incident	( )	Weapon / Tools		Activity
			Entry	Exit	Security
#3	Crime Incident	( )	Weapon / Tools		Activity
			Entry	Exit	Security

MO

VICTIM

# of Victims	<b>1</b>	Type:	<b>BUSINESS</b>	Injury:						
V1	Victim/Business Name (Last, First, Middle) <b>VICTORIA'S SECRET</b>			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
				<b>1,</b>	Age					
Home Address <b>1000 ROSS PARK MALL DR, Pittsburgh, PA 15237-</b>									Home Phone	
Employer Name/Address							Business Phone		Mobile Phone <b>412- -</b>	
VYR	Make	Model	Style	Color	Lic/Lis	VIN				

OTHERS

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
Type:			Injury:							
Code	Name (Last, First, Middle)			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
					Age					
Home Address									Home Phone	
Employer Name/Address							Business Phone		Mobile Phone	

INVOLVED

Type:			Injury:							
Code	Name (Last, First, Middle)			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
					Age					
Home Address									Home Phone	
Employer Name/Address							Business Phone		Mobile Phone	

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)										
VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number		
1	06	7,5	\$1,395.00		1	VARIOUS ARTICLES OF CLOTHING				
1	06	5	\$1,395.00		1	VARIOUS ARTICLES OF CLOTHING				

Officer/ID#	<b>Orsino, Michael M (PAT, 6251) (51)</b>	Outstanding Stolen Val [Total Stolen]: \$0.00 [\$1,395.00], Tot Rec Val: \$1,395.00
Invest ID#	<b>(0)</b>	Supervisor <b>Grubb, Matthew E (COMD, 6207) (46)</b>
Status	Complainant Signature <b>Closed By Arrest</b> <b>12/09/2016</b>	Case Disposition: <b>Cleared By Arrest</b> <b>12/09/2016</b>

# Incident Report Additional Name List

Ross Township Police

OCA: 2016-16947

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	MASON, KRISTINA NICOLE		01/06/1988	28	W	F
	Address 3453 Pleasantvue Dr , Pittsburgh, PA 15227-		H:			
	Empl/Addr Victoria`s Secret, 1000 Ross Park Mall Dr		B:			
			Mobile #:	- -		

# INCIDENT/INVESTIGATION REPORT

Ross Township Police

Case # 2016-16947

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE  
Retail theft report.



**REPORTING OFFICER NARRATIVE**

Ross Township Police

OCA 2016-16947
Date / Time Reported Thu 12/08/2016 12:36

Victim VICTORIA'S SECRET	Offense LARCENY - SHOPLIFTING
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

[12/09/2016 13:21, MORSINO, 18]

On 12/08/2016 at 1232hrs. I responded to Ross Park Mall security office for a retail theft report. Upon arrival, I met with Ptlm. Glenn Garcia. Ptlm. Garcia advised me Ross Park Mall security had apprehended an individual for attempting to steal \$1,399.00 worth of merchandise from Victoria Secret. The male, who was from Chile and spoke very little English, identified himself to Ptlm. Garcia as "Jose Castro". "Castro" did not have any type of photo identification or legal paperwork on him showing his name.

Ptlm. Garcia advised me that "Castro" was in the Victoria Secret store with two other individuals. Store employee Kristina Mason observed "Castro" and the other two removing merchandise and placing the merchandise in two large leather bags. All three exited the store without paying for the merchandise. Ross Park Mall security attempted to make contact with the three but all three ran from security. "Castro" was apprehended with the two leather bags and the merchandise. Further inspection of the bags showed that they were lined with aluminum foil. This is used to prevent store anti-theft detection devices from being activated. The merchandise was returned back to the store. The other two were not apprehended

Due to the fact that we were unable to positively identify "Castro", I took him into custody and transported him to the Ross Township Police department. While using a translator app, I was able to have "Castro" answer several basic questions. He provided me with the name of "Antonio Nelo" with the date of birth of 10/30/1985. He also stated that he did have a Visa to be in the United States. I called several Homeland Security numbers in order for them to check and they advised me to have Allegheny County 911 run him through the Immigration Alien Query. They did run that information and no record was found. Homeland Security advised me to call back if he was being released at any time.

Since I was unable to verify any of the names that I was given, I charged him as a "John Doe". Ptlm. Peter Chuberko and I transported him to the Allegheny County Jail. After that, I, in the presence of Ptlm. Chuberko, entered \$645.00 in U.S. Currency, and several other personal items into a temporary evidence locker.

On 12/09/2016 at 1000hrs. "Castro" came into the station to pick up his personal belongings. Due to the fact that I had charged him as a "John Doe", I contacted Allegheny County Arraignment Court, in order to determine the reason for his release. They advised me that he presented the following information to ID processing: Jose Castroavizo, 33-26 89th Street, New Coat NY, date of birth 10/18/1978. I asked them if that information was obtained through an official document and they stated that was based on the information that Castroavizo provided them.

I then was able to speak with Homeland Security Agent Jeremy Whittlin. I had SA Whittlin run him with the revised information. SA Whittlin sent me a picture of a male that was attached to that name and the picture bares no resemblance to the individual that I had charged. SA Whittlin was made aware of this information and informed me that due to their policies they would not detain him and would monitor him pending outcome of the current charges.

I had Castroavizo sign a property receipt and returned his money and other belongings back to him. I also printed out a Rule 519 form, which was printed in Spanish, and had him sign the form. I was able to determine that Castroavizo was from New York City and not New Coat, which is what Allegheny County Arraignment Court had informed me.

# Incident Report Suspect List

Ross Township Police

OCA: 2016-16947

<b>1</b>	Name (Last, First, Middle) <i>CASTROAVIZO, JOSE</i>					Also Known As <i>NELO, ANTONIO CASTRO</i>					Home Address <i>33-26 89TH ST NEW YORK, NY 11372</i>				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	<i>10/18/1978</i>	<i>38</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>600</i>	<i>200</i>	<i>BRO</i>	<i>BRO</i>	<i>MED</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<b>Reported Suspect Detail</b>															
Suspect Age		Race	Sex	Eth	Height	Weight	SSN								
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel		Mode of Travel						
VehYr/Make/Model		Drs	Style		Color	Lic/St		VIN							
Notes							Physical Char								

# Incident Report Related Property List

Ross Township Police

OCA: 2016-16947

<b>1</b>	Property Description <b>VARIOUS ARTICLES OF CLOTHING</b>	Make	Model	Caliber			
	Color	Serial No.	Value <b>\$1,395.00</b>	Qty <b>1.000</b>	Unit	Jurisdiction <b>Locally</b>	
	Status <b>Recovered</b>	Date <b>12/09/2016</b>	NIC #	State #	Local #	OAN	
	Name (Last, First, Middle) <b>Victoria's Secret,</b>			DOB	Age	Race	Sex

Notes



# INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name <b>Ross Township Police</b>		Case# <b>2017-17631</b>		
ORI <b>PA 0022200</b>		Date / Time Reported <b>12/21/2017 14:34 Thu</b>		
Location of Incident <b>1000 Ross Park Mall Dr, Ross Township PA 15237-</b>		Premise Type <b>Restaurant</b>	Zone/Tract	
Last Known Secure <b>12/21/2017 14:34 Thu</b>		At Found <b>12/21/2017 14:34 Thu</b>		
#1	Crime Incident(s) <b>Detective Division Investigation 1</b>	(Com)	Weapon / Tools <b>NONE</b>	Activity
			Entry	Exit
#2	Crime Incident	( )	Weapon / Tools	Activity
			Entry	Exit
#3	Crime Incident	( )	Weapon / Tools	Activity
			Entry	Exit

MO

VICTIM

# of Victims <b>1</b>	Type: <b>INDIVIDUAL (NOT A LE OFFICER)</b>	Injury: <b>None</b>						
V1	Victim/Business Name (Last, First, Middle) <b>MOLINA PAZ, NORA Z</b>	Victim of Crime # <b>1,</b>	DOB <b>11/23/1988</b> Age <b>29</b>	Race	Sex <b>F</b>	Relationship To Offender	Resident Status	Military Branch/Status
Home Address <b>850 COAST AV, Pittsburgh, PA 15216-</b>							Home Phone	
Employer Name/Address <b>CHEESE CAKE FACTORY RPM (COOK)</b>						Business Phone	Mobile Phone	
VYR	Make	Model	Style	Color	Lic/Lis	VIN		

OTHERS

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: <b>INDIVIDUAL (NOT A LE OFFICER)</b>	Injury:							
Code <b>CP</b>	Name (Last, First, Middle) <b>LASTRA CRUZ, KEVIN EFRAIN</b>	Victim of Crime #	DOB <b>01/11/1961</b> Age <b>56</b>	Race	Sex <b>M</b>	Relationship To Offender	Resident Status	Military Branch/Status
Home Address <b>850 Coast Av Pittsburgh, PA 15216</b>							Home Phone	
Employer Name/Address						Business Phone	Mobile Phone	

INVOLVED

Type: <b>INDIVIDUAL (NOT A LE OFFICER)</b>	Injury:							
Code <b>IO</b>	Name (Last, First, Middle) <b>VANDERNECK, JANICE</b>	Victim of Crime #	DOB <b>Age</b>	Race	Sex <b>W F</b>	Relationship To Offender	Resident Status	Military Branch/Status
Home Address							Home Phone	
Employer Name/Address <b>Casa San Jose Latino Resource, 2116 Broadway Ave. Pgh 15216 (NUN)</b>						Business Phone	Mobile Phone	

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown  
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# <b>Kirtley, Michael K (DET, 6253) (53)</b>	Invest ID# <b>Kirtley, Michael K (DET, 6253) (53)</b>	Supervisor <b>Comport, Samuel L (DET) (25)</b>
Status	Complainant Signature	Case Status <i>Closed Exceptionally - Disp.</i> <b>01/12/2018</b>
		Case Disposition: <i>Referred To Another</i> <b>01/12/2018</b>

# INCIDENT/INVESTIGATION REPORT

Ross Township Police

Case # 2017-17631

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE



**REPORTING OFFICER NARRATIVE**

Ross Township Police

OCA 2017-17631
Date / Time Reported Thu 12/21/2017 14:34

Victim MOLINA PAZ, NORA Z	Offense DETECTIVE DIVISION INVESTIGATION
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On 12/21/2017 I (Detective Michael Kirtley) took a walk-in report at the station. The complainant advised the Ross Township Police clerk that his wife was being sexually harassed at her place of employment. Upon meeting the complainant and his wife it was apparent that there may be a language barrier between us. The complainant identified himself as Kevin Efrain Lastra Cruz. He stated that he is originally from Mexico. However, he is now a United States citizen. He spoke with a heavy Mexican accent. He identified his wife as being Nora Z Molina Paz. He stated that she was from Guatemala. Kevin advised that his wife could not speak English. However, he stated that he would be able to describe to me the reason they were wishing to file a police report. He also advised that he would be able to translate for me.

Kevin stated that Nora had been employed as a food preparer at the Cheesecake Factory restaurant located at Ross Park Mall. During the course of her employment she had been continually harassed by a male employee. The name Kevin provided me of the male harassing his wife was FRANCISCO XAVIER HERNANDES GARCIA. Kevin stated that FRANCISCO had told Nora that FRANCISCO had submitted falsified documents to work and has a criminal record. FRANCISCO told Nora that he has a criminal record from 2001 in the state of Colorado. As a result he was deported from the United States back to Mexico. He told Nora that he returned to the United States illegally in 2006.

Kevin and Nora met with Chuck McBride, manager of the Cheesecake Factory, on 12/16/17. They relayed these work concerns to Mr. McBride. Mr. McBride stated that he (or Cheesecake Human Resources) would like to have the complaint "in writing". Kevin and Nora then met with a worker (Diane LNU) at the Dormont Library who translated and transcribed a written summary of their complaint. On 12/18/17 Kevin and Nora provided Mr. McBride a copy of that written summary.

As I was reading the written summary the vast majority of the complaint related to workplace harassment and did not rise to a criminal level. However, in the third paragraph of the written summary it stated that Francisco "...was going to kidnap me, and was prepared to give his life for me. I told him he was out of his mind; he said that he would rape me and kill himself if I would not agree to be with him, because, according to him, when he saw me come into work, he fell in love with me. In addition to threatening to kill himself, he has also threatened to kill me if I don't have sex with him. I took these threats of suicide seriously when they were made, because he began to cry when he made the threat; however, they did not make me any less concerned for my safety."

On 12/21/17, prior to coming to the Ross Police station, Kevin and his wife filed a complaint at the Pittsburgh Immigration Office (ICE - US Immigration and Customs Enforcement). However, they did not know with whom they spoke to in that office.

On 12/22/17 I attempted to reach the Pittsburgh ICE office. However, my call was routed to the Orlando, Florida office. Orlando was unable to reach the Pittsburgh office. Again, on 12/28/17, I attempted to reach the Pittsburgh ICE office. Once again my call was routed to Orlando, Florida with the same results.

On 12/29/17 I received a call at home from Ross Township Sgt. Grubb stating that an ICE agent was attempting to reach me regarding this case. Sgt. Grubb advised me that Ross Officers were responding with ICE agents to the Cheesecake Factory to follow up on Kevin and Nora's complaint. I learned later that day that ICE agents had taken FRANCISCO into custody.

Upon my return to work on 01/03/17 I received a message from ICE Deportation Officer Joseph Duda. Agent Duda



# REPORTING OFFICER NARRATIVE

Ross Township Police

OCA 2017-17631
Date / Time Reported Thu 12/21/2017 14:34

Victim MOLINA PAZ, NORA Z	Offense DETECTIVE DIVISION INVESTIGATION
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

advised that he was the case officer and his team had taken "FRANCISCO" into federal custody. Agent Duda provided me with the suspects CORRECT information:

- Hilario Garcia-Miranda
- date of birth 12/6/1978
- Citizen of Mexico
- 2001 convicted of two (2) counts of 2nd degree rape in Oregon and sentenced to 24 months
- 2002 deported to Mexico as an Aggravated Felon and given a lifetime ban on re-entering the U.S.
- Megan`s Law violator

On 01/04/18 I contacted Kevin to give him an update on this case. Kevin advised me that he and his wife have been receiving threats from whom I believe to be the family / friends of Hilario Garcia-Miranda. However, due to the language barrier I was unable to fully understand Kevin over the phone. I set up a meeting with Kevin at the Ross Police station for Friday 01/05/18 at 1130hrs.

# Incident Report Suspect List

Ross Township Police

OCA: 2017-17631

<b>1</b>	Name (Last, First, Middle) <i>GARCIA-MIRANDA, HILARIO</i>					Also Known As <i>HERNANDES GARCIA, FRANCISCO XAVIER</i>					Home Address <i>UNKNOWN</i>				
	Business Address <i>CHEESECAKE FACTORY COOK, RPM</i>														
	DOB <i>12/06/1978</i>	Age <i>39</i>	Race	Sex <i>M</i>	Eth <i>N</i>	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
Scars, Marks, Tattoos, or other distinguishing features															

<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height		Weight		SSN
Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel	
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN		

Notes \_\_\_\_\_ Physical Char \_\_\_\_\_

Ross Township Police

OCA: 201717631

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED EXCEPTIONALLY* - Case Mng Status: *CLOSED EXCEPTIONALLY* Occurred: 12/21/2017Offense: *DETECTIVE DIVISION INVESTIGATION*Investigator: *KIRTLEY, MICHAEL K (53)* Date / Time: *01/05/2018 13:05:36, Friday*Supervisor: *COMPORT, SAMUEL L (25)* Supervisor Review Date / Time: *01/05/2018 13:30:28, Friday*Contact: Reference: *Additional Information*

[01/05/2018 13:05, MKIRTLEY, 49, RPD]

On this date I met with Kevin Cruz and Nora Paz at the Ross Police station. I updated them in regards to the status of this case.

During my conversation with Kevin, he indicated to me that Nora has told him additional information in regards to "FRANCISCO" (who we now know to be HILARIO GARCIA-MIRANDA). Kevin indicated to me that "FRANCISCO" may have drugged his wife by placing an unknown substance in her drink. He then drove her to an apartment on the South Side. This apartment is where "FRANCISCO's" cousins live. While inside of the apartment "FRANCISCO" may have forced Nora Paz to have sex with him. Kevin indicated that this may have occurred on more than one occasion. Kevin stated that "FRANCISCO" threatened his wife by stating that he would harm Kevin if she did not comply. Once again, due to the language barrier, it was very difficult to obtain this information.

The address Kevin provided me for the apartment was 421 Foreland St. I know this address to be in the City's North Side. Kevin then agreed by saying "yea, yea North Side".

At this point I informed Kevin that I would like to set up an interview with his wife utilizing an interpreter. I informed Kevin that I wanted to do this without him being present. He agreed and asked his wife if she would be willing. Nora also agreed. They suggested I utilize "Sister Janice" who they know works with Latino immigrants. They then provided me her phone number.

Prior to contacting "Sister Janice" I spoke with Deputy DA Janet Necessary in the Sex Assault unit of the District Attorney's office to see if their office uses a specific interpreter or agency for these cases. Janet stated that they did not and she was fine with me contacting "Sister Janice".

I then made phone contact with Sister Janice Vanderneck, St. Joseph's Parish. Sister Janice stated that her church organization works solely with Latino immigrants. She is familiar with Kevin Cruz and his wife Nora. She is also a certified interpreter for Pittsburgh Language Access Network (PLAN). Sister Janice agreed to interpret my interview with Nora Paz.

At this point the interview is scheduled at the Investigations Branch of the District Attorney's office in Dormont on Thursday 01/11/18 at 0930hrs.

Investigator Signature

Supervisor Signature



Ross Township Police

OCA: 201717631

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED EXCEPTIONALLY* - Case Mng Status: *CLOSED EXCEPTIONALLY* Occurred: 12/21/2017Offense: *DETECTIVE DIVISION INVESTIGATION*Investigator: *KIRTLEY, MICHAEL K (53)*Date / Time: *01/12/2018 13:27:24, Friday*Supervisor: *COMPORT, SAMUEL L (25)*Supervisor Review Date / Time: *01/15/2018 10:37:33, Monday*

Contact:

Reference: *Additional Information*

[01/12/2018 13:27, MKIRTLEY, 49, RPD]

Due to the fact that a possible sexual assault occurred in the City's North Side I contacted the City of Pittsburgh Police Sex Assault Unit (Sgt. Fleske). I updated him and emailed him a copy of this report.

On 01/11/2018 I was joined by City Sex Assault Detectives Dan Honan and Colleen Brust at the District Attorney's Dormont office. There we met victim, Nora Z Molina Paz, and her interpreter, Sister Janice Vanderneck.

Detective Brust and Honan led the interview with Nora and Sister Janice. During the course of the interview Nora reported that she was forced to have vaginal sexual intercourse with "FRANCISCO" (now known as Hilario Garcia-Miranda) against her will. She reported this occurred at an apartment on Foreland St. in the City's North Side.

Nora did not report anything additional that occurred in Ross Township. At this point, this investigation has been turned over to the City of Pittsburgh.

Investigator Signature

Supervisor Signature



November 7, 2018

## ROSS TOWNSHIP

Ross Township  
Municipal Building  
1000 Ross Municipal Drive  
Pittsburgh, PA 15237-2725  
Phone: (412) 931-7055  
Fax: (412) 931-7062  
www.ross.pa.us

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#### VICE PRESIDENT

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Sarah Poweska  
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Jordan Tax Service  
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#### SOLICITOR

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Douglas Sample

#### TOWNSHIP ENGINEER

*The Gateway Engineers, Inc.*  
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Amy Chin-Arroyo  
Sheller Center for Social Justice  
Temple University Beasley School of Law  
1719 North Broad Street  
Philadelphia, PA 19122

Sent via email – [templeshellercenter2018@gmail.com](mailto:templeshellercenter2018@gmail.com)

Dear. Ms. Chin-Arroyo:

Thank you for writing to Ross Township with your request for information pursuant to the Pennsylvania Right-To-Know law.

The Township received your Right To Know requesting information pertaining to immigration and sharing information with ICE. I apologize for the delay in responding.

Your request is granted, and the requested documents are enclosed.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Douglas Sample".

Douglas Sample  
Right to Know Officer

Enclosures

REC'D FROM  
Admin  
10/22



**pennsylvania**  
OFFICE OF OPEN RECORDS

**STANDARD RIGHT-TO-KNOW REQUEST FORM**

**DATE REQUESTED:** 10/01/2018

**REQUEST SUBMITTED BY:**       E-MAIL               U.S. MAIL               FAX               IN-PERSON

**REQUEST SUBMITTED TO (Agency name & address):** Ross Township - Police Department

Douglas Sample, Ross Township, via electronic mail: dsample@ross.pa.us

**NAME OF REQUESTER :** Amy Chin-Arroyo, Arik Davidson, Solena Laigle  
Sheller Center for Social Justice, Temple University Beasley School of Law

**STREET ADDRESS:** 1719 North Broad Street

**CITY/STATE/COUNTY/ZIP(Required):** Philadelphia, PA 19122

**TELEPHONE (Optional):** 215-204-8800              **EMAIL (optional):** TempleShellerCenter2018@gmail.com

**RECORDS REQUESTED:** *\*Provide as much specific detail as possible so the agency can identify the information.  
Please use additional sheets if necessary*

See attached.

*We respectfully request that any fees be waived in the interest of promoting pro bono and academic research, pursuant to 65 P.S. § 67.1307(f)(2).*

**DO YOU WANT COPIES?**  YES  NO Electronic copies if possible.

**DO YOU WANT TO INSPECT THE RECORDS?**  YES  NO

**DO YOU WANT CERTIFIED COPIES OF RECORDS?**  YES  NO

**DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100?**  YES  NO

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

***FOR AGENCY USE ONLY***

**OPEN-RECORDS OFFICER:**

I have provided notice to appropriate third parties and given them an opportunity to object to this request

**DATE RECEIVED BY THE AGENCY:**

**AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:**

*\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



1. a. We have no written policy, directive, order, training materials, or other documents regarding the requesting, recording, investigating, or reporting of any individual's immigration status, national origin, or place of birth. We would treat the individual the same as we would any other individual encountered, and those guidelines are outlined in our policy but nothing pertaining to immigration.

b. Follow PA law and case law for verifying anyone's identification.

c. If valid, foreign forms of identification are accepted.

2. We do not provide them access to any of our files and/or records unless they specifically request. Any contact we have ICE would be documented in the official police reports.

3. a. 2 Reports attached

b. Do not collaborate with them nor partake in roving patrols, or vehicle checkpoints. We would provide them assistance in apprehension of suspects if they requested assistance.

c. See attached email

d. WE would provide back-up for ICE if they requested our assistance and we could provide the resources.

e. We do not provide them office space on a regular basis. If they were in our area working a case and requested use of our facility, we would provide that.

## Right to Know Request

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

10/01/2018

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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; *No*
  - 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. *No*
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. *We Do Not Provide Them Access unless they request a specific report;*
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 *We Provide Back up for all agencies that request it.*
  - e. providing office space for ICE representatives to use.

*IF they are here  
wanting a case we*

*IF they asked for  
would provide*

*Not on a regular basis.*