

DISMANTLING ICE IN PENNSYLVANIA

**Toolkit of Model Policies for Advocates &
Communities Seeking to End Local Collaboration
with Federal Immigration Officials**



Stephen and Sandra
SHELLER

CENTER for SOCIAL JUSTICE



Temple University Beasley School of Law



Acknowledgments

This report was prepared by Mana Aliabadi ('22), Alexis Fennell ('21), and Kate Steiker-Ginzberg ('22), who are law students in the Social Justice Lawyering Clinic (SJLC) at the Stephen and Sandra Sheller Center for Social Justice. The students were supervised by Professor Jennifer J. Lee. The clinic is based at the Temple University Beasley School of Law. Students in the clinic work on social justice issues through direct representation, community education, and policy advocacy.

This report was prepared at the request of the Pennsylvania Immigration and Citizenship Coalition (PICC). PICC is a coalition of more than 60 member organizations which includes community groups, legal service providers, and advocacy organizations. PICC's mission is to advance immigrants' rights and promote immigrants' full integration into society by advocating for welcoming public policies throughout Pennsylvania. [1]

This report was prepared in partnership with PICC member and partner organizations as part of the coalitions' work to collectively develop policies and strategies for localities to resist ICE's deportation operations throughout Pennsylvania. We are especially grateful to Sundrop Carter and Kim Dinh from PICC who provided ongoing support and resources. We are also grateful to Laura Perkins from Casa San Jose, Erika Guadalupe Núñez from Juntos, Peter Pedemonti of the New Sanctuary Movement, Laila Martin Garcia of CASA in Pennsylvania, Jenny Isaacs at Immigrant Rights Action, and Jessica Culley of CATA Farmworkers who provided feedback throughout the development of this report. All photos have been provided by PICC.

Table of Contents

| | |
|--|-----------|
| Introduction | 1 |
| How to Use this Toolkit | 3 |
| What Do We Mean by "Local"? | 4 |
| Umbrella Policies | |
| 1.1 "Our Officials Don't Help ICE" | 6 |
| 1.2 No ICE Access to Local Government Property | 9 |
| Criminal System Officials: Don't Collaborate with ICE | |
| 2.1 "Don't Police" Immigration | 14 |
| 2.2 Don't Honor ICE's Detainers or Notification Requests | 18 |
| Information Sharing, Confidentiality, & Privacy | |
| 3.1 Agencies "Don't Ask" About Immigration Status | 23 |
| 3.2 No Information Sharing with ICE | 26 |
| No Contracts with ICE | 31 |
| Additional Resources | 34 |
| Recommendations for Future Advocacy | 35 |
| References | 36 |

Introduction

Over the past four years, U.S. Immigration and Customs Enforcement (ICE) has deported nearly 1 million individuals from the United States. [2] Under the Trump administration, ICE stepped up its interior enforcement operations, including raids at workplaces and in local communities, resulting in the separation of families. [3] In 2017, a *ProPublica* investigation found that ICE's Philadelphia office (which covers Pennsylvania, West Virginia and Delaware) arrested more undocumented immigrants without criminal convictions than any other office in the country. [4]

The social and economic costs of deportation have been well-documented. Research has shown that immigrants living under the threat of deportation are more vulnerable to serious health issues including heart disease, asthma, and depression. [5] Children with deported family members suffer psychological trauma, economic hardship, and housing and food insecurity. [6] Immigrants who have been deported often face violence, poverty, and even death in their country of origin. [7]

Yet despite ICE's annual \$8 billion budget and 400 local offices, it relies heavily on local officials and law enforcement to assist with its enforcement operations. [8] A 2019 report found that many counties in Pennsylvania "systematically collaborate" with ICE. [9] These collaborations include formalized contracts with ICE, such as contracts for the civil immigration detention of immigrants in local county jails. They also include more informal and ad hoc interactions with local law enforcement, such as the sharing of information with ICE about individuals in their custody. [10] The lack of written policies in many police departments too creates a "vacuum" in which officers are able to develop informal relationships with immigration officials. [11]

In response, advocates have pushed local elected officials to enact policies that prohibit collaboration with ICE. These policies (often referred to as "sanctuary policies") end collaboration that would otherwise lead to family separation and community fragmentation. They recognize that immigration enforcement is a federal matter and ICE's requests for collaboration are entirely voluntary. Further, such policies express support for local immigrant communities by refusing to assist with ICE's deportation efforts.

Dismantling ICE in Pennsylvania serves as a toolkit for advocates to continue this fight across Pennsylvania. The model policies in this toolkit are based on nationwide models, including those developed by the Center for Popular Democracy, [12] the ACLU, [13] and Asian Americans Advancing Justice. [14] We also referenced policies from cities and counties in states such as Colorado, New York, California, Illinois, and Louisiana.

Localities in Pennsylvania have also enacted policies that restrict collaboration between localities and ICE. Philadelphia and Pittsburgh, for example, have implemented strong policies that limit each city's collaboration with ICE thanks to significant grassroots organizing efforts. This toolkit also tracks policies from other localities across Pennsylvania. Many policies carve out exceptions, including for immigrants with certain kinds of criminal history. Many advocates believe that these policies should uniformly protect all immigrants in order to respect the unity of all families. The enacted policies across Pennsylvania, therefore, may vary in their strength and efficacy.

This toolkit is not intended to provide a one-size-fits-all approach, but rather serves as a guide that can be tailored to meet the specific needs and demands of local communities. By providing advocates with model policies—as well as answer the why, what, and how questions related to each policy—our hope is to support community-based, immigrant-led movements that are fighting to end local collaboration with ICE.



How to Use this Toolkit

In this toolkit, we present four categories of policies that advocates can push for at the local level.

- 1 Overall prohibition on collaborating with ICE
- 2 Limiting interactions between ICE and local criminal systems
- 3 Regulating privacy and information sharing
- 4 Ban on contractual arrangements with ICE

Within each numbered category, we cover specific policies by presenting the following information:

- **The Policy** provides a one-sentence explanation of the policy.
- **Why Do We Need It** explores the harmful consequences of local collaboration with ICE.
- **How It Works** explains what the policy does in a plain language summary.
- **The Model Policy** presents the exact language for the policy.
- **Keep in Mind** includes talking points, statistics, and legal information that can help advocates in speaking with local government officials.
- **What's Happening in Pennsylvania** details information about similar policies that have been enacted in localities across Pennsylvania. (For the complete language of these policies, visit the Sheller Center's website. Please note that these policies are not meant to serve as model language but can help inform advocates about what is already in place throughout the state).

NOTE: *This toolkit and the model policy language can be extracted, edited, and tailored to meet the specific needs of each community. Ultimately, advocates will be best positioned to choose the specific policies and language for their communities.*

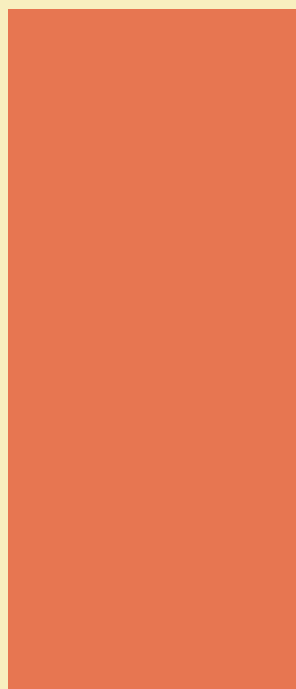


At the local level, Pennsylvania has counties, cities, boroughs, and townships. [15] Each level of government has different powers and responsibilities. [16] Activists advocating for these model policies will have to determine what level of government is appropriate for enacting each specific policy.



Umbrella Policies

**These broad policies
provide general limitations
on ICE's operations within a
locality.**





"Our Officials Don't Help ICE"

THE POLICY

Prohibits local officials from spending any time, money, or resources to assist with federal immigration enforcement.

WHY DO WE NEED IT?

Despite its vast budget and power, ICE relies extensively on its relationship with local government agencies—especially law enforcement—to help with federal immigration enforcement. These local agencies act as “force multipliers,” providing resources, personnel, and information that support ICE’s arrest, detention, and deportation efforts. [21]

HOW IT WORKS

The locality will:

- Prohibit local officials from using “time, funds, or resources” to assist with federal immigration enforcement
- Provide assistance only in the limited circumstances when it is required by law



"Our Officials Don't Help ICE"

MODEL POLICY LANGUAGE

"No officer, agent, employee or official of [CITY OR COUNTY] shall expend any time, funds, or resources to facilitate or assist with the enforcement of federal immigration law, nor participate in civil immigration enforcement operations, except where required by Federal or State statute, regulation, or court decision."

Based on language from The Center for Popular Democracy, San Francisco's Admin. Code Sec. 12H.2, Denver Code of Ordinances Sec. 28-250.

Keep In Mind!



Immigration enforcement is a federal responsibility.

Federal law solely determines who may enter and remain in the United States. [22] As federal officials, ICE enforces immigration laws. Local officials, in contrast, are not responsible for investigating and enforcing immigration laws.



Localities cannot be legally required to assist with federal immigration enforcement.

The Tenth Amendment forbids the federal government from "command[ing] the States' officers . . . to administer or enforce a federal regulatory program." [23] Recent court battles involving the Trump administration's attack on so-called "sanctuary cities" have reaffirmed this principle. [24] Participation in federal immigration enforcement activities by localities, therefore, is entirely voluntary. [25]

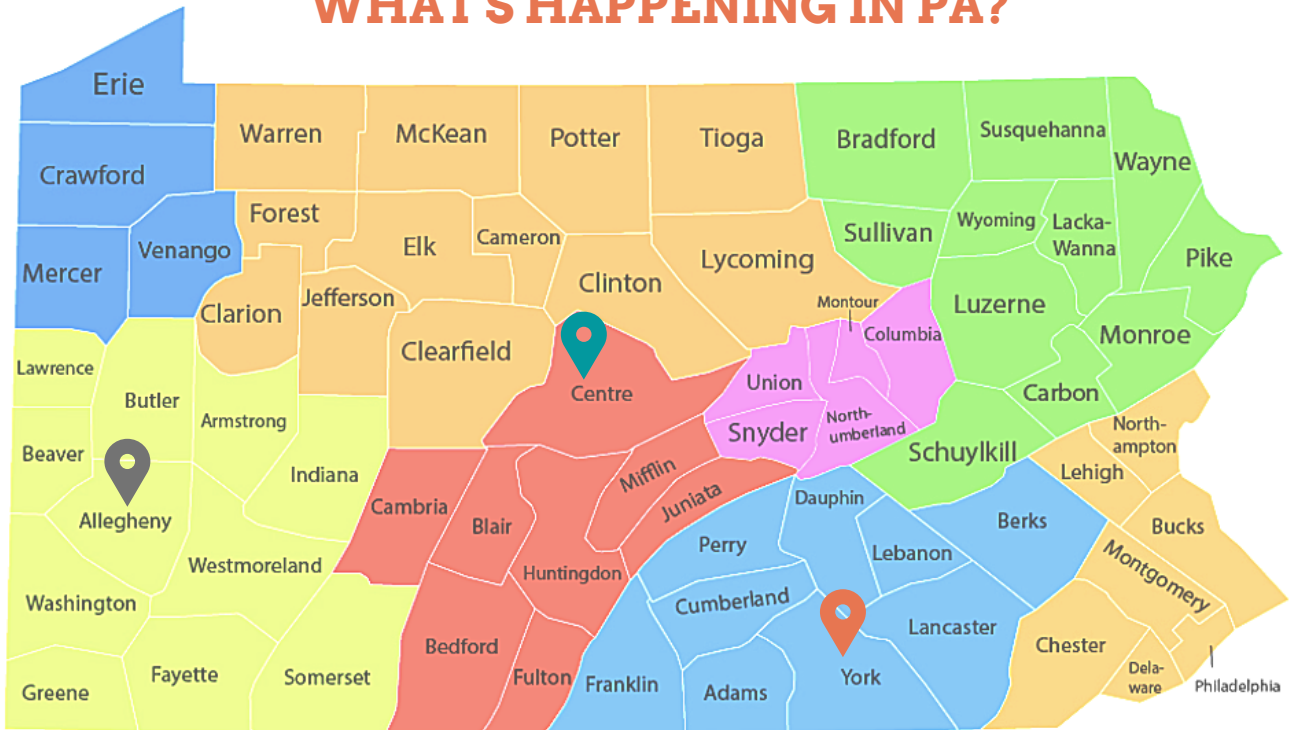


Local tax dollars for local priorities. When ICE receives assistance from local officials, local tax dollars are being spent to perform the federal government's job.

1.1

"Our Officials Don't Help ICE"

WHAT'S HAPPENING IN PA?



State College (Resolution 1180)

Council members of the Borough of State College will not voluntarily assist in efforts by the federal government to apprehend, detain or deport community members.

City of York (2017 Executive Order)

No City funds, resources, or personnel will be used to investigate, question, or arrest individuals for actual or suspected civil immigration violations.

Pittsburgh Bureau of Police (Order No. 11-3)

Officers should not dedicate time or resources to detaining a person suspected of committing a civil immigration violation.



No ICE Access to Local Government Property

THE POLICY

Limits ICE agents' access to any property (e.g., buildings or jails) owned and operated by the locality.

WHY DO WE NEED IT?

Providing ICE with access to local government buildings or facilities is problematic for several reasons. Individuals seeking governmental services and agencies should be able to do so without fear of encountering immigration agents. ICE's arrests in local courthouses, for example, have resulted in immigrants fearing the court system because of the heightened risk of ICE encounters. [26]

ICE agents also target local jails, through the Criminal Alien Program (CAP), in order to conduct "interviews" and screen people for deportation. [27] CAP has historically been one of the biggest drivers of deportation, with estimates that up to three-quarters of those deported from inside the United States were removed through this program during the early 2010s. [28] Such studies show, however, that the vast majority of those removed under the CAP program either had no criminal conviction or had been convicted of "nonviolent, non-serious" offenses. [29]

HOW IT WORKS

The locality will:

- Prohibit ICE from accessing local government buildings or facilities to engage in federal immigration enforcement
- Require ICE agents to properly identify themselves at all times in local government buildings or facilities
- Provide an exception for judicial warrants but limit the scope of ICE's access to the terms set forth in the warrant



No ICE Access to Local Government Property

MODEL POLICY LANGUAGE

No official of [LOCALITY] may permit ICE agents to access [LOCALITY'S] buildings, facilities, or any property that is not otherwise freely accessible to the general public in order to engage in federal immigration enforcement without a valid and properly issued judicial warrant. Access may be granted for other legitimate law enforcement purposes that are unrelated to the enforcement of federal immigration law.

(a) To the extent that [LOCALITY] controls physical access of the general public to any lands or buildings owned, leased, or controlled by [LOCALITY], ICE agents are prohibited from gaining physical access to engage in federal immigration enforcement, unless they have a judicial warrant.

(b) ICE agents are prohibited from gaining access to [LOCALITY'S] detention facilities for any purpose, including to conduct interviews or other investigation, unless they have a judicial warrant.

(c) Any request for access based on a judicial warrant must be sent to the person in charge of the department or agency, who must provide written approval that clearly defines the scope of access based on the judicial warrant.

(d) To the extent ICE agents are otherwise permitted to enter buildings, facilities, or property, which are owned, leased or controlled by [LOCALITY], ICE agents shall be required to wear jackets identifying themselves and make their badges visible at all times. Individuals must be notified that they are speaking with ICE agents.

Based on language from "The Center for Popular Democracy," the ACLU's "9 Model Policies," Denver Ordinance Sec. 28-252, and AAAJ/ALC "Model Sanctuary Ordinance."

1.2

No ICE Access to Local Government Property

Keep In Mind!

- ✓ **Allowing ICE access to jails is voluntary.** Counties already tightly control visitors to the jail, including who can come, when they can come, and under what conditions they may visit. Local officials are not under any obligation to permit ICE agents to access their jails without a properly issued judicial warrant. [30]
- ✓ **ICE agents deliberately confuse immigrants about who they are.** ICE agents are not required to identify themselves and have been known to identify themselves as “police” to gain cooperation from immigrants. [31] Further, ICE agents operating in jails are not required to provide a *Miranda* warning (i.e., the right to remain silent), before questioning a person. [32]
- ✓ **Immigrants fear accessing the local courts.** A 2019 report found that ICE’s “aggressive targeting of immigrants” at local courthouses in Pennsylvania, created fear among immigrant victims, witnesses, and litigants of going to court and participating in the legal system. [33]

No ICE Access to Local Government Property

WHAT'S HAPPENING IN PA?

The map displays the 67 counties of Pennsylvania, grouped into six color-coded regions:

- Blue (Northwest):** Erie, Crawford, Mercer, Venango.
- Orange (North Central):** Warren, McKean, Potter, Tioga, Lycoming, Clinton, Forest, Elk, Cameron, Jefferson, Clearfield, Centre, Union, Snyder, Northumberland, Columbia, Montour.
- Green (Northeast):** Bradford, Susquehanna, Wayne, Lanza-Wanna, Pike, Monroe, Carbon, Luzerne, Wyoming, Sullivan.
- Yellow (Southwest):** Lawrence, Beaver, Allegheny, Westmoreland, Washington, Fayette, Somerset, Indiana, Armstrong, Clarion.
- Red (South Central):** Cambria, Blair, Huntingdon, Mifflin, Juniata, Bedford, Fulton.
- Light Blue (South):** Dauphin, Perry, Cumberland, Franklin, Adams, York, Lancaster, Lebanon, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware.

Two location pins are present: a red pin in Butler County and a teal pin in Philadelphia.

ICE officers performing business in the City must identify themselves as federal immigration officers and make clear that they are not officers or employees of the City.

As of 2017, the City no longer provides ICE access to the City Prisons unless the individual signs a consent form.

ICE officials may not access prison facilities or any individual in custody for investigation without a court order.



ICE & Local Criminal Systems

This collection of policies addresses the different ways that ICE collaborates with local officials involved with the criminal system—through both formal and ad hoc arrangements.



"Don't Police" Immigration

THE POLICY

Prohibits police from asking about immigration status or stopping, detaining, or arresting someone based on a violation of federal immigration laws.

WHY DO WE NEED IT?

Local police are not responsible for enforcing federal immigration laws. Being present in violation of the immigration laws is a civil, not a criminal offense. Yet here in Pennsylvania, police officers from certain jurisdictions collaborate with ICE during traffic stops, arrests, or questioning of individuals. [34] Such interactions can lead to the arrest, detention, and deportation of immigrants and can create generalized fear of law enforcement in immigrant communities. [35] In the absence of formalized written policies governing this kind of collaboration, ICE is free to informally recruit local officers for assistance. [36]

The story of Joaquin Marté shows how this collaboration works. Mr. Marté was pulled over by the Jim Thorpe Borough Police in Carbon County, Pennsylvania while heading to work with two coworkers. [37] The police stopped his car, claiming that its license plate was obstructed. The officers never issued a citation for the alleged traffic violation, but instead detained the passengers until ICE was able to pick them up three hours later. In February 2020, the ACLU filed a lawsuit on behalf of Mr. Marté based on violations of his constitutional rights.

HOW IT WORKS

Local police:

- May not ask about immigration status or place of birth during stops, questioning, or arrests
- May not stop or detain an individual based on their actual or perceived immigration status
- May be held accountable for failing to comply with the policy

2.1

"Don't Police" Immigration

MODEL POLICY LANGUAGE

Officers or agents of [LOCAL POLICE DEPARTMENT] shall not make any inquiries about an individual's immigration status or country of birth, except as necessary for an investigation into criminal activity under federal, state, or local laws. The necessity for such an inquiry into immigration status must be articulated through specific facts linking the inquiry to the criminal investigation, and further explained by the officer or agent of [LOCAL POLICE DEPARTMENT] within the initial police report.

No officer or agent of [LOCAL POLICE DEPARTMENT] shall rely upon actual or perceived national origin, immigration or citizenship status, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or status as a veteran in deciding when to initiate a stop, or in deciding whether to question, search, arrest, detain, or take any other law enforcement action against any individual. Officers are prohibited from coercing cooperation or threatening to report an individual or their family member to ICE.

If upon review, officers of [LOCAL POLICE DEPARTMENT] are found to have violated any of the above provisions, officers will be subject to investigation protocols. Non-compliance with this policy may result in disciplinary action, pursuant to [LOCAL POLICE DEPARTMENT] policies.

Based on language from the Pittsburgh Bureau of Police's "Unbiased Policing Policy," the ACLU's "[9 Model Policies](#)," and The Center for Popular Democracy toolkit.

U-Visa Policy

Localities can consider the following additional language to assist immigrant crime victims with the U-Visa process:

"Officers or agents of [LOCAL POLICE DEPARTMENT] shall establish a designated department or officer responsible for overseeing and approving U-Visa requests submitted by immigrant crime victims. Said department or officer shall inform crime victims of the U-Visa process and the [LOCAL POLICE DEPARTMENT]'s authority to review and certify such requests."

2.1

"Don't Police" Immigration

Keep In Mind!

- ✓ **Local officials may be committing constitutional violations when policing immigration.** Police officers who unnecessarily detain a person without reasonable suspicion about criminal activity may violate the Fourth Amendment. [38] A person who has violated federal immigration law has committed a civil, not a criminal offense. Further, police do not need to inquire into immigration status or place of birth in order to do their job of investigating criminal activity. [39]
- ✓ **Protects against racial profiling.** This policy helps to prevent racial profiling. A 2018 investigation by *ProPublica* found that Pennsylvania State Police were specifically stopping Hispanic drivers, questioning them about immigration status, and detaining them until ICE arrived. [40] Subsequently, eleven plaintiffs filed a federal civil rights lawsuit against the police for unlawfully detaining them and their passengers. [41]
- ✓ **"Chilling Effect" in immigrant communities.** When police ask about immigration status, it triggers the perception that local law enforcement officials are operating on behalf of ICE. As a result, crime victims, particularly those living within immigrant households, are less likely to contact the police. Studies have shown that a substantial majority of undocumented residents were less likely to contact the police for fear of immigration consequences. [42] This chilling effect makes all communities less safe.

"Don't Police" Immigration



📍 Philadelphia (Executive Order 8-09)

Law enforcement officers shall not stop, question, arrest or detain solely based on ethnicity, national origin, or immigration status. Officers may not ask about immigration status.

 Gettysburg Police Department (Policy 414)

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.

Pittsburgh Bureau of Police (Order No. 11-3)

Officers are prohibited from arresting or detaining persons for the sole purpose of investigating their immigration status. Officers shall not inquire about a person's immigration status unless such an inquiry is necessary to an investigation involving criminal activity.



Don't Honor ICE's Detainers or Notification Requests

THE POLICY

Prohibits local officials from detaining or holding people solely on behalf of ICE or complying with ICE's requests for information about a specific person.

WHY DO WE NEED IT?

ICE, in various ways, makes requests to local officials to arrest or detain individuals until agents are able to pick them up for immigration purposes. Immigration detainers, for example, are regularly sent to local jails to request that a person be held for at least 48 hours beyond the time they would normally be released from custody. [43] These requests, however, are entirely voluntary and not legally binding. [44] Law enforcement officials have also used immigration violation information obtained from the National Crime Information Center (NCIC) database. When checking the NCIC database, local law enforcement may see an administrative warrant for civil immigration violations that directs them to call ICE. [45] Finally, ICE has increasingly turned to "notification requests," which ask local officials to alert them about a person's release from local custody, so they can pick them up and transfer them to federal immigration custody. [46]

HOW IT WORKS

Local officials:

- May not honor immigration detainers that prolong the detention of an individual on behalf of ICE, without a judicial warrant
- May not stop, detain, or arrest people for ICE based on an administrative warrant from a national crime database
- May not notify ICE regarding who is in their custody nor provide information about release dates without a judicial warrant or subpoena
- Must provide information and a notice of rights to any person subject to a judicial warrant or subpoena by ICE



Don't Honor ICE's Detainers or Notification Requests

MODEL POLICY LANGUAGE

No officers, agents, or employees of [LOCALITY] shall arrest, detain, transport, prolong the detention of, or otherwise take into custody any individual based on an immigration detainer, an administrative warrant, or any other formal or informal request issued by ICE, absent a valid and properly issued judicial warrant or subpoena.

No officer, agents, or employees of [LOCALITY] shall provide notice of an individual's incarceration status or release date from [LOCALITY'S] custody, or further communicate with ICE regarding non-publicly available information, absent a judicial warrant or subpoena.

If ICE's request is accompanied by a valid and proper judicial warrant, officers, agents, or employees of the facility in [LOCALITY] shall advise the detained individual of ICE's request in writing and in their preferred language. Furthermore, the [LOCALITY'S] officials shall also advise the detained individual of their legal rights during interactions with ICE, which include but are not limited to, the following:

- 1) The individual has the right to refuse to speak to ICE and remain silent;***
- 2) The individual has the right to speak to an attorney before speaking to ICE; and,***
- 3) Anything the individual says may be used against them in subsequent proceedings, including in a federal immigration court.***

Finally, the [LOCALITY'S] officials overseeing the case shall provide the detained individual with a list of free immigration legal services providers in and around [LOCALITY].

Based on language from the ACLU's "[9 Model Policies](#)," The Center for [Popular Democracy's](#) toolkit, Denver [Ordinance](#) Sec. 28-253.

2.2

Don't Honor ICE's Detainers or Notification Requests

Keep In Mind!



Compliance with ICE detainers exposes localities to liability. In *Galarza v. Szalczyk*, [47] a federal appeals court found that localities risk opening themselves up to civil liability when they hold an individual based on an ICE detainer. It determined that local officials are not legally required to honor these ICE detainer requests. As a result, Lehigh County settled with Mr. Galarza for \$95,000 for unlawfully detaining him based on an ICE detainer. [48]



ICE “administrative warrants” are not judicial warrants. Rather, they are administrative documents issued by ICE that have not been reviewed by a judge for “probable cause,” as required by the Fourth Amendment. [49] As a result, local officers are not required to honor them. Further, the NCIC database, where local officers might come across such warrants, are known to have issues with false positive matches. [50]

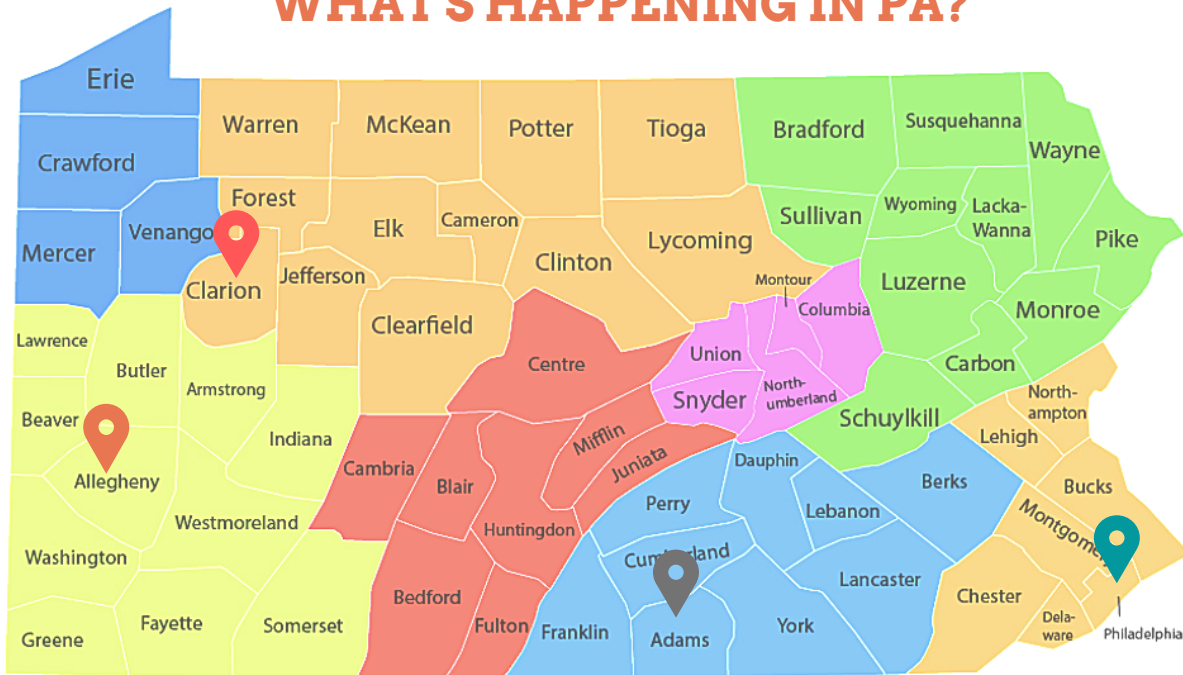


Watch for carve-outs for individuals with criminal convictions. Many of the “no ICE holds” policies that we examined in cities across the country provide exceptions for people with certain kinds of criminal convictions. This model policy does not include such exceptions because people with past convictions have already served their time, and our shared values honor redemption, second chances, and the ability of human beings to change.

2.2

Don't Honor ICE's Detainers or Notification Requests

WHAT'S HAPPENING IN PA?



Philadelphia (Executive Order 5-16)

Does not honor ICE detainers or notify ICE of a person's upcoming release from custody unless convicted of first or second degree felony involving violence and the detainer is supported by a judicial warrant.

Pittsburgh Bureau of Police (Order No. 11-3)

Prohibits officers from arresting or detaining individuals on the basis of civil immigration warrants or administrative warrants listed in NCIC.

Gettysburg Police Department (Policy 414)

No detaining individuals based solely on a federal immigration detainer. Generally no notifying ICE when booking arrestees at jail facilities.

Clarion County (Corrections Policy S-400)

Refuses to hold immigration detainees based on ICE detainers alone.



Information Sharing, Confidentiality, & Privacy

The following policies target the information sharing between localities and ICE agents. ICE agents may attempt to collect confidential information through various channels, including agencies that provide services and local crime databases.



Agencies "Don't Ask" About Immigration Status

THE POLICY

Limits the information that localities can collect from individuals seeking government services or benefits.

WHY DO WE NEED IT?

ICE works with local agencies to obtain personally identifiable information about individuals for immigration enforcement purposes. [51] To the extent that localities gather immigration status information, it makes immigrants fearful of essential interactions with local government agencies. [52] Immigrants may feel discouraged from accessing local services or engaging in government programs because they fear that they will face immigration consequences as a result. [53]

HOW IT WORKS

Localities will:

- Not ask about immigration status or place of birth, unless required by law for eligibility
- Review questionnaires and forms, removing unnecessary questions about immigration status or place of birth

3.1

Agencies "Don't Ask" About Immigration Status

MODEL POLICY LANGUAGE:

No agent, employee or agency of [LOCALITY] shall inquire about or request information about the immigration or citizenship status of any person, unless such inquiry is required by state or federal law, regulation or court order in order to verify eligibility for a benefit, service, or license conditioned on verification of status.

All applications, questionnaires, and interview forms used in relation to [LOCALITY'S] benefits, opportunities, or services shall be promptly reviewed by the local agencies and any questions regarding citizenship or immigration status, other than those required by statute, ordinance, federal regulation, or court decision, shall be deleted within 60 days of the passage of this ordinance.

Based on language from "The Center for Popular Democracy," the ACLU's "9 Model Policies," and AAAJ/ALC "Model Sanctuary Ordinary"

Keep In Mind!



Immigrants should not fear accessing vital services.

Because of a fear of being deported, immigrants often forgo important health care and social services. One study concluded that this fear was shown to have a significant impact on their physical and mental health. [54]



Welcoming immigrants. Such policies help to demonstrate that a locality welcomes immigrants. Some localities across the United States have enacted policies that go even further. Philadelphia's 2009 Executive Order, for example, states that city services are available to all residents, regardless of immigration status. [55]

3.1

Agencies "Don't Ask" About Immigration Status

WHAT'S HAPPENING IN PA?



Philadelphia (Executive Order 8-09)

All City services shall be made available to all Philadelphia residents regardless of immigration status. No City employee shall inquire about immigration status unless required for eligibility or required by law.

City of York (2017 Executive Order)

No City department or agency shall condition the provision of City services or benefits on the immigration status of an individual unless required by federal or state law.



No Information Sharing with ICE

THE POLICY

Restricts local officials and law enforcement agencies from sharing information with ICE and providing access to local databases.

WHY DO WE NEED IT?

Local officials can share confidential personal information with ICE in various ways. In counties across the state, local officials provide rosters of people being held in their county jails. [56] Some counties share with ICE personal information that is collected during booking, such as place of birth and immigration status. [57] From non-criminal agencies, ICE has also sought personally identifiable information about individuals—such as address, country of birth, license plate information, and employment status. [58]

Additionally, ICE can have access to local databases to check information against the FBI and DHS databases. [59] ICE also uses local gang databases—which may contain inaccurate information based on racial stereotypes—to identify “priority” individuals for deportation. [60] In Chicago, for example, ICE agents used the gang databases of the Chicago Police Department over 32,000 times in the past two decades, until Mayor Lori Lightfoot blocked that access in 2019. [61]

HOW IT WORKS

Cities or counties should prohibit:

- Local officials from releasing information about immigrants to ICE, except where required by federal law
- Law enforcement agencies from sharing access to their databases with ICE

3.2

No Information Sharing with ICE

MODEL POLICY LANGUAGE

[LOCALITY'S] agents, employees, or officials are not permitted to maintain and/or share confidential personal information, nor voluntarily release personally identifiable data or information to ICE for the purpose of federal immigration enforcement, except where otherwise required by state or federal law or court order. Such information includes, but is not limited to, contact information, information about national origin, race, ethnicity, immigration status, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a jail or other custody, or status as a veteran.

[LOCALITY'S] officials are forbidden from making agency or department databases or the information contained therein available to ICE or any entity for the purpose of federal immigration enforcement.

Based on language from "The Center for Popular Democracy," the ACLU's "9 Model Policies," and AAAJ/ALC "Model Sanctuary Ordinary."

3.2

No Information Sharing with ICE

Keep In Mind!



Be careful of pushback related to section 1373. Section 1373 refers to a section of federal law (8 U.S.C. § 1373) that prohibits localities from enacting laws that restrict communication with ICE about “information regarding the citizenship or immigration status” of a person. [62]

First, note that section 1373 only applies to “immigration or citizenship status” information. There is no prohibition related to personally identifiable information that ICE often seeks, such as addresses, place of employment, or release date.

Second, the model policy includes an exception that recognizes section 1373, when it states that the restriction on communication applies “except where otherwise required by federal law.” The California VALUES Act has an even more explicit exception: “Nothing in this chapter prohibits or restricts any government entity or official from sending to, or receiving from, immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.” [63]



Philadelphia ended an important database contract with ICE. In 2018, Philadelphia Mayor Jim Kenney declined to renew a decade-long contract that gave ICE access to a local arrest database known as PARS. The database contained the names, birth countries, and detention statuses of city residents. [64] Activists brought PARS to Kenney’s attention because of ICE’s use of the database to “prey” upon undocumented immigrants, including those who had never been convicted of a crime. [65]

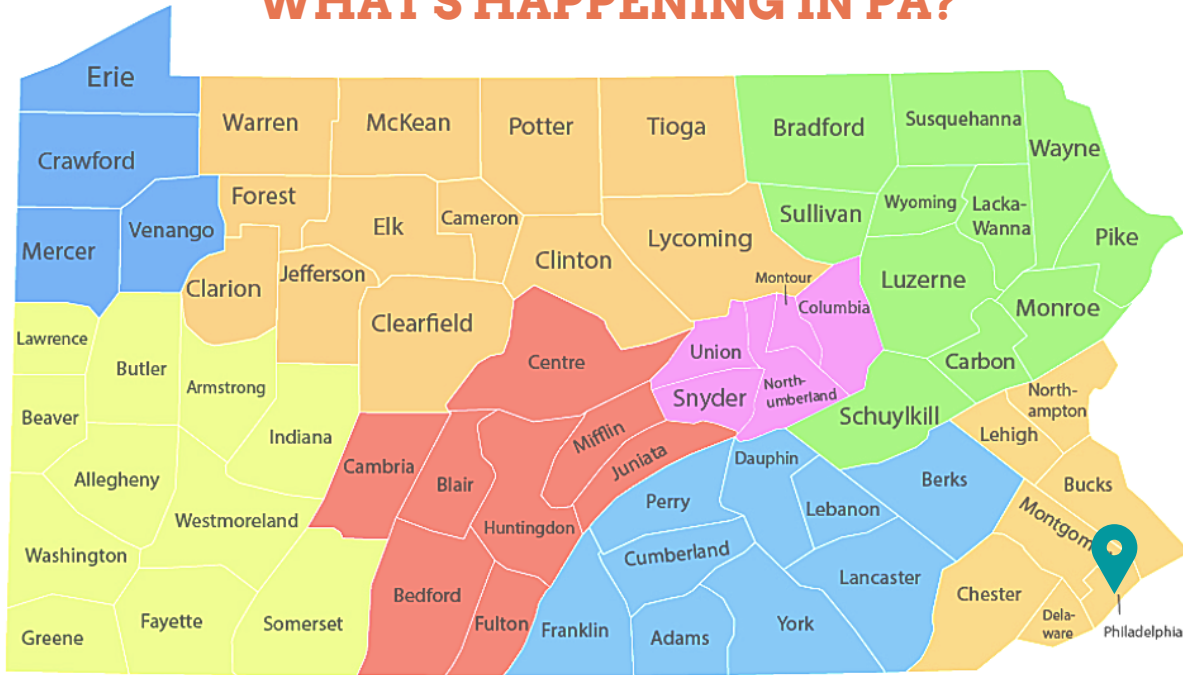


Are there any databases in your locality? You will need to find out whether there are any local databases that ICE may access for deportation purposes. Activists played a huge role in uncovering ICE’s use of the PARS database in Philadelphia and the police department’s gang database in Chicago.

3.2

No Information Sharing with ICE

WHAT'S HAPPENING IN PA?



Philadelphia (Executive Order 8-09)

No City officer or employee shall disclose confidential information unless authorized in writing by the individual, required by law, or the individual to whom such information pertains is suspected of criminal activity.



No Contracts with ICE

The following policy addresses various contracts with ICE, including 287(g) agreements, immigrant detention, and other contracts for the provision of goods, services, or rental space.



No Contracts with ICE

THE POLICY

Cancel all existing contracts with ICE and permanently ban any future contractual agreements.

WHY DO WE NEED IT?

Localities can choose to enter into several types of contracts with ICE. The 287(g) program is a contractual agreement in which local law enforcement is deputized to perform immigration enforcement on behalf of ICE. No localities in Pennsylvania currently have 287(g) contracts, but several counties have recently expressed a renewed interest in the program. [66] The 287(g) program has been criticized for widespread racial profiling, and for turning local police into ICE agents. [67]

Localities can also enter into contracts with ICE to detain immigrants in local jails for civil immigration purposes. Such arrangements are fundamental to ICE's deportation infrastructure. Eight counties in Pennsylvania actively detain immigrants for ICE. [68] York County provides 800 beds to ICE and the detention contract accounts for \$25 million in revenue each year. [69] Within contract facilities run by Pennsylvania counties, there have been reports of inadequate medical care, [70] sexual abuse, [71] and intolerable conditions. [72]

Besides detention, ICE also contracts with local jurisdictions for routine operational purposes. For example, Berks County rents office space to ICE for nearly \$1.1 million per year, as of 2019. [73] The city of Vineland, New Jersey contracted with ICE to allow ICE agents to use the police firing range. [74]

HOW IT WORKS

Localities prohibit the following contracts:

- 287(g) agreements for local police to enforce federal immigration laws
- Immigration detention contracts between ICE and local jails
- Agreements to provide goods, services, or office space to ICE



No Contracts with ICE

MODEL POLICY LANGUAGE:

No officer, agent or employee of [LOCALITY] shall enter into any contract, agreement or arrangement with ICE, or with any other entities that engage in federal immigration enforcement. All existing contracts must be reviewed, and any contracts that violate this provision must be immediately cancelled. [LOCALITY] prohibits any such future contractual arrangements.

(a) [LOCALITY] shall not provide goods or perform services, in return for a fee or payment, to ICE or any entities engaged in federal immigration enforcement.

(b) [LOCALITY] shall not lease land, buildings or office space controlled by the [LOCALITY] to ICE or any other entities that engage in federal immigration enforcement.

(c) [LOCALITY] shall not enter into any contract, agreement, or arrangement, such as the 287(g) program (8 U.S.C. § 1357(g)) that would grant federal civil immigration enforcement authority to its law enforcement officers.

(d) [LOCALITY] shall not enter into any contract, agreement, or arrangement to detain immigrants for federal immigration enforcement purposes.

Based on language from "[The Center for Popular Democracy](#)," Denver Ordinance, [Sec 28-251](#), and New York City Council [2018 Proposal](#).

4

No Contracts with ICE

Keep In Mind!

- ✓ **287(g) programs increase racial profiling.** The U.S. Department of Justice (DOJ) investigated the program in Maricopa County, Arizona and found widespread racial profiling of immigrants and Latinx individuals. An expert cited in the report found that Latinx drivers were nine times more likely to be stopped than non-Latinx drivers. [75]
- ✓ **The costs of implementing the 287(g) program fall to the locality.** DHS does not reimburse localities for implementing the 287(g) program, thus diverting resources away from local priorities and toward immigration enforcement. [76]
- ✓ **Localities across the US are ending detention contracts with ICE.** Local officials from Virginia to California have started reexamining—and cancelling—their multimillion-dollar detention contracts with ICE [77]. Pressure from advocates has played an important role in these decisions.
- ✓ **Decarceration, not detention!** Individuals should be able to fight their immigration cases from their homes and communities. Navigating the system while in detention makes it difficult to seek legal relief. Not only does civil detention cost taxpayers billions of dollars each year, but there are more just and cost-effective alternatives. In 2014, ICE reported 99% of individuals who participated in alternatives to detention programs showed up at their court hearings. [78]

WHAT'S HAPPENING IN PA?*

*There are no localities that have enacted a no contracts with ICE policy.

Additional Resources

Gather Information. Think about what policy changes you want and what information you need. Start by collecting information from local contacts within the government or police department. When you have the information you need, power map in those areas so that you understand who has the power to make the changes you want and who you need to convince. Reach out to your allies in the area. Educate them and brainstorm about how to pass better policies.

RTK Requests. You can use RTK requests to figure out what is happening in your local jurisdiction. The Sheller Center has some information on Pennsylvania localities and their involvement with ICE, which were obtained through Right-to-Know (RTK) requests. Any person may request documents from a local or state governmental entity under the Pennsylvania RTK law. The Pennsylvania Office of Open Records provides step-by-step instructions on how to file a RTK.

Look Up ICE Contracts. Check out the USASpending website, which provides information about federal government contracts with private companies and local governments. Under the "Advanced Search" function, filter by "Keyword" and "Agency" to see results.

Check Out Other Sheller Center Reports. Check out other projects about immigration enforcement in Pennsylvania produced by Sheller Center students, including a report about county-by-county detainer policies, an analysis of law enforcement entanglement with ICE, and a report about ICE's arrests at local courthouses.



Other Recommendations for Advocacy

✓ **Enforcement Mechanisms.** Once a policy is enacted, localities should ensure that officials are thoroughly trained to implement the policy effectively. What happens then when local officials fail to follow the law? The "Don't Police" Immigration policy (2.1) provides an example of an enforcement mechanism if police officers fail to comply with the policy. Otherwise, we did not generally provide an enforcement mechanism in each policy because it requires having context-specific information about what kind of enforcement protocols might work (such as identifying the appropriate governmental office to review complaints). The ACLU's model provides a "Redress Rule," which states: "Any person who alleges a violation of this policy may file a written complaint for investigation with [Oversight Entity]."

✓ **District Attorney Candidates.** Advocates can meet with the candidates running for top prosecutor in their locality and urge them to adopt a pro-immigrant platform. District Attorneys have significant discretion in charging and sentencing, and should be encouraged to consider the immigration consequences of these choices—especially the risk of deportation. [79] Philadelphia's District Attorney, for example, hired an attorney to oversee charging and sentencing for immigrant defendants, with the goal of avoiding deportation. [80]

✓ **Universal Representation.** In recent years, there has been a national movement to provide government-funded legal representation for immigrants in removal proceedings. Under the New York Immigrant Family Unity Project's universal representation program, detained immigrants saw the odds of winning their cases increase by 1,100 percent. [81]

✓ **Private Companies and ICE.** In addition to ending local government collaboration, advocates can push for private companies and institutions to terminate their contracts with ICE. A recent report found that technology companies are playing an increasing role in ICE's detention and deportation machine, by providing tools for mass surveillance, biometric information gathering, and "cloud" storage. [82]

References

- [1] *Mission and History*, PA. IMMIGR. & CITIZENSHIP COAL., <http://paimmigrant.org/mission-history/> (last visited Dec. 17, 2020).
- [2] *ERO FY 2019 Achievements*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/features/ERO-2019> (last visited Dec. 17, 2020); *ERO FY 2018 Achievements*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/features/ERO-2018> (last visited Dec. 17, 2020); *ERO FY 2017 Achievements*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/removal-statistics/2017> (last visited Dec. 17, 2020); *FY 2016 Achievements*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/removal-statistics/2016> (last visited Dec. 17, 2020).
- [3] Sean McElwee, *It's Time to Abolish ICE*, NATION (Mar. 9, 2018), <https://www.thenation.com/article/archive/its-time-to-abolish-ice/> (last visited Dec. 17, 2020).
- [4] Deborah Sontag & Dale Russakoff, *In Pennsylvania, It's Open Season on Undocumented Immigrants*, PROPUBLICA (Apr. 12, 2018), <https://www.propublica.org/article/pennsylvania-ice-undocumented-immigrants-immigration-enforcement>.
- [5] AM. PSYCHOL. ASS'N, IMMIGR. POL'Y: A PSYCHOL. PERSP. 1-2, <https://www.apa.org/advocacy/immigration/fact-sheet.pdf> (last visited Dec. 19, 2020).
- [6] Regina Day Langhout et al., *Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities*, 62 AM. J. CMTY. PSYCHOL. 1, 3 (2018), https://www.researchgate.net/publication/326764399_Statement_on_the_Effects_of_Deportation_and_Forced_Separation_on_Immigrants_their_Families_and_Communities.
- [7] See, e.g., KENNEDY PARKER & ALISON PARKER, HUMAN RIGHTS WATCH, DEPORTED TO DANGER: UNITED STATES DEPORTATION POLICIES EXPOSE SALVADORANS TO DEATH AND ABUSE (2020) (explaining the harmful consequences of deportation to citizens of El Salvador) <https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and#>.
- [8] *Who We Are*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/about> (last visited Dec. 17, 2020). EMILY TUCKER, CTR. FOR POPULAR DEMOCRACY, PROTECTING IMMIGR. COMMUNITIES: MUN. POL'Y TO CONFRONT MASS DEPORTATION AND CRIMINALIZATION 5 (2017), [https://populardemocracy.org/sites/default/files/Sanctuary-Cities-Toolkit_web_051117%20\(1\).pdf](https://populardemocracy.org/sites/default/files/Sanctuary-Cities-Toolkit_web_051117%20(1).pdf).
- [9] AMY CHIN-ARROYO ET AL., STEPHEN AND SANDRA SELLER CTR. FOR SOC. JUSTICE, INTERLOCKING SYSTEMS: HOW PENNSYLVANIA COUNTIES AND LOCAL POLICE ARE ASSISTING ICE TO DEPORT IMMIGRANTS 2 (2019), <https://www2.law.temple.edu/csj/cms/wp-content/uploads/2019/06/Interlocking-Systems.pdf>.
- [10] *Id.*
- [11] *Id.*
- [12] TUCKER, *supra* note 8.
- [13] CITY OF ALBANY, CA., ACLU'S 9 "MODEL" STATE AND LOCAL LAW ENFORCEMENT POLICIES AND RULES, <http://www.albanyca.org/Home/ShowDocument?id=29412> (last visited Dec. 21, 2020).
- [14] ASIAN AMERICANS ADVANCING JUSTICE, MODEL SANCTUARY ORDINANCE (last visited Dec. 21, 2020).
- [15] Irina Zhorov, *Explainer: Cities, Boroughs, and Townships, Oh My! Pa. Municipalities Clarified*, WHYY (Apr. 4, 2016), <https://whyy.org/articles/explainer-cities-boroughs-and-townships-oh-my-pa-municipalities-clarified/>.
- [16] *Id.*
- [17] TUCKER, *supra* note 8, at 8; see also LOCAL GOV'T COMM'N, PA GEN. ASSEMBLY, LOCAL GOVERNMENT ENTITIES IN PENNSYLVANIA. 8 (5th ed. 2017), (describing the structure of Pennsylvania's municipality system).
- [18] CHIN-ARROYO ET AL., *supra* note 9, at 3; *Individual County Courts*, UNIFIED JUDICIAL SYS. OF PA., <http://www.pacourts.us/courts/courts-of-common-pleas/individual-county-courts> (last visited Dec. 28, 2020).
- [19] Brian A. Reaves, U.S. Dep't of Justice, *Census of State and Local Law Enforcement Agencies, 2008* 2-4 (Jul. 2011), <https://www.bjs.gov/content/pub/pdf/csllea08.pdf>.
- [20] See Laura Benshoff, *Un-Sanctuary: Some Pa. Police Departments Pull Closer to ICE*, WHYY (Feb. 23, 2018), <https://whyy.org/segments/un-sanctuary-pa-police-departments-pull-closer-ice/> (discussing township police departments and county prisons in Pennsylvania that have shown interest in 287(g) agreements).

- [21] TUCKER *supra* note 8, at 5. *See also* KRSNA AVILA ET AL., IMMIGR. L. RESOURCE CTR, THE RISE OF SANCTUARY: GETTING LOCAL OFFICERS OUT OF THE BUSINESS OF DEPORTATION IN THE TRUMP ERA 6 (2018), https://www.ilrc.org/sites/default/files/resources/rise_of_sanctuary-lg-20180201.pdf; Naureen Shah, *The Biden Administration Can Make Us All Safer: End ICE Collaboration Programs*, AM. C.L. UNION (Dec. 1, 2020), <https://www.aclu.org/news/immigrants-rights/the-biden-administration-can-make-us-all-safer-end-ice-collaboration-programs/>.
- [22] *See generally* Arizona v. United States, 567 U.S. 387, 394-97 (2012) (“The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens.”).
- [23] Printz v. United States, 521 U.S. 898, 935 (1997).
- [24] *See e.g.*, City of Philadelphia v. Attorney Gen. of United States, 916 F.3d 276 (3d Cir. 2019), reh’g denied (June 24, 2019); City of Chicago v. Barr, 961 F.3d 882, 931 (7th Cir. 2020) (holding that the Attorney General exceeded his statutory authority and the constitutional principle of separation of powers when imposing immigration-related conditions for receipt of federal grants upon cities).
- [25] AVILA ET AL., *supra* note 21, at 1.
- [26] PATRICK GORDON ET AL., STEPHEN AND SANDRA SELLER CTR. FOR SOC. JUSTICE, OBSTRUCTING JUSTICE: THE CHILLING EFFECT OF ICE’S ARRESTS ON IMMIGRANTS AT PA. COURTHOUSES 9-10 (2019), <https://www2.law.temple.edu/cs/j/cms/wp-content/uploads/2019/02/Obstructing-Justice-rev.pdf>.
- [27] AM. IMMIGR. COUNCIL, THE CRIMINAL ALIEN PROGRAM (CAP): IMMIGR. ENFORCEMENT IN PRISONS AND JAILS (2013), <https://www.americanimmigrationcouncil.org/research/criminal-alien-program-cap-immigration-enforcement-prison-s-and-jails>.
- [28] GUILLERMO CANTOR ET AL., AM. IMMIGR. COUNCIL, ENFORCEMENT OVERDRIVE: A COMPREHENSIVE ASSESSMENT OF ICE’S CRIMINAL ALIEN PROGRAM (2015), <https://www.americanimmigrationcouncil.org/research/enforcement-overdrive-comprehensive-assessment-ice%E2%80%99s-criminal-alien-program>; Dara Lind, *Inside the Government’s Most Powerful Weapon for Deporting Unauthorized Immigrants*, Vox (Nov. 2, 2015, 11:20 AM), <https://www.vox.com/2015/11/2/9657806/criminal-alien-program>.
- [29] *Id.* Leisy Abrego et al., Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era, 5 J. on Migration & Hum. Security 694, 697 (2017), <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500308>.
- [30] AVILA ET AL., *supra* note 21, at 10.
- [31] *Id.* at 4. *See also* De Blasio Asks ICE to Ban Officers From Identifying as NYPD, Associated Press (Oct. 10, 2020), <https://www.nbcnewyork.com/news/local/de-blasio-asks-ice-to-ban-officers-from-identifying-as-nypd/2662140/>.
- [32] AVILA ET AL., *supra* note 21, at 28.
- [33] GORDON ET AL., *supra* note 26, at 1.
- [34] Sontag & Russakoff, *supra* note 4.
- [35] *Id.*
- [36] *See* CHIN-ARROYO ET AL., *supra* note 9, at 22.
- [37] Joaquin Marte v. Oliver et al., ACLU PA., <https://www.aclupa.org/en/cases/joaquin-marte-v-oliver-et-al> (last visited Dec. 20, 2020).
- [38] Santos v. Frederick Cty. Bd. of Comm’rs, 725 F.3d 451, 464 (4th Cir. 2013) (“[W]e have indicated that local law enforcement officials may detain or arrest an individual for criminal violations of federal immigration law without running afoul of the Fourth Amendment, so long as the seizure is supported by reasonable suspicion or probable cause and is authorized by state law.”).
- [39] *See, e.g.*, CHIN-ARROYO ET AL., *supra* note 9; Letter from Stephen A. Zappala Jr., Office of the Dist. Attorney, to Hon. Kenneth Truver, Chief of Police, Castle Shannon, President, Allegheny County Chiefs of Police Ass’n (Jul. 17, 2017) (“The fact that an individual has been flagged by ICE does not mean that there is a criminal warrant for the person, and does not provide probable cause to detain or arrest the person.”).
- [40] Sontag & Russakoff, *supra* note 4.

- [41] *Marquez et al. v. Commonwealth et al.*, ACLU OF PA., <https://www.aclupa.org/en/cases/marquez-et-al-v-commonwealth-et-al> (last visited Dec. 20, 2020); Jeff Gammage & Angela Couloumbis, *ACLU Lawsuit: Pa. State Troopers Violated Law by Stopping Latinos, Acting As Immigration Officers*, PHILA. INQUIRER (June 27, 2019, 12:03 PM), <https://www.inquirer.com/news/pennsylvania-troopers-aclu-lawsuit-latinos-immigration-ice-no-sanctuary-20190627.html>.
- [42] NIK THEODORE, INSECURE COMMUNITIES: LATINO PERCEPTIONS OF POLICE INVOLVEMENT IN IMMIGRATION ENFORCEMENT 1 (2013).
- [43] *Detainers: Overview*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT, <https://www.ice.gov/detainers> (last updated Nov. 13, 2019).
- [44] TUCKER, *supra* note 8, at 19.
- [45] CHIN-ARROYO ET AL., *supra* note 9, at 23.
- [46] TUCKER, *supra* note 8, at 10.
- [47] 745 F.3d 634 (3d. Cir. 2014).
- [48] *Galarza v. Szalczyk*, AM. C.L. UNION, <https://www.aclu.org/cases/immigrants-rights/galarza-v-szalczyk> (last updated June 18, 2014).
- [49] *Santos*, 725 F.3d at 457 (“[T]he civil immigration warrant did not provide the deputies with a basis to arrest or even briefly detain Santos.”). *See also* CONG. RESEARCH SERV., IMMIGRATION ARRESTS IN THE INTERIOR OF THE UNITED STATES: A BRIEF PRIMER 2 (2019), <https://fas.org/sgp/crs/homesec/LSB10362.pdf> (“Unlike judicial warrants, ICE warrants are purely administrative, as they are neither reviewed nor issued by a judge or magistrate, and therefore do not confer the same authority as judicially approved arrest warrants.”).
- [50] *See* CHIN-ARROYO ET AL., *supra* note 9, at 23.
- [51] *See, e.g., Documents Obtained Under Freedom of Information Act: How U.S. Immigration and Customs Enforcement and State Motor Vehicle Departments Share Information*, NAT’L IMMIGR. L. CTR. (May 2016), <https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/> [hereinafter *Freedom of Information Act*] (explaining how ICE uses state DMVs to collect confidential information about immigrants).
- [52] Krista M. Pereira et al., *Barriers to Immigrants’ Access to Health and Human Services Programs*, OFF. ASSISTANT SEC’Y FOR PLAN. & EVALUATION, U.S. DEP’T OF HEALTH & HUM. SERVS. (May 2012), <https://aspe.hhs.gov/basic-report/barriers-immigrants-access-health-and-human-services-programs#climates>.
- [53] *See, e.g.,* Peak Johnson, *How Misinformation and Fear Keep Philly Immigrants from Accessing Public Benefits*, GENEROCITY (Nov. 26, 2018, 3:20 PM), https://generocity.org/philly/2018/11/26/how-misinformation-and-fear-keep-philly-immigrants-from-accessing-public-benefits-hias-pennsylvania-community-legal-services/#new_tab (explaining how the fear of a “lack of privacy” keeps low-income immigrants in Philadelphia from applying for public benefits).
- [54] *Immigration, Healthcare, and Health: A Collection of Analyses and Research Findings Examining the Link Between Immigration Status, Health Care, and Health*, ROBERT WOOD JOHNSON FOUND., <https://www.rwjf.org/en/library/research/2017/09/immigration-status-and-health.html> (last visited Dec. 8, 2020).
- [55] Phila. Exec. Order No. 8-09 (Nov. 10, 2009).
- [56] CHIN-ARROYO ET AL., *supra* note 9, at 5.
- [57] *Id.*
- [58] *See, e.g., Freedom of Information Act, supra* note 51.
- [59] NAT’L IMMIGRATION LAW CTR., UNTANGLING THE IMMIGRATION ENFORCEMENT WEB: BASIC INFORMATION FOR ADVOCATES ABOUT DATABASES AND INFORMATION-SHARING AMONG FEDERAL, STATE, AND LOCAL AGENCIES 6 (2017).
- [60] *Id.* at 10-11.
- [61] Rachel Frazin, *Chicago Mayor Blocks ICE Access to Police Databases Ahead of Raids*, HILL (July 12, 2019, 8:50 AM), <https://thehill.com/latino/452762-chicago-mayor-blocks-ice-access-to-police-databases-ahead-of-raid>; Maria Ines Zamudio, *Federal Immigration Agencies Used Chicago Gang Database Thousands of Times*, NPR (Apr. 12, 2019),

<https://www.npr.org/local/309/2019/04/12/712788497/federal-immigration-agencies-used-chicago-gang-database-thousands-of-times>.

[62] 8 U.S.C. § 1373(a) (1996).

[63] CAL. GOV'T CODE § 7284.6(e) (2018).

[64] Bobby Allyn, *Philadelphia Is Ending a Major Contract with ICE*, NPR (July 28, 2018, 6:55 PM), <https://www.npr.org/2018/07/28/633460392/philadelphia-is-ending-a-major-contract-with-ice>.

[65] *Id.*

[66] CHIN-ARROYO ET AL., *supra* note 9, at 7.

[67] AVILA ET AL., *supra* note 21, at 27.

[68] CHIN-ARROYO ET AL., *supra* note 9, at 10.

[69] *Id.* at 11-12.

[70] CLARA LONG & GRACE LANG, HUMAN RIGHTS WATCH, SYSTEMIC INDIFFERENCE: DANGEROUS & SUBSTANDARD MEDICAL CARE IN US IMMIGRATION DETENTION (Christina Fialho et al. ed., 2017), <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>.

[71] Renée Feltz, *Immigration Facility Guard Given Jail Time for Sexual Assault of Detainee*, GUARDIAN (Apr. 23, 2016, 7:00 AM),

<https://www.theguardian.com/us-news/2016/apr/23/immigration-detention-center-guard-sexual-assault-prison>

[72] Colin Deppen & Sarah Anne Hughes, *Why PA's Controversial Berks Detention Center for Immigrant Families Is Still Open*, BILLY PENN (June 22, 2018),

<https://billypenn.com/2018/06/22/why-pas-controversial-detention-center-for-immigrant-families-is-still-open/>.

[73] CTY. OF BERKS, PA., COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING DECEMBER 31, 2019, at 29, <https://www.co.berks.pa.us/Dept/Controller/Documents/CAFR/2019%20Final%20CAFR%20-%20secure%20searchable.pdf> (last visited Dec. 21, 2020); Brian X. McCrone, *Inside ICE's Berks County Residential Center: Pennsylvania's Controversial Immigrant Family Detention Facility*, NBC10 PHILA. (July 28, 2017),

<https://www.nbcphiladelphia.com/news/national-international/inside-look-at-ice-berks-county-residential-center-1-million-boon-for-local-government-2/207792/>; Jacob Pramuk, *A Controversial Detention Center in Pennsylvania Could Be a Model As Trump Looks to Detain Migrant Families Together*, CNBC (July 17, 2018, 11:43 AM), <https://www.cnn.com/2018/07/17/berks-county-pennsylvania-detention-center-could-be-model-for-trump.html>.

[74] Joseph P. Smith, *Vineland to Honor ICE Contract Despite Activists' Concerns*, DAILY J. (Sept. 4, 2019), <https://www.thedailyjournal.com/story/news/2019/09/04/nj-vineland-ice-immigration-customs-enforcement-police-range-contract-vineland-council-spinelli/2204262001/>.

[75] DOJ Report Slams Sheriff Joe Arpaio and DHS Restricts 287(g) and Secure Communities Programs, AM. IMMIGR. COUNCIL (Dec. 15, 2011),

<https://www.americanimmigrationcouncil.org/news/doj-report-slams-sheriff-joe-arpaio-and-dhs-restricts-287g-and-secure-communities-programs>.

[76] TUCKER, *supra* note 8, at 27.

[77] Simon Romero, *All Over U.S., Local Officials Cancel Deals to Detain Immigrants*, N.Y. TIMES (June 28, 2018), <https://www.nytimes.com/2018/06/28/us/migrant-shelters-ice-contracts-counties.html?auth=login-google&login=google>.

[78] *Alternatives to Detention Are a No-Brainer*, HUM. RTS. FIRST (June 22, 2018), <https://www.humanrightsfirst.org/blog/alternatives-detention-are-no-brainer-0>.

[79] TUCKER, *supra* note 8, at 33-34.

[80] Laura Benshoff, *A Different View of Justice: Philly DA Appointee Seeks To Avoid Deportation for Some Immigrant Defendants*, WHYY (Mar. 27, 2019), <https://whyy.org/articles/a-different-view-of-justice-philly-da-appointee-seeks-to-avoid-deportation-for-some-immigrant-defendants/>.

[81] KAREN BERBERICH ET AL., VERA INST. OF JUSTICE, THE CASE FOR UNIVERSAL REPRESENTATION (2018), <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>.

[82] NAT'L IMMIGRATION PROJECT ET AL., WHO'S BEHIND ICE? THE TECH AND DATA COMPANIES FUELING DEPORTATIONS 1 (2018), https://mijente.net/wp-content/uploads/2018/10/WHO%E2%80%99S-BEHIND-ICE_-The-Tech-and-Data-Companies-Fueling-Deportations-_v1.pdf (last visited Dec. 21, 2020).