

**Table of Contents**

**1.8.3 (Bias Based Policing)**.....1  
**1.8.3 A**.....1  
**1.8.3 B**.....1  
**1.8.3 C**.....1  
**1.8.3 D**.....1  
**1.8.3 E**.....1  
**1.8.4 (Immigration)**.....2  
**1.8.4 A (Framework of Services for Immigrant Community)** .....2  
**1.8.4 B (Specific Services Available to Noncitizens)** .....2, 3  
**1.8.4 C (Local Legal and Community Based Organizations)**.....3

Nothing in this policy precludes the Department from enforcing local and state laws, including the investigations of crimes, where probable cause exists.

**1.8.3 Bias Based Policing**

It is the policy of the Department to perform all policing functions based on behavior, circumstances, prior knowledge, and evidence. Policing functions include but are not limited to: traffic stops, field contacts, searches and seizures, asset forfeiture, investigations, and other enforcement or public safety functions.

Bias based policing is any level of police contact or other law enforcement activity that is malicious or discriminatory towards another person or group based on bias or prejudice relating to such circumstances as race, creed, color, sex, sexual orientation, gender, gender identity or expression, ethnicity, religion, mental or physical disability status, genetic information, protected veteran status, military service, nationality, national origin or citizenship status.

- 1.8.3 A** The State College Police Department prohibits all forms of biased based policing.
- 1.8.3 B** As practicable, the State College Police Department will provide initial, and in-house refresher training, on agency policy and bias based policing issues every year for sworn personnel in a format determined by the Department.
- 1.8.3 C** The State College Police Department will proceed with corrective measures if bias based policing is suspected or occurs.
- 1.8.3 D** The State College Police Department will conduct an annual administrative review of agency compliance to its bias based policing directives and any resident concerns, or complaints that have been received. The review will be conducted by the Chief of Police or his designee.
- 1.8.3 E** The Administrative Review will consist of an annual audit of data related to police contacts and review of complaints regardless of the source, comments, policies, and procedures to ensure a bias free policing environment.

## **1.8.4 Immigration**

1. The purpose of this policy is to issue guidance on providing services to all persons in our community, including noncitizens. The Department is committed to supporting immigrant victims of all crimes, including but not limited to domestic violence, sexual assault, and child abuse.
2. Noncitizen is defined as any person who is not a citizen or national of the United States, whether his or her status is lawful, unlawful, temporary or permanent. Consistent with 1.8.4 A2 the Department does not make determinations about noncitizen/citizen status.

### **1.8.4 A Framework of Services for Immigrant Community**

1. The Department has various services available to residents and visitors of our jurisdiction. In some instances, noncitizens do not take advantage of services because of fear that an agency may ask questions or collect information regarding citizenship, or bring their immigration status to the attention of federal authorities. This makes noncitizens more likely to be victimized.
2. All noncitizens are encouraged to seek services through the Department. As a general practice, the State College Police do not ask or collect information about immigration status, nor does it report noncitizens to the federal government, except as necessary to an ongoing criminal investigation, or in the case where there is a criminal warrant signed by a judge.
3. By and large, immigration is a civil matter, not a criminal one. For example, when a person overstays a visa, this is classified as a “civil” violation of immigration law. Ordinarily, when charges are brought against a person in violation of immigration law, the person is placed into a civil court proceeding.
4. The Department will preserve the confidentiality of all information regarding noncitizens to the extent permitted by law. No officer shall arbitrarily exclude noncitizens from eligibility for services that are available to all persons.

### **1.8.4 B Protections for Immigrant Victims and the Role of Law Enforcement**

1. State College Police Officers may encounter immigrant victims of trafficking or crimes who may be eligible for protection under the Immigration and Nationality Act, sections 101(a)(15)(T) and 101(a)(15)(U). Officers shall assist with law enforcement certification for qualifying victims of, or witnesses to, a crime or trafficking. Upon the request of a qualifying victim or witness for assistance, a certification/declaration by law enforcement for a U /T Visa should be completed on the appropriate DHS Form supplements by law enforcement. The certification/ declaration must include information detailing how the individual has been, is being, or is likely to be helpful in a criminal

investigation or prosecution.

2. **U Non-Immigrant Status:** U nonimmigrant status provides immigration protection to crime victims who have 1) **suffered substantial mental or physical abuse** as a result of the crime committed within the U.S.; 2) are **directly or indirectly** affected by the qualifying criminal activity; and 3) **was or is being helpful**, or is likely to be helpful to law enforcement, prosecutor, judges, or other officials in detection, investigation, prosecution, or sentencing of the criminal activity. A U visa application **requires a certification** by qualifying officers, including a designated law enforcement officer.
  
3. **T Non-Immigrant Status:** T nonimmigrant status is designed specifically for victims of human trafficking, as defined by federal law. Victims must show they are: 1) physically present in the United States due to trafficking; 2) **comply with any reasonable request from a law enforcement agency** to assist with the investigation or prosecution of human trafficking; and 3) demonstrate they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. Victims who are under the age of 18 or unable to cooperate due to physical or psychological trauma are not required to assist law enforcement. A T visa application does not require a declaration by qualifying officers, however, a declaration may be beneficial to an applicant's case.

#### **1.8.4 C Local Legal and Community Based Organizations**

There are legal and community based organizations in Centre County available to assist noncitizen victims. See special order for a fuller description of these services.

1. Center for Immigrants' Rights at Penn State Law in University Park, Pennsylvania State University
2. Centre Safe's Civil Legal Representation Project
3. Victim Witness Office
4. Global Connections