



**PennState Law**

Center for Immigrants' Rights Clinic

## **HIGHLIGHTS OF THE ANTI-BIAS BASED POLICING AND IMMIGRATION POLICY OF THE STATE COLLEGE POLICE DEPARTMENT**

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### **Basics/Background**

**1. What does the policy say?** The policy outlines standards as it relates to bias based policing and immigration. The policy prohibits all forms of bias based policing which is defined as 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. The policy also encourages noncitizens to utilize police services and states that 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.

**2. What does the policy say about immigrant victims of crimes?** The policy outlines two types of immigration remedies available to victims and the specific role of law enforcement. The first, the U visa, is available to victims of certain crimes who have been helpful to law enforcement officers. The second, the T visa, is available to victims of human trafficking.

**3. What is the scope of this policy?** This policy is limited to the State College Police Department (SCPD).

**4. What is the goal of this policy?** 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 victims of all crimes, including but not limited to domestic violence, sexual assault, and child abuse. The State College Police Department wrote this policy because it did not have one in place that addresses immigration specifically

**5. Who drafted the revised policy specific to immigration?** This policy was drafted by the police chief in collaboration with the Borough manager, Borough solicitor and Penn State Law's Center for Immigrants' Rights Clinic, which is led by Dean Shoba Sivaprasad Wadhia.

**6. Has the Borough worked with the Center for Immigrants' Rights Clinic before?** Yes. The Borough has an MOU with the Clinic to work on immigration issues. Under this agreement, the Borough and the Clinic worked together to craft a policy that is legally sound and consistent with the philosophy and practice of the State College Police Department. Recently, the Clinic presented four trainings on anti-bias policing as it relates to immigration issues. The Clinic has also worked with the Borough to create a [community resources page](#).

**7. Does the policy reflect the opinion of Pennsylvania State University?** No. Although the Center for Immigrants' Rights Clinic at Penn State Law helped to revise the policy, it is a municipal policy and does not reflect the views of Pennsylvania State University.

## Law and Policy

**1. Does this policy favor immigrants over U.S. citizens?** No. This policy acknowledges the unique circumstances faced by noncitizens and encourages them to come forward to report crimes and seek medical attention when necessary. The policy supports all people regardless of their status.

**2. Does the policy prevent police from investigating crimes and other laws of the Commonwealth?** No. The policy opens with the position that nothing in the policy precludes the Department from investigating crimes. The SCPD has and will continue to investigate crimes and other activity that violates local or state laws. The SCPD all times enforce the laws of the Commonwealth and of the communities it serves and will endeavor to identify and reduce criminal activity, neighborhood deterioration, and continual nuisances.

**3. What is the benefit of this policy to the SCPD?** This policy provides police officers the guidance they need to carry out their duties in an everchanging demographic. The SCPD recognizes that it is its responsibility to maintain order, while affording dignity and respect to every individual, regardless of individual circumstances, through a community partnership which promotes safe and secure neighborhoods.

**4. What is the benefit of this policy to the community?** When immigrants feel safe reporting crimes to the police without a fear that they will be turned over to DHS, this enhances public safety. The revised policy provides clear guidance about the SCPD's position on anti-bias based policing and its commitment to all members in our community including noncitizens. Transparency, non-discrimination and inclusivity are important values to a community.

**5. What are the affirmative roles of the SCPD in assisting immigrant victims of crime and trafficking?** The policy includes a specific protocol for police officers to follow when they encounter victims of crime or trafficking. Regardless of immigration status, if a noncitizen is a victim of a crime that has occurred in the United States, they may qualify for a U visa. A requirement of the U visa is the law enforcement certification, which is a signed statement from law enforcement which confirms they have been helpful or are being helpful or will be helpful in the investigation or prosecution of the crime. If the noncitizen is a victim of human trafficking, then they may qualify for a T visa. There is no certification required to obtain a T visa, but a signed declaration from law enforcement may be helpful in obtaining it.

**6. How does the SCPD strike a balance between assisting immigrant victims of crime, and not collecting or sharing immigration information?** The policy requires police officers to neither collect nor share information regarding immigration status. However, police officers play an important, affirmative role in supporting noncitizens who come forward as victims of crime or trafficking by assisting in filling out law enforcement certifications.

**7. Why is this policy important?** Noncitizen victims of crimes are vulnerable to ongoing criminal activity due to fear of deportation, language barriers, and misinformation about the police and the US legal system, and more. For more information, please see this [report](#).

**8. Where can I find more information?** For more information about U and T visas, please visit the [USCIS website](#), or visit the following [resource list](#) created by the Clinic and the SCPD.