

# FREQUENTLY ASKED QUESTIONS ABOUT THE ANTI-BIAS BASED POLICING AND IMMIGRATION POLICY OF THE STATE COLLEGE POLICE DEPARTMENT

## Basics/Background

1. **Is this a new policy?** No. It is a revision to the State College Police Department's existing policy on bias based policing. The revised policy adds specific information about immigration.
2. **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. The policy also outlines two types of immigration remedies available to victims and the specific role of law enforcement.
3. **Does the policy apply to police departments in the county?** No. This policy is limited to the State College Police Department.
4. **What is the goal of the revised 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 Professor Shoba Sivaprasad Wadhia.
6. **How was the Center for Immigrants' Rights Clinic (Clinic) involved?** The Borough has an MOU with the Clinic and under this agreement worked together to craft a policy that is legally sound and consistent with the philosophy and practice of the State College Police Department. The Center for Immigrants' Rights is an in-house clinic at Penn State Law and serves individual and organizational clients locally and around the country.
7. **Has the Borough worked with the Center for Immigrants' Rights Clinic before?** Yes, the [Borough has worked with the Clinic previously](#). For example, in 2015, the Clinic collaborated with the Mayor of State College and former Police Chief Thomas King around the topic of local police and immigration enforcement. The collaboration resulted

in a public dialogue between the Clinic and the Police Chief during a Borough Council Meeting. The Clinic has also worked with Mayor Goreham and members of the Borough Council on immigration issues.

8. **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 status.
2. **Does this policy violate federal law?** No. One statute, called 8 USC 1373 prohibits any person or agency from hindering the government from sending, maintaining, or exchanging information regarding immigration status. This policy places no such restrictions. Importantly, the policy states: "All noncitizens are encouraged to seek services through the Department."
3. **Does this policy make State College a "sanctuary?"** No.
4. **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.
5. **Does this policy mean that the SCPD will no longer assist in federal enforcement actions?** No. The SCPD will comply with all legal requirements as set forth in the various statutes enacted by the federal government applicable to local police departments.
6. **What is the benefit of this policy to the SCPD?** This policy provides our 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.
7. **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 bias based policing and also its commitment to all members in our

community including noncitizens. Transparency, non-discrimination and inclusivity are important values to a community.