Pennsylvania State Police Settle Federal Lawsuit Alleging Immigration Discrimination

Article By
Raymond G. Lahoud
Norris McLaughlin P.A.
Immigration Law Blog - Norris McLaughlin

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Pennsylvania State Police recently announced a settlement agreement resolving a federal lawsuit that alleged troopers routinely and improperly enforced federal immigration law by identifying and stopping individuals of Latin descent. The settlement, which resolved the allegations, highlights the intersection of state and federal law enforcement issues relating to immigration.

Federal Lawsuit Details Allegations of Misconduct
The lawsuit, filed in the Middle District of Pennsylvania in 2019 with the assistance of the American Civil Liberties Union (“ACLU”), alleges the Pennsylvania State Police (“PSP”) consistently “violated clearly established law by profiling and illegally stopping people based on their Latino appearance in order to uncover supposed immigration violations.” The ACLU brought the action against the Commonwealth of Pennsylvania under Title VI of the Civil Rights Act of 1964, as well as against individually named Troopers under Section 1983 of Title 42 of the U.S. Code, which provides for relief for violations of the Fourth and Fourteenth Amendments to the U.S. Constitution.

According to the ACLU, all ten of the complainants are of Latin descent. The allegations in the lawsuit specifically relate to six separate incidents from 2017 and 2018, five of which occurred in south central Pennsylvania, and the sixth in Bucks County. The allegations suggest these incidents represented a much larger pattern of illegal enforcement of federal civil immigration law by state police in Pennsylvania.

ACLU Announces Settlement of Allegations of Discrimination

The settlement, announced by the ACLU on April 6, 2022, involves both monetary compensation to the victims and changes to PSP policy. Vanessa Stine, immigrant rights attorney for the ACLU of Pennsylvania, noted that “[t]his is an important settlement for our clients. Our investigation found that the six incidents described in the lawsuit were the tip of the iceberg, reflecting a pattern of discrimination by state troopers against Latinos and people of color.” She concluded by emphasizing that “[r]acial profiling and discrimination have no place in law enforcement.”

The settlement provides for a total payout of $865,000, including attorney’s fees, to be split among the ten named plaintiffs and the ACLU. PSP additionally agreed to revise its policies to make clear that troopers are not responsible for enforcing federal immigration law. Specifically, the new policy prohibits troopers from prolonging stops to conduct immigration checks and from running an immigration check when verifying a person’s identification. Finally, the settlement involved PSP agreeing that an immigration detainer – the request from Immigration and Customs Enforcement (“ICE”) that an individual be detained until ICE can take that individual into custody – does not, alone, constitute a basis for arrest or detention.

The lawsuit provides insight into the competing worlds of state and federal law enforcement. PSP and other state law enforcement agencies are not responsible for enforcement of federal immigration law.

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