


**CITY OF BETHLEHEM, PENNSYLVANIA  
DEPARTMENT OF POLICE**

	<b>INTER-DEPARTMENTAL MEMORANDUM</b>	
	<b>TO:</b>	<b>Members of Bethlehem City Council</b>
	<b>FROM:</b>	<b>Michelle L. Kott, Chief of Police</b>
	<b>DATE:</b>	14 February 2025
	<b>RE:</b>	<b>Welcoming City Ordinance</b>

Recently, there have been several inquiries about the City’s Police Department procedures as they relate to the area of immigration. Specifically, questions have arisen about what are our current policies and would they be influenced if City Council passed any resolution/ordinance on the subject. The short answer is our current policies are strong in this area, for reasons I will lay out below, and additional language included in a resolution would not meaningfully strengthen any of our current policies. Not every police department can say that but we can and we are proud of that.

As a city resident, police officer for 20 years and someone who has been tasked with creating and building a modern police department as Chief over the last past five, I do have concerns regarding the recently proposed “Welcoming City law” that has been discussed. While the ordinance is well-intentioned, there are several areas of concern for our police department. Below, I outline these concerns and highlight the ways in which our current practices already align with many of the policies proposed in the ordinance.

One of the goals of the proposed law is to limit the involvement of local police in enforcing federal immigration laws. However, immigration enforcement is the responsibility of federal authorities, not cities. The Bethlehem Police Department does not participate in the ICE 287(g) program, which allows select state and local law enforcement officers to enforce federal immigration law. As such, our focus is solely on enforcing local and state laws, not immigration enforcement. Any change to the department’s participation in this program would require city council’s approval.

Additionally, the proposed city law would prohibit local law enforcement from inquiring about an individual’s immigration status unless required by law. As a Commission for the Accreditation of Law Enforcement Agency (CALEA)-accredited agency, we already have policies and directives in place to ensure that our officers adhere to strict guidelines regarding the prohibition against any form bias-based profiling. The United States Constitution requires that

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officers have reasonable suspicion or probable cause when conducting investigative detentions, traffic stops, arrests, searches, and seizures. Therefore, our officers would not inquire about an individual's immigration status arbitrarily. However, given the myriad of situations that might at any time confront an officer on duty, and given the unpredictable nature of human behavior, it is impossible to say that such concerns could never become a vital part of understanding and assessing the totality of the situation the officer is faced with when handling a call for service.

Bethlehem PD has successfully maintained CALEA certification since 2004. CALEA accreditation represents the gold standard benchmark for public safety agencies. Of approximately 1,200 law enforcement agencies in Pennsylvania, Bethlehem PD is one of only nine (9) that are CALEA accredited. Nationally, only approximately 4% of law enforcement agencies are CALEA accredited. CALEA was created in 1979 by the National Organization of Black Law Enforcement Executives (NOBLE); by the International Association of Chiefs of Police (IACP); the National Sheriffs' Association (NSA); and the Police Executive Research Forum (PERF).

Accreditation requires that law enforcement agencies demonstrate: comprehensive and uniform written directives that clearly define authority, performance, and responsibilities; reporting procedures and analyses to make fact-based and informed management decisions; preparedness to address natural or man-made critical incidents; community relationship-building and maintenance; independent review by subject matter experts; and continuous pursuit of excellence through annual reviews and other assessment measures.

In addition to the U.S., there are CALEA certified law enforcement agencies in other countries, including Canada, countries in the Caribbean, and in 24 states in Mexico. The board of CALEA commissioners and delegates includes members from the U.S. and Mexico.

It is also important that our officers are able to maintain their ability to exercise discretion in their duties, something which the proposed law would restrict. Discretion refers to the ability of officers to make judgment calls based on the unique circumstances of a situation. It is a critical element in law enforcement, allowing officers to assess factors and make on-the-scene judgments and decisions that often are not - and as a practical matter cannot be - addressed specifically in law, so as to best serve the interests of justice, safety, and community trust.

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It is critical that our officers continue to maintain the ability to exercise discretion in a manner that upholds both the law and the ethical principles of justice. Selectivity in hiring, training programs, policies, mentoring, department culture, and supervision all support our officers in developing this skill and using it wisely. Furthermore, it is important to balance the need for accountability with the understanding that officers need the flexibility to make nuanced decisions based upon their training and experience, as well as the specific circumstances they are faced with. I ask that Council consider the importance of maintaining officers' discretionary powers, and ensure that any changes to policing policies or practices take into account the value of discretion as an integral part of responsible law enforcement.

Additionally, I believe cooperation among federal, state, and local law enforcement is critical to public safety. I'm concerned that the proposed law's limiting of cooperation with federal authorities could create complications in situations where there is a direct need to engage with federal agencies in City of Bethlehem criminal investigations and in keeping the peace in the city; for example, in cases involving undocumented individuals with serious criminal records, or in cases involving undocumented individuals who are being victimized.

Finally, I also think that the proposed Welcoming City law may provide the community with a false sense of security, as it does not – and cannot - supersede federal law. Per the proposed law, law enforcement is still required to cooperate with federal authorities as required by law - meaning that regardless of whether or not the proposed law passes, federal authorities are still authorized to come into the city to conduct immigration enforcement. And if and when they do, it is impossible to predict which circumstances might develop that would warrant a Bethlehem Police response and exercise of sound discretion.

In conclusion, City Council is the body with the ability to pass any resolution. While we recommend against passing anything for the reasons stated above, ultimately the language that has been discussed in other cities would not legally or practically meaningfully change the way that the department operates on a day-to-day basis. This is one of the reasons we don't feel that any passage is necessary. As a department, we spend a lot of time making sure we hire great people to keep our residents safe and protect their Constitutional rights. At the top of the list of what makes a good officer is the judgment they bring to the job. I respectfully submit that the

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department has earned the trust of the City to continue to exercise that judgment and discretion wisely. Thank you and please let me know if you have any questions.