

ORDINANCE NO. 01 – 2026

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, TO REQUIRE BOROUGH COUNCIL APPROVAL PRIOR TO ANY PARTICIPATION BY THE WEST CHESTER POLICE DEPARTMENT IN IMMIGRATION ENFORCEMENT AUTHORITY UNDER SECTION 287(g) OF THE IMMIGRATION AND NATIONALITY ACT.

BE IT ENACTED AND ORDAINED and it is hereby enacted by authority of the Council of the Borough of West Chester as follows:

WHEREAS, the Borough of West Chester is a home-rule municipality organized under the laws of the Commonwealth of Pennsylvania and governed by an elected Borough Council vested with legislative authority over municipal policy, appropriations, and the use of Borough resources pursuant to the Borough's Home Rule Charter; and

WHEREAS, under the Home Rule Charter, the Mayor is charged with supervising the administration of the Police Department; and

WHEREAS, the West Chester Police Department ("WCPD") is a municipal police department whose operations are carried out under executive supervision but whose participation in discretionary programs involving Borough policy and resources is subject to legislative authorization by Borough Council; and

WHEREAS, Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), authorizes—but does not require—state and local law enforcement agencies to enter into voluntary agreements with U.S. Immigration and Customs Enforcement ("ICE") to perform certain federal immigration enforcement functions; and

WHEREAS, participation in the 287(g) program involves the discretionary use of municipal personnel, training, time, equipment, and other Borough resources, and therefore constitutes a matter of municipal policy and fiscal oversight within the legislative authority of Borough Council; and

WHEREAS, the Borough Council finds that any decision to initiate, enter into, or participate in a 287(g) agreement should be made transparently, publicly, and only with the express authorization of the Borough's governing body.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Chester, Chester County, Pennsylvania, as follows:

SECTION 1. Requirement for Council Approval for Participation in 287(g) Agreements

A. Definitions. For purposes of this Ordinance:

1. **“287(g) Agreement”** shall mean any memorandum of agreement, contract, addendum, designation, or other formal arrangement entered into pursuant to Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), that authorizes the West Chester Police Department or any officer thereof to perform federal immigration enforcement functions.
2. **“West Chester Police Department” or “WCPD”** means the municipal police department of the Borough of West Chester, including all sworn officers, employees, and agents.

B. Council Approval Requirement.

1. The West Chester Police Department shall not initiate, enter into, renew, modify, or participate in any 287(g) Agreement unless such participation has been expressly authorized in advance by Borough Council by ordinance or resolution adopted at a public meeting.
2. No officer or employee of the West Chester Police Department shall seek, accept, or exercise any designation, deputization, training, or authority under a 287(g) Agreement absent such authorization by Borough Council.
3. No Borough funds, personnel, equipment, facilities, technology, or other municipal resources shall be used to support a 287(g) Agreement without prior authorization by Borough Council.

C. Disclosure and Review Prior to Consideration. Prior to any Borough Council consideration of participation in a 287(g) Agreement, the proposed agreement or participation plan shall be made publicly available and shall include, at a minimum:

1. A description of the scope of authority sought for WCPD personnel;
2. Any training, supervision, or reporting requirements associated with the agreement;
3. The anticipated fiscal impact on the Borough; and
4. The proposed duration of the agreement and provisions for termination.

D. Preservation of Charter Authority and Compliance With Law. Nothing in this section shall be construed to:

1. Prohibit the West Chester Police Department from complying with valid federal or state warrants, court orders, or subpoenas;
2. Interfere with the lawful activities of federal immigration authorities acting within their jurisdiction;
3. Prohibit cooperation or information-sharing required by applicable federal or state law; or
4. Limit or impair the Mayor's authority, under the Home Rule Charter, to supervise the West Chester Police Department in the administration and execution of Borough ordinances or other applicable law, except that the discretionary decision to initiate, enter into, or participate in a 287(g) Agreement is a matter of municipal policy and resource allocation expressly reserved to Borough Council.

E. No Private Right of Action. This Ordinance is intended solely for internal Borough governance and shall not be construed to create a private right of action against the Borough, its officers, employees, or agents.

SECTION 2. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 3. Effective Date.

This Ordinance shall become effective upon enactment as provided by law.

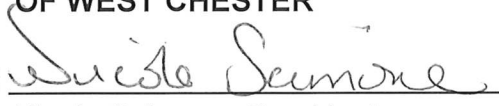
ENACTED AND ORDAINED THIS 18th **DAY OF** March, 2026.

ATTEST:



 Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH
 OF WEST CHESTER**

By: 

 Nicole Scimone, President

APPROVED THIS 18th DAY OF March, 2026.



 Lillian L. DeBaptiste, Mayor