

MONTGOMERY COUNTY COMMISSIONERS*March 5, 2026*

On motion of _____, seconded by _____, it was adopted that:

BACKGROUND

1. The members of the Montgomery County Board of Commissioners each take an oath to support, obey and defend the Constitutions of the United States and the Commonwealth of Pennsylvania.
2. The Board of Commissioners' duties include protecting public safety and safeguarding the constitutional and human rights of all residents of Montgomery County.
3. The Montgomery County Board of Commissioners maintains a commitment to the rule of law, equal protection under the law, due process, and the constitutional protections that are accorded to all in the United States and Pennsylvania, including all residents of Montgomery County.
4. Across multiple jurisdictions, U.S. District Court judges, including judges appointed by Presidents from both political parties, have found that U.S. Immigration and Customs Enforcement (ICE) has engaged in activity that has violated the U.S. Constitution, federal law, and court orders.
5. In 2025, Congress allocated \$45 billion to ICE to build new immigration mass scale detention centers to meet increased daily quotas for detention, raising concerns of rapid expansion of ICE's operations.
6. The announced construction of two ICE detention centers in neighboring Berks County, Pennsylvania and nearby Schuylkill County, Pennsylvania further raises the likelihood of increased ICE activity in the region.
7. Montgomery County opposes the use of warehouses or similar industrial facilities not intended for human occupancy as facilities to hold, jail, detain, house, or otherwise store human beings; and foresees further likelihood of quota-driven violations of constitutional rights and due process.
8. Montgomery County is home to persons of diverse racial, ethnic, and national backgrounds, including more than 100,000 residents who have immigrated to the United States from countries across the globe.

9. Together the residents of Montgomery County form a diverse and strong community which the Board of Commissioners of Montgomery County believe should be able to confidently and safely engage in the business, civic, and cultural life of Montgomery County.
10. Montgomery County's commitment to the rule of law, equal protection under the law, due process, and constitutional protections have as a goal fostering trust with and support for all of our communities to ensure that County resources are utilized for ensuring the health, safety, and wellbeing of all County residents and visitors.
11. Montgomery County has long recognized that public safety is best achieved through trust and collaboration between residents and local government, which serves to meet the needs of local residents, not as a regional branch of the federal government.
12. Montgomery County applauds our local law enforcement, including our District Attorney and our Sheriff, for their tireless work to earn local public trust.
13. Montgomery County has established internal policies to ensure that County employees shall not assist in federal civil immigration enforcement except in response to judicial warrant, sufficient subpoena, or as otherwise required by law, and has provided trainings for County employees on appropriate actions to take when interacting with federal authorities in accordance with County policies.
14. Montgomery County finds that the use of County property and resources for federal civil immigration enforcement operations unrelated to criminal investigations will undermine public trust, discourage residents from seeking assistance or reporting crimes, disproportionately target individuals based on race, ethnicity, or perceived immigration status, and interfere with the County's efforts to serve all of Montgomery County's residents effectively.

NOW THEREFORE BE IT RESOLVED that the proper County Officials, in accordance with the authority conferred by law, subject to the approval of the County Solicitor, hereby permanently adopt the County's Policy on County Interactions with Federal Immigration Authorities, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that no County property or resources shall be used, leased or otherwise lent for any purpose not expressly authorized by the County, including, for example, as a staging area, processing location, or operations base for the purpose of federal civil immigration enforcement operations and no such purported consent by a County department, agency, officer, or employee shall be deemed consent by the County for any such use, except as required by law.

The County shall not enter into a 287(g) agreement or any other voluntary agreement requiring the County to provide County resources to the Federal Government for the purposes of civil immigration enforcement.

The County Department of Assets and Infrastructure is authorized to (a) post clear signage on County-owned property designating that the property is owned and/or controlled by the County and cannot be used for any purpose not expressly authorized by the County and (b) provide private property owners with signage, at no cost, to delineate the non-public areas of private property on which owners may desire to restrict activities related to federal civil immigration enforcement operations, which owners may post at their own discretion and at their sole risk.

This resolution does not prohibit the lawful use of County-owned and controlled property or resources for purposes authorized by the County. Nothing in this resolution shall be interpreted as prohibiting any County officer or employee from complying with a lawful court order, judicial warrant, or other requirement of federal or state law, regulation, or court order.

EXHIBIT A

Policy on County Interactions with Federal Immigration Authorities

Policy #: 1.11	Issued By: Chief Operating Officer Soltysiak
Effective: 6/18/2025	Revision Dates: N/A

Policy

The policy for Montgomery County employees' interactions with or communications with federal immigration agencies and/or agents.

Purpose

This policy is intended to:

1. Ensure compliance with relevant state and federal law;
2. Protect the privacy and dignity of all community members;
3. Maintain trust between County government and all residents; and
4. Reflect Montgomery County's commitment to the rule of law and due process.

This policy is further intended to ensure that County employees understand:

1. That it is not the responsibility of the County or its employees to enforce federal immigration law;
2. That the County places the highest importance on all residents of Montgomery County feeling safe while interacting with the County as the local government;
3. That County employees continue to follow this and all other policies related to constituents' privacy including but not limited to the Health Insurance Portability and Accountability Act (HIPAA);
4. That access to non-public areas of County offices and buildings is restricted to maintain the safety of County personnel and to protect operational security. Unauthorized access can disrupt public services and compromise sensitive information; and
5. That County employees should not interfere with or obstruct federal immigration agents conducting enforcement activities.

Procedure

See below for guidance for interacting with federal immigration agents when acting as a County employee:

1. Scope of County Employee Authority

- County employees are not deputized federal immigration agents.
- The County does not have the legal authority to engage in federal immigration enforcement.
- It is County policy to require judicial warrants or judicially authorized subpoenas prior to providing information regarding individuals to federal immigration agents. No employee shall release any individual's information—including name, work or home address, immigration status-related information, country of origin, program participation, appointment schedules—to any federal immigration agency without consultation with, and approval by the County solicitor's office.¹

2. Protocol When Acting as a County Employee for Interactions with Federal Immigration Agents

- Employees should greet the federal immigration agent professionally, review the agent's identification, and obtain a business card.
- Employees should ask the federal immigration agent how they can assist them and, if not presented by the federal agent, request any supportive documents they have (e.g., warrant, subpoena, court order).
- Employees should inform the federal immigration agent that the County will cooperate consistent with the law and that County policy requires employees to contact their supervisor when approached by federal immigration agents. The employee should request that the federal immigration agents wait for a County solicitor to respond to their request and/or receive their paperwork.
- Employees should then immediately notify their supervisor if contacted or approached by federal immigration agents. If presented with paperwork by a federal immigration agent, employees should immediately forward it to their supervisor.
- Supervisors shall promptly notify their department's solicitor of the communication, contact, or approach by federal immigration agents. Any documentation or paperwork should be provided to the department's solicitor.

¹ Nothing in this guidance prohibits the disclosure of information that is legally required to be made available under Pennsylvania's Right to Know Law or any other federal or state law.

- Note: Federal agencies use a wide variety of documentation. Differentiating between them can be complex and county employees should rely on their department's solicitor to understand the legal validity of anything federal law enforcement presents to them.
- Generally, federal immigration agents are entitled to enter public County locations and to communicate with the public in those venues so long as they comply with the protections of the Constitution, state and federal law, and relevant County policies. If a federal immigration agent seeks access to non-public areas at any County facility or site or to private information regarding individuals, County employees shall await advice from the County solicitor before complying.
 - Note: If a county employee has any questions about what is and is not a public space or what constitutes private information, they should contact their department's solicitor.

3. Community Member Interactions

- County employees shall only request or collect documentation and information related to immigration status from individuals that is explicitly required by law or necessary for a program's legal eligibility criteria (e.g., voter registration or state or federal public benefits).

If county employees have any questions about this policy, please contact the Solicitor's Office or Human Resources. Mandatory training related to the policy will be scheduled for all Department Heads.² Violation of this policy may lead to disciplinary action, up to and including termination. Consequences depend on the severity and may include warnings, suspension, or legal action if necessary.

² Please note employees within the Courts, Row Offices and Correctional Facility may have specific policies regarding interactions with federal immigration authorities currently in place for their organizations.