

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL ACTION LAW**

MAKE THE ROAD STATES, INC.,	:	No. 2025-04200
NAACP BUCKS COUNTY BRANCH	:	
2253, BUXMONT UNITARIAN	:	
UNIVERSALIST FELLOWSHIP and	:	
JUAN NAVIA	:	
	:	
	:	
v.	:	
	:	
FREDERICK A. HARRAN, individually	:	
and in his official capacity as Sheriff of	:	
Bucks County, and BUCKS COUNTY	:	

DECISION

AND NOW, this 15th day of **October, 2025**, after reviewing the parties' submissions and hearings held thereon on September 16, 2025 and September 26, 2025 before the undersigned, the Court finds as follows:

1. Plaintiffs in this case are: Make the Road States, Inc.; NAACP Bucks County Branch 2253; Buxmont Unitarian Universalist Fellowship; and Juan Navia.
2. Defendants in this case are: Frederick A. Harran, individually and in his official capacity as Sheriff of Bucks County; and Bucks County.
3. In Pennsylvania, the Office of the Sheriff is established by the Pennsylvania Constitution as adopted in 1776.

4. The Pennsylvania Constitution provides for the safety and security of the citizens of the Commonwealth and their property.

5. The elected Sheriff, as a Constitutional Officer, remains the only Constitutional law enforcement officer throughout the Commonwealth with civil and criminal court duties.

6. The Sheriff is the chief law enforcement officer of the county, a designation rooted in Pennsylvania law with the power of arrest, detention and execution of bench warrants.

7. The Bucks County Sheriff's Office issues all licenses to carry firearm permits after ensuring citizens of Bucks County meet all legal requirements.

8. The Bucks County Sheriff's Office is responsible for all security at the Bucks County Justice Center and transportation of prisoners. The Sheriff's Office also participates in investigations as necessary.

9. The Bucks County Sheriff's Office routinely participates in several task forces including Special Weapons and Tactics (SWAT), Drug Enforcement and the Canine Unit.

10. The County Commissioners possess certain powers and duties under Pennsylvania law separate from other county officials.

11. Pennsylvania law makes clear that the Commissioners' powers and duties do not come at the expense of the powers and duties of other county officers. The powers specified to the County Commissioners "shall not affect the hiring, discharging and supervising rights and obligations with respect to employees as may be vested in the judges or other county officers". See 16 P.S. § 14720.

12. On or about May 13, 2025, Sheriff Harran signed a Memorandum of Agreement with The United States Immigration and Customs Enforcement.¹

¹ Bucks County asserts that the Memorandum signed by Sheriff Harran constitutes a contract which infringes upon powers alleged exclusively held by the Commissioners.

13. Under national legal jurisprudence, including Pennsylvania, a Memorandum of Understanding or Memorandum of Agreement are not legally binding and do not confer rights or contractual obligations upon any person.²

14. Plaintiffs commenced this case by the filing of their Complaint on June 6, 2025 seeking a Declaratory Judgment.

15. Plaintiffs also filed a Petition requesting an immediate Preliminary Injunction.

16. Defendant Frederick A. Harran thereafter filed for removal of this action to the Eastern District of Pennsylvania Federal Court as this case is based upon federal law known as the Illegal Immigration Reform and Responsibility Act of 1996 which includes Section 287(g).

17. The Eastern District of Pennsylvania Federal Court rejected the removal action by Sheriff Harran and declared that this case was appropriately before this Court of Common Pleas.

18. Under the Section 287(g) program, the Department of Homeland Security enters into a Memorandum of Agreement with state or local law enforcement agencies and deputizes their officers to perform certain limited federal immigration enforcement functions.

19. The Bucks County Sheriff entered into a Memorandum of Agreement based on a “Task Force Model”.

20. The Task Force Model is considered a “force multiplier” for state and local law enforcement agencies to assist Immigration and Customs Enforcement during their routine police duties.

21. From October 1, 2023 through September 30, 2024, ICE had over 12,000 encounters with undocumented persons not lawfully within the United States pursuant to government public information and statistics.

² See i.e. Memorandum of Understanding, U.S. Department of Labor and Pennsylvania Office of the Attorney General (by Michelle A. Henry), February 2024, published and available to the general public.

22. Based on government statistics, the encounters referenced in the preceding paragraph included the following:

- 467 encounters with undocumented persons convicted of assault
- 568 encounters with undocumented persons convicted of dangerous drug-related charges
- 784 encounters with undocumented persons convicted of sex-related assaults or offenses

23. This Court was not provided public information encounter statistics for any time period after October 1, 2024.

24. Despite commencing this lawsuit against the Bucks County Sheriff, Plaintiffs objected to the intervention of the Pennsylvania Sheriffs' Association to this proceeding and the proposed interventions by Franklin County Sheriff Benjamin Sites and Bradford County Sheriff C. J. Walters. This Court subsequently approved their intervention in this proceeding.

25. On May 21, 2025, The County of Bucks, by a divided 2–1 vote of the Commissioners, adopted a Resolution as follows:

**A RESOLUTION OF THE COUNTY OF BUCKS, COMMONWEALTH OF
PENNSYLVANIA, REGARDING BOARD OF COMMISSIONER AUTHORITY OVER
CONTRACTUAL AGREEMENTS WITH THE U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT**

WHEREAS, the Board of Commissioners are vested with the corporate power of the County of Bucks per 16 Pa. C.S. § 12107 and are the sole contracting authority on behalf of the County; and

WHEREAS, the County of Bucks follows all state and federal laws regarding cooperation with law enforcement including with the United States Immigration and Customs Enforcement Office ("ICE"); and

WHEREAS, the County of Bucks works cooperatively with state, local and federal agencies and authorities by providing information and access to the County's Department of Corrections facility; and

WHEREAS, the County of Bucks is not a Sanctuary County; and

WHEREAS, Section 287(g)(1) of the Immigration and Nationality Act, codified at 8 U.S.C. 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes agreements between the Secretary of Homeland Security, or her designee, and a "state or political subdivision of the state"; and

WHEREAS, a "political subdivision" in Pennsylvania, pursuant to the definition set forth in the Statutory Construction Act, 1 Pa. C.S. § 1991, is any county, city, borough, incorporated town, township, school district, vocational school district and county institutional district; and

WHEREAS, the Board of Commissioners have not delegated their authority under 16 Pa.C.S. § 12107 to execute a Section 287(g) agreement; and

WHEREAS, 287(g) agreements with ICE are unfunded by the federal government, except for the costs of initial training; and

WHEREAS, ICE is under no obligation to defend the County, Sheriff's Office, or Sheriff's Deputies in the event they are sued for actions taken pursuant to a 287(g) agreement; and

WHEREAS, lacking the clear statutory authority or explanation from ICE regarding the Sheriff's authority or which specified tasks would be carried out under the agreement, the Commissioners lack meaningful information necessary to appropriately budget for or seek appropriate liability coverage; and

NOW THEREFORE, be it **RESOLVED** entering into a 287(g) agreement with ICE is not an appropriate use of Bucks County taxpayer resources given the unfunded nature of this program and the potential for liability; and

Any actions taken by the Sheriff, Sheriff's Deputies, or any county employee under the pretext of the 287(g) agreement is unauthorized since the 287(g) agreement was not approved or delegated for approval by the Board of Commissioners; and

County employees relying on the authority included in the 287(g) agreement do so in their individual capacity and may not possess the qualified immunity normally retained by County employees acting in an official capacity; and

IT IS FURTHER RESOLVED that unauthorized work could result in a personal surcharge against the employee requiring them to reimburse the County for the wrongful or unauthorized use of expenditure of public monies in accordance with 16 Pa.C.S. §14930.

ENACTED AND ORDAINED this 21st day of May, 2025.

26. The Bucks County Sheriff's Office routinely recognizes and honors detainers from other counties in the Commonwealth as well as federal law enforcement detainers.

27. The Bucks County Sheriff's Office routinely recognizes and extradites persons with outstanding warrants from other courts throughout the United States.

28. Holding a person pursuant to a county, state or federal detainer is not different under the law than holding a person pursuant to an Immigration and Customs Enforcement detainer. Intergovernmental cooperation of law enforcement is not different under the law at the county, state or federal level.

29. A Wisconsin state judge was arrested for assisting an undocumented person in the avoidance of an Immigration and Customs Enforcement detainer.

30. At the August 4, 2025 Status Conference held in open court, this Court directed the Plaintiffs above to address the issue of whether they have legal standing under Pennsylvania law to bring this case.

31. At the August 4, 2025 Status Conference, the Court directed counsel for the County of Bucks to ascertain whether its client should remain a named Defendant in this litigation or move to a party Plaintiff based upon the County's indication of its opposition to Sheriff Harran's decision to assist ICE pursuant to the 287(g) Memorandum of Understanding.

32. By letter dated August 11, 2025, the Bucks County Commissioners advised the Court the County would remain a Defendant and file a crossclaim against Bucks County Sheriff Harran. The County subsequently sued its Sheriff in a three-count crossclaim on August 18, 2025.

33. By Order dated August 5, 2025, this Court granted the United States of America's Motion for Leave to File Statement of Interest.

34. By Order dated August 6, 2025, this Court entered a Case Management Order related to briefing of Plaintiffs' opposition to the parties seeking leave to intervene as well as pending Preliminary Objections by Sheriff Harran.

35. By Order dated August 6, 2025, the Court directed the timing and scope of expedited discovery by the parties.

36. At a hearing held before the Court on September 8, 2025, the undersigned assisted the parties in resolving an emergency motion by Plaintiffs with respect to discovery and deposition issues. The Court further inquired regarding witnesses to appear at the Preliminary Injunction hearing scheduled for September 16, 2025, which ultimately took two days to complete.

ANALYSIS

Plaintiffs claim they are a group of “(a) nonpartisan organizations whose mission, members and communities they serve will be harmed if local law enforcement undertake federal immigration enforcement tasks, including warrantless searches, arrests, and detentions of County residents who are non-citizens or believed to be non-citizens; and (b) individual County residents whose tax dollars would be diverted for unapproved purposes under Sheriff Harran’s illegal agreement, and whose liberty would be imperiled if local law enforcement undertake federal immigration enforcement tasks, including warrantless searches, arrests, and detentions of County residents who are non-citizens or believed to be non-citizens.” Plaintiffs’ Complaint further alleges “to avoid the irreparable harm that would result from Sheriff Harran’s statutory and constitutional violations, he and all other County officers and entities must be enjoined from any implementation of the 287(g) agreement, including any training of County personnel or any other use of County resources and personnel for the purposes of complying with the terms of the purported agreement.”

Turning to the issue of lawful party standing, the Commonwealth Court has held that:

Primarily, [i]n Pennsylvania, the doctrine of standing . . . is a prudential, judicially created principle designed to winnow out litigants who have no direct interest in a judicial matter. *In re Hickson*, 573 Pa. 127, 821 A.2d 1238 ... (2003). For standing to exist, the underlying controversy must be real and concrete, such that the party initiating the legal action has, in fact, been “aggrieved.” *Pittsburgh Palisades Park, LLC v. Commonwealth*, 585 Pa. 196, 888 A.2d 655, 659 (2005). *Off. of the Governor v. Donahue*, 626 Pa. 437, 98 A.3d 1223, 1229 (2014). “[T]he core concept of standing is that a person who is not adversely affected in any way by the matter he seeks to challenge is not aggrieved thereby and has no standing to obtain a judicial resolution of his challenge.” *Fumo v. City of Phila.*, 601 Pa. 322, 972 A.2d 487, 496 (2009). “An individual can demonstrate that he has been aggrieved if he can establish that he has a substantial, direct and immediate interest in the outcome of the litigation.” *Id.* A substantial interest in the outcome of litigation is one that surpasses the common interest of all citizens in procuring obedience to the law. A direct interest requires a causal connection between the asserted violation and the harm complained of. An interest is immediate when the causal connection is not remote or speculative. *Phantom Fireworks Showrooms, LLC v. Wolf*, 198 A.3d 1205, 1215 (Pa. Cmwlth. 2018) (citations omitted).

See *Gates v. City of Pittsburgh Historic Review Comm’n*, 254 A.3d 803, 808–09 (Pa. Cmwlth. 2021).

The Commonwealth Court in *Gates* further emphasized that “[f]or standing to exist, the underlying controversy must be real and concrete, such that the party initiating the legal action *has, in fact, been ‘aggrieved.’*” *Off. of the Governor*, 98 A.3d at 1229 (emphasis added) (quoting *Pittsburgh Palisades Park, LLC*, 888 A.2d at 659). “A direct interest requires a causal connection between the asserted violation and *the harm complained of.*” *Phantom Fireworks Showrooms, LLC*, 198 A.3d at 1215 (emphasis added). “An interest is immediate when the causal connection is *not remote or speculative.*” *Id.* (emphasis added). The dispositive issue is whether the challenged conduct harmed or will harm Appellants. Mere allegations of speculative future harm are insufficient to establish standing. *See Ams. for Fair Treatment, Inc. v. Phila. Fed’n of Teachers*, 150 A.3d 528, 536 (Pa. Cmwlth. 2016) (“The mere possibility that future events might occur that could [affect Appellants] . . . is not sufficient to establish the direct and immediate interest required for standing.”).

Further, our Commonwealth Court has held that associations may have standing:

. . . to bring an action on behalf of its members where at least one of its members is suffering an immediate or threatened injury as a result of the challenged action. *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901, 922 (2013); *North-Central Pennsylvania Trial Lawyers Association*, 827 A.2d at 554; *Pennsylvania Social Services Union, Local 668 v. Department of Public Welfare, Office of Inspector General*, 699 A.2d 807, 810 (Pa. Cmwlth. 1997); *National Solid Wastes Management Association v. Casey*, 135 Pa.Cmwlth. 134, 580 A.2d 893, 899 (1990). This rule applies equally to nonprofit membership corporations. *Parents United for Better Schools, Inc. v. School District of Philadelphia*, 166 Pa.Cmwlth. 462, 646 A.2d 689, 690, 692 (1994); *Concerned Taxpayers of Allegheny County v. Commonwealth*, 33 Pa.Cmwlth. 518, 382 A.2d 490, 493–94 (1978).

To have standing on this basis, the plaintiff organization must allege sufficient facts to show that at least one of its members has a substantial, direct and immediate interest. *Pennsylvania Social Services Union, Local 668*, 699 A.2d at 810; *National Solid Wastes Management Association*, 580 A.2d at 899; *Concerned Taxpayers of Allegheny County*, 382 A.2d at 493–94. General descriptions of an organization's members cannot establish standing if they do not show that a member or members are sufficiently adversely affected to have standing. *Compare Armstead v. Zoning Board of Adjustment of City of Philadelphia*, 115 A.3d 390, 398, 400 (Pa. Cmwlth. 2015) (*en banc*) (allegation that organization's "members live within one to three blocks of the proposed sign" was inadequate to establish standing to challenge the sign) and *Concerned Taxpayers of Allegheny County*, 382 A.2d at 494 (allegation that members were residents and citizens of Pennsylvania was inadequate to establish standing to challenge constitutionality of statute governing payment of state officials) *Robinson Township*, 83 A.3d at 922 (organization had standing where it submitted affidavits showing that members resided in or owned property in zoning districts directly affected by the statute that it challenged) *National Solid Wastes Management Association*, 580 A.2d at 899 (organization had standing to seek declaratory judgment where it pleaded that its members had filed permit applications that were directly affected by the challenged order). Where the organization has not shown that any of its members have standing, the fact that the challenged action implicates the organization's mission or purpose is not sufficient to establish standing. *Armstead*, 115 A.3d at 399–400; *Concerned Taxpayers of Allegheny County*, 382 A.2d at 494.

See also *Americans for Fair Treatment, Inc. v. Philadelphia Fed'n of Teachers*, 150 A.3d 528, 533–34 (Pa.Cmwlth. 2016).

While the foregoing clearly supports standing for the Pennsylvania Sheriffs' Association and Sheriffs Sites and Walters, it does not appear that Make the Road States, Inc., NAACP Bucks County Branch 2253 or Buxmont Unitarian Universalist Fellowship as organizational parties have the clear right to standing under Pennsylvania law. While they may have individual members eligible for standing in the future, if caused harm by the Bucks County Sheriff's Office, Plaintiffs here are alleging injuries that are not *immediate* or *substantial*.³ Rather, in their Complaint they allege what are clearly only *speculative future injuries* based on *speculative future events*.

As for Plaintiff Navia, as it relates to his assertions for taxpayer standing, we refer to the following Pennsylvania jurisprudence:

The court explained that to establish taxpayer standing, a plaintiff must show: “(1) the governmental action in question would otherwise go unchallenged; (2) those who are directly and immediately affected by the action complained of benefit from the action and thus are not inclined to challenge it; (3) judicial relief is appropriate; (4) redress through other channels is unavailable; and (5) no other person is better suited to bring the challenge.” *Id.* The court concluded Appellees did not meet this test because “there is no specific allegation in the [c]omplaint that the City is incurring any expense in the prosecution and enforcement of the State of Emergency Ordinance.” *Firearm Owners Against Crime v. City of Harrisburg (FOAC)*, 218 A.3d 497, 515 (Pa. Cmwlth. 2019).

Firearm Owners Against Crime v. Papenfuse, 261, 261 A.3d 467, 474 (Pa. 2021).

However, “[e]ven where these five criteria are satisfied, taxpayer standing is only appropriate in cases where the challenged action affects in some way the plaintiff’s status as a taxpayer. *Americans for Fair Treatment, Inc.*, 150 A.3d at 537 (citing *Upper Bucks Cty. Vocational-Tech. Sch. Educ. Ass’n v. Upper Bucks Cty. Vocational-Tech. Sch. Joint Comm.*, 504 Pa. 418, 474 A.2d 1120, 1122 (1984)).

Firearm Owners Against Crime v. City of Harrisburg, 218 A.3d 497, 514 (Pa. Cmwlth. 2019), aff’d sub nom. *Firearm Owners Against Crime v. Papenfuse*, 669 Pa. 250, 261 A.3d 467 (2021).

³ The Sheriff has not implemented the program as he does not yet have necessary equipment, and witnesses could not articulate a single actual incident of harm by the Bucks County Sheriff's Office.

Here, Plaintiff Navia does not qualify for legal standing either under Pennsylvania law. He baldly alleges that he is at an increased risk of racial profiling. His Complaint alleges wholly *subjective* fears of *possible* future incidents including racial profiling, warrantless searches and arrests. Curiously, he alleges *no actual incidents* where he or others he knows were a victim of any of these unlawful events. This Court concludes that none of the Plaintiffs have proper legal standing to bring this action under Pennsylvania law with the exception of Bucks County's lawsuit and claims against its Sheriff.

Even if they could demonstrate standing, the Court further finds that the documents signed by the Sheriff are not an enforceable contract and therefore were not subject to the approval of the Bucks County Commissioners. While there is no case in Pennsylvania directly on point with the facts of this case, in Doller v. Prescott, (91 N.Y.S. 3d 533 (N.Y. App. Div. 2018)); the New York State Appellate division, Third Department affirmed the trial court's determination that a Memorandum of Understanding such as the one at issue in this case is an unenforceable contract. The Appellate Court held as follows:

We agree with Supreme Court's determination that the MOU was unenforceable. "[A] contract must be definite in its material terms to be enforceable" (*Clifford R. Gray, Inc. v. LeChase Constr. Servs., LLC*, 31 A.D.3d 983, 985 [2006] [internal quotation marks and citation omitted]), and the terms "manifest[] . . . mutual assent sufficiently definite to assure that the parties are truly in agreement with respect to all material terms" (*Female Academy of the Sacred Heart v. Doane Stuart School*, 91 A.D.3d 1254, 1255 [2012] [internal quotations marks and citations omitted]). "This requirement of definiteness assures that courts will not impose contractual obligations when the parties did not intend to conclude a binding opinion agreement" (*Kolchins v. Evolution Mkts., Inc.*, 31 N.Y.3d at 106 [internal quotation marks and citation omitted]). An "agreement to agree, in which a material term is left for future negotiations, is unenforceable" (*Joseph Martin, Jr., Delicatessen v. Schumacher*, 52 N.Y.2d 105, 109 [1981]).

The evidence at the hearing before this Court proved that the Bucks County Sheriff previously entered into a Memorandum of Understanding with the United States Marshals on July 3, 2025. This did not include or require any County Commissioner approval. See Exhibit D-1. On May 29, 2024,

Sheriff Harran entered into a similar written Memorandum with the United States Immigration and Customs Enforcement Homeland Security Investigations. No approval by the Bucks County Commissioners was evident to the Court. See Exhibit D-4. No evidence was presented by the County supporting its claim their approval was needed under 53 Pa.C.S.A. § 2301 and Article 9, Section 5 of the Pennsylvania Constitution. Finally, Plaintiffs and Bucks County rely upon a case, Commonwealth v. Hlubin, 20149 WL 2324272 (Pa. 2019) which was reversed in part by enactments of the Pennsylvania General Assembly. The Court will assume this was an oversight by Plaintiffs and Bucks County and not intentional.

Furthermore, Sheriff Harran's limited intent with respect to the 287(g) issues is evident specifically in Exhibit D-4. Sheriff Harran and fifteen of his designated deputies each signed a "Designated Immigration Officer" document. At Paragraph 10 of that document, only three of eight described duties were designated as approved by Sheriff Harran for his Bucks County Sheriff deputies to engage. Those duties summarized were: (1) power and authority to question any person believed to be an alien as to their right to be or remain in the United States and to arrest if determined to be a removable alien; (2) the power and authority to administer oaths, take and consider evidence, complete criminal alien processing, and prepare affidavits and sworn statements; and (3) the power and authority to detain and transport arrested persons to ICE approved detention facilities.

Sheriff Harran *did not* accept the following powers for himself and his deputies: (1) use of firearms or other approved weapons; (2) arrest without warrant for felonies which may have been committed; (3) serve warrants for immigration violations pursuant to 8 C.F.R. 287 5(3)(3); (4) preparation of charging documents; and (5) issuance of immigration detainers. See Exhibit D-4.

In summary, the Court concludes Sheriff Harran's limited cooperation is clearly lawful under Pennsylvania jurisprudence and is reasonable and necessary in fulfilling his lawful duty to keep the workers and daily visitors to the Bucks County Justice Center and citizens of Bucks County safe. This cooperation is wholly consistent with his past and present cooperation and coordination with other state and federal law enforcement agencies for the protection of Bucks County residents as authorized under all applicable State and Federal laws.

BY THE COURT:



JEFFREY G. TRAUGER, JUDGE

**N.B. It is your responsibility
to notify all interested parties
of the above action.**