



Legislation Text

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Res. No. 275

Resolution denouncing the National Archives and Records Administration's preliminary approval of Immigration and Customs Enforcement's request to begin destroying crucial government records such as those relating to incidents of sexual abuse, physical assault and death of individuals in immigration detention.

By Council Member Menchaca

Whereas, The United States Immigration and Customs Enforcement (ICE), a division of the United States Department of Homeland Security (DHS), is charged with overseeing and providing for the care, custody and control of immigration detainees; and

Whereas, Immigrant rights advocates and civil rights organizations have taken significant steps to document instances of ICE misconduct in immigration detention facilities and help impacted detainees file formal complaints or lawsuits; and

Whereas, The Office of the Inspector General (OIG) at the United States Department of Homeland Security (DHS) reported receiving 33,126 complaints of sexual and/or physical abuse against DHS component divisions between January 2010 and July 2016, noting that that more complaints were filed against ICE than any other agency; and

Whereas, Of the 33,126 complaints, only 225 complaints were investigated by the DHS OIG; and

Whereas, Further, the DHS OIG confirms receiving at least 1,016 reports of sexual abuse or assault filed by individuals in immigration detention between May 28, 2014 and July 12, 2016, but only investigated twenty-four of the complaints; and

Whereas, Records relating to such incidents are critical in the investigation and prosecution of such misconduct and, for that reason, stored by the National Archives and Record Administration (NARA); and

Whereas, Despite a troubling number of complaints, ICE has requested permission to begin routinely destroying eleven types of records, including those relating to sexual abuse, physical assault and deaths of individuals in immigration detention; and

Whereas, In light of the rampant ICE misconduct and the DHS OIG's failure to adequately investigate complaints, immigrant victims are increasingly seeking redress through individual, as well as class-action, lawsuits; and

Whereas, ICE records regarding incidents of misconduct are critical pieces of evidence in such cases and, by destroying them, ICE is impeding immigrant victims' access to justice; and

Whereas, The NARA has preliminarily approved ICE's proposed record destruction schedule, leading to national public outcry from immigrant rights groups, civil rights organizations and elected officials; and

Whereas, The NARA must uphold its duty to promote government transparency and accountability by ensuring that federal records regarding ICE misconduct are retained and made available to those seeking redress; now, therefore, be it

Resolved, That the Council of the City of New York denounces the National Archives and Records Administration's preliminary approval of Immigration and Customs Enforcement's request to begin destroying crucial government records, including those relating to incidents of sexual abuse, physical assault and death of individuals in immigration detention.

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