



Legislation Details (With Text)

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**Title:** Resolution calling on the Governor of New York to immediately rescind the Secure Communities Memorandum of Agreement.

**Sponsors:** Ydanis A. Rodriguez, Daniel Dromm, Julissa Ferreras-Copeland, Melissa Mark-Viverito, Fernando Cabrera, Letitia James, Brad S. Lander, Jumaane D. Williams, Diana Reyna, Rosie Mendez, Margaret S. Chin, Gale A. Brewer, Inez E. Dickens

**Indexes:**

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Res. No. 547

Resolution calling on the Governor of New York to immediately rescind the Secure Communities Memorandum of Agreement.

By Council Members Rodriguez, Dromm, Ferreras, Mark-Viverito, Cabrera, James, Lander, Williams, Reyna, Mendez, Chin, Brewer and Dickens

Whereas, On May 18, 2010, the New York State Division of Criminal Justice Services entered into a Memorandum of Agreement with U.S. Immigration and Customs Enforcement (“ICE”) of the Department of Homeland Security (“DHS”) regarding the implementation of the Secure Communities program; and

Whereas, Under the Secure Communities program, states enter into agreements with ICE to identify and remove criminal non-citizens from the United States by using fingerprint-based biometric technology during the booking process; and

Whereas, Under the Secure Communities program, fingerprints taken by local law enforcement officers during booking are automatically checked against DHS records; and

Whereas, If fingerprints taken by local law enforcement officers match those in DHS records, local ICE officers are automatically notified in order to determine whether any action is required; and

Whereas, Once a Memorandum of Agreement is entered into between a state and ICE, ICE works with the state's identification bureaus to develop deployment plans for activating the biometric information sharing capability in their jurisdictions; and

Whereas, ICE reports that as of November 2, 2010, the Secure Communities program has been activated in 752 jurisdictions in 34 states since 2008; and

Whereas, According to ICE, Secure Communities is active in every jurisdiction in Arizona, Delaware, Florida, Texas, Virginia and West Virginia; and

Whereas, ICE plans to have the biometric sharing capability of the Secure Communities program activated nationwide by 2013; and

Whereas, ICE is not responsible for the costs incurred by states and their jurisdictions for holding a non-citizen on detainer, nor does ICE reimburse localities for detaining an individual, which renders localities solely responsible for the expenses incurred by holding a person on detainer; and

Whereas, Based on ICE data reviewed by the Benjamin N. Cardozo School of Law, the Center for Constitutional Rights, and the National Day Laborer Organizing Network, only 20% of the more than 46,000 people deported under Secure Communities were charged with or convicted of serious crimes and the majority of people deported under Secure Communities had no criminal records or had been picked up for low-level offenses; and

Whereas, According to critics of the program, Secure Communities violates due process and will lead to the automatic deportation of many people with minor criminal violations, or who paid their debt to society long ago and are now fully contributing to their families and our state; and

Whereas, Localities nationwide have formally expressed their opposition and desire to opt-out of the program including Arlington County, Virginia, Washington, D.C., and San Francisco, CA; and

Whereas, According to ICE, there is no way for a jurisdiction to opt-out of the Secure Communities program once a state has entered into a Memorandum of Agreement with ICE to implement the program; and

Whereas, The Washington, D.C. Metropolitan Police Department is the only local law enforcement agency to successfully terminate its signed Memorandum of Agreement; and

Whereas, New York government officials can follow the example of Washington, D.C., which rescinded its Secure Communities Memorandum of Agreement on June 23, 2010, after receiving public input on the program by having the chief of police, who had originally signed the MOA, send a letter stating that Washington, D.C. no longer wished to participate in the program; and

Whereas, New Yorkers strongly believe that due process is a human right, the denial of which puts all of our freedoms at risk; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor of New York to immediately rescind Secure Communities Memorandum of Agreement.

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JEB  
LS #1580  
11/12/10