



Legislation Text

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Res. No. 1485

Resolution calling upon Department of Homeland Security Secretary John Kelly to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City

By Council Members Menchaca, The Speaker (Council Member Mark-Viverito), Dromm, Constantinides and Gentile

Whereas, New York City is home to 3.3 million immigrants, making up approximately 40 percent of the City's total population; and

Whereas, For decades the New York Police Department (NYPD) has worked to gain the trust, respect and cooperation of all of the City's residents, including undocumented immigrants; and

Whereas, This hard-earned trust was established by implementing policies that clearly demonstrate that the NYPD serves and protects all New Yorkers equally; and

Whereas, Pursuant to Executive Orders 35 and 41 of 2003, law enforcement officers may not inquire about a person's immigration status unless investigating illegal activity other than status as an undocumented individual and may not inquire about the immigration status of crime victims, witnesses, or others who contact the police seeking assistance; and

Whereas, The NYPD has publicly reinforced their commitment to neighborhood policing and maintaining strong ties with immigrant communities throughout the City; and

Whereas, NYPD Commissioner James P. O'Neill has repeatedly stated that everyone who comes into contact with the NYPD should feel comfortable identifying themselves or seeking assistance without hesitation, anxiety or fear, regardless of their immigration status, as NYPD does not initiate police action with the sole objective of determining a person's immigration status; and

Whereas, There are multiple reports that ICE agents operating in New York City have represented themselves as “police officers” in the course of conducting immigration enforcement activities, such as home raids; and

Whereas, When ICE agents represent themselves as “police,” it misleads individuals who believe they are interacting with the NYPD; and

Whereas, Decades of experience demonstrate that communities will be less safe if immigrants are driven underground, dissuaded from providing valuable information and cooperation because they fear contact with law enforcement; and

Whereas, Assistance and cooperation from immigrant communities is especially important when the victim or witness of a crime is an immigrant or has immigrant family members; and

Whereas, To protect public safety, ensure equal enforcement of the law and allow local law enforcement to properly do their jobs, witnesses and victims in immigrant communities must be encouraged to file reports and come forward with information; and

Whereas, The NYPD has confirmed that the department does not conduct civil immigration enforcement and does not enforce administrative warrants issued by ICE agents or federal immigration judges solely in connection with civil immigration violations; and

Whereas, The importance of such policies has been recognized for years and garnered bipartisan support on account of proven effectiveness in improving public safety; and

Whereas, The Major City Chiefs (MCC), a professional association of Chiefs and Sheriffs representing the largest cities in the United States and Canada, have publicly stated as far back as 2006 that a divide between the local police and immigrant communities results in increased crime against immigrants and their families, creates a class of silent victims and obstructs the potential for assistance from immigrants in solving crimes; and

Whereas, In 2007, John Feinblatt, the Criminal Justice Coordinator for the City of New York under

Republican Mayor Michael Bloomberg, credited these policies as one of the main reasons New York City was the country's safest big city at that time; and

Whereas, Statistical research conducted by the Brennan Center for Justice demonstrates that New York City continues to be the safest big city in the country; and

Whereas, If the NYPD are perceived to be enforcing immigration laws, trust between law enforcement and the City's immigrant residents and their families will undoubtedly erode; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Department of Homeland Security Secretary John Kelly to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

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