



## NYIC 2016 State Policy & Budget Priorities Community Trust & Policing

### Recommendation

End collaboration between local and state law enforcement and immigration officials.

- **Ensure full implementation of existing agreements with state law enforcement officials to cease collaboration with ICE and CBP.** The Governor should ensure that any existing agreements with state law enforcement officials to cease collaboration with Federal immigration authorities are honored and enforced. The Governor should also pursue opportunities to ensure county and local law enforcement adhere to this policy.
- **Oppose anti-immigrant legislation such as S6032.** The Governor and State Legislature should ensure the defeat of S6032 and speak out around the importance of limiting unnecessary, costly and unlawful mandatory enforcement of immigration laws by state and local law enforcement.

### History

- **2011:** Secure Communities program (S-Comm) is rolled out nationwide by Department of Homeland Security. Numerous jurisdictions, including New York State (NYS), announce their intention to opt-out of S-Comm. In the ensuing years, advocates win multiple lawsuits against DHS for unlawful imprisonment.
- **2014:** New York City passes legislation dramatically limiting cooperation with ICE detainers and ends presence of ICE at Rikers Island and all City facilities. NYS Sheriffs' Association advises all sheriffs across state to stop honoring ICE detainer requests, and 37 New York counties agreed to recommendation.
- **2015:** S-Comm program is discontinued and replaced by Priority Enforcement Program (PEP). NYS Senator Croci introduces S6032 that would require cooperation between law enforcement and ICE and end sanctuary city policies.

### Community Need and Background

DHS's policies that require collaboration between ICE and local law enforcement - such as the now-defunct S-Comm program and its nearly identical Priority Enforcement Program replacement - have circumvented due process, damaged trust between their departments and communities of color, and required unlawful detentions by police with ICE. These programs have led to racial profiling, and engendered widespread fear of police and State troopers by immigrant communities, who are inevitably seen as an extension of immigration agents. Furthermore, cases of abuse by Customs and Border Patrol (CBP) and unlawful enforcement practices by ICE are met with little to no agency accountability.

The cost of implementing these unfunded DHS mandates places a heavy financial burden on state, county and local police departments. Many New York State counties followed the advice of the NYS Sheriffs' Association and formally agreed to stop honoring ICE detainer requests. But with the announcement of the new Priority Enforcement Program, an amended agreement must be implemented and expanded to include all counties and hundreds of local police jurisdictions.

### Opportunity and Talking Points

By ensuring adherence to already-negotiated agreements with state law enforcement, the Governor and State Legislature can restore trust and safety between immigrant communities and law enforcement, decrease unnecessary costs, and avoid costly litigation around unlawful detentions.

- Limiting unnecessary cooperation with ICE helps **build trust between immigrant communities and police**, aiding in the reporting of crimes and cooperation with law enforcement investigations.
- Avoiding ICE detainers helps **local law enforcement avoid litigation** around possible civil rights violations as a result of unlawful and immoral detentions.

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