



NYPD May Refuse to Cooperate With ICE Requests to Detain Suspects

New York City Council Speaker Melissa Mark-Viverito introduced a bill on October 7 that would “significantly restrict the conditions under which the NYPD complies with ... ICE [Immigration and Customs Enforcement] requests” to “detain [an] individual for up to 48 hours beyond when the individual would otherwise be released so that the individual’s custody may be transferred to ICE.”



Under the proposed bill, exceptions would be made if ICE’s request is accompanied by a warrant from a federal judge, but only if the suspect has been convicted of a “violent or serious” crime during the last five years or is listed on a terrorist database.

“By further limiting ICE’s role in the detention and deportation of immigrant New Yorkers, we set the national standard for the treatment of our immigrant population,” councilwoman Mark-Viverito said in a statement. “Families will no longer be needlessly torn apart by ICE’s dragnet enforcement efforts.”

Mark-Viverito’s statement ignores the reality of ICE’s responsibilities — they are not in the business of picking up any and all “immigrants,” but only those they have probable cause to believe have broken our laws and are in our country illegally.

The bill, Int. (for "Introduction") No. 487, was cosponsored by 11 other city council members, all of whom are Democrats. Since the New York City Council is comprised of 48 Democrats and only three Republicans, its chances of passage seem promising.

A companion bill, Int. No. 486, repeats much of the same language as Int. No. 487 but also prohibits the city’s Department of Correction (DOC) from allowing ICE to maintain an office on Rikers Island or any other DOC property. It would also restrict DOC personnel from communicating with ICE regarding an inmate’s release date, incarceration status, or court dates, “unless the inmate is the subject of a detainer request that DOC may honor pursuant to the law.”

As regular viewers of TV programs such as *Law & Order* and *Blue Bloods* are aware, Rikers Island is the site of New York City’s main jail complex, where local offenders who are awaiting trial and cannot afford, obtain, or were not given bail from a judge; offenders serving sentences of one year or less; and those temporarily placed there pending transfer to another facility are detained.

What Int. No. 486 does is take Int. No. 487 one step further. Not only would the bill prohibit DOC personnel at Rikers Island from detaining suspects at the request of ICE, but it would place a gag order on jail personnel, so they could not even pick up the phone and call ICE to tell agents there “John Doe is being released Thursday morning at 10:00 a.m.,” or “John Doe will be appearing in Court on Friday afternoon,” so ICE agents could wait for suspects and pick them up.

New York Mayor Bill de Blasio said in a statement quoted by the *New York Times* on October 2 that he supported Mark-Viverito’s legislation, which he called “thoughtful and progressive.” De Blasio asserted



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that the bill affirmed New York's status as "a city of immigrants, where dignity and an individual's right to due process will be protected."

De Blasio ignored the fact that the generations of immigrants arriving in New York from Ellis Island, which gave New York its legendary reputation as a city of immigrants, came to this nation *legally*.

Both the *Times* and Reuters quoted a statement from ICE on October 2 responding to the proposed law noting that the agency issues detainer requests on "individuals arrested on criminal charges to ensure that dangerous criminals and are not released from prisons or jails and into our communities."

ICE's statement said that the federal authorities would "continue to work cooperatively with law enforcement partners throughout New York as the agency seeks to enforce its priorities through the identification and removal of convicted criminals and other public safety threats."

The ICE spokesman cited by the *Times* provided two examples where the subjects of detainer requests in Illinois were released by the local authorities and went on to commit serious crimes. In one case, a 23-year-old man shot and killed his girlfriend this year after being released in 2011. In another case, a 30-year-old man fatally struck a skateboarder with his car while driving drunk in 2012.

Council Speaker Melissa Mark-Viverito's office provided statistics from New York's Correction Department showing that more than 3,000 people were transferred to federal immigration authorities for deportation "pursuant to a detainer" from October 2012 to September 2013.

Those who take Mark-Viverito's words at face value may think that ICE indiscriminately rounds up immigrants right and left, locks them up, and then puts them on the next bus leaving for Mexico or elsewhere. However, that is not the case. As we reported in our April 1 article, ICE officials released 67,879 illegal immigrants with criminal convictions in 2013 and made no move to deport them.

This information was made available on March 31 by the Center for Immigration Studies (CIS), a Washington, D.C.-based think tank that collected the information from ICE's "Weekly Departures and Detention Report" for the end of fiscal year 2013. The CIS obtained a copy of the report through a lawsuit.

The ICE document showed that its agents encountered 193,357 illegal immigrants with criminal convictions last year, but issued charging documents for only 125,478, with the above-noted 67,879 charged and/or convicted criminals being released.

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