

**New York City Council Committee on Immigration and Committee on Hospitals
February 28, 2020**

Hearing re: Proposed Res 274A

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Thank you to the Committee on Immigration and the Committee on Hospitals for holding this public hearing to address the alarming escalation of U.S. Immigration and Customs Enforcement (ICE) attacks on New York City.

The Immigrant Defense Project (IDP) is a New York based nonprofit that has been tracking ICE's community arrests and raids activity in the New York City area for the past seven years to monitor and analyze trends in ICE arrests and detention, in order to share that information with community members, advocates, and elected officials. In the seven years of collecting ICE raids reports, IDP has verified over 1130 raids.¹ IDP receives reports of ICE raids through collaborations with community-based and legal services organizations throughout New York State, as well as through calls received on our hotline. In addition, New York State uniquely houses Regional Immigrant Assistance Centers (RIAC) in all counties across the state, as well as the New York Immigrant Family Unity Project (NYIFUP) in immigration courts. IDP confirms details of raids reports by speaking with witnesses of raids or those with direct knowledge: such as family members, the individuals arrested by ICE themselves, or their attorneys.

Early this year, the Trump administration escalated its attacks on New York City's detainer policy. Increasing community arrest or raids operations is one of the key tools ICE has used in its efforts to intimidate and pressure New York.² Clearly, ICE has escalated this tactic since the beginning of 2020. In the past eight weeks, IDP has received reports of over 75 raids—almost five times more than the eight weeks prior. These ICE arrests have been marked by aggressive force and a continued reliance on misleading ruses. ICE frequently goes to homes or stops immigrants on the street pretending to be local NYPD officers who are conducting criminal investigations, and often refuse to identify themselves as ICE.

Other trends, as detailed in our letter with Councilmember Carlos Menchaca to City Council on January 20, 2020, include³:

- ICE taking fingerprints of adults they encounters during arrests with mobile fingerprint devices

¹ See IDP's ICEwatch raid tactics map including ICE raids in the NYC area over the past five years at raidsmap.immdefense.org.

² Justice Coleman, "Barr Announces 'Significant Escalation' Against 'Sanctuary' Localities," *The Hill*, January 10, 2020, <https://thehill.com/regulation/court-battles/482425-barr-announces-significant-escalation-against-sanctuary-cities>

³ <https://www.immigrantdefenseproject.org/wp-content/uploads/2020-ICE-arrest-trends-1.pdf>.

Councilmember Menchaca issued another letter with IDP's updated trends on February 14, 2020. <https://www.immigrantdefenseproject.org/wp-content/uploads/CM-Menchaca-2.14.20-ICE-Raids-Letter.pdf>

- ICE making “collateral arrests” (including multiple people arrested at once)
- The ongoing presence of ICE agents at New York State courthouses

A few days after ICE shot a man in the face in Brooklyn, Border Patrol revealed to *The New York Times* that the Trump Administration plans to deploy Border Patrol tactical units to cities such as New York.⁴ This very flagrant demonstration of militarized policing, targeting immigrants in Cities that have passed policies to protect rights of those who have contact with the criminal legal system, illustrates even further that this administration will go to all lengths to advance their racist fear-mongering agenda.

For many immigrant New Yorkers, the threat of being taken away from their family, their community, their jobs, or their loved ones looms daily. Even if ICE is not at your door, the threat is always there. The mass deportation system is so effective because people have very few legal protections from ICE activity and so there are very few legal avenues to fight deportation. This is by design—the system has been crafted to make it fairly easy for the government to detain and deport people, and extremely difficult to find a legal pathway out. Currently, the federal government has tremendous power to track people given a massive investment in an advanced information sharing network—ICE is automatically notified any time anyone is fingerprinted by police. ICE has access to information collected by police, court records, and technology such as mobile fingerprinting devices that enables them to identify people in less than a minute. In the seventeen years since its inception, ICE has become a massive immigration police force that routinely manipulates and violates laws in order to arrest people, sending them into a sprawling network of immigration prisons. ICE routinely enters homes without consent, handcuffs or pulls guns on people without identifying themselves, and denies people adequate medical attention—in part because the laws are not very protective, but also because they can get away with it.

Fighting ICE on an individual level is extremely difficult, if not nearly impossible. Therefore, as a City and a community, we must continue to challenge not only ICE’s heinous practices but also the very logic that ICE uses to justify its mission.

On February 5, IDP circulated a letter signed by over 120 groups in support of NYC’s detainer policy, illustrating our collective commitment to stand firm in the face of the administration’s xenophobic agenda.⁵

⁴ Caitlin Dickerson and Zolan Kanno-Youngs, “Border Patrol Will Deploy Elite Tactical Units to Sanctuary Cities,” *The New York Times*, February 14, 2020: <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>

⁵ Noah Goldberg, “Immigrant rights groups say Trump’s State of the Union speech sought to ‘exploit and politicize’ assault and slaying of 92-year-old Queens woman,” *The Daily News*, February 5, 2020,

In my testimony today, I will highlight stories that illustrate a particular risk ICE presents to New York City—the agents’ frequent use of ruses, in which they mislead people into believing that they are NYPD officers, coupled with their increasing use of force.

As I will highlight in the following stories, some common ways that ICE misleads people include:

- Wearing dark blue uniforms jackets or vests that only say “POLICE,” without any identifying badge or wording to indicate they are civil immigration officers, not local law enforcement (we have attached a photo of an ICE raid to illustrate);
- Tricking people into thinking that they are NYPD, declaring, for example, they are engaged in a police investigation, falsely stating that they are from a local precinct or that they are with the “warrant” or “narcotics” squads;
- Misleading New Yorkers to letting them into their homes by claiming they have an “active warrant”;
- Drawing, brandishing, or using weapons, in particular guns, to intimidate or force compliance.

Given ICE’s deliberate escalation and the harmful effects it has on how immigrant New Yorkers perceive the NYPD, we urge the NYPD to take the actions in its power to publicly demand that ICE stop pretending to be local police agents and to end any support they may provide to enable ICE’s enforcement operations. Throughout our ongoing monitoring of ICE activity, we have shared reports of ICE’s use ruses where they pretend to be NYPD officers with the Mayor’s Office of Immigrant Affairs and appreciate their support in investigating this. Thus far, the NYPD has not issued any public statements regarding these actions by ICE and we would welcome the opportunity to meet with and hear from them about this urgent situation and the impact on New York communities.

Below are examples, drawn from IDP’s ICEwatch map, of some of the ways in which ICE agents roam through New York pretending to be local police. More examples of ICE tactics can be found at ICEwatch (raidsmap.immdefense.org), updated with verified raids reports received by February 14, 2020.

<https://www.nydailynews.com/new-york/nyc-crime/ny-immigrant-rights-groups-trump-sanctuary-city-murder-20200205-sy3japqycfcrxjctwc3zhl46zi-story.html>

Guns drawn, ICE agents pretend to be the “Narcotics Squad”:

(Story 1471, 1/31/2020 - Brooklyn, NY) An unmarked ICE vehicle pulled over a car in Sunset Park, Brooklyn at 9am. The driver of the car, NC, was stopped at a red light when plain-clothes ICE agents approached the car with their guns drawn. They told him they were “narcotics police” and that they needed to search his car. NC complied with their request and the ICE agents searched his car, and then asked for his ID. When he showed his ID, the agents arrested him, only then revealing that they were ICE agents. NC happened to see someone on the street that he recognized and so was able to leave his car with her.

ICE agents arrange a meeting at the 44th precinct:

(Story 1484, 2/7/2020 - Bronx, NY) On February 2, 2020, plain-clothes ICE agents went to a home in the Bronx in the early morning. They were looking for an individual, PA, who was not at home at the time. The agents told his wife that they were looking for her husband about a warrant. When PA’s wife asked what the warrant was about, the agents told her it had to do with her car and someone else driving it. The agents left a phone number for PA to call them. PA’s wife called him and told him the police wanted to speak with him about a warrant. When PA called them, the ICE agent, without identifying who he was, told PA that he needed to come to a local police precinct to speak with them about the warrant.

Believing that this was an NYPD officer and worried that there was a warrant for his arrest, PA spoke with a criminal defense attorney who advised him to go to the precinct to speak with the police and wrote a letter invoking his constitutional rights for PA to give to the police. Between the phone call on February 2 and February 7 when PA was intending to go to the local police precinct, he received a call from the ICE agent changing the precinct and instructing him to go to the 44th precinct and to call when he was outside. On February 7, PA went to 44th precinct in the Bronx with the criminal defense attorney’s letter in hand. When he arrived outside the 44th precinct, he called the agent. Within a minute or two, four vehicles pulled up and the individual was arrested by ICE. This was the first time he realized that it was ICE agents who had come looking for him and not NYPD officers.

ICE agents specifically state they are from the 110th precinct:

(Story 1082, 1/24/2019 - Queens, NY) Two plain-clothes ICE agents came into LM's beauty salon and started to look around. They identified themselves as "detectives" and asked LM if there were any drugs or weapons, specifically knives, in the salon. While they were questioning LM, one agent blocked the door to the salon and the other began looking through the salon without asking for permission. LM, thinking that they were

NYPD, asked what precinct they were from. One responded that they were from the 110th precinct in Elmhurst. They asked her about her business, the number of employees at the salon, and finally asked for LM's ID. Before LM had time to respond, one of the ICE agents grabbed her backpack and took her ID from inside of it. They arrested LM and drove off in two separate vehicles. She only learned that she had been arrested by ICE after she was in custody in the ICE vehicle.

(Story 805, 8/3/2018 - Queens, NY) Around 6:30 am, AD received a call on his cellphone from an "Officer Garcia" who told him he was waiting outside his home in Queens and needed to speak to him. "Officer Garcia" did not identify who he was or what agency he worked for. When AD explained that he was not home, "Officer Garcia" told him he needed to go to the 110th precinct before 8 am to look at some photographs. AD was unable to make it to the 110th precinct before 8 am and when "Officer Garcia" called him back to see where he was and AD tried to explain that he couldn't make it in time, he told him "don't say I didn't warn you." Worried about what this meant, two days later, AD walked into the 110th precinct with the intention of finding "Officer Garcia" to look at the photographs in question. An NYPD officer at the 110th precinct told him there was no officer by that name who worked there and that there were no outstanding warrants for AD or photographs for him to look at.

ICE agents pretend to be the police and arrest six immigrants in a Brooklyn apartment: (Story 1399, 01/16/2020 - Brooklyn, NY) Six plain-clothes ICE officers came to the door of FF's apartment near the Brooklyn Navy Yard and knocked on the door. FF came to the door and looked through the peephole. He saw six individuals in plain-clothes with the words POLICE on their clothing and assumed that it was NYPD officers. FF asked who it was and the officers identified themselves as "police". They told FF that they were looking for someone and gave FF a name of a former roommate. FF opened the door a little and one ICE officer placed his foot to prevent the door from being closed. After FF responded that the person no longer lived there, the officers asked to enter to make sure he did not still live there. FF told the officers that there was no need to search because the individual did not live there anymore. One officer then told FF that he did not need to worry because the officers would not do anything to him or anyone else in the home and that they only wanted to check if the individual they were looking for was present. FF thought it was the NYPD and felt coerced into letting the officers enter. Two officers remained outside the apartment door while 4 of them entered the apartment. One officer stayed with FF while other officers began searching the rooms in the apartment. When the officers saw FF's give other roommate who were home, they demanded that everyone go to the living room and show the officers their

IDs. Once they gathered everyone in the living room, the officers arrested all six individuals, including FF. They never identified themselves as ICE.

ICE agents pretend to be police and threaten a resident to get inside their home:

(Story 1410, 1/23/2020 - Brooklyn, NY) On January 22, 2020 plain-clothes ICE agents came to a home in Bensonhurst, Brooklyn early in the morning and told the residents of the home that they were the police. When one of the residents asked what precinct they were from, the ICE agents did not answer. They left and sat in an unmarked car parked on the street in front of the home where they remained for the entire day. The agents returned the next day and this time told one of the residents of the home, AM, that they had missed a criminal court case (which was not true). AM refused to open the door because he knew this was not true. The ICE agents loitered outside the home until one of AM's roommates left for work. They followed AM's roommate for two blocks harassing and threatening him if he did not let them inside the home. AM's roommate was scared and felt like he had no choice but to take the agents, who he thought were NYPD, to the home and let them inside. Once they were inside the home, the ICE agents arrested AM, only then revealing that they were ICE.

With guns drawn, ICE agents throw two US citizen teenagers to the ground:

(Story 1483, 2/12/2020 - Westchester County, NY) Three-four ICE officers went to YC's apartment near White Plains around 6am. The officers were wearing vests that said ICE. They banged on the door and began asking for YC by name. YC's wife and three children (ages 19, 15, and 7) were inside. The family remained quiet and did not open the door. The officers then started knocking on neighbors' doors as well. They also went around the building flashing their lights into their windows. The officers stayed outside of YC's door for about 30 minutes and finally left.

By the time ICE left, YC's 15 year old son had missed the school bus, so the 19 year old son decided to drive him to school. They are both US citizens. As soon as YC's sons got into the car, three cars started to follow them. Shortly after they started driving, they heard sirens. The 19 year old saw that it was an unmarked car that had the sirens and he didn't know who it was. Shortly before arriving at the 15 year old's high school, they stopped the car and the car with a siren blocked them off. ICE officers in plain clothes came out of the car, opened the doors of to their car, grabbed both the young men and threw them to the ground. The officers did not identify themselves. One of the ICE officers pointed a gun at one of the boys and told the boys they were the police. YC's son asked to see their badge and the ICE officer refused to show a badge. The officers then began asking the boys questions about their parents. At this point both boys remained silent. The ICE officer threatened "if you don't answer we are going to hold you here" and then took the wallet of the 19 year old, went through it and took his

license. He returned a few minutes later after running the license information and told both boys they were free to go.

Examples of ICE agents investigating fake crimes and fake suspects:

(Story 1449, 1/29/2020 - Staten Island, NY) At 6am, EM and his wife, who was visibly pregnant, heard a knock at their front door around 6:00 AM. EM's wife went to the door and looked through the peephole. She saw a few men outside who told her they were the police and were conducting an investigation. The man (who was a plain-clothes ICE agent) told her that they were looking for someone named "Luis". Believing it was the NYPD but still not opening the front door, EM's wife told the agent to show her the photo. The agent showed her a photo of someone that ER's wife did not know, so she told the agent this and let him know that that man did not live in the home. The agents told her to let them in to check, but she told them she would not let them inside unless they showed her a warrant. They did not have a warrant and left.

Both EM and his wife had to go to work so they left their home that same morning maybe 30 minutes later. As EM's wife drove the car down the block from their home, the ICE agents surrounded the car and told them to get out of the car. The agents told them that they were ICE and were there to arrest EM, identifying him by name. They said that her husband had been arrested for a criminal case. She told them that he was fighting that in court and asked the agents to show a warrant. The agents flashed EM's wife a paper that was not signed and refused to let her see it closely. EM and his wife were both scared and EM decided to get out of the car, especially since his wife was pregnant. As soon as he stepped out of the car, he was surrounded by the agents and arrested.

(Story 1155, 4/1/2019 - New York, NY) Plain-clothes ICE agents came to MM's house at 7 in the morning and asked for him by name. MM's step-daughter answered the door and told them that he was not home. The agents told her that they wanted to speak with him about an ongoing criminal case without identifying who they were. They assured his step-daughter that he wasn't in trouble but that they just needed to question him about an ongoing case. The step-daughter gave the ICE agents MM's phone number believing they were the police.

The ICE agents then called MM and told him they were investigating a case regarding "someone he knew" and had a few questions for him. They gave MM a generic name and asked him if he knew that person. MM knew multiple people by that name. ICE asked him if they could meet him at a police precinct to discuss it. MM asked them which precinct they'd like to meet at, and they responded "whichever one is closest to you." MM became suspicious of that answer and did not go to the 23rd police precinct,

the closest one, at the time they told him to. ICE called MM back and asked him where he was and told him they were waiting for him. They then asked him to come to 26 Federal Plaza. It was only then that MM figured out they were ICE and not NYPD agents.

(Story 1271, 9/25/2019 - Brooklyn, NY) Plain-clothes ICE agents came to the outside of VR's apartment building. They called VR's cell phone and told him, without identifying who they were, that they wanted to speak with him about having witnessed an accident at work and asked him to come outside. VR worked as a parking attendant and didn't know what specifically they were referring to but came outside to speak with who he believed were the NYPD. As soon as VR stepped outside of his apartment building, he was arrested by the ICE agents.