

ICE OUT!

NYC PLATFORM FOR MAYOR OF NEW YORK CITY

Sanctuary and Safety for All

VALUES

All New Yorkers, regardless of their immigration status, deserve to thrive in safe communities. Sanctuary policies, which bar city agencies from sharing information about immigrants with federal immigration agencies in most circumstances, have a long history in New York City.

Sanctuary policies are public safety measures. They help protect New Yorkers from racial profiling and abuses of power and ensure New Yorkers have reason to trust local agencies and access city services. They allow tenants to feel comfortable reporting unsafe housing conditions, workers to feel assured in reporting labor exploitation and wage theft, and domestic violence survivors to feel trust in accessing life-saving support. [Study after study](#) show that cities with large immigrant populations are safer than those with less immigrants, and that places with sanctuary policies have [lower crime rates](#).

Immediately upon taking office, we call on the next mayor of New York City to take the following critical measures that treat immigrant New Yorkers with the dignity they deserve and to further ensure that New Yorkers are informed of their rights under city law.

ACCOUNTABILITY AND OVERSIGHT – DAY ONE DIRECTIVES

Require all city agencies to have written guidance and protocols on compliance with NYC Admin Code § 10-178 (i.e. Local Law 228), our critical law preserving city resources.

Problem: In 2017, “Local Law 228” passed in the City Council which limited the City’s collusion with immigration enforcement (NYC Administrative Code § 10-178). In 2018, [implementation guidance](#) recommended that agencies develop formal policy or protocol to ensure effective implementation but did not require it. In reality, city agencies – especially the [Department of Correction](#) (DOC) and the [New York Police Department](#) (NYPD) and other agencies such as [Administration for Children’s Services](#) (ACS) – have violated this law, resulting in grave harm to immigrants for whom detention and deportation can be very difficult to stop. The lack of detailed policy and protocol around compliance with the law creates mistrust and confusion.

Recommendation: On Day One, the Mayor must require all city agencies to develop formal written guidance and protocols on compliance with § 10-178 as well as review guidance that does exist to ensure it is as robust as possible.

Direct the Department of Correction to cease communications with ICE absent a judicial warrant, coming in line with other immigrant-welcoming cities.

Problem: In 2014, the City Council [passed laws](#) limiting when the Department of Corrections will honor an ICE detainer (a request to law enforcement to hold someone in custody even if they should be released) and limiting whose information they could share with ICE (NYC Administrative Code § 9-131). To honor a detainer, the law required ICE to present them with a warrant signed by a federal judge.

DOC has [regularly violated these laws](#) by soliciting detainers from ICE, giving non-public information about New Yorkers to ICE despite the absence of any judicial warrant and providing information about individuals who are merely charged with enumerated offenses, allowing ICE to access DOC facilities and take custody of people, and delaying the release of people who would otherwise be released for purposes of funneling them to ICE. Additionally, DOC's claimed interpretation of the law goes against the reading and intent of the statute. DOC interprets our law to allow themselves to facilitate the transfer of people to ICE custody by informing ICE when they will be released, so ICE can come pick them up, if they have certain convictions or are a match on an inaccurate government watch list, *even when ICE doesn't have a warrant signed by a federal judge*. This punishes people with ICE arrest because of past and resolved contact with the criminal legal system, undermines the City's commitment to protect immigrants, tears apart families and creates long-lasting trauma, and ultimately undermines trust with New Yorkers.

Recommendation: There is nothing in our law that *requires* communication between DOC and ICE at all. In fact, at least half a dozen localities around the country (including Chicago and Los Angeles) by policy [do not communicate with ICE at all absent a judicial warrant](#). Therefore, the Mayor must bring New York City in line with these immigrant-welcoming cities around the country and use their authority to direct the Department of Correction to immediately cease communication and coordination with ICE. This includes committing to never allow ICE to establish a physical presence on Rikers. The sole communication exception should be for purposes of facilitating access to the courts for people held in ICE custody with pending cases, who would return to DOC custody in order to facilitate resolving their pending cases.

Direct the New York Police Department to operate in line with state law and to further unveil their practice of joint task force operations with federal immigration agencies.

Problem: The 2014 Council laws likewise limited when the NYPD would honor an ICE detainer (NYC Administrative Code § 14-154) and whose information they could share with ICE. As New York state courts have already recognized, [State law](#) already prohibits New York law enforcement agencies from holding a person past their release date for ICE, unless ICE presents a warrant signed by a federal judge. However, current City law claims NYPD may detain a person for ICE without a warrant if they have certain prior convictions and reentered the country after a prior removal, or they are a match on an inaccurate government watch list. This problematic language invites the NYPD to detain people contrary to New York state law.

Additionally, our local law allows NYPD an exception to work with federal agencies where there are cooperative arrangements between city, state and federal law enforcement agencies that are not "primarily" intended to further immigration enforcement (ie joint task forces). Joint actions between NYPD and ICE are often deemed to be part of "joint task forces" [pretextually](#) and without evidence.

Recommendation: We call on the Mayor to direct NYPD that they must abide by state law and are not permitted to hold anyone for ICE without a warrant signed by a federal judge. We additionally call on the mayor to ensure the NYPD has a clear formal policy about when a joint task force between NYPD and federal agencies that engage in immigration enforcement should be permitted, to expand on investigations of the use of any cooperative agreements, and to suspend any such cooperative actions until a memorandum of agreement has been reviewed and vetted for compliance with our local laws.

Direct the Department of Probation to cease communicating with ICE and federal agencies carrying out immigration enforcement.

Problem: Our local law §9-205 did not specifically restrict the Department of Probation from communicating with ICE but a subsequent internal memo in 2015 prohibited such communications and DOP is bound by our city resources law. However, DOP still communicates with ICE to verify immigration status and related information for pre-sentence investigation reports (PSIs). As a result, New Yorkers have been put at risk when DOP has communicated with ICE.

Recommendation: We call on the Mayor to direct the Department of Probation to cease communication with ICE or any federal agency carrying out immigration enforcement and issue clear guidance articulating why such information is not relevant to a PSI and is necessarily in conflict with our city resources law.

Direct all city agencies to make our City spaces safe for immigrants.

Problem: Under the Trump administration, ICE has been unrelenting in tracking down and arresting immigrants whenever and wherever they can find them. Under [city law](#), ICE cannot enter non-public spaces to conduct enforcement actions unless they have a judicial warrant – something they rarely obtain– or consent from the property owner. That includes city buildings and facilities where people come to receive essential services. Yet despite local laws restricting access to city property, the Department of Social Services issued a memo earlier this year to employees [instructing them](#) to permit ICE agents to enter city shelters if they felt “threatened.” Though city officials later clarified the policy, the incident raised questions about how city employees who control access to sensitive areas are being trained on what to do if ICE appears at the door.

Recommendation: New Yorkers must be confident in knowing that the places they go to receive city services will not be turned into traps for immigration arrests. [Local law](#) already provides that non-local law enforcement like ICE are not permitted to access non-public areas of city property unless they present a judicial warrant or another exception applies. The next mayor must commit to robustly enforcing the law and take any further steps under their power to limit ICE access to city facilities. That includes issuing detailed and understandable guidance requiring a judicial warrant in all instances, training employees properly on their obligations, and putting in place safety protocols for situations where ICE might try to gain access to city property underhandedly. City agencies should also be directed to evaluate what areas of their property are open to the public and consider how access can be better maintained to ensure clients’ privacy and safety. The next mayor should also require city agencies to track and report on attempts by non-local law enforcement to enter non-public areas of city property, and make such reports available to the public.

Direct all city agencies to protect the sensitive data of all New Yorkers from misuse and negligence.

Problem: As more technology, data tools, and public-private partnerships are integrated into digital public infrastructure, all New Yorkers are at risk of their personal data being accessed, and their privacy protections being violated. Protecting our data is crucial to developing public goods and services that are democratically controlled, accessible to all and serve the public good. This particularly impacts immigrant New Yorkers whose personal protected information is increasingly sought by federal and corporate entities for criminalization and targeting. The passage of Local Law 245 and Local Law 247 in November and enactment in December 2017 sought to strengthen local protections for personal data in New York City. It created new requirements for protocols that protected the collection, retention, disclosure and reporting of sensitive and identifying information, including immigration status. This was mandated across city agencies and included contractors providing services on behalf of any citywide agency.

In addition to the [documented failures of compliance of other city laws](#) that prohibit collusion and other forms of information sharing including immigration detainers, there may also be instances where improper collection and disclosure have occurred that circumvent our city laws altogether. The Brooklyn Defender Services (BDS) have conducted an [investigation](#) following the [lawsuit that barred ICE operations in Rikers Island Jail](#) and found that federal immigration authorities may still have access to identifying information through [third-party audio and communications surveillance databases and technologies](#). Existing cooperation with a DHS-funded [Fusion Center](#), which is an information and resource sharing hub between federal, state and local authorities also creates additional vulnerable access points for New Yorkers personal data if mismanaged. These instances of information-sharing are inconsistent and negligent with compliance to our city laws, and around the country, ICE and federal immigration authorities have been relying on alternate pathways to information gathering such as contracts with [data brokers](#) and other procurement of third-party databases that have information that can lead to an immigration enforcement action where city laws would have been limited. The expansion and integration of NYC's MyCity Portal that seeks to centralize public benefits information and agency coordination is also prone to negligent data sharing and management practices, an [investigative report](#) found.

Recommendation: On Day One, the Mayor must immediately direct the audit of citywide data management procedures and contracts, including with jail communications technology and citywide data coordination software such as MyCity and IDNYC portals, to ensure compliance with [§23-1202](#). As digital infrastructure expands, the Mayor must develop a plan to protect New Yorkers data from a wide range of threats including subpar digital services procurement standards and both private and federal inquiries. We further call on the Mayor to end contracts with third-parties found to be at risk of violating our city's sanctuary laws through loopholes and unsecure systems or data management procedures within the first 100 days.

WORK WITH THE CITY COUNCIL TO STRENGTHEN AND DEFEND OUR SANCTUARY LAWS.

New York City has some of the strongest and oldest protections for immigrant New Yorkers in the country. The city's sanctuary laws and policies have existed in various forms for decades. Today, those protections are firmly embedded in local law, and broadly prohibit city employees from using city resources for immigration enforcement or responding to detainers without a judicial

warrant. But those laws are beset by exceptions that permit collusion with ICE when a detained person has past contact with the criminal legal system or if vague, nontransparent exceptions regarding task force agreements or public safety apply. They also offer no avenue for people to seek redress when the laws are violated. Community members have for years advocated to fix these shortcomings, but those efforts have been frustrated by an unwillingness by the mayor to embrace positive changes to the law.

It is more important than ever that our city's sanctuary laws are as strong and watertight as they can be. The next mayor must commit to working in good faith with the city council on legislation to bolster our sanctuary laws by:

- Supporting and signing the [New York City Trust Act](#) (Intro. 214-2024), which would create a private right of action for those harmed by sanctuary law violations to hold city agencies accountable in court.
- Supporting and signing legislation that would move our NYPD and DOC detainer laws from the existing conviction-based model to a stronger due process-based model in line with other immigrant-welcoming cities
- Strengthening our laws to ensure there is no ambiguity in the allowance of federal agencies that engage in immigration enforcement to have a presence on Rikers Island or other city property.

DIRECTING AGENCIES TOWARDS POLICIES OF TRANSPARENCY.

Problem: New York City agencies routinely fail to document or disclose processes critical to determining whether sanctuary laws have been violated. They often ignore public records requests or respond only after [prolonged delays](#)—frequently requiring litigation. By the time advocates receive information, it is often outdated. For example, the timing and content of Department of Correction communications regarding ICE detainers and “requests for notification” are essential to evaluating DOC’s compliance with local law. Yet, the lack of transparency prevents advocates and affected individuals from assessing potential rights violations. Agencies then [avoid accountability](#) by claiming advocates lack timely data on current patterns or misconduct.

Recommendation: The Mayor must direct all city agencies to respond promptly to FOIL and other requests related to the timing, communications, and procedures that may lead to ICE apprehensions through the use of city resources. As explained above, we also call on the Mayor to require the NYPD to publicly disclose when joint task forces with ICE qualify as exceptions to sanctuary laws, maintain detailed records of such operations, and provide them upon request—without delay.

Finally, we urge the Mayor to direct agencies to hold public town halls with community members, advocates, and impacted individuals. These forums are essential to promoting transparency, allowing residents to better understand the extent of ICE collusion, and providing space for the public to raise specific concerns directly with agency representatives.

ENDORSED BY:



THE BRONX DEFENDERS

