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COMMITTEE ON IMMIGRATION JOINTLY WITH
COMMITTEE ON HOSPITALS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION JOINTLY
WITH THE COMMITTEE ON HOSPITALS

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February 28, 2020
Start: 10:08 a.m.
Recess: 2:09 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Carlos Menchaca,
Chairperson on Committee on
Immigration

Carlina Rivera,
Chairperson on Committee on
Hospitals

COUNCIL MEMBERS:
Margaret S. Chin
Daniel Dromm
Mathieu Eugene
Francisco P. Moya

A P P E A R A N C E S

Edith Lopez
La Colmena

Sophia Gurule
Testify on behalf of a man whose wife and family
have been representing in criminal court through
the NYIFUP program

Marie Deluca
Emergency Medicine Physician in New York City

Nathaniel Kratz
Medical Doctor who actively volunteers with the
Medical Provider Network at New York Lawyers for
the Public Interest

Bitta Mostofi
Commissioner for the Mayor's Office of Immigrant
Affairs

Laura Alfredo
General Counsel at the Greater New York Hospital
Association

Genia Blaser
Senior Staff Attorney with the Immigrant Defense
Project

Ari Moma
Registered nurse at Interfaith Medical Center in
Central Brooklyn

Yesenia Mata
Executive Director of La Colmena

Sarah Flatto Monasrah
Never Again Action

A P P E A R A N C E S (CONT.)

Casey Dalporto
Attorney at the Legal Aid Society

Jacqueline Pearce
Raids Response Attorney with Make the Road New
York

Whitney Hu
Sunset Park ICE Watch

Rabbi Barat Ellman
New Sanctuary Coalition

Meryl Ranzer
New Sanctuary Coalition

Mohammad Razvi
Council of Peoples Organization

Jo-Ann Yoo
Executive Director of the Asian American
Federation

Iman Al Ahdal
Immigration Case Manager for the Arab American
Association of New York

Mae Lee
Executive Director of the Chinese Progressive
Association

Sophia Gurule
Policy Counsel to the Immigration Practice at the
Bronx Defenders

Cory Forman
Sits on the Executive Committee of the New York
Chapter of the American Immigration Lawyers
Association

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COMMITTEE ON IMMIGRATION JOINTLY WITH
COMMITTEE ON HOSPITALS

A P P E A R A N C E S (CONT.)

Hayley Gorenberg
Legal Director of New York Lawyers for the Public
Interest or NYLPI

Nyasa Hickey
Director of Immigration Initiatives at Brooklyn
Defender Services

Dennise Hernandez
Education and Outreach Coordinator at UnLocal

Carlos Palacio
President of Young Progressives of America

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2 CHAIRPERSON Menchaca: [GAVEL] Buenos Dias
3 everyone. We're going to begin this public hearing.
4 We are gathered here today at the City Council
5 Chambers because we believe in justice, justice for
6 all. Justice for every single soul and we are
7 gathered here today because some of us have seen with
8 our own eyes the injustice of an immigration system
9 that continues to devolve. That continues to become
10 inhumane and continues to target many of our friends
11 and families in this city.

12 And we are gathered here because we will hear
13 some of those stories today in front of the City
14 Council. The City Council that represents the
15 largest city in America, in front of the Immigration
16 Committee, in front of the Hospitals Committee.

17 We cannot unsee the injustices that we have seen.
18 We cannot unhear the stories that we have heard but
19 we can undo this government and the arm of ICE. To
20 not just abolish ICE, but to continue to undo and
21 unravel the White supremacy that continues to infect
22 our government. That's something that we can do and
23 that's why we are here today in front of you to
24 listen and to act.

1
2 My name is Carlos Menchaca and I'm the Chair of
3 the Committee on Immigration and we will be
4 conducting an oversight hearing on ICE's Escalated
5 Attacks on New York Policies Protecting our Immigrant
6 neighbors. We are pleased to be joined by a champion
7 for immigrant New Yorkers in her own right, my
8 colleague Council Member Carlina Rivera, Chair of the
9 Committees on Hospitals.

10 I want to thank you Council Member Rivera for
11 always standing up, not just standing up but with an
12 incredibly clear voice defending everyone that needs
13 to be defended. Not just today, but all the work
14 that we do with census and the BLAC Committee, caucus
15 and all the things that we do together. Thank you.

16 Our work is to champion the work of our
17 immigrants, specifically though the Immigration
18 Committee will also be hearing a proposed resolution
19 274-A, sponsored by myself, calling on the United
20 States Congress to pass and the President to sign the
21 Combating Deceptive Immigration Enforcement Practices
22 Act of 2019, H.R. 3498.

23 This Act would prohibit agents of the United
24 States Department of Homeland Security from wearing
25 clothing or equipment that bears the word police.

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2 The proposed resolution also calls upon the
3 Department of Homeland Security to prohibit United
4 States Immigration and Customs Enforcement ICE agents
5 from identifying themselves as police officers while
6 conducting immigration enforcement activities in New
7 York City.

8 I don't need to remind anyone in this room that
9 this is a terrifying time for all of us. The Federal
10 Administration has empowered federal agencies to
11 conduct increasingly violent immigration enforcement
12 here in the City of New York. ICE activity in the
13 City has escalated beyond doubt. Since January 2020,
14 advocacy organization Immigrant Defense Project, IDP
15 has identified 74 reports of ICE arrests or attempted
16 ICE arrests in the City.

17 In the same timeframe last year, only 29 such
18 reports were identified. ICE is using ruses to
19 access our New Yorkers. Claiming to represent local
20 NYPD precincts or as detectives and apprehending
21 entire families in collateral arrests. They go for
22 one person and they take everyone in the home.

23 It is no accident that the Trump Administration
24 announced that they would be deploying the special
25 forces type tactical units to sanctuary cities

1 including New York from February to May. This
2 clearly overlaps the census self-respond period
3 beginning on March 12th. The Trump Administration
4 wants to further harm our city by restricting access
5 to federal funding and increasing ICE activity during
6 the 2020 Census is just one tactic to accomplish this
7 and many more are on their way.

9 The Council takes this threat very seriously and
10 has invested significant resources in partnership
11 with the Mayor's Office to ensure that the City has
12 an accurate count. And with ICE escalation, we are
13 sensitive to the ways in which immigration
14 enforcement attacks the very policies that we as a
15 City Council have set in place to ensure that we are
16 a sanctuary city.

17 The City has laws and policies that limit
18 cooperation between local law enforcement and
19 immigration enforcement by impersonating police
20 officers and engaging in targeted raids throughout
21 the city, ICE is putting pressure on our city's
22 commitment to our immigrant New Yorkers.

23 When ICE impersonates NYPD, it hurts the
24 credibility of our Local Law Enforcement. This has
25 real impacts on our public safety as immigrant New

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2 Yorkers will avoid interacting with NYPD when they
3 are victims of crime.

4 At this point, it is critical that we reestablish
5 our values. The city has always been a city of
6 immigrants and we are deeply angered by the
7 xenophobic and inhumane policies that are erecting an
8 invisible wall around our nation, separating families
9 and inflicting lasting trauma on each person left
10 behind. We will not stand by while the federal
11 government disregards the sanctity of sensitive
12 locations like hospitals or uses violent force as if
13 they were above accountability. We are here today to
14 shed the light on the escalation of ICE activity in
15 the city and demand that the targeting of immigrant
16 New Yorkers come to a halt and work with our city
17 partners. The Mayor's Office of Immigrants Affairs
18 and representatives of New York hospitals to ensure
19 that we are prepared for our present reality.

20 The last few weeks have been incredibly chaotic
21 and traumatic for many of us and I want to thank the
22 Mayor's Office of Immigrant Affairs for their
23 leadership. They were there on the scene shortly
24 after the February 6th incident and remained on site
25 while things were resolved. They have been at the

1
2 forefront of many crisis's that we have endured,
3 especially targeting our immigrant New Yorkers and we
4 can't thank them enough for their civil service
5 today.

6 A special thank you to those of you have come to
7 share your stories. We will listen to your stories
8 and it will be part of the record here today and we
9 are committed to your wellbeing and success as well
10 as ensuring that each of you have the opportunity to
11 fight for the right to stay here and be with your
12 family in your home.

13 And as always, we want to thank the courageous
14 advocates, the legal and social service providers who
15 are on the frontlines every day on some of the
16 darkest days in the darkest periods of our history
17 here in the United States. And with that, I want to
18 thank my staff who have been working really hard to
19 put this together. My Chief of Staff Lorena Lucero,
20 Legislative Director Cesar Vargas, my Communications
21 Director Tony Chiarito and the Committee Staff
22 Counsel to the Committee Harbani Ahuja, Committee
23 Policy Analyst Elizabeth Kronk.

24 I also want to invite my sister, my partner on so
25 many things and I'm so happy again to just be

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2 fighting next to her Council Member and Chair Carlina
3 Rivera.

4 CO-CHAIR RIVERA: Thank you so much. Good
5 morning everyone. I am Council Member Carlina
6 Rivera, Chair of the Committee on Hospitals and I'd
7 like to start off by acknowledging my colleagues
8 including my Co-Chair Menchaca, the members of the
9 Immigration Committee and the Hospitals Committee
10 that will be joining us and of course thanking
11 Council Member Mathieu Eugene for being here with us.

12 Thank you all for attending today's important
13 hearing. The increased level of ICE activity in our
14 city is intolerable, unacceptable and cruel. And
15 your presence and activism is much needed and
16 appreciated. I am disgusted by the stories I've been
17 hearing and I'm particularly concerned about the
18 health impacts of the increased ICE activity on our
19 cities immigration population.

20 ICE identifies hospitals as sensitive locations
21 where enforcement actions will not be targeted. ICE
22 states that it has implemented a policy whereby
23 enforcement actions are not to occur at or be focused
24 on sensitive locations. Sensitive locations include
25 medical treatment in healthcare facilities, schools,

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2 places of worship, religious or civil ceremonies or
3 observances such as funerals and weddings or during
4 public demonstrations. There are few specific
5 exemptions to this policy. As a city, we expect this
6 to mean that a certain level of safety is ensured in
7 hospital settings. When immigration enforcement
8 agents operate in a hospital setting, immigrant New
9 Yorkers are driven away from accessing the critical
10 healthcare services they need. It is simply
11 unacceptable that ICE acted in the way it did on
12 February 6th.

13 With that said, I do want to take this
14 opportunity to stress that this was one instance,
15 albeit a heinous one, of ICE officers following an
16 individual to a hospital after a prior and
17 unnecessarily violent interaction.

18 This is the first and only time we know of this
19 occurring in the city. There have not been reports
20 of ICE officers patrolling hospitals and we certainly
21 hope it will not become the norm. Immigrants can and
22 should continue to seek care at our city's hospitals
23 and we are working with our friends and partners at
24 the Mayor's Office, health and hospitals and at
25 private hospitals to ensure this.

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2 Today, I want to call attention to the ways in
3 which ICE's presence at the hospital following the
4 February 6th incident impacted the health and safety
5 not only of the victims and their loved ones at this
6 but also of all of the 3.2 million immigrant New
7 Yorkers moving forward.

8 Every New Yorker, regardless of immigration
9 status, address and income deserves access to
10 affordable and high quality healthcare in a safe
11 environment. This story proves that we must do
12 better. First, we must meaningfully examine the
13 protocols in place at our medical facilities to
14 ensure that regardless of law enforcement presence,
15 individuals are receiving high quality and equitable
16 care.

17 It seems impossible to ensure that a person is
18 receiving quality equitable care when they are
19 isolated from their loved ones and handcuffed to a
20 bed.

21 I want to know if the presence of ICE inhibits
22 our providers in any way from doing their jobs. I
23 want to understand the protocol's that are in place
24 to elevate patient's safety and care when law
25 enforcement is involved in any way.

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2 Second, we must examine the impact of federal
3 policies, like public charge and increased ICE
4 enforcement on the level of fear our communities are
5 experiencing. This fear is a public health crisis,
6 it fuels a cycle of health and equity. While we are
7 fortunate to live in a city which provides resources
8 and support for immigrants, a city with programs such
9 as NYC Care and a robust public hospital system that
10 doesn't turn away anyone. Those programs will not
11 serve their fullest potential if people are too
12 scared to leave their homes.

13 We can't expect to provide individuals with
14 quality medical care if the environment in which the
15 receive this care does not feel secure. We need to
16 ensure we are engaging with communities and
17 increasing outreach during this time of increased and
18 growing health and mental health needs. Our
19 immigrant communities must not suffer in silence.

20 We must also build upon and strengthen medical
21 facility protocols, as we expect more and more ICE
22 activity to impact some of our city's most vulnerable
23 residents. I look forward to discussing what more
24 can be done to support our communities. We want to
25 ensure our immigrant communities are safe and access

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2 the healthcare they need. I look forward to
3 listening to hospitals, providers and advocates about
4 their experiences and ideas for addressing these very
5 serious issues.

6 Thank you all so much for attending today.

7 CHAIRPERSON MENCHACA: Thank you Co-Chair Rivera
8 and we are going to be opening up today's hearing
9 with a public panel. I'd like to call up Edith Lopez
10 from La Colmena, Carmen Cruz, Dr. Marie DeLuca and
11 Dr. Kratz and Sophia Gurule from the Bronx Defenders.
12 You can come on up. We will also be needing
13 translators as well.

14 Thank you and Sharon the interpreter as well,
15 thank you so much for being here today. If we can
16 begin, we'll go from our left to the right. So,
17 Edith if you can begin with your story and your
18 testimony and we'll go down.

19 EDITH LOPEZ: My name is Edith. On January 29th
20 around 6 a.m. somebody knocked at the door very hard.
21 My husband and I woke up, we got scared because we
22 didn't know what was happening. Then I ask at the
23 door, "who is it?" They answer, "police, open your
24 door." I asked why. The man told me "we are in the
25 middle of investigation. We are looking for a man,

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2 did you lose any ID or did you borrow your address to
3 somebody? Open the door, we need to check inside
4 your house."

5 I asked for a letter for them to come to my
6 house. He said, don't have a letter, but I have a
7 picture, open the door, I will show you the picture."

8 I asked him to show me through the window. The man
9 said, "his name is Louis, are you sure he is not in
10 your house?" I replied no.

11 And for the last time he asked me again, "are you
12 sure you don't feel comfortable to show me inside
13 your side?" I said, no. And then they left, after
14 40 or 50 minutes it was time for my husband to go to
15 work. I decided to drive him to his work. When we
16 left the parking lot, I noticed that a black car was
17 following us and 1 or 2 minutes away from the house,
18 this car turned on the police lights. I stopped and
19 parked the car and right away two cars surrounded us.

20 A man went to my husbands window, he said, "open
21 the door." I asked my husband not to open it and he
22 screamed again, "open the door, you are under
23 arrest."

24 Then, another man came to window and asked, just
25 open your window. I asked him, "why is he under

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2 arrest if we just came from out house?" He asked me
3 for an ID. The other police kept saying, he is under
4 arrest and he has to get off of the car. I know who
5 he is, he ahs court and don't complicate his case and
6 let him get off of the car. And I told him that, you
7 know that he has a lawyer and he is doing everything
8 right. In Spanish, he insisted to my husband to get
9 off of the car. I asked him for a warrant letter.

10 The guy only showed me a little piece of paper
11 with my husbands picture and some information. I
12 told him that is not a warrant. Then, the other guy
13 said, I have it on my phone. I told him that that is
14 not proof enough for me for them to take my husband.

15 So, the other guy told his supervision. After 10
16 or 15 minutes, while we were waiting my body started
17 to shake, I was getting an asthma attack.

18 A lady came, she brought a sheet and told me here
19 is the warrant but she never allowed me to read it or
20 to see it closely. Then she asked the man to open
21 the door and arrest my husband. I couldn't do
22 nothing else to help my husband. My husband just
23 gave up to protect me. That's all.

24 CHAIRPERSON MENCHACA: SPEAKING IN SPANISH 28:42-
25 28:50. Thank you.

2 CHAIRPERSON MENCHACA: SPEAKING IN SPANISH 28:57.

3 EDITH LOPEZ: SPEAKING IN SPANISH 29:01-29:13.

4 CHAIRPERSON MENCHACA: SPEAKING IN SPANISH 29:15.

5 Carmen.

6 CARMEN CRUZ: SPEAKING IN SPANISH 29:31-29:38

7 CHAIRPERSON MENCHACA: Carmen, SPEAKING IN
8 SPANISH 29:42-29:52.

9 CARMEN CRUZ: SPEAKING IN SPANISH 29:53-31:42

10 INTERPRETER: Good morning. My name is Carmen
11 Cruz and I am here with my neighbors, friends,
12 attorneys and the officials of the City of New York
13 to demand justice. Justice for my husband, Gaspar
14 Avendano Hernandez who was brutally attacked in our
15 house on the 6th of February by Federal agents.
16 Justice for my son, Eric Diaz Cruz who suffered a
17 gunshot wound to his face and that thank God, he was
18 able to survive the attempt on his life by the
19 federal government.

20 Justice for our community and our people for the
21 immigrant population and the community of Mexican
22 Immigrants. The community that's hardworking and
23 honest who has our families here and who is suffering
24 through this hard time with the federal government.

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2 I am here at this public hearing in the City of
3 New York to inform them of the event that occurred on
4 the 6th of February. It was very painful for me, a
5 day that broke my heart and that has left my house
6 and my home and my family marked forever.

7 CARMEN CRUZ: SPEAKING IN SPANISH 34:05-35:43.

8 INTERPRETER: I am here as a witness to what I
9 suffered and what I was able to see that was
10 happening to my family because even though we have a
11 president that wants to paint us as criminals, I am
12 here to say that we have been victims of a crime that
13 occurred here in the City of New York. A crime that
14 was a result of the federal government.

15 This is a government that is lying. This is a
16 government that came to my house in Brooklyn on the
17 6th of February with federal agents that told us that
18 they were police officers of the City of New York.
19 They said that they were police officers that wanted
20 to protect us. They came saying that they were
21 investigating an auto theft.

22 The violence that my family suffered at the hands
23 of these federal agents, everyone here knows and I am
24 not going repeat it but it ended with my son being
25

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2 shot in the face and an ambulance had to take him so
3 that he could receive medical attention.

4 CARMEN CRUZ: SPEAKING IN SPANISH 38:03-39:24.

5 INTERPRETER: According to the doctors, actually
6 I'm sorry. We were told that he was going to be
7 transferred to the hospital where he finally reached
8 Maimonides Hospital and he was still under custody of
9 the federal government and immigration. When we
10 arrived at the hospital, the police and the federal
11 government let us know that we weren't able to speak
12 to him and everything was going to be investigated.

13 After the attack that was suffered at hands of
14 the federal government, the federal government went
15 into the hospital where they told me that I was not
16 able to speak to my son or my husband. The federal
17 government also did not let the attorneys or our
18 families speak with Gaspar or Eric. They let me know
19 that he was receiving medical attention and that the
20 doctors were working with him.

21 CARMEN CRUZ: SPEAKING IN SPANISH 41:35-43:31.

22 INTERPRETER: What happened to my family was
23 abuse and injustice. All of the time, the entire
24 time that the officials were in the hospital, they
25 had assaulted my family in front of - I'm sorry.

1
2 They had assaulted my family and my children in front
3 of everyone. I appreciate the help that I received
4 from the community in this very hard time for
5 bringing the attention to the press, for bringing me
6 attorneys. I appreciate all of the officials that
7 have tried to help me with my son.

8 Finally, when the moment came for the federal
9 government to release my child, my spouse, I'm sorry,
10 they kidnapped him and we saw - I apologize, what we
11 saw again was the officials of this city. The police
12 of the City of New York again, they came to help us
13 but instead of helping us protect our families, they
14 came to protect the federal government. They came to
15 block the assistance that we were receiving from my
16 husband was receiving to make the process easier for
17 the federal government. This needs to be
18 investigated.

19 This morning, my husband Gaspar Avendano
20 Hernandez is going to go in front of an immigration
21 judge to ask for justice in his case. This is a
22 legal process and I appreciate everything that has
23 been done to connect us with the proper legal
24 assessments for his case.

1
2 INTERPRETER: There is work that is to be done by
3 all of us. The federal legislators that represent
4 this city and the federal congressional regulators, I
5 ask you to please support the application for freedom
6 of Gaspar. He deserves to be with his family. He
7 deserves to be free, to also participate in the
8 investigation that the City of New York needs to open
9 immediately in his case.

10 When a criminal is attacked in the street, the
11 federal government protects him and gives him
12 justice. On the 6th of February, the government
13 attacked us and we need to open an investigation for
14 that. The federal government of the City of New
15 York, I'm sorry, the Attorney General of the City of
16 New York Letitia James has the power to open an
17 investigation and I ask you to please do this as soon
18 as possible. My family deserves justice, our people
19 deserve justice.

20 Thank you.

21 CHAIRPERSON MENCHACA: Thank you. SPEAKING IN
22 SPANISH 50:16-50:43. Thank you for your words, your
23 words that we heard today in the Chambers is official
24 now and part of the record for the City of New York
25 and that is power that we're going to take and move

1 forward with your requests for justice. And so, I
2 just want to say thank you and all of you here just
3 heard those words and we've been hearing these words
4 over and over again in our communities and now it's
5 here in front of us and we are all going to be ready
6 to push forward. The things that we can push forward
7 in the City of New York.

9 I want to also, I want to move over to the next
10 panelists here we have Sophia from the Bronx
11 Defenders to go up next and I just want to clarify
12 that what we heard were ruses from the NYPD, sorry,
13 ruses of ICE self-identifying as NYPD. We saw
14 violent force being used, collateral arrests and now,
15 we saw some atrocious acts inside of hospitals. This
16 is the conversation that we're going to have today.
17 And so, thank you. SPEAKING IN SPANISH 52:33-52:35.

18 If we can move over to the Bronx Defenders.

19 SOPHIA GURULE: My name is Sophia Gurule, I am
20 here to testify on behalf of a man whose wife and
21 family have been representing in criminal court
22 through the NYIFUP program.

23 My name is Karen Bustos and I am a US citizen. I
24 live in Sunset Park with my husband Jose Dequid

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2 Gamboa[SP?], my sister, her husband, their five year
3 old daughter and my mother.

4 We have lived in our home for two years and
5 Brooklyn is our home for two years and Brooklyn is
6 our home and Sunset Park is our community. I am
7 represented in the City Council by Council Member
8 Carlos Menchaca. I am here today to testify about
9 the ICE home raid that terrorized my family and me on
10 January 15, 2020.

11 On January 15, 2020 at around 6:00 in the
12 morning, I was sleeping in my bedroom with my husband
13 Jose, when I heard a loud banging on the apartment
14 door and a woman yelling, police. My sister replied
15 asking, who is it and the woman yelled again that
16 they were the police doing an investigation and
17 ordered her to open the door. The woman never said
18 she was an ICE officer, she just said police.

19 My sister later told me that when she looked
20 through the peep hole, she only saw one woman dressed
21 as a police officer, but when she opened the door,
22 five men who had been hiding on the stairs rushed
23 through our front door.

24 All of the officers were wearing jackets that
25 said police. They knocked on my husbands and my

1
2 bedroom door and again, yelling to open the door. I
3 asked who they were and they replied that they were
4 the police doing an investigation.

5 My husband at this point was awake and opened the
6 door. The officers stormed our bedroom and yelled at
7 us to go to the living room. At this point, I still
8 thought they were NYPD officers.

9 My sister, my brother in law and my husband and
10 myself were all forced to sit on our living room
11 couch while they searched all the other rooms. We
12 lived on the 3rd floor and there are four bedrooms.

13 I am so grateful that my elderly mother was not
14 at home that morning but my 5 year old niece who
15 suffers from heart problems was still in bed. An
16 officer kept yelling at us to stay seated on the
17 couch and mocking us for not understanding her. I
18 asked the officers to please stop screaming, since my
19 5 year old niece was still a sleep and had heart
20 problems. The officer continued to yell very loudly
21 ignoring my pleas. The officer then asked for
22 identification, so I gave them my New York driver's
23 license and my brother and law and sister gave them
24 their IDNYC cards. The officer told them that the
25 cards were not sufficient and asked for passports.

1
2 At that point, I asked them, so are you ICE or
3 are you the police? Why are you asking for our
4 passports? Only after I asked did they tell us that
5 they were ICE. My husband Jose's passport was in the
6 car and we told them that we needed to go outside to
7 get it. They wouldn't let us leave but instead,
8 asked my husbands full name and date of birth. My
9 husband complied and then they handcuffed him.

10 When I asked them why they were doing this, ICE
11 told me it was because he did something bad and if he
12 hadn't done anything bad, we wouldn't be here.

13 The officers kept mentioning that they had a
14 warrant but they never showed it to us. I tried to
15 tell the officer that my husband had a court date in
16 criminal court two days away but none of the officers
17 cared. That criminal case was later completely
18 dismissed.

19 The officers wouldn't let me talk to Jose once
20 they handcuffed him. Both my husband and my brother
21 in law were arrested that morning. They gave my
22 sister a letter telling her to report to 26 Federal
23 Plaza. Two hours later, my brother in law called us
24 and notified us that he and my husband were at 26
25 Federal Plaza in Manhattan and that I needed to go

1
2 there with my husband's passport. I immediately left
3 with his passport, because I was terrified and just
4 wanted my husband home.

5 Despite giving them the passport, I went back to
6 Sunset Park without my husband and with no answers
7 about when I would ever see him again. There are no
8 words to describe the fear and terror of that
9 morning.

10 I saw firsthand ICE's complete disregard for our
11 safety and my family. It was traumatizing to witness
12 ICE officers ignore civil and human rights. They
13 kept referring to my husband as someone who did
14 something bad but my husband and I had already filed
15 a marriage petition that was approved and we are in
16 the process of adjusting his status.

17 My husband now has a work permit. Why did they
18 storm our home at 6 in the morning to take our family
19 members away to jail in New Jersey?

20 I know that these types of raids are happening
21 all over New York City especially in our Sunset Park
22 community. The fear of ICE coming into our homes or
23 kidnapping our loved ones in the street is very real.
24 I hope none of my neighbors will ever go through what
25 my family has gone through.

1
2 Thank you again for the opportunity to provide
3 this testimony and thank you to Council Member Carlos
4 Menchaca who connected my family to the Bronx
5 Defenders Attorney who reunited my family and brought
6 my husband home.

7 CHAIRPERSON MENCHACA: Thank you Sophia.

8 MARIE DELUCA: Good morning. My name is Marie
9 Deluca and I am an emergency medicine physician in
10 New York City. Thank you for the opportunity to
11 speak and thank you also the other panelists who have
12 provided such powerful testimony today.

13 I reviewed medical records as part of the Medical
14 Provider Network of New York Lawyers for the Public
15 Interest for the case of Gaspar Avendano Hernandez,
16 this testimony is based off of these records.

17 Mr. Gaspar Avendano Hernandez was tased during
18 the ICE raid and subsequently developed
19 rhabdomyolysis, a condition in which muscle breakdown
20 results in release of protein into the blood, which
21 can lead to electrolyte abnormalities, kidney damage
22 and death. Additionally, the records note that
23 despite the fact that Mr. Avendano Hernandez had no
24 medical history of any heart problems, after being
25 tased, he had multiple abnormal heart tests.

1
2 On discharge from Maimonides Medical Center, he
3 was given instructions to rest, to take adequate
4 hydration, avoid exercise, avoid hot conditions and
5 avoid any activities that would promote dehydration.
6 He was also told to follow up with a cardiologist in
7 two to three weeks to assess whether his cardiac
8 functioning had resolved.

9 On discharge from the hospital, Mr. Avendano
10 Hernandez was placed in 24-hour isolation on February
11 8th. HE was denied access to phone calls with his
12 family, was not given any utensils to eat his food
13 with and had all of his clothes taken away from
14 February 8th until February 10th. He reportedly only
15 had access to water every 8 hours and had difficulty
16 sleeping due to his placement.

17 There was no medical indication for isolation.
18 There are multiple documented psychiatric
19 examinations in the records, which indicate no
20 suicidal ideation and normal psychiatric exams.
21 Isolation is psychologically harmful and again, there
22 was no medical indication for his isolation or for
23 the removal of his clothing.

24 Additionally, Mr. Avendano Hernandez was
25 explicitly told to maintain adequate hydration upon

1 discharge from the hospital due to his medical
2 diagnoses, yet he was placed in an environment where
3 he did not have free or frequent access to water.
4 The conditions of his detention directly conflicted
5 with the recommendations made for his medical care.
6 Further, there are no indications in the released
7 records that Mr. Avendano Hernandez was allowed to
8 schedule his necessary follow up appointments.
9

10 As a physician, I am deeply concerned about the
11 treatment of Mr. Avendano Hernandez, including the
12 medical condition he sustained after being tased and
13 the conditions he was placed in while in detention.
14 The care he received placed him at substantial risk
15 for serious harm and the detention facility did not
16 take reasonable steps to keep him safe.

17 Thank you.

18 CHAIRPERSON MENCHACA: Thank you.

19 NATHANIEL KRATZ: Good day, my name is Nathaniel
20 Kratz. I am a medical doctor who actively volunteers
21 with the Medical Provider Network at New York Lawyers
22 for the Public Interest. Thank you Chairperson
23 Menchaca and Chairperson Rivera and the members of
24 the Committees on Immigration and Hospitals for
25

1 providing this opportunity to present testimony
2 today.

3
4 I am a licensed primary care doctor and I have
5 been working in a community health center in upper
6 Manhattan for the past year. Prior to that, I worked
7 in a federally qualified health center in the South
8 Bronx for three years. In addition to my work in a
9 primary care setting, I also work in a medical center
10 taking care of patients in a hospital based setting.
11 I am testifying today in support of Resolution 0274-
12 2018, calling on the United States Congress to pass
13 and the President to sign the Combating Deceptive
14 Immigration Enforcement Practices Act of 2019.

15 In my roles as a physician, I am confronted daily
16 with the egregious impacts of a fractured and
17 fragmented health system which presents many barriers
18 to achieving adequate care and neglects the most
19 vulnerable amount us, while favoring the privileged.
20 Among those affected by these barriers, perhaps none
21 are more impacted than our low income and immigrant
22 communities.

23 Whether in a hospital or in a doctor's office,
24 the disparities which affect my immigrant patients
25 are so frequent as to become banal.

1
2 The lack of adequate counseling and information
3 about patients medical conditions in a language that
4 they can understand, resulting in failure of
5 treatment and often a worsening of their medical
6 conditions.

7 Dismissal, blaming and often racist languages
8 often used to cast doubt on patients conditions.

9 From the man with a new stent in his heart who
10 did not understand that he needed to continue to take
11 blood thinners after discharge, suffered a repeat
12 heart attack. To the woman who was not told that she
13 had diabetes for two years after her diagnosis. A
14 river of stories runs together.

15 With the federal focus on deportation, first
16 under the Obama Administration and now intensifying
17 under the Trump, I've also seen the stress that these
18 policies put on immigrant individuals and their
19 families.

20 I've witnessed my patients fear to use public
21 benefits, and in some cases, avoidance of care all
22 together due to concern about the merciless public
23 charge rule or their fear of being swept up by ICE.
24 I've also witnessed during my teaching in hospitals,
25 resident doctors fielding calls from ICE which seeks

1
2 to extract information about patients who are
3 admitted under our care.

4 As a reaction to the climate of fear and
5 persecution that confronts our immigrant communities
6 in New York and across the country, I began to
7 volunteer with the Medical Provider Network at New
8 York Lawyers for the Public Interest.

9 As a medical volunteer, I've conducted medical
10 evaluations of undocumented people imprisoned by ICE
11 in detention facilities.

12 I am now an active member of the Steering
13 Committee for the Medical Provider Network, which has
14 over 95 medical professional volunteers.

15 The purpose of the work that we do is to document
16 both the health conditions of individuals in
17 detention as well as the frequently dangerous and
18 substandard level of care that they receive while in
19 ICE detention.

20 As a part of this work, I have visited multiple
21 detention facilities in the New York City
22 Metropolitan area, reviewed medical records and
23 written medical advocacy letter for affected
24 individuals.

1
2 This work has given me a firsthand view of the
3 deplorable conditions where ICE incarcerated
4 undocumented people. I recall one patient in
5 particular, whose medical condition required urgent
6 evaluation for a possible emergency surgery.
7 Instead, despite severe pain, this man was left to
8 take daily ibuprofen for nearly three months until he
9 could be evaluated.

10 It was only pure luck that his condition was not
11 more serious and his case is not the exception. ICE
12 detention is in and of itself a serious threat to
13 health, both in terms of neglect of previous medical
14 conditions and the lack of adequate treatment for
15 seriously ill individuals.

16 Detention and particularly the use of solitary
17 confinement and isolation, worsen physical and
18 psychological trauma.

19 In addition to the abuses of trust and deviations
20 from standards of care that is intrinsic to ICE
21 detention, ICE agents are now using deceptive tactics
22 to disguise themselves as police, in their efforts to
23 detain and imprison undocumented people. This will
24 only further exacerbate the environment of fear and
25 will furthermore undermine any trust that our

1
2 communities may have in legitimate law enforcement in
3 New York City.

4 For these reasons, I urge the City Council to
5 approve Resolution 0274-2018, seeking to prohibit
6 agents of the United States Department of Homeland
7 Security from wearing clothing or equipment that
8 bears the word, police. And calling upon the
9 Department of Homeland Security to prohibit United
10 States Immigration and Customs Enforcement agents
11 from identifying themselves as police officers while
12 conducting immigration enforcement activities in New
13 York City.

14 Thank you for your times and I look forward to
15 continuing to work with the Council and our community
16 towards improving the health and wellbeing of all New
17 Yorkers regardless of their documentation status or
18 place of origin.

19 CHAIRPERSON MENCHACA: Thank you for your
20 testimony. We have one question before you leave and
21 I'm going to pass it over to my Co-Chair Council
22 Member Rivera.

23 COUNCIL MEMBER RIVERA: Thank you so much for
24 being here, all of you. Can you speak to, you
25 mentioned in your testimony on the avoidance of care

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2 on how many just aren't really being able to focus on
3 their own self care and what they need to do to take
4 care of themselves because of the intimidation, the
5 fear, the constant anxiety.

6 So, can you speak to the effect of just the
7 increased immigration enforcement directly on your
8 practice? Do you feel like in any of the places that
9 you have practiced medicine that you have been
10 employed, whether there were any policies in place
11 that you were aware of to deal with a situation like
12 this?

13 NATHANIEL KRATZ: So, in terms of avoidance of
14 care and the impact on my primary care patients, I
15 can absolutely attest both to seeing a deterioration
16 of peoples health that absolutely coincides with fear
17 that is present in the community.

18 You know, and I see that in the numbers all the
19 time, whether that's the control of chronic
20 conditions like hypertension and diabetes. Peoples
21 ability to even come to clinic is also something that
22 I've seen very much impacted, whether I was working
23 in the South Bronx or now in upper Manhattan where I
24 currently work.

1
2 You know, seeing just people dropping out of
3 care. Really, patients that I'd known for a long
4 time and that I knew had undocumented status or their
5 family members. So, people withdrawing from care,
6 poor care of their chronic conditions and then also,
7 just a level of anxiety that I see in my patients
8 every day.

9 In terms of the second part of your question.
10 So, I've worked only at volunteer hospitals and we've
11 really been struggling to get a clear policy on the
12 level of our volunteer hospitals as to what happens.
13 Like, on the level of a clinic were ICE to come to
14 our clinic and getting clarity about what our legal
15 obligations are and then also, a plan. And I think
16 that's some guidance in that area and coordination on
17 part of hospitals and healthcare systems in New York
18 City is needed.

19 COUNCIL MEMBER RIVERA: Thank you. Thank you so
20 much.

21 CHAIRPERSON MENCHACA: Thank you and my kind of
22 final thought here is that guidance is what we're
23 going to hope to hear from the Administration and
24 work with them and all of the advocates to ensure
25 that you have what you need at the medical piece. I

1
2 heard the work continuum of care and I think about
3 the kind of promise of the healthcare system and the
4 legal system, the duty to care and everything that we
5 just continue to hear about the civil arm of the ICE
6 enforcement is exactly opposite. Their void of any
7 kind of humanity and it has a public health impact to
8 our communities.

9 And so, I think your work is incredible. Take
10 care of yourselves in this work. This is also
11 traumatic for the giver of service and so, we just
12 hope that you can do that and really focus on that
13 work as well.

14 Thank you.

15 We're going to call up the next panel which will
16 be led by our Commissioner of the Mayors Office of
17 Immigrant Affairs, Bitta Mostofi.

18 How are you doing Commissioner? We're going to
19 swear you in and we've also been joined by Council
20 Member Mathieu Eugene and Council Member Moya from
21 the Immigration Committee.

22 COUNCIL CLERK: Please raise your right hand. Do
23 you affirm to tell the truth, the whole truth and
24 nothing but the truth in your testimony before this
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2 Committee and to respond honestly to Council Member
3 questions?

4 BITTA MOSTOFI: Yes.

5 COUNCIL CLERK: Thank you.

6 BITTA MOSTOFI: Before I begin my testimony, I
7 just want to acknowledge the incredible strength,
8 courage and power that the women who provided their
9 stories and testimonies today provided to all of us.
10 It's hard to imagine being in those shoes yet having
11 the trust and the courage to be here and to relay
12 their experiences in such profound way.

13 So, I just want to start with gratitude, both for
14 them but for both of you for calling this hearing
15 today and for allowing that to happen.

16 Thank you to Chairs Menchaca and Chair Rivera and
17 the members of the Committees of Immigration and the
18 Hospitals.

19 My name is Bitta Mostofi, I am the Commissioner
20 for the Mayor's Office of Immigrant Affairs.

21 My testimony today will discuss the dramatic
22 increase in ICE enforcement in New York City and the
23 devastating impact such enforcement has had on
24 immigrant families and communities, as well as on the
25

1
2 City's interest in public safety, public health and
3 the general wellbeing of all of our residents.

4 The Trump Administration's cynical fear mongering
5 and out of control enforcement has created tremendous
6 confusion and terror among immigrant communities, to
7 the detriment of all New Yorkers. In our ultimate
8 city of immigrants, we stand with our three million
9 foreign born residents and our one million New
10 Yorkers living in mixed status households.

11 Again, I want to thank the Chairs and the
12 Committee Members for your leadership in addressing
13 this important issue and convening today's hearing.

14 Taking a step back, I often speak about New York
15 City as the ultimate city of immigrants but what I
16 mean by this is not just that there are many
17 immigrants in New York City, but also that immigrants
18 are deeply entwined into the fabric of New Yorker's
19 life. Nearly 60 percent of New Yorkers live in
20 households with at least one immigrant, including
21 over one million New Yorkers who live in mixed status
22 households, in which at least one member is
23 undocumented. Of the one million New Yorkers,
24 277,000 are children. Most of those children are
25 U.S. citizens.

1
2 Imagine the effect that a single arrest by ICE's
3 enforcement arm would have on these families. The
4 reality is that many of the children in mixed status
5 households are more vulnerable than children in many
6 others. Facing higher levels of linguistic
7 isolation, overcrowded housing, and rent-burdened
8 households. For children in these homes, a single
9 immigration arrest may have ripple effects that
10 disrupt the entirety of their lives.

11 But ICE simply does not care about the
12 repercussions of these arrests on the fabric of our
13 city. They are ignoring the fact that
14 indiscriminate, deprioritized enforcement is not only
15 morally repugnant but also threatens the public
16 safety of everyone. Study after study has shown what
17 New Yorkers know from experience. Immigrants make
18 our cities stronger and building relationships with
19 immigrant communities makes us safer. But despite
20 the moral and practical reasons to support our
21 communities, ICE continues to seek to tear families
22 apart.

23 Nationally, ICE arrests are significantly higher
24 under President Trump as compared to under President
25 Obama. This is true in New York City as well. In

1
2 Federal Fiscal Year 2019, ICE total arrests in the
3 New York City area increased by over one third when
4 compared to the final year of the Obama
5 Administration. Moreover, the Trump Administration
6 has more than tripled the arrest of long term
7 residents with no criminal convictions in the New
8 York area, contrary to their claims that they are
9 fulfilling a so-called public safety mandate.

10 In combination with a trend of cruel and truly
11 appalling incidents, it is clear that the federal
12 government is committed to a strategy designed to
13 instill fear in our City. We have seen an uptick in
14 reports of arrests in January of this year, including
15 so-called collateral arrests where ICE makes arrests
16 to those who are not the original enforcement target.
17 ICE agents routinely separate families, including
18 pregnant women and their partners, children and their
19 parents, brothers and their sisters. They violate
20 the principles of due process by arresting immigrants
21 going to and from court. And recently, as you know
22 and heard, ICE shot a man in the face during an
23 arrest. These are not the actions of an agency
24 committed to public safety. These are the actions of
25 an immoral, reckless agency that has been used

1
2 repeatedly to advance the political and racist
3 interests of President Trump, whose legitimacy must
4 be questioned.

5 ICE has singled out New York City in their
6 rhetoric. Since the beginning of this year, ICE and
7 the Trump Administration officials have escalated
8 their attacks on our City, spreading misinformation
9 and lies about immigration enforcement and public
10 safety interactions. And as an example of the
11 ludicrous acceleration of the rhetoric, CBP announced
12 that they would send members of their Border Patrol
13 Tactical Unit, a special team, meant to deal with
14 high risk situations to so-called sanctuary
15 jurisdictions. New York City remains the safest big
16 city in the country. Sending additional CBP officers
17 into New York City is not only a reckless use of
18 resources but reveals a deeply concerning shift of
19 resources towards interior enforcement.

20 MOIA has worked with City agencies and the
21 Council to ensure that all New Yorkers can access a
22 variety of services, regardless of immigration
23 status. Local laws guarantee access to language
24 access, prohibit the use of City resources for
25

1
2 immigration enforcement, and protect personal
3 information collected by the City.

4 These immigrant inclusive laws and policies are
5 rooted in common sense and in social science
6 research. We know that immigrant New Yorkers
7 including undocumented immigrants are key
8 participants in our economy, paying taxes and
9 engaging in the labor force. We also know that the
10 research consensus is that there is no association
11 between immigrant friendly policies and higher crime,
12 and that some studies show that crime is in fact
13 lower in counties with these kinds of policies. And
14 immigrants who interact with and seek help from the
15 City contribute to the public health and wellbeing of
16 our entire city.

17 But the actions of ICE's enforcement arm have
18 threatened the relationship between our city and our
19 immigrant communities. For the City, which has
20 invested millions of dollars into ensuring immigrants
21 feel safe interacting with our agencies and getting
22 the help need, ICE's actions are exacerbating an
23 already difficult time for our families. This
24 escalation of enforcement is not happening in a
25 vacuum. It's in conjunction with the changes to the

1
2 public charge rule, attacks on asylum and family
3 reunification and barriers to naturalization. ICE's
4 indiscriminate immigration enforcement is creating an
5 atmosphere of reluctance to engage with the City as a
6 whole.

7 At this time of tremendous fear for our immigrant
8 communities, MOIA and our partners in government and
9 in the community are working to mitigate the harms
10 caused by the federal government in a variety of
11 ways. Focused on connecting community members to
12 information and to their rights and legal assistance.

13 The City has been proud of our historic
14 investment together in immigration legal services
15 over the last several years, made in partnership with
16 the City Council, New York's first class legal
17 services providers. As ICE continues to target
18 immigrant communities in new and concerning ways,
19 MOIA has worked with legal service providers like
20 Make the Road New York, UnLocal, can the New York
21 Legal Assistance Group, as well as Catholic Charities
22 and the Office of Civil Justice and New York States
23 Office of New Americans to respond to emerging and
24 urgent needs. Investing \$1 million just this year
25 for Rapid Response to support immigrants facing

1
2 imminent detention and deportation and expanding
3 capacity to our ActionNYC hotline. This investment
4 was a continued effort to improve access to
5 immigration legal services through innovative
6 solutions and in response to widespread fear and
7 concern in immigrant communities.

8 Similarly, MOIA has focused on providing crucial
9 information to immigrant New Yorkers, so that they
10 know that they have rights. A variety of teams
11 within my office conduct or work with community
12 partners to conduct Know Your Rights forums,
13 including partners like African Communities Together,
14 the Academy of Medical and Public Health Services,
15 Jacob Riis Settlement, MASA, Mixteca, Center for
16 Family Life, Damayan, Lutheran Social Services of New
17 York, and UnLocal. These forums provide New Yorkers
18 with information about their rights and how they can
19 seek help. Moreover, MOIA uses these forums as well
20 as direct outreach to help immigrant New Yorkers as
21 they respond to confusing and urgent federal policy
22 changes and confront ICE enforcement in their
23 neighborhoods. We regularly with community partners
24 and elected officials in supporting impacted
25 communities or families after a raid or attempt, and

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2 a key part of this work involves distributing know
3 your rights materials and conducting presentations.

4 As I mentioned above, we're committed to ensuring
5 that immigrant New Yorkers can access and continue to
6 access critical services. This foundational
7 commitment, which I know that the Council shares, is
8 what drives our work to craft inclusive laws and
9 policies. We regularly work with agency partners and
10 City Hall to make sure there is awareness across the
11 City about the City's laws regarding requests from
12 non-local law enforcement agencies and protect New
13 Yorkers privacy and safety and the wellbeing of New
14 Yorkers to the upmost of our ability.

15 We will always be the ultimate city of immigrants
16 and the recent decision by the Second Circuit won't
17 change that. In fact, Officer Eddie Byrne's legacy
18 reminds us that building strong relationships with
19 immigrant communities is what keeps us safer.

20 Last, MOIA focuses on advocacy around overbroad
21 ICE enforcement and efforts to provide more analysis
22 and information about the impact to New Yorkers.

23 Earlier this year, we shared our analysis of federal
24 data on immigration enforcement through a fact sheet
25 available on our website and shared with community

1
2 partners and elected officials. We work closely with
3 over 200 plus members strong for our coalition City's
4 for Action to share best practices and to come
5 together to advocate on behalf of our communities
6 interests for safe and inclusive localities. We are
7 also working closely with our Federal Legislative
8 Affairs team in Washington D.C. to engage members of
9 our Congressional delegation about federal
10 developments that impact immigrant New Yorkers.

11 ICE's attacks on New York City reveal the
12 ignorance in the White House, but the City and MOIA
13 remain committed to protecting and serving all of our
14 residents, regardless of where they were born.
15 Together, in partnership with the community and the
16 Council, we can strengthen and support our fellow New
17 Yorkers in this time.

18 I especially want to thank Chair Menchaca and his
19 team for their work and collaboration with my own, in
20 response to individual community and family needs,
21 including of course, the immediate presence at the
22 hospital after this tragic day and horrible shooting.

23 Thank you to the Chairs and Members of the
24 Committees for calling this hearing and I look
25 forward to your questions.

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CHAIRPERSON MENCHACA: Thank you Commissioner.
And before I ask my questions, I'm going to hand it
over to Co-Chair Rivera.

CO-CHAIR RIVERA: Thank you so much for your
testimony. I wanted to ask how, you mentioned a
couple times in your testimony the increased
presence, the fear, the actual encounters in data you
have and the know your rights forums that you have
coordinated along with multiple city agencies. What
is the environment and the energy like in some of
these know your rights forums and with all of the
partners that you have, you've mentioned some of
them. African Communities together, Damayan, Center
for Family Life and the Academy of Medical and Public
Health Services. What are you covering there? What
are the questions that are being asked and if you can
stress a little on the some of the health and medical
component, as I know we've done a lot of work around
public charge as well.

BITTA MOSTOFI: Yeah, so thank you for the
question and it will be an imperfect answer simply
because we have actually made the curriculum and the
content more flexible over the years in response to
in part what community providers have said is most

1
2 useful and dependent upon the settings in which folks
3 are delivering the information. Recognizing that
4 some community members have greater interest and what
5 do I do when ICE comes to mind and some want to know
6 what is public charge right.

7 We've also developed curricula around workers'
8 rights, around employers rights in the event of an
9 ICE enforcement action or audit or I9 audit. So, we
10 have basically a suite of curricula that we work with
11 providers to update when there are changes, either
12 federally or locally and then allow for them to pull
13 from depending on the audience that they are speaking
14 in.

15 I'd say we've had a particular in festas on
16 schools as a place or location where there forums
17 should be conducted and have been conducted. But
18 beyond that sort of defer to the providers that we're
19 working with on the locations and content.

20 CO-CHAIR RIVERA: So, how have you encouraged
21 individuals who are immigrants and/or from immigrant
22 households to enroll in NYC Care and in general to
23 receive care at our New York City Hospitals.

24 BITTA MOSTOFI: Yeah, so, thank you for that
25 question. So, all of the providers have the training

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2 and the curricula around health services but we have
3 a specific partnership with many providers on NYC
4 Care exclusively.

5 So, we contract in partnership with Health and
6 Hospitals with a series of organizations currently in
7 the Bronx, Brooklyn and Staten Island to conduct
8 outreach and engagement uniquely on NYC Care and
9 connecting folks to health services.

10 This partnership has been an incredible one that
11 has resulted in you know, incredibly over 10,000
12 enrollees in the Bronx already in NYC Care.

13 So, that is a very targeted and specific
14 engagement that we do on access to healthcare.
15 Beyond that, we include that in all of the
16 presentations that we are doing as an office. We do
17 specific engagements with all of you and we have that
18 information included in the curricula that the
19 providers can also pull from.

20 CO-CHAIR RIVERA: So, has MOIA, you worked with
21 hospitals, whether they are public or private, I
22 imagine and have you worked with them on the types of
23 policies they should have in place to respond to law
24 enforcement?

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2 As you heard earlier from Dr. Kratz, there is
3 really no information that's given to some of the
4 providers there on what to do and so, have you worked
5 on those types of policies that they should have in
6 place to respond to law enforcement and what about
7 immigration enforcement? And what processes and
8 procedures would you suggest that hospitals have in
9 place should something similar occur in the future?

10 BITTA MOSTOFI: Yeah, so I will start with saying
11 that we have an incredible working relationship with
12 Health and Hospitals. Dr. Kratz and his entire team
13 who have not only adopted policies akin to the cities
14 access to property policies that do not consent to
15 nonlocal law enforcement access to our properties,
16 for purposes of enforcement actions but have gone
17 many steps beyond in regular trainings to staff in
18 ensuring that visibly across all of the hospitals,
19 there's signage that is welcoming and inclusive in
20 ensuring that there is access to legal counsel for
21 those who need it who are coming through and in
22 constantly working to both update and disseminate
23 that messaging and in swift and effective ways as
24 needed.

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2 We have similarly worked with colleagues across
3 the administration at engaging The Greater Hospitals
4 Association of New York in sharing what our local
5 laws and practices are as example of what can be
6 adopted. Our understanding is that they have
7 disseminated much of this information more broadly
8 across the network of hospitals in the city but
9 beyond that, I can't speak for the work that they
10 have done.

11 CO-CHAIR RIVERA: Well, I'm hoping to ask the
12 Greater New York Hospital Association when they
13 testify and you mentioned at some of the know your
14 rights forums some of the I guess most frequent
15 questions are what happens in that interaction with
16 the law enforcement agency? And we know that NYPD
17 does not conduct immigration enforcement. With that
18 said, can you describe the interactions that MOIA has
19 had with the NYPD when immigration enforcement occurs
20 in the City and are there protocols in place for NYPD
21 to engage MOIA when they are made aware of an
22 immigration enforcement incident?

23 BITTA MOSTOFI: So, yes, so I'll start in a few
24 ways. So, we've worked closed with NYPD and the City
25 Council of course at passing the local laws. We've

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2 done work very closely with NYPD at the internal
3 guidance for all the commands. We have frequently
4 worked with NYPD at ensuring that in kind of peak or
5 increased or heightened moments that guidance is
6 recirculated and reshared. And certainly there is a
7 protocol that's provided in the event of a request to
8 cooperate with immigration enforcement that it must
9 be elevated for sign off and I think notably of
10 course there are moments or situations where that
11 decision making can be difficult, which is why the
12 guidance is important to remind people of how to and
13 ways to understand PD's role versus immigration
14 enforcement in a public safety situation, right.

15 I will say that we have had a positive working
16 relationship. They obviously report to us if they
17 are getting any of these requests, so that we can
18 follow up and better understand what is or isn't
19 happening. I will say they have not received these
20 requests and so, we haven't been in a moment and time
21 with the clear or sort of understanding of the
22 challenge that arose after the shooting. Where they
23 didn't actually reach out to PD for a request, it was
24 a different situation. So, we haven't seen requests
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2 for cooperation and accordingly haven't had reporting
3 on it.

4 CO-CHAIR RIVERA: Thank you. Thank you, Mr.
5 Chair.

6 CHAIRPERSON MENCHACA: Thank you. Thank you,
7 Chair Rivera. I'm going to hand it over to Council
8 Member Mathieu Eugene and if we can put a clock for
9 three minutes please. Thank you.

10 COUNCIL MEMBER EUGENE: Thank you very much Chair
11 Menchaca and I would also like to commend you and
12 commend the Chair of Hospital Committee Carlina
13 Rivera for your leadership, both of you and to all of
14 the members of the different panels. I want to thank
15 you also for your courage and for sharing with us
16 your experience and I want you to know that all of
17 us, we stand together with you and it is very painful
18 to see what an immigrant person goes through, you
19 know, being shot in the eyes because of an
20 immigration situation knowing that New York City and
21 the United States is a land of immigrant. We all
22 know that and to the Commissioner, I want to thank
23 you also for what you are doing on behalf of
24 immigrants. I know that the city is doing a lot of
25 activities to inform immigrants and to ensure that

1
2 they know their rights. I've been part of different
3 events with you but I got a question. But before I
4 ask the question, I want to say also that all medical
5 institutions, hospitals and medical clinics, doctors,
6 medical professionals, they are doing a wonderful
7 job. They are doing good work and the goal every
8 single day is to save a life. That's what they have
9 been doing all the time, all the time, to protect
10 life of the people. It is a very difficult situation
11 for them. When the hospital or the members of
12 medical profession, they are forced to work in a
13 condition that is very difficult for them. Because
14 you know that their rule and the goal, their task is
15 to save lives. To take care of the people and the
16 doctors know what I'm talking about and I think that
17 it is our responsibility as a city to shield them, to
18 help them in what they are doing because besides
19 providing good medical care to people and to save
20 their life, I don't think that they can do other
21 things unless that we provide them with the resources
22 and work with them to figure out what is the next
23 step. But I commend them and I thank them for saving
24 the life of people every single day.

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2 My question is that I know the city has been
3 doing so much in terms of assisting immigrants, but
4 in your testimony, you said that ICE people, they
5 don't care. You know, you say they don't care about
6 the consequences but what else can the City do? What
7 are the tools that the city has to protect immigrants
8 and to assist them in such conditions? Knowing that
9 the immigration is a fearful situation for their
10 issues and can you please explain to us, what else
11 the city can do to ensure that the immigrant people
12 can feel comfortable and can be ensured that their
13 loved ones will have better treatment?

14 BITTA MOSTOFI: Thank you for the question and
15 before I respond to your question. I did fail to
16 indicate something in response to Chair Rivera that
17 I'd like to, which I just think is important to note.
18 You rightly stated in your opening remarks that
19 included in sensitive locations memoranda that ICE
20 has is indicating that they would not conduct
21 immigration enforcement in hospitals, school,
22 religious institutions etc.

23 I think it's very important, while we understand
24 the nature of enforcement has looked as if its been
25 shifting. While we've heard concerning reports of

1 enforcement actions happening, not in New York City
2 but in other locations near schools, that we have yet
3 to hear reports of civil immigration enforcement
4 actions happening in schools and hospitals. Right,
5 in these locations and that ICE itself, for whatever
6 its worth, has indicated that that memo still is good
7 policy and still stands.

8
9 And so, I do, in the interest of ensuring that we
10 are sharing good information and not leading to or
11 adding to levels of fear or concern, ensure that
12 people in communities know that we don't have reports
13 of these kinds of actions. We all are vigilant in
14 ensuring that we are monitoring and understanding
15 what's happening so that we can be responsive but we
16 want people to have the confidence to go seek the
17 care that they need without fear.

18 I will turn to your question Council Member and
19 to say that it's a good question. It's one that
20 certainly I know we all grapple with on a regular
21 basis in trying to look at and understand the tools
22 at our disposal. I think from our perspective, we
23 have been working very closely as I noted in my
24 testimony, with our federal legislative affairs team
25 in DC with a recognition of what you said, which is

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2 that very much of the action that ICE undertakes is
3 dictated or set by the federal government and by
4 congress and so, we are interested in continuing to
5 work with our congressional members and partners and
6 to ensure that we are doing what we can to not only
7 hold the administration accountable for its actions,
8 but to identify ways in which we can strengthen the
9 support for our communities in real ways by
10 addressing the actions that ICE is undertaking.

11 COUNCIL MEMBER EUGENE: Thank you very much.
12 Thank you.

13 CHAIRPERSON MENCHACA: Thank you Council Member
14 and I'll pick up from that question and really get a
15 sense about what MOIA is doing now to build
16 essentially the how. We know that what here, we need
17 to protect how and if there is anything that you can
18 share right now in terms of strategy, that would be
19 great.

20 BITTA MOSTOFI: I'll say we're looking at many
21 things and that we're not alone in that. We have
22 incredible partners across the country who are in a
23 shared experience in situation that we are working
24 alongside and engaging with in these conversations
25 and I think I know, yes, we've all painted a glim and

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2 realistic picture of what this looks like but also
3 want to recognize that we are in a much stronger
4 position and in a better position that I know exists
5 in many other locations and so, I want to recognize
6 that while indicating that we are focused and
7 committed at looking at what are new tools and new
8 needs that we need to be identifying.

9 CHAIRPERSON MENCHACA: I mean, I think that part
10 of what we want to do today is lay that groundwork.
11 If there's anything that we can be more specific on,
12 I want to keep pushing for some of that. What I saw
13 and witnessed in the hospital, many things but one in
14 particular where essentially plain clothes officers
15 with guns inside an emergency room. And that created
16 such a panic for doctors that didn't understand what
17 was happening and watching that unfold. Watching a
18 mother trying to get closer to her son, me being with
19 her and these officers just coming over and not even
20 using words but using their bodies to block Eric from
21 his mom.

22 And so, these are the kind of things that are
23 outside the scope. Often times, when we as
24 legislatures get together and try to figure out, how
25 do we solve this legislatively? Those are the

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2 moments that become a little bit more difficult for
3 us to do through legislation sometimes.

4 This kind of begs the question about whether or
5 not we want guns inside of hospitals. Is that
6 something that you are looking at and pushing for?
7 Because that's something that we would like to do but
8 again, the jurisdiction, we fail in having the full
9 jurisdiction at the City level to do this work, which
10 is why we're going to need our state and federal
11 partners.

12 This is the kind of texture that I'm looking for
13 right now in this question. How are we going to
14 change the game for immigration and any law
15 enforcement and maybe that includes the NYPD and
16 really putting ourselves as a city in terms of the
17 kind of protocols that we want for all enforcement
18 whatsoever, if they are engaging in a pursuit or up
19 there in an active arrest, etc.

20 BITTA MOSTOFI: Yeah, I mean, so thank you first
21 for the question. I want to underscore that the
22 hospital that you are referring to was not a public
23 hospital and I would add to that that I think you
24 know all ideas on the table, right. I think it's
25 worth looking at all of the questions and looking at

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2 how best to construct or be responsive to them to
3 your point and articulation, of course, there's
4 jurisdictional questions and issues and also, I think
5 you know, a question of where would be the most
6 effective at addressing some of the concerns and
7 where our focuses should be and I think all ideas are
8 good and engagement is good in looking at how best to
9 address some of these situations.

10 I will also say that certainly my experience was
11 but would like to hear from others, that the
12 Administration at the hospital on the ground was
13 trying to be responsive to the issues and concerns as
14 they were raised. They were not neglectful of
15 understanding how difficult that situation was and
16 were themselves trying to navigate a challenging
17 situation in the most professional way possible with
18 a recognition of the needs and important
19 responsibility that they had to care for the people
20 who were injured.

21 And so, you know, I think these are new waters
22 for many. I think we're lucky to be in a place where
23 people are well intentioned and really do want to do
24 the right thing. And I think we will have to wade
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2 through some of these waters on how to put into place
3 more systematically the best possible responses.

4 CHAIRPERSON MENCHACA: Thank you and I just want
5 to affirm as well that the entire staff, the hospital
6 staff, the nurses, everyone was if we could call it
7 on our side, they were on our side and what was
8 failing is protocol that they were able to hold and
9 say we could do this and everything just kind of
10 failed and I think that's what we're really looking
11 to and we're going to need the partners to be able to
12 make that happen.

13 But just so I can clarify, is it possible that we
14 can create legally anyway, a mandate at least in our
15 public hospital that no guns will be allowed inside
16 hospitals? Is that something that we can do and work
17 with you to develop a protocol for guns period in
18 city hospitals?

19 BITTA MOSTOFI: Look, as I stated before, I think
20 the leadership at Health and Hospitals is at the
21 forefront of being responsive to these issues and
22 would engage in any conversation. I certainly
23 wouldn't speak to all of the considerations that go
24 to their public safety questions and issues and we
25 should have that conversation with the right folks.

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2 CHAIRPERSON MENCHACA: Okay, so we'll continue
3 that conversation. This also brings out in terms of
4 the ultimate larger engagement that has been
5 increasing for MOIA and our partners on the ground
6 through all the programs that we fund.

7 A request for outreach on education, have you
8 seen an uptick in the request for more of these kind
9 of education and know your rights forums?

10 BITTA MOSTOFI: We haven't necessarily seen a
11 large uptick in that. We've certainly seen an uptick
12 in calls to our hotline and obviously the rapid
13 response collaborative is new and so, we're just
14 starting to try and understand the experience there,
15 to see what the needs are because of course, they are
16 doing an immediate response on the ground in the
17 event of a raid and what we did create as a way and a
18 means to proactively give families and individuals in
19 communities information and resource as things are
20 transpiring or if a loved one is detained, is we did
21 collaborate with them to create a guide essentially,
22 so that you don't have to you know, wonder will I get
23 connected with an attorney if my family member is
24 detained? How can I find out where they are? Right,
25 so we did work to try to and are interested in

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2 looking at additional ways like that to create
3 resources that could be most useful because we
4 recognize of course to you know, it takes a minute to
5 set up a training but if somebody is in an immediate
6 situation and needs good information, we want to make
7 sure that that's available and is translated for
8 folks.

9 CHAIRPERSON MENCHACA: Are we expecting an
10 increase in the budget for this category of work from
11 you all in the coming budget hearings?

12 BITTA MOSTOFI: I know we have a coming budget
13 hearing. Again, I will reiterate here that this is a
14 newish category for us, and so, we're just starting
15 to understand the demand and the capacity. And so,
16 to the best of our abilities, we will share what we
17 know but I think we are needing to understand what
18 the need is and be responsive to it.

19 We created this in the middle of the year because
20 we immediately recognized the gap and the need and
21 put it out.

22 CHAIRPERSON MENCHACA: Got it and I'm just
23 letting advocates know that if the city hears of the
24 need, we could respond to it better if we hear that
25 there is a need, so make your voices heard now.

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2 As we heard through City Council offices and the
3 Immigrant Defense Project, ICE has been impersonating
4 NYPD officers. They are impersonating precincts and
5 or units within the NYPD. How can we work together
6 as a city to ensure that ICE is held accountable for
7 this specific action?

8 BITTA MOSTOFI: Yeah, thank you for this
9 question. So, I will say a couple of things. I'll
10 say this is firstly deeply troubling. I think so
11 much of what we've tried to do and what we've
12 advanced is clarity that the role of local law
13 enforcement is not to conduct to civil immigration
14 enforcement and part of the critical rationale for
15 that as I articulated in my testimony is that we need
16 our communities to have the confidence to report
17 crimes. We need for witnesses and victims to feel
18 safe, engaging in the court and criminal justice
19 systems, etc., etc., and so, these reports are
20 concerning. We are trying to understand them better.
21 We are trying to get more clarity on the facts of
22 individual cases. I will say that it has been a
23 challenge in the past and I think there has been a
24 shift in what their conduct is in the last few weeks
25 than what we had previously seen. And so, there is

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2 resurfaced questions that we previously somewhat
3 answered and I think has necessitated for us the need
4 to better get clarity on individual facts and what is
5 happening and isn't. I think this is a tricky area
6 in some regards, given the landscape that you
7 previously noted and we are very, very clear and
8 working alongside PD and trying to better understand
9 what is happening and what tools we have to be
10 responsive to it.

11 CHAIRPERSON MENCHACA: Has the NYPD made any
12 statements on this February 6th case and the
13 questions around NYPD ruses, specifically around ICE
14 impersonating NYPD officers, local precincts, etc.
15 Have they made any public declarations or comments on
16 this?

17 BITTA MOSTOFI: No, and I have to say we've heard
18 different versions of those facts in different
19 conversations. So, I think we're not, you know, none
20 of us are opposed to being responsive to that. I
21 think we're just trying to make sure we understand
22 exactly what has happened, so that we can be
23 effectively responsible.

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2 CHAIRPERSON MENCHACA: And has MOIA and NYPD
3 communicated to ICE that they cannot impersonate
4 NYPD? Have they done that?

5 BITTA MOSTOFI: So, we have considered sending a
6 letter to ICE in this regard and in a part of
7 considering doing that is our intention of better
8 understanding the specifics of what's transpiring. I
9 think we've made clear to ICE that NYPD does not
10 conduct immigration enforcement. That our goal is to
11 build trust with our communities and that their
12 actions could lead to undermining that.

13 I think the difference in what we would want to
14 articulate is the clear understanding of what is
15 happening, so that we can be more specific and direct
16 in a response.

17 I'm sorry, and I just want to add that no city
18 agency, including NYPD has ever given ICE the
19 authority to say that they are NYPD or a city agency.

20 CHAIRPERSON MENCHACA: Thank you for clarifying
21 that. I think the kind of flip side to that is the
22 affirmative action that NYPD can take to declare that
23 that is not okay.

24 Chair Rivera?

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2 CO-CHAIR RIVERA: I just had a follow up question
3 to ask before we have the Hospital Association come
4 up. And this is just to ask whether you know.
5 Whether you have any knowledge of what happens if law
6 enforcement refuses to follow a hospitals protocol
7 and what authority does a hospital have in this
8 situation? I just want to know if you are aware of
9 policies or what could happen. Just based on your
10 knowledge of working inside MOIA.

11 BITTA MOSTOFI: I just want to make sure I am
12 understanding the question correctly. If law
13 enforcement doesn't comply with the hospitals
14 response to an attempt to conduct enforcement?

15 CO-CHAIR RIVERA: The protocol, the protocol,
16 what happens if law enforcement refuses to follow the
17 hospitals protocol and what authority does a hospital
18 have in that situation?

19 BITTA MOSTOFI: So, I don't want to be
20 speculative and certainly don't want to speak
21 incorrectly to a response. I would say again, I'll
22 start with what I added to my question, which is we
23 haven't seen these kinds of actions happen and I
24 think that is a positive indicator.
25

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2 I think secondly, the fundamental intention
3 behind these policies is ensuring the safety and
4 security of everybody that's engaging the service.
5 Right, and so, certainly the protocols are designed
6 not to exacerbate a situation but to ensure the best
7 possible resolution with the least possible harm.

8 So, they're really designed for an escalation to
9 attorneys to ensure that the access is legally
10 required, not something that the hospital is itself
11 agreeing to. I can't speak for what ICE's actions
12 might look like in being told that they are denying
13 access but again, this has not happened and we would
14 hope that it never would.

15 CO-CHAIR RIVERA: Well, I certainly plan to ask
16 and I think the information would be beneficial to
17 MOIA, to the doctors, the providers, people who are
18 really working to make sure they are taking care of
19 everyone. I just want to thank you for your
20 testimony today.

21 Thank you for being open and candid and for being
22 a great partner.

23 BITTA MOSTOFI: Thank you.

24 CO-CHAIR RIVERA: Thank you so much. And with
25 that, I'm going to call Laura Alfredo from the

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2 Greater New York Hospital Association. And I want to
3 recognize Council Member Levine has joined us.

4 LAURA ALFREDO: Good morning Chair Menchaca
5 wherever you may be. Chair Rivera and members of
6 Committee. Thank you so much for inviting the
7 Greater New York Hospital Association to testify
8 today.

9 I'm the General Counsel of the Greater New York
10 Hospital Association and I work on legal issues
11 providing technical assistance to our members and
12 have worked on immigration pretty intensively since
13 January of 2017.

14 I want to start by saying, I'm going to improvise
15 my comments a little bit because I want to be
16 responsive to what we've already heard and I know you
17 have a lot of questions as well. So, I apologize if
18 it doesn't flow as smoothly as if I were reading.

19 But I want to start by just acknowledging the
20 comments of Council Member Eugene as well as the
21 prior panelist Ms. Mostofi, that hospitals exist to
22 care for people and we don't ask questions about
23 immigration status. We don't ask questions about how
24 you got into custody. What happened on the street?

25 We are there to take care of people and that was

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2 Maimonides really sole objective and of course they
3 ended up getting involved in trying to facilitate and
4 navigate and negotiate in ways that they have not
5 been called on before, and really no hospital to my
6 knowledge has been called on before in a situation
7 like this and I really think that they did a
8 remarkable job under the circumstance which is not to
9 say that we can't learn from their experience and
10 figure out a path forward that gives hospitals and
11 everyone more comfort that things will go more
12 smoothly in the future. So, that is our goal and we
13 share your concerns about needing protocols that
14 speak to this scenario even though it has happened
15 very, very rarely.

16 We also share your concern Council Member Rivera
17 on the chilling effect of the Administrations
18 immigration policies. We've written about this a lot
19 in the context of public charge. We staunchly
20 opposed the public charge rule, we've done a variety
21 of different briefings for members, including
22 frontline staff in order to give them the tools to be
23 able to explain this very complicated mess to
24 patients, so that they can hopefully tamp down some
25 of the fear and confusion.

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2 We have another briefing next week with our
3 partners at legal health, which provides free legal
4 services to patients and hospitals across the city
5 and so, we've been working on immigration. Again,
6 for well before the Trump Administration came into
7 office but in a very different way. Since January
8 27, 2017 when the first travel ban went into effect,
9 I would say that really marked a change in how we as
10 an organization have worked on immigration including
11 supporting litigation, legal challenges, working with
12 the AG's office and other parties and just trying to
13 do a lot of education for members.

14 So, you know, I'm happy to say that one of the
15 things that we worked on in early 2017 is at least
16 partly responsive to what you've identified as a need
17 and that is protocols for what to do if ICE comes on
18 the premises.

19 So, going back to 2017, you know, January of
20 2017, we had no confidence that the sensitive
21 locations policy would be continued, that it wouldn't
22 be modified, that it wouldn't be implemented in a
23 very different way.

24 And so, we geared this guidance, which I'll talk
25 about in a little bit more detail, toward what would

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2 happen if ICE came on the premises to try to get a
3 person or to get documents. And the goal of the
4 guidance was really to define for hospitals when you
5 do not have to cooperate and still remain within your
6 legal rights.

7 So, that was the guiding presumption behind this
8 guidance. I'm very happy to say and I'm glad that
9 many people have acknowledged here because we don't
10 want to add to the fear among the communities that we
11 have not seen that in our hospitals. There maybe
12 sporadic reports in other parts of the country but we
13 are not aware of ICE coming in to try to execute
14 warrants or do raids or anything of that nature in
15 hospitals. But that's what our guidance was geared
16 to addressing and the guidance really consisted of,
17 and we'll share it with you, we've shared it with
18 MOIA. I think we need to go back and work more with
19 MOIA and I want to end by talking about how we fill
20 in the gaps of that guidance.

21 But what it really consisted of was a very long
22 Q&A document. Just going through sort of some basic
23 questions that we think hospital administrators and
24 staff would have about this. We also included a
25 schematic that explained, sort of a diagram

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2 explaining what to do in response to different types
3 of legal process. So, what is a subpoena, what is a
4 subpoena if it's signed by a judge versus an
5 administrative official. What about a warrant, what
6 are the different types of warrants and again, when
7 can you say no? When can you say thank you very
8 much, I'll take it and then go to court and say no
9 and when must you actually allow them access, which
10 is an extremely narrow circumstance and again, has
11 never happened. So, that's what the meat of the what
12 we call the tool kit was made up of and we also
13 included recommended language that hospitals could
14 use both with their workforce as well as with
15 patients to try to define you know, what the
16 hospitals mission is, what the hospital does that we
17 don't give out immigration information that we will
18 defend your rights to the fullest extent. Because
19 again, it was a climate of fear and unfortunately the
20 climate of fear has continued, although not in that
21 specific context.

22 So, we did that, we pushed that out I think in
23 April of 2017. We've continued to work on
24 immigration issues in the meantime but at some point,
25 I actually decided to refashion it and make it a

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2 broader document that applies to all law enforcement
3 visits because it really does, it's good advice
4 heavily is on who is trained on every shift either a
5 lawyer or with access to a lawyer so that you are not
6 dealing with many different people with many
7 different understanding of what the hospitals right
8 are. Understand what these documents are and so
9 forth.

10 And so, we pushed it out again, I think that was
11 last year. And then, other than that we've been
12 really focused on public charge.

13 So, you know, clearly what that guidance was
14 focused on is not what happened Maimonides three
15 weeks ago and you know, what happened at Maimonides
16 three weeks ago is really in one way very common and
17 in one way extremely atypical. So, it was common in
18 the sense that every single day, in hospitals across
19 New York City, law enforcement, usually the NYPD
20 comes in with a patient that they have in custody.
21 That is not an uncommon thing at all and when we get
22 into the questions, you know, I can address for you
23 Chair Rivera how it normally goes and I have to say
24 in the overwhelming number of cases, it goes
25 smoothly.

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So, that's a gap in the guidance.

CHAIRPERSON MENCHACA: Can you define, sorry, what smoothly means to you? What does that mean?

LAURA ALFREDO: What smoothly means to me is that the hospital gets to do what the hospital is there to do which is to provide the very best care to the patient without interference and that may mean asking the officer to take handcuffs off which happens to step out of the room, if that needs to happen. But the goal again, is not to sort of get to the underlying issues of why the person was arrested but from the hospitals point of view to give that person the same standard of care that they give to everybody without interference.

So, in that sense, a law enforcement agency bringing patients in that are in custody is not uncommon. We deal with this all the time in our ED's and generally have a good relationship with the law enforcement agencies that we deal with on a regular basis, but this was different and it was different because it was ICE and you know, it's really two reasons. One, thankfully, we have not seen many cases of ICE bringing patients in based on what the physician panel has said earlier, probably the

1 problem is that's not happening enough honestly.

2 That was a very interesting thing to hear, but we
3 don't see that often. So, that was one thing.

4 The second thing is that it's ICE and ICE is the
5 face of immigration policy in this country and I'm
6 not going to add to what has already been said about
7 what has been happening in New York and in other
8 sanctuary cities and so, it's super charged. You can
9 go from zero to 50 in a minute and that's I think
10 what happened at Maimonides honestly.

11 And so, I think what we need to do and I'll just
12 end on this because I know you have questions. I
13 think what we need to do is go back to our 2017
14 guidance, working with you, working with MOIA, fill
15 in the gaps particularly on this question of what are
16 the hospitals rights and you know, I really gets into
17 what are the patients' rights to have visitation,
18 whether by Council or by family, while they are in
19 custody but they happen to be sitting in a hospital
20 bed and we'll get into that but I think that's the
21 main area that needs to be filled in. A lot of the
22 other things that we covered in the guidance like
23 having a liaison that's trained in all of that would
24 equally apply here. And in fact, I think Maimonides
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2 did that. They did many of the things that we had
3 recommended. It's just that they were dealing with a
4 very different set of circumstances on the ground.

5 So, I'll end by saying that we recognize that
6 there are gaps that need to be filled and we're
7 committed to doing that and to working with you, MOIA
8 and anyone else who has a stake in this to make sure
9 that the hospitals have the information that they
10 need to care for all of their patients.

11 Thank you very much.

12 CO-CHAIR RIVERA: Thank you so much for being
13 here. You mentioned there was a refashioning of the
14 Q&A to make it I guess broader and more inclusive of
15 kind of what you were hearing was happening. When
16 was the refashioning?

17 LAURA ALFREDO: So, the refashioning was
18 basically to broaden it from you know, sort of
19 references to ICE. To references to all law
20 enforcement. It really wasn't, I mean, there were
21 some changes that we you know, took out some
22 references to immigration types of documents, but it
23 really was refashioned to be used for any type of law
24 enforcement encounter and I think, and I will
25 confirm, I think it was pushed out last year.

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2 CO-CHAIR RIVERA: Okay. So, you were going to go
3 through kind of what happens and you talked a little
4 bit about it but does the hospital have protocols in
5 place? Is it the Q&A that you are mentioning? I'm
6 trying to find out what hospital staff typically
7 liaisons with law enforcement when they are on the
8 premises, what are the roles of individual staff
9 members? And how is the staff informed of what to do
10 exactly?

11 LAURA ALFREDO: Right, so there are protocols. I
12 am not going to say that they are written down in
13 every instance but as I said, it's exceedingly common
14 for law enforcement to be in the ED on business,
15 official business, often times with patients who are
16 in custody.

17 And so, the typical people who interface are the
18 ED staff, administrators, it could be the Chairperson of
19 the ED whose a clinical person. The physicians
20 giving the care who have to interface with the agents
21 or the officers who accompany the patient. And then
22 as Ms. Mostofi said, when there are issues, it
23 typically gets escalated to either you know, more
24 senior administrator in the hospital or the hospital
25 inhouse counsel, which is what I used to do at

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2 Lutheran in fact and dealt with these sorts of things
3 on occasion and typically, and this happened at
4 Maimonides at well. Typically, you work it out. You
5 have to work it out on the ground. You don't really
6 have a choice because you have to make sure the
7 patient gets taken care of and then to the extent
8 that something needs to be discussed and fixed, in
9 the majority of cases that's done through the local
10 precinct or sometimes up the chain.

11 To say you know, you need to, often times we
12 would say, you need to educate your officers on this
13 or that aspect of healthcare or HIPAA or something
14 like that and you know in most communities there is a
15 good working relationship between the precinct and
16 the hospital and these things get worked out.

17 CO-CHAIR RIVERA: So, is there a difference
18 between how the hospitals interact in terms of is
19 there a difference with each law enforcement entity?
20 And what about when its detention staff like
21 correctional health services versus NYPD?

22 LAURA ALFREDO: Yeah, I haven't surveyed members
23 on this. I would say generally speaking the answer
24 is no. The interaction will be the same because
25

1
2 again, the point is to care for the patient and to do
3 it in a way that's not interfered with.

4 There may be individualized differences depending
5 on the agency. For example, a hospital might have a
6 particular arrangement with corrections because of
7 where it's located or some other services arrangement
8 that makes it different but I think by and large the
9 sort of typical way of handling these visits you
10 know, doesn't depend on which agency it is.

11 CO-CHAIR RIVERA: And you mentioned that what
12 occurred was somewhat common, though this was clearly
13 an isolated incident as we're trying to bring up that
14 it is not common for this to happen inside a hospital
15 setting but it is common for law enforcement to be
16 present whether it be very local.

17 So, I'm going to ask, I asked the Commissioner
18 just to see if someone at her level knows of some of
19 the policies and I'm not surprised that she doesn't
20 but I wanted to ask her because we want to know what
21 happens when law enforcement refuses to follow the
22 hospitals protocol and what authority does the
23 hospital have in that situation.

24 LAURA ALFREDO: Yeah, I mean, I alluded to this
25 when there is friction between the officers on the

1
2 ground and the care team or the administration,
3 typically escalate it up the chain in the agency.

4 I believe that happened here on certain
5 questions. I certainly know that's what the
6 administrators at Maimonides attempted to do but
7 that's sort of the typical way of handling it and you
8 know, I'm not sure what you mean by the hospitals
9 authority. We don't have the authority to kick out
10 law enforcement if they are there with a patient in
11 custody and again, we wouldn't want to do anything
12 that would jeopardize that patients care, nor disrupt
13 the care of everybody else in the vicinity or the
14 safety of the workforce either. So, it's a horrible
15 situation that just has to be managed. I'm not
16 saying the advice is muddle through it best as you
17 can because our job is to make sure that people have
18 facts and information but it's never going to be you
19 know, sort of a black and white do this, then that
20 kind of situation.

21 CO-CHAIR RIVERA: But it is understood that when
22 law enforcement does enter the hospital premises, the
23 protocol is in terms of access to the patient, that
24 the family member can access the patient. That the
25 patients attorney can have access, is that correct?

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2 LAURA ALFREDO: That typically does not happen
3 and again, I didn't have the time to sort of survey a
4 number of members but my understanding is that either
5 because of policies of the PD and other law
6 enforcement agencies or because it simply doesn't
7 come up in the normal course, that's not a scenario
8 that hospitals typically have to contend with. With
9 one exception, which is bedside arraignments and you
10 know that too I think is relatively rare but when
11 that happens, there are very well defined roles and
12 responsibilities of defense counsel and prosecution
13 and you know hospitals, job is basically to see to it
14 that that proceeding can happen without harming the
15 patient who is in custody but also, to not disrupt
16 hospital operations.

17 But that's not really what you're asking I know.

18 CO-CHAIR RIVERA: No, I guess what I'm ultimately
19 trying to get to is - and I would have loved to ask
20 this question to Maimonides directly and I'm
21 disappointed that they are not here today. Whether
22 you will change your protocols as a result of the
23 incident. And that will be my last question before I
24 turn it over to Chair Menchaca.

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2 LAURA ALFREDO: Right, well you know, we're here
3 both because Maimonides you know, has some
4 sensitivity around talking about patient care
5 incidents in public. But also, more importantly
6 because it happened to be Maimonides three weeks ago,
7 it could be any hospital and again, we haven't seen
8 this, we're not expecting this to be a regular
9 occurrence but Maimonides happened to be the place
10 where these patients were taken and so, I can assure
11 you that they, along with us and we will loop in
12 other members as well, will be looking at it and
13 trying to figure out what could be done differently
14 and again, you know it's our job on their behalf is
15 to do the work to make sure that there is practical
16 guidance for them. And so, that will happen.

17 CO-CHAIR RIVERA: Thank you. Thank you so much
18 for your testimony and we are just really trying to
19 make sure that as Dr. Kratz mentioned, because of
20 this fear and anxiety, you know the chronic
21 conditions that are going unaddressed. The all, just
22 avoiding clinics in general by some of our immigrant
23 New Yorkers and how doctors are struggling for clear
24 policy in terms of that there are no plans and that
25 they're not sure of what their legal obligations is.

1
2 And so, we're trying to get to the bottom of that and
3 the heart of this matter is that of course we want to
4 protect the staff there, but we also know that this
5 is effecting the public health of patients directly
6 inside the facility and all of the three million that
7 could potentially not access the quality care that
8 they deserve.

9 But I want to thank you for answering my
10 questions and I want to turn it over to Chair
11 Menchaca.

12 CHAIRPERSON MENCHACA: Thank you, Co-Chair Rivera
13 and thank you Ms. Alfredo for being here today and
14 testifying before us. I just want to get a couple
15 clarifications in the conversation that we're having
16 today about the protocols. Are there protocols that
17 are separate for local NYPD law enforcement and ICE?
18 Are those two different protocols or are they the
19 same protocol?

20 LAURA ALFREDO: What I was saying is that based
21 on my understanding what hospitals, hospitals
22 internal practices and how they deal with law
23 enforcement tend not to vary based on what the agency
24 is. However, our protocol -
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2 CHAIRPERSON MENCHACA: And what's the reason for
3 the nonvarying need for each of the -

4 LAURA ALFREDO: I think there just isn't a need.
5 You know, I think this situation certainly highlights
6 a potential need and our protocol, our guidance
7 toolkit, as I said, in 2017 was very much geared to
8 ICE. In fact, we called it the ICE toolkit. So, it
9 deals with immigration specific enforcement actions
10 but in the typical situation, the everyday situation,
11 I don't think there's really a need to distinguish
12 among the agencies except for the fact that you know,
13 a hospital will have relationships with different
14 agencies to sort of work out differences and that may
15 be individualized but how you care for a patient is
16 how you care for a patient regardless of who is
17 standing next to them and we have to look at that in
18 terms of ICE clearly.

19 CHAIRPERSON MENCHACA: Well, yes, clearly I think
20 that's the determination that we're going to be
21 pushing for a creation of a policy and protocol that
22 looks at ICE differently because the work that you're
23 doing everyday and what we're doing everyday to build
24 relations with our local NYPD, many of the agents
25 that are coming in have no relation. One by design,

1
2 legal. There is no cooperation. Their work is civil
3 work, though it looks like military and what our job
4 here is to build public safety, public health and
5 public trust.

6 LAURA ALFREDO: Right.

7 CHAIRPERSON MENCHACA: And that's not something
8 that we anyone have with ICE right now, including our
9 hospitals clearly. And so, that's what we're going
10 to be pushing for, is a protocol that deals
11 especially with ICE. As you said, this might be the
12 first, but it might a first of many and we're looking
13 for leadership here from you and from really the kind
14 of broader scope of health institutions in our city.

15 I want to get a better sense about also in your
16 opinion, whether or not ICE agents, after we saw what
17 we saw at Maimonides, if the ICE agents were in any
18 way a threat to public health for the patients?

19 LAURA ALFREDO: Based on what I know, the answer
20 is no.

21 CHAIRPERSON MENCHACA: No, so they were never a
22 threat to the public health of the patients?

23 Both the two in question, but also just in
24 general to the hospital.

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2 LAURA ALFREDO: Well, I have to say I'm not privy
3 to the specifics of the medical care of these two
4 patients. In fact, I learned the most about it today
5 sitting here listening to recitation of the records
6 that I assume were released by the patients and the
7 family.

8 So, I can't speak to that. Based on what I
9 understand that Maimonides was able to take care of
10 both of these patients to the same degree of quality
11 that they do all of their patients and they managed
12 through it very well.

13 CHAIRPERSON MENCHACA: Yeah, they did their best,
14 no doubt and I was there to kind of witness most of
15 that and I give them that but I think they were
16 struggling with incredible challenges throughout it
17 that I think again, beg us the question to move
18 forward with some policies and I'm thinking about
19 public health, and whether or not HIPAA is connected
20 to - is a violation of a HIPAA law a threat to public
21 health?

22 LAURA ALFREDO: I suppose it can be but I don't
23 know that there were any violations of HIPAA here.

24 CHAIRPERSON MENCHACA: Well, and I don't want to
25 talk specifically about the incident but just in

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2 general, because these are the things that will come
3 out later over time for the case and the work that's
4 happening. But I think what I'm trying to do is just
5 paint the picture, that there is a threat to public
6 health and the incidents that follow it and that
7 could come in the future, and really working with you
8 as someone who I think is positioned to build either
9 a testimony through your work and your surveys an
10 understanding of what public health means in an
11 incident like this and whether or not it was
12 threatened.

13 LAURA ALFREDO: Right, and I do want to say that
14 I mentioned are very long Q&A document. A section of
15 that deals with HIPAA and state privacy laws and
16 defines when you have to which is very rarely and
17 when you don't have to, turn over information to law
18 enforcement and that would apply whether it's ICE or
19 NYPD or anybody else.

20 CHAIRPERSON MENCHACA: And that includes presence
21 of any enforcement, NYPD or ICE.

22 LAURA ALFREDO: Well, you know, I'm sorry, I
23 don't mean to cut you off.

24 CHAIRPERSON MENCHACA: Go ahead.

25

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2 LAURA ALFREDO: That's a gray area, so you know
3 in the typical scenario, law enforcement is making
4 requests for information. They are not standing
5 there with the patient; the patient is not in
6 custody. That's, you know, a lot with the
7 regulations, the guidance a lot of our thinking
8 around law enforcement information sharing is built
9 around.

10 So, again, it's a different scenario. When
11 you've got a patient in custody and you know, legal
12 right of law enforcement to keep them in custody or
13 at least the hospital is not in the position to
14 question that, then you have to manage the situation
15 on the ground. And that may include asking the agent
16 or officer to step away so that the caregiver can
17 have a conversation with the patient and that sort of
18 thing. I'm not aware of that. You know, nor should
19 I beware of that coming up in this case.

20 And again, I would put that in the category of
21 things that hospitals ED personnel do a very good job
22 of navigating every day. But I think it maybe a gray
23 area under HIPAA and under the law and that's one of
24 the things that we'll be looking at as we seek to
25 supplement the guidance.

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2 CHAIRPERSON MENCHACA: And I guess, well before I
3 move onto this next piece, does your Q&A and this is
4 I guess, the Q&A with your patients and your -

5 LAURA ALFREDO: It's for staff.

6 CHAIRPERSON MENCHACA: For staff, for staff.
7 Does the Q&A with the staff discuss the impact of the
8 presence of law enforcement in the room and patient
9 participation in care? Does it capture that kind of
10 impact, health impact?

11 LAURA ALFREDO: Yeah, you know only in so far,
12 again, it was not drafted with the idea of ICE coming
13 in with a patient in custody but it does get to it in
14 the sense that some of the recommendations are to
15 bring, say an agent is trying to serve a subpoena or
16 something of that nature bringing the agent into a
17 separate office to try to manage the visibility of
18 it. And then as I said, we also had some recommended
19 signage and messaging for patients and staff. But
20 that's really as far as we got into that particular
21 issue.

22 CHAIRPERSON MENCHACA: Okay. Moving on to
23 confidentiality and safety. How can we ensure
24 patient confidentiality and safety when ICE is
25 present in the settings, in the hospital settings in

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2 the event that law enforcement is present in the room
3 with a patient. What measures are taken to ensure
4 patients can safely disclose sensitive information?

5 It's just really about confidentiality. If you
6 can just be clear about protocols there.

7 LAURA ALFREDO: Yeah, yeah, I mean, as I said, I
8 think this is an area that we have to research some
9 more. You know, what are the limits under HIPAA and
10 state law when somebody's in custody. I don't know
11 that the rules are any different. I think it's a
12 question of the practical reality of you know, having
13 an officer guarding the patient, for the lack of a
14 better term and having to sort of work with that
15 officer to step away when it's appropriate to step
16 away. But that is an area that we do need to look
17 into.

18 CHAIRPERSON MENCHACA: Yeah, I agree. I agree.
19 Do hospitals ensure health equity by dedicating staff
20 to act as community liasions for immigration patient
21 populations?

22 LAURA ALFREDO: Yeah, so I think you work with my
23 colleague Lloyd Bishop quite a bit. He works on
24 access and equity and you know, at least prior to
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2 2017, he had been the lead on a lot of immigration
3 work or immigrant healthcare work, I should say.

4 So, you know, we have been seeing a trend among
5 community health and community relation staff that
6 among all of our members that they are focused on you
7 know, very specific segments of their communities and
8 that can be defined in many different ways including
9 as immigrant health or immigrant communities.

10 So, we've seen that, we're actually starting to
11 mirror it with our own staff. Lloyd has hired
12 somebody to sort of have that same orientation. So,
13 yes, I would say that that is taking hold and I think
14 that's partly in response to these federal policies
15 that we need to sort of deal with and work with our
16 communities on to try to give them information and
17 try to calm the tensions a bit.

18 CHAIRPERSON MENCHACA: Got it. And I think one
19 thing that this question makes me think about is
20 language access as well. And I know that from the
21 beginning, we asked for an interpreter that
22 understood, just really understood the workings of
23 the hospital and we never actually got one. Our
24 staff ended up being an interpreter team for the
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2 families and so we just want to draw that as a
3 concern.

4 I know that there was a lot of want to help and
5 they said oh, we have a lot of translators but they
6 never showed up and we were moving so fast that we
7 didn't even think about it. I'm just writing the
8 notes afterwards. You know, we never got that
9 interpreter and so, that's a concern across the
10 entire system. When someone needs to understand the
11 information from someone who understands the
12 information to be translated. And so, I think that's
13 something that I just want to note to you and I want
14 to work with you and Chair Rivera as we move forward.

15 LAURA ALFREDO: And that's a very good point.
16 We'll build that in as well.

17 CHAIRPERSON MENCHACA: Thank you, thank you. And
18 then the final question is, something that came up in
19 our testimony, or the testimony of Commissioner, was
20 the concept of guns. And I just remember being in
21 the ED there and a lot of folks just curious about
22 plain clothes folks that weren't NYPD with guns and
23 whether or not there should be guns in hospitals at
24 all.

1
2 I don't think there should be any ICE agents in -
3 but let's just roll back that a little bit and just
4 say guns period. Would you support from your vantage
5 point, from where you sit and the work that you do, a
6 call for a removal of all guns in hospitals period.
7 And that you create a protocol that allows you to
8 have the power to say no to guns in hospital beds.

9 And I say that because I think that was the game
10 changer. No matter what protocols people were
11 pushing around, that the gun itself created so much
12 panic for folks that that was the law. That was the
13 thing that said, no, you know what, everyone else
14 needs to go away. The people with guns are going to
15 be the movers and shakers of this institution that I
16 think when your investigation is over, is going to
17 show that it was a threat to public health. Could
18 you support something like that?

19 LAURA ALFREDO: Well, first I want to say that
20 guns are already prohibited in certain areas of the
21 hospital. Like, locked behavioral health units.

22 CHAIRPERSON MENCHACA: Okay.

23 LAURA ALFREDO: And guns in hospitals is a very
24 complicated issue and I'm not punting at all but you
25 know, violence on healthcare workers is itself an

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2 epidemic. It's a huge, huge problem and shootings in
3 hospitals we've all seen, we've heard, we've had it
4 here New York in the Bronx a few years ago and so, I
5 think you know, I can't speak for our members on this
6 and I'm not in any position to take an organizational
7 position on this other than to say that we've taken
8 positions on gun violence in general and the impact
9 on healthcare workers on having to actives, basically
10 medics in a combat zone rather than what they were
11 trained to do, so we're very concerned about gun
12 violence. We're very concerned about gun violence in
13 hospitals and do a lot of active shooter training and
14 all of that. And so, I'm just telling you this
15 because it's a bigger issue and there are some
16 hospitals that feel we do need armed staff as a
17 protective measure and some that feel as I think you
18 are suggesting you feel that there is no place for
19 them. But I think what you are getting at is you
20 have some sort of legislation or something that would
21 enable a hospital to tell an officer with a patient
22 in custody to disarm and I mean, I think that would
23 be an extraordinarily difficult and controversial
24 position to take.

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2 But as the prior speaker said, I think you know,
3 we need to look at all issues and we also need to
4 keep in mind this was an isolated case. We hope it
5 remains isolated and we want to make sure that the
6 things that we do are really targeted at the issues
7 presented in this case.

8 So, that's all I could say about that topic.

9 CHAIRPERSON MENCHACA: Well, I look forward to
10 continuing this conversation. I hope, I hope and I
11 keep hoping that these cases become isolated and once
12 and only and the fact is that they are not and the
13 stuff that's happening here in New York City
14 potentially could be paling in comparison to stuff
15 that's happening across the entire country and we're
16 going to be doing work to really capture this kind of
17 incident that happens across the cities that are not
18 sanctuary at all. That do not protect the immigrant
19 communities. The things that we don't hear about and
20 I think that's what we're trying to do is set the
21 pace and the tone, so that we can be clear about our
22 mission to protect public safety, health and trust.

23 So, thank you.

24 LAURA ALFREDO: Thank you.
25

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2 CO-CHAIR RIVERA: I just want to recognize I have
3 some guests here from BMCC, CUNY in the balcony who
4 have joined us and I just want to thank you for being
5 here and I hope that you're I guess witnessing
6 government trying to be intersectional in terms of
7 how policies can affect our public health as a city.
8 So, thank you for being here.

9 CHAIRPERSON MENCHACA: We're going to call the
10 next panel. We have four public panels next. Thank
11 you for your patience on this and I hope that you've
12 been following and learning through the work that we
13 have to do together as a community.

14 We're going to have Yesenia Mata from La Colmena,
15 Jacqueline Pearce from Make the Road, Genia Blaser
16 from the Immigrant Defense Project, Casey Dalporto
17 the Legal Aid Society, Ari Moma Registered Nurse from
18 the New York State Nurses Association and Sarah
19 Monasrah. Did I get that? Yeah, come on over and
20 join the panel here from Never Again Action.

21 So, let's start from our right over here. Jackie
22 do you want to start.

23 UNIDENTIFIED: **INAUDIBLE [3:09:13-3:09:16]**.

24 CHAIRPERSON MENCHACA: Oh yes, please. Please go
25 for it.

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2 GENIA BLASER: I have to leave in about ten
3 minutes.

4 CHAIRPERSON MANCHACA: Yes, go for it.

5 GENIA BLASER: Thank you. Thank you so much to
6 the Council for the opportunity to testify today. My
7 name Genia Blaser and I am a Senior Staff Attorney
8 with the Immigrant Defense Project.

9 For the past seven years IDP has tracked and
10 verified over 1,300 of ICE's community arrests and
11 raids in the New York City area. ICE monitors and
12 analysis trends in ICE arrests and detention and
13 shares this information with community members,
14 advocates and elected officials.

15 We actually recently updated our ICE watch raids
16 map which now has over 1,300 raids on it. Earlier
17 this year, the Trump Administration escalated its
18 attacks on New York City's Detainer Policy.

19 Increasing community arrests or raids operations is
20 one of the key tools ICE has used in its efforts to
21 intimidate and pressure New York.

22 In the past eight weeks alone, IDP has received
23 reports of over 75 raids which is almost five times
24 more than in the eight weeks prior. These arrests
25 have been marked by aggressive force and a continued

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2 reliance on misleading ruses, as we've been hearing
3 about.

4 ICE's raids are destructive and destabilizing and
5 daily our office, other offices across the city are
6 hearing reports of ICE agents loitering in
7 communities, banging on doors, hanging outside of
8 homes, taking fingerprints on mobile devices,
9 arresting individuals they call collaterals who
10 weren't actually initially targeted.

11 For many immigrant New Yorkers, the fear of being
12 taken away from their family, their community, their
13 jobs and their loved ones looms daily. The threat
14 that this Administration is sending border patrol
15 tactical units to New York is a clear demonstration
16 of militarized policing and illustrates that this
17 Administration will go to all lengths to advance
18 their racist fear mongering agenda.

19 I want to focus specifically on how ICE agents
20 frequently use ruses where they intentionally mislead
21 people into believing they are local police officers.
22 I know we have already heard some testimony about
23 this today.

24 The common ways that we hear reports that ICE
25 does this includes ICE agents wearing dark blue

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2 uniforms similar to the navy blue of the NYPD or
3 wearing jackets or vests that only say police on them
4 and having no other identifying clothing or badges to
5 indicate they are actually ICE.

6 And if you turn to the last page of your
7 testimony, I included a photo that we received from a
8 raid in the Bronx this week, showing how the ICE
9 agents are dressed.

10 ICE agents also say they are engaged in a police
11 investigation or that they are part of the warrant or
12 narcotic squad, both of which are real squads with
13 NYPD.

14 We've also heard reports of ICE agents stating
15 they are from specific New York City police precincts
16 or telling immigrants to meet them at precincts and
17 this includes the 44 precinct in the Bronx and the
18 110th precinct in Queens.

19 We've heard numerous reports of ICE agents saying
20 they have active warrants to mislead people into
21 letting them into their homes where no warrants are
22 ever shown and as we've been discussing today, we've
23 heard a lot of reports where ICE agents have drawn or
24 used guns to intimidate or force compliance.

1
2 IDP regularly received reports that the
3 individual arrested or any witnesses believe it to be
4 by NYPD officers and not realize that it was actually
5 ICE until much later.

6 In the written testimony I submitted, I included
7 ten examples of ICE raids that highlight each of
8 trends and there are more if there are questions.
9 Given ICE's deliberate escalation and the harmful
10 effects it has had on how immigrant New Yorkers
11 perceive the NYPD, we urge the NYPD to take the
12 actions in its power to publicly demand ICE stop
13 pretending to be local police agents and to end any
14 support they may provide to enable ICE's enforcement
15 operations. Thus far, the NYPD has not issued any
16 public statements regarding these actions by ICE and
17 we would welcome the opportunity to meet with and
18 hear from them about this urgent situation and the
19 impact on New York Communities.

20 As a city and as a community, we must continue to
21 challenge not only ICE's heinous practices, but also
22 the very logic that ICE uses to justify its mission.

23 Thank you.
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CHAIRPERSON MENCHACA: And we agree. Thank you.
Mr. Ari would you like to please go next. Just bring
the mic close to you.

ARI MOMA: Thank you. Good afternoon. My name
is Ari Moma. I am a registered nurse at Interfaith
Medical Center in Central Brooklyn and also a member
of the New York Nurse Association, which has over
44,000 nurses and is the oldest professional union in
New York States.

I think I speak for many nurses in New York City
when I saw and heard the horrific thing that happened
in Southern Brooklyn where the Ice Agents confronted
two men outside their home and shooting one in the
face on February 6th.

Those men were brought to Maimonides Hospital,
where my fellow NYSNA nurses work and where ICE
remained making their presence felt in the patient
care area.

Nurses work to heal patients. We care for all
New Yorkers including immigrant and undocumented New
Yorkers and I'm going to pause here, why? This is
more important to me is that I work in a safe net
facility and we know what are safe net facilities.
That's where you have most of the immigrants, so

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2 undocumented, they come over there to take care and
3 be safe.

4 Healthcare should be a right. It's not a
5 privilege and with the presence of ICE, and with most
6 undocumented immigrants, they will be afraid to go to
7 the hospital because of that. Because if ICE is in
8 their presence in the facilities, it will interfere
9 to their care and this is unacceptable. And New York
10 City being a sanctuary city, we should not tolerate
11 this in the care. Every patient that comes to the
12 hospital regardless of their race, their immigration
13 status, should get the adequate care they deserve.
14 And that's why we took oaths as nurses so when we go
15 to work, we give our best and we don't need any
16 interference in our care and my fellow nurses, are
17 livid with what happened in Maimonides.

18 Having ICE occupy hospitals also creates fear for
19 the healthcare professionals who work in the
20 hospital. This is more than the nurses, we have the
21 doctors, we have the techs and everybody that works
22 in the hospital and there should not be any fear when
23 you are trying to take care of your loved one or
24 family or anybody at all in the hospital.

1 Like I said, New York City is a sanctuary city
2 and our hospitals, whether public Health and
3 Hospitals facilities or private facilities such as
4 Interfaith Maimonides should also be sanctuaries from
5 violence and from fear. We nurses took oath, like I
6 said before, we will not allow harm to our patients.
7 Hospitals are a sanctuary for healing and we take our
8 oath seriously because when we leave our house, our
9 main aim is to take care of that patient and we spend
10 most of our time in the hospital then we spend with
11 our family at home.

12 So, those patients are our patients, our family,
13 we call them our family. We give them the best care
14 they deserve. To have an interruption is
15 unacceptable and nobody, nobody regardless who you
16 are, you should not be interrupted to get the best
17 care they want because their life every second
18 matters.

19 The ICE has no place in the hospital and also in
20 our communities using excessive force on our
21 residents. This is a civil agency, not a law
22 enforcement agency, like my other colleagues have
23 said how **[INAUDIBLE 3:21:08]** as if they are police
24 officers in which they are not.
25

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2 NYSNA fully supports resolution of 275-A which
3 will prevent ICE from misidentifying themselves and
4 which we hope will prevent future shootings and harms
5 to our immigrant New Yorkers.

6 Thank you.

7 YESENIA MATA: My name is Yesenia Mata, I am the
8 Executive Director of La Colmena, an Immigration and
9 Day Laborer Rights Organization on Staten Island. I
10 want to thank the Chairs Council Members Carlos
11 Menchaca and Carlina Rivera for your leadership on
12 holding this critical hearing at this critical time.

13 Currently, La Colmena is helping out four Staten
14 Island families whose loved ones have been detained
15 by ICE. In each of the four cases, each family
16 indicates that ICE agents identify themselves as
17 police officers, saying that they were conducting an
18 investigation. In each case, the families asked the
19 ICE agents to show a badge or a warrant, however, the
20 only thing the ICE agents would show was a picture of
21 someone who did not reside there or would ask for
22 someone else whose name did not match anyone inside
23 the household. In one of the cases, the partner went
24 back and forth to ask if they were immigration
25 agents. She was told, no, we are police officers.

1 She responded, from where. They retorted; we are
2 police officers. She asked again, are you from
3 immigration or from the NYPD. They responded we are
4 police officers. Thinking it was only a case of
5 mistaken identity, these fathers, sons, went about
6 their way to head to work.
7

8 However, once they stepped outside, scores of
9 heavily armed agents surrounded them or their
10 vehicles and in some of the cases with their hands on
11 their weapons. These are loving people who had their
12 lunches, not guns, their keys, not knives. These ICE
13 agents didn't even care that Edith was visibly
14 pregnant or the trauma to an elderly mother weeping
15 for her son.

16 These are the deceptive and violent tactics that
17 ICE is using to detain someone who poses no violent
18 threat to our country or national security.

19 The only thing that these deceptive tactics are
20 creating is shattering the trust between the
21 immigrant community and the New York police
22 department.

23 These deceptive and violent tactics have had
24 consequences such as a man being shot in the face by
25 ICE agents in Brooklyn. I am a Military Police

1 specialist in the U.S. Army and I can tell you that
2 these ICE agents are trained to use these lethal
3 weapons that they are carrying and understand the
4 power of using these types of weapons, and the way
5 that the weapon was used in that particular situation
6 in Brooklyn was reckless.
7

8 This is scaring the immigrant community on Staten
9 Island, which it comes to no surprise, since it is
10 the most conservative borough in New York City and
11 the most ignored because it secluded from the other
12 boroughs. ICE is attempting to overwhelm the city
13 and organizations like my own by arresting as many
14 people as they can. Just yesterday, I spoke with
15 another woman whose husband was detained by ICE. We
16 are not a legal advocacy organization, not have an
17 attorney to assist us but we try to do our best to
18 support these families as much as we can. We thank
19 the leadership of Chair Carlos Menchaca for
20 championing the New York Family Unity project that
21 has provided free legal counsel to those detained by
22 ICE.

23 We thank the Chair Carlina Rivera for standing
24 with us and ensuring hospitals can still be places of
25 healing not immigration traps. On Staten Island, we

2 will continue fighting and hope we can count on the
3 City Council for support.

4 Thank you.

5 CHAIRPERSON MENCHACA: Thank you for your
6 testimony and thank you for your service as well.

7 SARAH FLATTO MONASRAH: Hi everyone, I'm really
8 happy to be here.

9 CHAIRPERSON MENCHACA: Yeah, thank you for being
10 here.

11 SARAH FLATTO MONASRAH: My name is Sarah Flatto
12 Monasrah and this is my baby girl Nora. It's both of
13 our first testimony at City Council, so really
14 exciting.

15 CHAIRPERSON MENCHACA: Welcome.

16 SARAH FLATTO MONASRAH: Thanks. I'm a resident
17 of Bay Ridge Brooklyn and I'm a proud member of Never
18 Again Action, New Sanctuary Coalition and the No
19 Muslim Ban Ever campaign. But I am not here just as
20 an activist, I am here as a Maimonides Hospital
21 patient, a prenatal patient, a labor and delivery
22 patient who gave birth to Nora at Maimonides nearly a
23 year ago.

24

25

1
2 I'm also here as a grandchild and great
3 grandchild of Jewish refugees and the wife of a
4 Palestinian Muslim Immigrant.

5 When I gave birth to Nora in March 2019, my
6 partners immigration status was still pending his
7 green card application results. My mother in law was
8 also there at Maimonides, visiting the US on a
9 visitor's visa. What if ICE had chosen to raid
10 Maimonides that day, I gave birth? My husband and
11 mother in law would have been in acute danger
12 regardless of the fact that they were here legally.

13 As we saw with our friend Eric, who had a valid
14 visa and was still shot in the face. Ice doesn't
15 actually care about legal status. They care about
16 terrorizing Black, Brown, Muslim, Latinx and
17 immigrant communities. The idea of my husband and
18 mother in law being profiled, arrested and thrown
19 into detention while I was in the middle of giving
20 birth, makes me sick to my stomach, but it is the
21 reality of thousands of our immigrant and refugee
22 friends are facing and is the reality of millions of
23 Black and Brown families whose loved ones are in
24 prison.

1
2 It reminds me of my 28 relatives who I will never
3 meet because they were murdered by Nazis in the
4 Holocaust. No doubt before they were killed, they
5 were rounded up and imprisoned first. Hospitals
6 should be places of sanctuary, health and healing.
7 We should go to hospitals to preserve life, not to be
8 at risk of kidnapping, detainment, injury and death.

9 I implore New York City Council to think of my
10 baby girl, who is a descendant of four generations of
11 refugees. She could have had her family torn from
12 her the day she was born, just because of their
13 names, the color of their skin and the passports and
14 papers that they hold.

15 We must end family separation in all forms. We
16 must disarm ICE. ICE out of our communities, ICE out
17 of our hospitals, ICE out of our courts and out of
18 our streets. Abolish ICE and abolish prisons, free
19 them all.

20 Thank you for listening and God Bless everyone.

21 CHAIRPERSON MENCHACA: Thank you.

22 SARAH FLATTO MONASRAH: Thank you so much.

23 CHAIRPERSON MENCHACA: Thank you to both of you
24 and I hope we see you back here.

25 SARAH FLATTO MONASRAH: Yeah, me to.

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CHAIRPERSON MENCHACA: Thank you.

CASEY DALPORTO: Good afternoon. My name is Casey Dalporto and I'm an attorney at the Legal Aid Society and the Immigration Law unit and I specializes in the intersection of criminal law and immigration law.

The Legal Aid Society for more than 140 years has been a tireless advocate for those least able to advocate for themselves, especially and including the New York City immigrant community. In the most recent fiscal year, our immigration team has assisted in over 5,000 individual legal matters benefiting over 10,500 New Yorkers citywide. Our breadth of experience provides us with unique insights to the challenges facing immigrant New Yorkers and we are on the front lines of efforts to defend our city against an overtly hostile federal administration.

In that spirit, today we welcome the opportunity to provide testimony on the terror inducing impact of recent immigration in customs enforcement activity in New York City and the importance of our legislative bodies taking action to protect our immigrant population.

1
2 In the context of increasing ICE enforcement
3 activities, a concerning trend has emerged in New
4 York City in which ICE agents impersonate local law
5 enforcement to trick unsuspecting New Yorkers into
6 opening their doors and complying with ICE even when
7 there is no legal authority to do so.

8 Over the past several years, many thousands of
9 our clients have been effected by ICE activities and
10 we've heard many reports of such ruses. In one
11 commonly reported scheme, **[INAUDIBLE 3:32:57]** and
12 will receive a knock on the door from an ICE officer
13 pretending to be a detective. The officer usually
14 wearing clothing or equipment bearing police insignia
15 claims that the noncitizen is a victim of an identity
16 theft scheme that the NYPD is investigating. I would
17 also note that we've also heard numerous reports that
18 ICE interfaces specifically with underaged members of
19 the family when trying to coerce the individual into
20 opening the door.

21 So, ICE is interacting with teenagers or children
22 of the target of the investigation. Individuals who
23 are obviously very impressionable, more likely to
24 defer to uniformed adults and unsuspecting of these
25 kinds of fraud committed by federal agents.

1
2 In these instances, the officer asks to meet with
3 the noncitizen under the guise of a police officer
4 working to protect New York City residents from
5 fraud.

6 In fact, the only fraud committed is by the
7 officer themselves. Impersonating our city's police,
8 exploiting our residents trust and New York's vital
9 public services. Not only is this practice morally
10 reprehensible, it destabilizes New York City's entire
11 system of law enforcement. These ruses degrade the
12 legitimacy and reputation of New York City's Police
13 among a community that is already apprehensive about
14 reporting crimes and cooperating with police and
15 prosecutors. It is beneath the integrity of any law
16 enforcement body to engage in these practices and yet
17 these practices are being attributed to our own law
18 enforcement bodies extensively with the acquiescence
19 of the NYPD. At some point, that must constitute
20 complicity.

21 Ensuring that all New Yorkers are able to
22 interact with law enforcement authority safely is
23 vital to public safety and a proper functioning of a
24 criminal justice system. Thus, the Legal Aid Society
25 wholeheartedly supports this proposed resolution to

1
2 combat the deceptive immigration practices by ICE and
3 fully endorses its spirit.

4 We are grateful to live in a sanctuary city that
5 takes its commitment to supporting its vulnerable
6 immigrant community seriously and we appreciate Chair
7 Menchaca and the Committee on Immigration and
8 Hospitals for hearing this testimony today.

9 Thank you to the Council and in particular to the
10 Committee Chairs Menchaca and Rivera for your
11 leadership on these issues and your support for Make
12 the Road members and clients.

13 JACQUELINE PEARCE: My name is Jackie Pearce and
14 I am raids response attorney with Make the Road New
15 York. Make the Road is a community based
16 organization with over 24,000 members dedicated to
17 building the power of immigrant and working class
18 communities to achieve dignity and justice.

19 Each month, dozens of New Yorkers come to Make
20 the Road, seeking help in the wake of ICE raids at
21 homes, outside of courthouses and across our
22 communities. They are devastated, terrified, and
23 often don't know the most basic information about
24 what has happened to their loved one. We work to
25

1 support these impacted families to get them answers
2 and to provide them legal assistance.
3

4 I represent Gaspar Avendano Hernandez, whose
5 partner's son was shot in the horrific ICE raid in
6 Brooklyn on February 6, 2020. It is with great
7 regret that I sit here today in place of my client.

8 Mr. Avendano is the central witness to both the
9 raid that devastated his family and to his treatment
10 thereafter, which includes a day and a half in an
11 emergency room in New York.

12 The Council requested Mr. Avendano's presence to
13 testify today but ICE did not allow it. I am not
14 able to provide the testimony he would have today.
15 Testimony that is so important to this Council's
16 investigation. However, I do want to bring to the
17 Council's attention several deeply disturbing issues
18 that arose after ICE's terrifying raid.

19 First, the NYPD played a role here that we
20 believe warrants scrutiny. NYPD officers transported
21 my client to the emergency room and interacted with
22 ICE officer at the hospital. Yet, it is our
23 understanding that the NYPD may not have investigated
24 the scene or the possibility that ICE officers
25 committed a crime, when they shot an unarmed man in

1 the face and used excessive force against Mr.
2
3 Avendano. We would like to know why NYPD played the
4 role that they did, rather than investigating whether
5 ICE officers committed a crime.

6 Second, at the hospital, ICE officers interfered
7 with Mr. Avendano's right to have confidential
8 conversations with his doctors and with me, his
9 attorney.

10 Third, Mr. Avendano had both wrists handcuffed to
11 the rails of his hospital bed for a day and a half,
12 as he slept, was examined by doctors, used the
13 bathroom and when he met with me.

14 But most devastating for Mr. Avendano and his
15 family was that he was not allowed to have any access
16 or contact with his loved ones. His family were
17 there at the hospital, desperate for updates on his
18 condition. And he was just as desperate for their
19 news, especially about his partners son who Mr.
20 Avendano had last seen being loaded into an
21 ambulance.

22 But ICE did not permit any contact between Mr.
23 Avendano and his family which includes Carmen, his
24 devoted partner for over 12 years and the mother of
25 the shooting victim.

1
2 After being released from the hospital, Mr.
3 Avendano was brought directly to Hudson County
4 Correctional Facility. Without justification or
5 explanation, he was placed for three days in solitary
6 confinement. He continues to go without the medical
7 care that the hospital recommended for him upon
8 discharge and without the ability to speak freely to
9 his loved ones who have been through incredible
10 trauma and who are desperate for him to come home.

11 What happened to our client is horrifying and it
12 demands an independent investigation and democratic
13 accountability of the type that this Council,
14 importantly, is beginning today.

15 Thank you for your time.

16 CHAIRPERSON MENCHACA: Thank you both for your
17 testimony. I know we have so many panels and I just
18 want to ask one, maybe two questions about the
19 testimony and not to go into it, because I know that
20 what you were able to say today maybe all you could
21 say today and I respect that.

22 The work that you're doing at Make the Road is
23 incredibly valuable to four families, both of you,
24 Legal Aid and Make the Road and the Commissioner has
25 said that there hasn't been a need that has increased

1
2 that she hasn't heard of increase in need for this
3 kind of response or legal support. Is that true, do
4 you feel like there is no need right now for more
5 legal resources? Both of you came so quickly that
6 day, I remember and were there to serve. Really out
7 of the incredible infrastructure that we've set up
8 here in the City of New York to protect anyone who is
9 in a deportation proceeding and just legal services
10 in general. Do we need more of you?

11 JACQUELINE PEARCE: Yes.

12 CHAIRPERSON MENCHACA: Yes, okay.

13 JACQUELINE PEARCE: I'm specifically a raids
14 response attorney. I started in this role at the end
15 of September and even just in the past month, we
16 received calls from all over the city and including
17 all over New York State and it's clear that the
18 numbers of raids are increasing.

19 CHAIRPERSON MENCHACA: And so, you just labeled
20 yourself as a raid response attorney. Can you just,
21 I know what that means. I think I know what that
22 means but could you please define it for us?

23 JACQUELINE PEARCE: Sure. So, my position
24 entails responding to raids in the community which we
25 consider raids at homes, raids outside of

1 courthouses, raids anywhere that our community
2 members should be able to breath freely without the
3 threat of an ICE arrest.
4

5 CHAIRPERSON MENCHACA: Got it and then in case
6 you all - I'll let you answer this as well.

7 CASEY DALPORTO: So, I field calls from
8 specifically our noncitizen clients who are being
9 charged with crimes who are - sorry.

10 So, I field calls from our noncitizen client,
11 Legal Aid's noncitizen client population who have
12 active criminal cases who are being charged with
13 crimes, and I can tell you anecdotally, although it's
14 a little too premature in 2020 to start tabulating
15 any sort of data on this. There has been a huge
16 surge in reports of ICE calling our clients, showing
17 up at the addresses of our clients shortly after
18 their arraignment. Showing up outside of
19 courthouses, of course under the new OCA policy, they
20 are no longer allowed to conduct enforcement
21 activities inside the courthouse but we have received
22 an alarming number of reports in just the past two
23 months. The first two months of 2020 alone of ICE
24 showing up outside and stopping people, preventing
25 them from actually attending their court dates.

1
2 So, we again, have not yet formally tabulated any
3 sort of data but there has been a widespread report,
4 increase in reporting, yes.

5 CHAIRPERSON MENCHACA: So, then we can safely say
6 that since 2016, a certain presidential election that
7 we're kind of clocking that at that point, that there
8 has been a change in the number and the nature. The
9 number and the nature of arrests that have happened
10 across the city and maybe even the state, if you are
11 getting reports that things are shifting, things are
12 changing.

13 CASEY DALPORTO: Definitely since 2016 and more
14 specifically after the inauguration in 2017 and while
15 there seemed to a plateau at the end of last year,
16 there has been a huge spike in early 2020.

17 CHAIRPERSON MENCHACA: Got it and I just want to
18 reiterate that there had been 74 incidents, ICE
19 incidents documented by IDP in 2020 alone. That's
20 not that far into this year alone.

21 CASEY DALPORTO: And those are just self-reports.

22 CHAIRPERSON MENCHACA: And those are self-reports
23 exactly. There are things that are happening that we
24 don't even see because of that reason. And I think
25 the other thing that I want to say here is that the

1
2 grotesque nature of this incident on February 6th, is
3 leading us to believe that this might be the only
4 time this will ever happen. Do you believe that?

5 CASEY DALPORTO: No, we have seen aggressive
6 enforcement tactics during these raids and during
7 these ruses beyond what we saw on February 6th, which
8 was obviously unchartered territory but we have seen,
9 we have heard reports of ICE prominently displaying
10 their weapons when encountering clients on the street
11 or in their homes and we've also seen them use
12 excessive force or we've heard reports of witnesses
13 describing excessive use of force that sometimes
14 require medical attention.

15 JACQUELINE PEARCE: And I'll just add that this
16 Council is doing an incredible job of shedding light
17 on what happened here but ICE is going to continue
18 doing what they're doing unless they are truly held
19 accountable for their actions.

20 And so, I do fear and I think many in the
21 advocacy community fear that something like this
22 could and will happen again if they are not stopped.

23 CHAIRPERSON MENCHACA: Thank you.

24 JACQUELINE PEARCE: Thank you.
25

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2 CHAIRPERSON MENCHACA: We agree. The next panel.
3 Whitney Hu Sunset Park ICE Watch, Andrew Ratto ICE
4 Watch, Rabbi Barat Ellman and Meryl Ranzer. And
5 Council Member Dromm was here as well.

6 Red light is on?

7 WHITNEY HU: Red light is on, great. My name is
8 Whiney Hu, I am one of the co-organizers of Sunset
9 Park ICE Watch. We're a rapid response group working
10 against ICE in Brooklyn. We're here today because we
11 must be. We know that ICE destroys records of what
12 they do, so we're proud to stand alongside the Diaz
13 Cruz family, advocates, activists and Council Member
14 Menchaca and Rivera to hold ICE's actions up to the
15 light. And we urge that we continue to do so beyond
16 this hearing because until we abolish ICE, we must
17 not rest.

18 In my written testimony, I write about some of
19 the families that we've interacted with recently, an
20 increase we've seen on the ground. When ICE takes a
21 person away, they rip a family apart. Just this past
22 week, my fellow organizer Jorge and myself traveled
23 back to Maimonides, not in protest but to visit a
24 woman who gave birth to a beautiful baby boy while
25 her partner is detained. I will never forget the

1
2 bitter joy of celebrating a new life but realizing
3 that myself and Jorge should not have been there, but
4 instead her partner who we are even struggling to get
5 photos sent to him of his newborn. Her baby is still
6 in neonatal intensive care because she gave birth
7 early due to the stress of her husband being taken by
8 ICE.

9 I was also one of the first responders to show up
10 at Maimonides when New Sanctuary put out the call. I
11 was there until ICE dragged Gaspar out. I go into
12 further detail in my written testimony, but I will
13 note, even though it was an ICE agent that bodily
14 removed me away from the car they put Gaspar in, NYPD
15 was just as heavy handed in preventing civil
16 disobedience. I'd also argue that disobedience in
17 preventing a rogue agency from stealing our neighbors
18 should be rewarded as the just and moral thing to do.

19 It was a NYPD Deputy Chief Charles Scholl who
20 told me straight to my face that he was the one who
21 arranged Gaspar to be removed from the ambulance bay.
22 He said it was to make it harder for us to practice
23 civil disobedience so he could arrest us if we acted
24 out of line.

1
2 So, I urge that we thoroughly investigate how our
3 processes repeatedly failed Gaspar and many other
4 vulnerable New Yorkers. From court records, to the
5 way the NYPD enabled ICE, because we are in the fight
6 for our lives. The Trump Administration and ICE have
7 and will continue to ignore the definitions of
8 democracy and justice so we must no longer accept
9 excuses of process or decorum for why we don't resist
10 harder. Because how many more lives will we lose.

11 We must demand more for Gaspar, for Eric, for all
12 of us.

13 Thank you.

14 CHAIRPERSON MENCHACA: Thank you.

15 RABBI BARAT ELLMAN: Good afternoon. My name is
16 Rabbi Barat Ellman, I am a member of the clergy, a
17 volunteer with New Sanctuary Coalition, Never Again
18 Action, Jews for Racial and Economic Justice.

19 On Thursday February 6th, while I was at 26
20 Broadway to accompany an undocumented friend to her
21 ICE check in, I received a text message informing me
22 that ICE agents had shot a man in Brooklyn in the
23 course of trying to detain an undocumented
24 individual. As part of the Rapid Response Team for
25 New Sanctuary, I was asked if I could go to Brooklyn

1
2 to learn what had happened and provide support for
3 the family of the undocumented person.

4 I went to Gravesend, Brooklyn where members of the
5 media were interviewing Kevin Diaz Cruz, the brother
6 of the man who had been shot. Kevin relayed his
7 impressions of the episode to me. He clarified Eric
8 Diaz, the man who had been shot, the relationship to
9 him as his brother who was visiting from Mexico on a
10 tourist visa and the man that ICE had sought to
11 detain, the partner of his mother Gaspar Avendano
12 Hernandez.

13 He also told us that ICE arrived when they were
14 driving to work, they had returned home because they
15 had forgotten something and ICE agents stopped them
16 as they got out of the car, wearing jackets but no
17 clear identification of who they were and no warrant,
18 no ID.

19 After I spoke with him, I went to Maimonides
20 Hospital where both Eric Diaz and Gaspar Avendano
21 Hernandez were being treated for their injuries and I
22 sought to provide clergy support for the two of them
23 and for their families. I met a colleague, Rabbi
24 Joshua Stanton, who had hoped to be here today, also
25 a volunteer with New Sanctuary and the two of us

1
2 approached hospital security asking to visit the two
3 injured people.

4 Hospital security was courteous and permitted us
5 to enter the emergency ward. However, upon entering
6 the ward, Rabbi Stanton and I were met by a plain
7 clothed individual who did not identify himself. We
8 explained we had come to offer support to the two men
9 and their families. We were asked to wait. We went
10 back further where that person went back further into
11 the ward and returned with another plain clothed
12 individual who told us we could not have access to
13 the two men. He asked us where we were from and we
14 told him that we were with New Sanctuary Coalition.
15 He responded saying something to the effect of, I
16 have nothing to do with you.

17 We asked him to identify himself and he said he
18 was from ICE. At that point, we were asked to leave,
19 we went out of the emergency room, we waited outside.
20 We observed the presence of several other ICE agents
21 and deduced that the two men were in fact being
22 detained while under medical supervision. From that
23 point on, as you know, the community members rallied
24 outside Maimonides Hospital to demonstrate their
25

1 support for the family and their opposition to ICE's
2 presence in the hospital.
3

4 I want to step back however, from this factual
5 report of what I observed to make some observation.
6 First, Rabbi Stanton and I were given no explanation
7 other than they want nothing to do with us for
8 denying us access to the two detained people. We
9 also at this point did not know that access was also
10 denied to their family members.

11 Second, this even on February 6th, came very
12 shortly after the State of the Union Address, during
13 which President Trump emboldened ICE to behave more
14 aggressively. So, I think its no accident that the
15 escalation of tactics emerged at this moment and so,
16 I also differ with one of the comments of the
17 hospital representative who thought of this as a very
18 isolated event. It may have been isolated up until
19 now. I think we are actually seeing a trajectory of
20 increased aggressive tactics by ICE and a kind of
21 widespread surveillance and detention machine that
22 potentially has no limits.

23 Second, When I went to Brooklyn to respond to the
24 shooting, I left from 26 Federal Plaza, whereas I
25 said, I was accompanying a friend for a check in as

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2 required with DHS. When volunteers accompany our
3 friends, we are keenly aware of how terrified they
4 are over their looming encounters with DHS and with
5 ICE. They fear that for reasons they do not
6 understand they will suddenly and without warning be
7 snatched from their families and communities and
8 threatened with immediate deportation.

9 For a myriad of reasons, those threats alone are
10 enough to cause fear. But one fear our friends going
11 for check-ins, for individual hearings or bond
12 hearings don't have, is the fear of being shot.

13 But that's what happened in Gravesend Brooklyn on
14 February 6th. ICE agents shot a person, not even the
15 person they intended to detain, although that too,
16 would have been egregious. They shot a by stander, a
17 family member who was distressed by the attack on his
18 father in law by people who did not identify
19 themselves as federal agents. They shot a Mexican
20 citizen who was in the United States under a tourist
21 visa on vacation. Why? Tell me why are ICE agents
22 armed. How is it that the scenario that unfolded in
23 Gravesend on February 6th happened? How is it that
24 ICE agents can disguise themselves as police. It
25 turned out that the agents who attempted to seize

1
2 Avendano Hernandez were wearing facsimiles of police
3 jackets as has been reported also by others today.
4 To support their attempts to apprehend undocumented
5 people without warrant. How is it that anyone can
6 disguise themselves as police without having been
7 trained in police protocol? A protocol that should
8 have constrained the officer who shot Eric Diaz from
9 reacting so precipitously.

10 Everything about the events on February 6th point
11 to the danger ICE poses to our neighbors and our
12 neighborhoods. Agents are not trained on proper
13 protocol, yet they are armed. Agents attempt to
14 apprehend individuals without warrants or ID. ICE
15 agents have been given a mandate from the president
16 that is broad and seemingly unlimited and they are
17 armed. This last element is the most frightening?
18 Why, we must ask why are ICE agents armed? Why do
19 they have guns? There is no valid explanation. We
20 must take arms away from ICE. We must prevent ICE
21 from terrorizing our communities. We really must
22 abolish ICE.

23 I want to thank the Committee, the Council for
24 holding this hearing. I am very grateful for your
25

1
2 interest in this matter and your attention to it and
3 I support the proposed Resolution.

4 Thank you.

5 Oh, one more thing, I'm sorry. I am also going
6 to be editing my remarks that I gave you and if you
7 have an email that I can send the edited version to,
8 I would appreciate that.

9 CHAIRPERSON MENCHACA: I'll make sure I get that
10 to you.

11 RABBI BARAT ELLMAN: Okay, thank you.

12 CHAIRPERSON MENCHACA: Thank you.

13 ANDY RATTO: My name is Andy Ratto, I am a
14 Brooklyn resident and I participated in the rapid
15 response gathering ICE Watch at Maimonides Hospital.
16 I was at Maimonides Hospital in Brooklyn on February
17 6 and 7th as part of the Ice Watch effort. We held
18 space at the hospital for two days, focused media
19 attention on ICE's criminal and renegade tactics and
20 provided support to the families of Eric and Gaspar.

21 When ICE came to the hospital to take away our
22 friend, we attempted to block their vehicles. ICE is
23 a rogue, violent, racist gang that is terrorizing New
24 York City. It is critical that NYC refuses to
25 cooperate with ICE in any way and takes active steps

1
2 to prevent them from kidnapping any more members of
3 our community.

4 At the hospital when ICE came to remove Gaspar,
5 NYPD set up barriers to keep his supporters away.
6 Why was NYPD helping ICE remove him from the
7 hospital?

8 As City Council Members, can you find out what
9 communication happened between ICE and NYPD at the
10 hospital on February 6th and 7th?

11 Moving forward, we need a total commitment that
12 NYC will not cooperate with ICE in any way. Any
13 employee of New York City including the NYPD, should
14 not speak to ICE, email with ICE or provide any
15 assistance to ICE. Can the City Council commit to
16 upholding that standard for all city employees moving
17 forward?

18 When ICE initially came to try to detain Gaspar,
19 an ICE agent shot Eric in the face. Who is
20 investigating this attempted murder? What can the
21 City Council do to prevent ICE from using guns during
22 their NYC raids? It is imperative that we fight the
23 increasingly militarized tactics of ICE and CBP in
24 New York City.

1
2 Finally, while I appreciate the steps the City
3 Council can take, it is the people organizing in the
4 streets who can rise up to protect our neighbors and
5 prevent ICE from operating in our City. When ICE
6 came into the hospital, some of us were out on the
7 streets to prevent ICE vehicles from taking away our
8 friend. We need more people in order to interfere
9 with these ICE operations.

10 Please join ICE Watch patrols, Know Your Rights
11 flyering and direct action to block ICE vehicles and
12 other tactics to materially prevent the operation of
13 ICE in our City.

14 Thank you.

15 CHAIRPERSON MENCHACA: Thank you.

16 MERYL RANZER: Hi, my name is Meryl Ranzer, I
17 live in Harlem with my husband and my son and I work
18 for New Sanctuary Coalition. I'm also a member of
19 Never Again Action and [INAUDIBLE 4:09:31].

20 On Thursday morning February 6th, 2020, I received
21 an appalling message from Ravi Ragbir, the Executive
22 Director of New Sanctuary. ICE had shot a man in the
23 face. We later learned the man; Eric Diaz Cruz was
24 here in New York as a tourist visiting family. He
25 was shot when ICE, who did not identify themselves

1
2 went after his mothers partner Gaspar Avendano
3 Hernandez. Who would not try to defend a friend when
4 strangers appear to be assaulting them outside the
5 door of their home?

6 We immediately reached out to rapid response
7 communities and allied organizations for mobilization
8 to Maimonides Medical Center as soon as possible in
9 solidarity with Eric and Gaspar and the family. We
10 wanted ICE to know and we still want ICE to know that
11 they cannot sweep this atrocity under the rug and
12 that we were and are watching them.

13 We stand with each other when fascists come to
14 our city.

15 I arrived at the hospital around 1pm on February
16 6th, meeting others who were there since earlier in
17 the day. As the day progressed, we started getting
18 more information. One of the things we learned was
19 that ICE was making it difficult for the medical team
20 and the hospital to do their work by being in the way
21 and that they were keeping Gaspar shackled to the
22 bed. We also learned that they were keeping his
23 family away from him. The cruelty they showed Gaspar
24 and his family is hard to fathom, but not surprising
25

1
2 from ICE, an agency where so many have died in their
3 care.

4 We want to know what the NYPD's role was in the
5 arrest of Gaspar. How did he end up going to the
6 hospital in one of their vehicles? Were they
7 gatekeeping for ICE in the hospital? There were many
8 community affairs officers outside doing crowd
9 control, but we were there peacefully. When the
10 hospital security asked us to make sure we stayed out
11 of the way of the patient entrances and the ER bay,
12 we complied.

13 On Friday afternoon, ICE roughly took a shackled
14 Gaspar out through the ER exit. One of the ICE
15 agents covered his entire face and you'll see on the
16 back of my testimony; I have attached a photo of
17 that. What kind of government agent works behind a
18 mask? I wanted into the streets as the ICE vehicles
19 sped up to meet the agents holding Gaspar. I
20 witnessed the agents violently pushing advocates,
21 including faith leader Chloe Breyer, as well as Andy,
22 sorry, and they were trying to stop them from taking
23 Gaspar while his already traumatized family watched.
24 Many of the agents do not wear any identifying
25 uniforms. They may be ICE or private contractors; we

1 do not know. We should know who is invading our
2 communities and kidnapping our friends and neighbors.
3 NYPD was in the street with the community and ICE.

4 Why did they stand by as ICE roughed up our allies?

5 We demand ICE stop using the guise of being local
6 police in our city. We demand all guns out of ICE.

7 We demand a full investigation into the shooting of
8 Eric Diaz Cruz, and that the name of the shooter, the
9 ICE agent be made public.

10 We demand that Gaspar Avendano Hernandez be set
11 free to be with his family while he fights to stay in
12 the United States.

13 Thank you.

14 CHAIRPERSON MENCHACA: Thank you so much and
15 before you go, I just want to thank the interpreters
16 that were here today, Yolanda and Sharon. Thank you
17 so much for being here today and for interpreting
18 during today's Council hearing.

19 Thank you for your testimony. Wait, hold on, we
20 have one more.

21 MOHAMMAD RAZVI: Good afternoon, thank you.
22 Basically, I have to go prayers that's why I
23 requested. My name is Mohammad Razvi and I represent
24 one of the largest Muslim organizations in Brooklyn,
25

1
2 Council of Peoples Organization and with my support
3 for the Resolution for the City Council, I really
4 want to echo what my friends have said because before
5 ICE, it was INS and I was there.

6 When they came looking for John Doe, they picked
7 up Jack Smith. They are looking for Mohammad Han,
8 they picked up Mohammad Ali. It doesn't matter, when
9 ICE comes or INS at that time, it just wants to just
10 pick anybody up and it will go. It will not stand
11 for anyone trying to stop them and it is devastating.
12 Those times and I see a repetition that you know,
13 children, when they come with their families here and
14 their parents say, we're going to take you to the
15 land of the free and the children, when ICE comes,
16 and they are standing in handcuffs and the kids
17 looking at the father, is this the land of the free
18 that you brought us to?

19 It is devastating to the families; it's
20 devastating to that American dream. It's devastating
21 to that American culture, that these people are
22 coming here and they are here and it's not like that
23 they are on the streets. They are working, these are
24 families who are working, paying into the system and
25 by all means, we need to stand together and I'm so

1 honored that you are taking this initiative to move
2 forward because times coming and this initiative,
3 what this wonderful idiotic president is trying to
4 do, is really upsetting because whats happened now is
5 we service at the moment, in my office, we service
6 about 30,000 individuals coming to our office. And
7 of them are about 10,000 individuals who are
8 assisting wiht medical coverage. I'm talking about
9 Obama care and the other 10,000 are getting
10 assistance with food stamps.
11

12 They are entitled to those services. I'm talking
13 about people who have green card, who have
14 citizenship and they are afraid and they are telling
15 us that they want to remove their applications. New
16 York cares what the MOIA has started is amazing
17 because many of these community members are not going
18 to the hospitals. Just imagine, we are talking about
19 a coronavirus. Any of these kids or anybody gets
20 sick, what's going to happen in New York City if
21 these people do not come forward seeking the services
22 that they need, going to the people who they feel
23 they need to be safe, who can make them safe. Like
24 the NYPD should have done but coming back, yes, I
25 don't think they need guns. And that's one of the

1
2 biggest things we need to do because we can't have
3 our family members in hospitals just because they are
4 trying to make a living.

5 Thank you.

6 CHAIRPERSON MENCHACA: Thank you to this public
7 panel and what I'll say here is that you are the
8 first responders on the ground. You get the calls
9 first. You work with us to ensure that there is an
10 effective response and the nature of the time that
11 we're in is also - and you mentioned some of the
12 public services, the public benefits, public charge
13 and Census. These are all things that are part of
14 the ultimate strategy and we're going to need you
15 there as well and so; I look forward to working with
16 all of you from Sunset Park ICE Watch to New
17 Sanctuary Coalition and COBO as well.

18 Thank you all for your testimony today.

19 WHITNEY HU: I do just want to say thank you
20 especially to your staff too. We are very lucky to
21 have you as our Council Member.

22 CHAIRPERSON MENCHACA: Thank you. Thank you so
23 much, thank you. The next panel is Mo Razvi. Oh,
24 okay, Mo, you got it in. That's great, I'm glad we
25

1
2 got you in. Amy Torres, Jo-Ann Yoo, Iman Al Ahdal
3 and Mae Lee.

4 Thank you all for your patience and let's just
5 get right to it. Jo-Ann just go ahead. Click your
6 red and let's go. Thank you so much for being here
7 today.

8 JO-ANN YOO: Absolutely, thank you so much.
9 Thank you Chair Menchaca, Members of the New York
10 City Council Immigration Committee for giving us an
11 opportunity to submit this testimony.

12 My name is Jo-Ann Yoo and I am the Executive
13 Director of the Asian American Federation. We are
14 obviously here to lend support to the Council's
15 proposed resolution calling on congress to pass and
16 the president to sign the combating deceptive
17 immigration enforcement practices. With 70 percent
18 of Asian New Yorkers being Immigrants in our
19 sanctuary city, Federation and our member agencies
20 know that we must take action to limit the havoc that
21 ICE creates in our communities. We have been
22 coordinating efforts within our Pan Asian community,
23 to defend and fight back against Trump Administration
24 policies including his threat to punish sanctuary
25 cities like ours for protecting immigrants from

1
2 arbitrary and excessive enforcement. From increased
3 ICE presence in our neighborhoods, the implementation
4 of the public charge rule on Monday, as the shocking
5 announcement on Wednesday, the creation of a
6 denaturalization section of the justice department,
7 our communities live in constant fear and anxiety
8 from the policies that ooze out of the demented mind
9 of Stephen Miller.

10 According to Migration Policy Institute, 25
11 percent undocumented immigrants in our state are of
12 Asian descent. Our city's own Comptrollers 2019
13 report revealed that 21 percent of immigrants in
14 deportation proceeding in our city are Chinese, 10
15 percent are Indian, 8 percent are Bangladeshi. While
16 the mainstream narrative on immigration underplays
17 this reality, there is no shortage of cases in which
18 Asian immigrants are arrested, detained and separated
19 from their families.

20 Our recommendations are to continue putting
21 pressure on state and federal legislators to advance
22 policies that support and protect immigrant
23 communities from harm, build capacity for immigration
24 legal services at Asian serving nonprofits and to
25

1
2 increase access to immigration legal services by
3 investing in quality language services.

4 I would say that only a glimmer of hope for all
5 our work these days is that November election is just
6 nine months away. We, the advocates, along with our
7 elected leaders have done a remarkable job holding
8 the line against the inhumane and hostile federal
9 immigration policies that vilify and harm our
10 communities. Nine more months.

11 Thank you all for always showing up for us and
12 empowering us to be fearless in the time of absolute
13 insanity. Nine more months.

14 Thank you.

15 IMAN AL AHDAL: Chairwoman Rivera, Chairman
16 Menchaca, member of the Committee on the Immigration
17 and Hospitals. Thank you for having us and our
18 partner organizations here today.

19 My name is Iman Al Ahdal and I'm an Immigration
20 Case Manager for the Arab American Association of New
21 York. I'm here today to speak on behalf of all of
22 the undocumented people the Association serves, but
23 there is one person in particular I'm here to
24 represent Anwar Alomaisi is one person in particular,
25 I'm here to talk about. He is many things, a skilled

1
2 photographer, an avid bird watcher, a beloved member
3 of his community, and one of my dearest friends.
4 Until last week, he was also an undocumented
5 immigrant. Anwar came to the United States in 1198,
6 fleeing violence and civil war in Yemen and has been
7 trying since then to gain immigration status. He
8 built a life for himself in the Hudson Valley, paying
9 taxes, volunteering in the community and celebrating
10 his new life every day. He spent his free time
11 photographing bald eagles on the Hudson. He was a
12 patriotic American who found beauty everywhere he
13 looked. I'm sorry. And described himself as the
14 happiest guy on the planet.

15 Two weeks ago, he arrived at his regular
16 appointment with immigration officials to find a trap
17 waiting for him. He was taken into custody by ICE
18 and deported overnight back to Yemen without a chance
19 to talk to his lawyer, family or friends. Today, he
20 lives in fear of violent reprisal at the hands of
21 Houthi rebels who he has spoken out publicly against,
22 and he is struggling to rebuild his life in a country
23 ravaged by war.

24 Anwar is special to me, but his story isn't
25 unique. Tens of thousands of people have had their

1
2 lives turned upside down by the Trump Administrations
3 preoccupation with deporting and demonizing Black and
4 Brown undocumented immigrants. ICE agents stalk our
5 communities, preying on people in the places they are
6 most vulnerable, our schools, our hospitals, and our
7 homes. By disguising themselves as law enforcement
8 officers, they take advantage of the fear and
9 confusion of law abiding immigrants like Anwar to
10 entrap our friends and neighbors.

11 Everywhere ICE goes they lead destruction in
12 their wake by tearing apart lives and too often
13 ending them. As was nearly the case in the shooting
14 of Eric Diaz Cruz earlier this month. If the status
15 quo is allowed to stand, this will only get worse.
16 Emboldened by President Trump, ICE increasingly
17 brings a wartime mentality to their actions and
18 thanks to the President's decision to deploy BORTAC
19 Forces to New York, they soon will be using literal
20 weapons of war to hunt down our undocumented friends
21 and neighbors.

22 While we recognize the powers of the city are
23 limited, there are concrete measures that the city
24 government can take to help protect our communities
25 from ICE. Supporting legislation like Resolution

1
2 274-A and the Combating Deceptive Immigration
3 Enforcement Practices Act is an excellent first step
4 and will send a message that we are committed to
5 fighting for our rights. However, the City of New
6 York cannot stand by and wait for action from
7 Washington.

8 The City Council must create means by which to
9 hold the NYPD accountable for violations of sanctuary
10 city law. The arrest of Gasper Avendano Hernandez
11 following a routine traffic stop proves that there is
12 still at least tacit cooperation between the NYPD and
13 ICE, despite laws explicitly banning any cooperation.
14 New York's sanctuary laws are supposed to protect us
15 from this type of abuse and taking the steps to hold
16 officers accountable for violating them will start to
17 mend the distrust in our communities towards law
18 enforcement.

19 Finally, the City Council must make sure that
20 organizations that fight for the undocumented in
21 court have the resources they need to do so. The
22 Trump Administration has rigged the legal process
23 against immigrants but organizations like AAANY, the
24 AAF, NYIC, and many others give our undocumented
25 clients the tools and support they need to fight

1
2 deportation in court. The city must make sure that
3 we have the means to stand up for our communities and
4 make sure every undocumented immigrant can have due
5 process.

6 Anwar's future is uncertain. Despite widespread
7 public outcry from his friends and from state
8 officials, his deportation means it's going to be
9 hard to get him home to his life in America. We are
10 fighting a difficult battle against this
11 Administration, and our city must do whatever it can
12 to stand up for the undocumented. While you may
13 never be lucky enough to meet Anwar, you and your
14 fellow Council Members must fight in his name and in
15 the name of thousands like him to give New York's
16 undocumented the freedom from fear that every
17 American deserves.

18 Thank you very much.

19 CHAIRPERSON MENCHACA: Thank you for that
20 testimony.

21 MAE LEE: Good afternoon. My name is Mae Lee, I
22 am the Executive Director of the Chinese Progressive
23 Association.

24 I do also want to thank Carlos Menchaca and the
25 Immigration Committee as well as Carlina Rivera and

1
2 the Hospitals Committee for giving us this
3 opportunity to speak on this topic today.

4 So, I'm with the Chinese Progressive Association.
5 We are in Chinatown in the lower east side. We
6 assist immigrants with different kinds of programs
7 like English classes, application assistance and
8 especially now, a lot of education about you know,
9 the ever changing immigration law and policies.

10 Most of our members do live in our neighborhood
11 and many also commute to Chinatown from neighborhoods
12 in Brooklyn. Anything that's off the NDRNQ subway
13 lines. Many work and go to school in Chinatown or
14 the Lower East Side.

15 So, we are greatly alarmed about the news of
16 proposed expansion of ICE presence in New York City
17 neighborhoods. We have clients who are undocumented
18 or who have been in deportation proceedings in the
19 past. We also have members who are either green card
20 holders or American citizens but their family members
21 are undocumented or may have been in some kind of
22 deportation proceeding in the past.

23 So, we're talking about people of all ages, some
24 might be in their 20's, some might be in their 80's.
25 I'm talking about the undocumented immigrants. So,

1
2 this should be no surprise as last year, we recall in
3 February 2019, the Comptroller released a report
4 saying that in the three year period, between 2016
5 and 2018, Chinese immigrants made up the largest
6 nationality of New York City immigrants with an
7 immigration proceeding that started within those
8 three years.

9 So, this proposed policy in combination with the
10 new public charge rule have created a great deal of
11 uncertainty within our community and we're receiving
12 more phone calls from old and new clients about that.
13 And also, about what this news about the ICE presence
14 means.

15 So, our community has worked really hard to
16 communicate with local police precincts about our
17 every day needs regarding community safety. You
18 know, whether it's the noise or you know, the
19 robberies or whatever. So, it is very alarming to
20 hear that an ICE agent could wear clothing or carry
21 equipment that leads others to think they are a
22 police officer.

23 So, you know, we believe that you know, ICE
24 agents should not be lurking around in our
25 neighborhoods at all but we are in support of the

1
2 City Council's proposed Resolution calling on
3 Congress to pass this HR3498, which would I guess not
4 allow the officers to wear that identification.

5 Thank you.

6 CHAIRPERSON MENCHACA: Thank you and before you
7 go, I want to ask the same question that I'm asking
8 all the other panels in terms of resources. We're in
9 the beginning of the budget season and this is not a
10 budget hearing but we'll have one soon. Do you need
11 more resources and where do you need more resources
12 and what needs to be done in terms of kind of city
13 response to making sure that you have the capacity to
14 address these issues, both out of the incidents of
15 February 6th and the rise and escalated enforcement
16 and potential use of arms from that border group, the
17 BORTAC that's coming.

18 So, how are you all, these three organizations
19 working in communities that you represent responding
20 and needing resources for? It's a little convoluted,
21 I'm sorry.

22 MAE LEE: But we totally get it. So, I'm going
23 to tell you that, I think there needs to be
24 significant investment in the Asian American
25 community to do immigration legal services. I know

1 that we have talked about this for many, many years.
2 You've been a critical ally.

3 Our community, we don't have that many attorney's
4 in the frontline, so you know, it's a lot of the case
5 workers, the paralegals, we need to make investments
6 to have folks, our member agencies go through BI
7 accreditation. Our community members will go to the
8 nonprofit organizations that speaks the language,
9 that understands their culture. They are not going
10 to go to mainstream organization.

11 We need to build resources within the community.
12 I think we also need to you know, something simple
13 that we have also, we are asking to build a language
14 bank. We are also asking to support professional
15 translators who can be on the ground providing all of
16 the assistance in the technical language that our
17 community understands.

18 So, I think there are some big money asks but I
19 think big money asks are needed for these
20 extraordinary times.

21 MAE LEE: You know, I would like to say, you know
22 the Chinese language is probably you know one of,
23 besides Spanish, one of the most commonly provided
24 languages in a lot of areas, but it is really - so,
25

1 we don't have an immigration lawyer on staff but we
2 do have people who can screen. We don't have a full
3 time lawyer and certainly not one who can deal with
4 some of these more complicated cases, so we often
5 bring them to a legal services provider who is funded
6 and they are great, but it is very surprising to me
7 that some of them actually don't have a Chinese
8 speaking staff member. And they are not funded to do
9 it, maybe they might have some telephone, which is
10 not really - when you're dealing with this kind of
11 case, telephone is not good enough.
12

13 So, even for Chinese, I'm very surprised that
14 there is such a lack.

15 JO-ANN YOO: Same goes for the Arab American
16 Association. We are actually in need, in demand for
17 like a full time attorney and the Arabic language is
18 becoming like a very in need as if a lot of the
19 Arabic countries speak the Arabic language when we're
20 talking about more than ten countries and yeah, we
21 certainly do need more focus on that.

22 JO-ANN YOO: And I think the challenge is the
23 fact that I think people don't perceive immigration
24 to be a problem for the Asian American community
25 except as I said, 70 percent of the Asian New Yorkers

1
2 are immigrants, 95 percent of Asian children have at
3 least one immigrant parent.

4 This is a huge issue in our community and our
5 community doesn't have the help. I think people are
6 not coming out to ask for help because there aren't
7 the services in their language. So, I think it is
8 you know, build it and they will come. Certainly, I
9 think this is the case.

10 CHAIRPERSON MENCHACA: And that's where the
11 language bank comes in and just legal services in
12 general with language competency. Okay, well, I'm
13 going to follow up and I hope you can follow up with
14 us about the framework in this concept of build it
15 they will come. We need you to build the
16 infrastructure that we need to fund. That's our job,
17 we fund it, you build it and the administration just
18 makes sure that that money gets to you. That's the
19 work and a lot of it is on the ground with you all.

20 So, thank you so much for your testimony today.

21 PANEL: Thank you so much.

22 CHAIRPERSON MENCHACA: Thank you. We have one
23 more after this Cory Forman from the American
24 Immigration Lawyer Association, Hayley Gorenberg New
25 York Lawyers for the Public Interest, Nyasa Hickey

1
2 Brooklyn Defender Services, Dennise Hernandez
3 UnLocal, and Sophia Gurule Bronx Defenders. Is
4 everybody here, yeah.

5 Thank you again for your patience and I feel like
6 after all this, we're going to be able to recommit to
7 doing this work together, so thank you. Let's start
8 with our left here. Sophia, can you start?

9 SOPHIA GURULE: Good afternoon Chairs Rivera and
10 Menchaca. My name is Sophia Gurule and I'm the
11 Policy Counsel to the Immigration Practice at the
12 Bronx Defenders. I also represent Mr. Duguid Gamboa
13 whose wife shared testimony earlier today about her
14 families experience being terrorized by ICE in their
15 own home and I represent him in his deportation
16 proceedings at the Varick Street Immigration Court
17 through the New York Immigrant Family Unity Project
18 also known as NYIFUP.

19 I thank the City Council for the opportunity to
20 testify today. I also thank Chair Menchaca and his
21 staff who worked diligently to ensure that Mr. Duguid
22 Gamboa obtained a NYIFUP public defender.

23 Through NYIFUP Mr. Duguid Gamboa was able to
24 obtain bail from an immigration judge and reunite
25 with his family in Sunset Park, their home.

1
2 As a NYIFUP public defender who has represented
3 dozens of people in deportations at the Varick Street
4 Immigration Court, I can say unfortunately that the
5 experience of Mr. Duguid Gamboa and his family with
6 ICE Immigration Law Enforcement is not uncommon. ICE
7 officers regularly engage in deceptive police tactics
8 that result in months of incarceration, family
9 separation and deportation.

10 The Bronx Defenders has represented many people
11 who are arrested by ICE officers pretending to be
12 police officers throughout New York City. In most
13 instances, people are arrested by ICE officers
14 waiting outside their home, their work or outside
15 criminal court. It is unclear how ICE determines
16 when or where to arrest, but one thing is clear, ICE
17 regularly arrests people who have open criminal court
18 cases. As ICE deliberately disseize immigrants with
19 criminal legal system contact to effectuate civil
20 arrests, in the midst of height in enforcement, New
21 York must pass the Protect our Courts Act to limited
22 ICE's power.

23 That fear that has become the primary tool of ICE
24 enforcement is evident, not only in the targeting of
25 courts, but in their deceptive practices they use to

1
2 detain people. In one instance, on Staten Island,
3 ICE officers came to a family's home pretending to be
4 police officers who could help their family dismiss
5 his criminal case. Relying on this information, his
6 wife informed the officers that he was at work and
7 shared his location. He was then arrested outside
8 his job at a popular Staten Island restaurant.

9 A half year later of immigration incarceration,
10 he won his deportation case and is reunited with his
11 family today. But during that time of his
12 incarceration, his young daughter became suicidal and
13 required hospitalization.

14 The impact on him and his family by his ICE
15 arrest and incarceration cannot be overstated and is
16 similar to the experiences of many incarcerated
17 immigrants and their families that we represent
18 through NYIFUP. In another instance on the day that
19 he was scheduled to go to criminal court for the
20 dismissal of his case, a 23 year old Bronx resident
21 was at his parents home when several ICE officers
22 knocked on the door pretending to police who were
23 looking to arrest a different person from the
24 neighborhood. They asked him if they could come
25 inside to discuss. He opened the door and they

1
2 arrested him instead. He is still incarcerated by
3 ICE to this day and has celebrated three birthdays at
4 the Bergen County Jail while in ICE custody.

5 His daughter, born while he was in ICE custody is
6 about to celebrate her second birthday without her
7 father.

8 In the past two months, we have seen ICE escalate
9 these types of deliberately deceptive, violent
10 policing tactics against New York City and immigrant
11 communities who live here. We have seen ICE issue
12 subpoenas to the New York City Department of
13 Corrections to obtain information that is otherwise
14 inaccessible to them due to New York City's detainer
15 policies.

16 We have seen ICE's acting director Matthew
17 Albence say, ICE has no option but to increase
18 enforcement due to New York City's lack of
19 cooperation with ICE. ICE's escalation in policing
20 should also not surprise us when in September 2019,
21 the ICE New York Field Office Director Thomas Decker
22 said, that if we're not able to pick them up from a
23 jail, then we're going to look for them in the
24 community.

1
2 Finally, we have seen that the Trump
3 Administration is deploying the swat team of the
4 boarder patrol right now to assist ICE in arrests in
5 New York City. This announcement came a week after
6 ICE shot Eric Diaz Cruz in the face and hand.

7 The Second Circuits decision week allowing the
8 federal government to withhold funding to called
9 sanctuary cities will also undoubtedly embolden in
10 the Trump Administration to act even more punitively
11 against our city and its community members.

12 ICE and the Trump Administration have made it
13 unequivocally clear. New York City in its immigrant
14 communities are its targets and they will terrorize
15 them to the fullest extent that they can. In light
16 of these flagrant escalations, it is critical now
17 more than ever that the Council remain steadfast in
18 its commitment to protect the most vulnerable New
19 Yorkers.

20 We urge the City Council to keep asking questions
21 of other city and state agencies about their roles in
22 protecting immigrant New Yorkers, such as, how can
23 the City Council limit ICE's practice of arresting
24 immigrant New Yorkers with open resolved criminal
25 cases? Which city or state agency will investigate

1
2 the shooting of Eric Diaz Cruz and why has one not
3 even began at this time? And finally, what is the
4 NYPD protocol that led to NYPD officers escorting ICE
5 agencies as they drove Mr. Avendano to Hudson County
6 Correction Facility on February 7, 2020?

7 The crisis of ICE terrorizing New York immigrant
8 communities is escalating. It has already resulted
9 in a violent shooting and the hospitalization of two
10 men.

11 ICE is stoking fear throughout working class
12 immigrant families in New York City and sadly the
13 fear is warranted with ICE officers luring people
14 into arrests seemingly every day.

15 We call upon the City Council to uphold and
16 strengthen New York City Detainer Laws to further
17 demonstrate to immigrant New Yorkers that NYPD cannot
18 in any way work with ICE. We encourage the City
19 Council to draft legislation that limits data sharing
20 between city and federal agencies that may result in
21 ICE arrests, such as information about pending
22 criminal cases.

23 Above all else, we ask the City Council to remain
24 firm in its commitment to protecting all immigrant
25 New Yorkers, including those with criminal legal

1
2 system contact as the Trump Administration will only
3 further its attacks on our city in their name.

4 CHAIRPERSON MENCHACA: Thank you for that
5 testimony and a lot of the ideas you just gave our
6 legislative in nature, would you be open in working
7 with us in helping develop some of that legislation,
8 you and your team?

9 SOPHIA GURULE: Of course.

10 CHAIRPERSON MENCHACA: Thank you.

11 CORY FORMAN: Good afternoon. My name is Cory
12 Forman, I sit on the Executive Committee of the New
13 York Chapter of the American Immigration Lawyers
14 Association.

15 First, I want to thank the Council for having us
16 speak today and we thank you for the opportunity. We
17 have over 15,000 members nationwide with more than
18 1,700 in New York alone. We have experience in all
19 aspects of immigration law and feel that our
20 testimony could be helpful today.

21 The mission of the NYPD which is prominently
22 displayed on its website and its precincts throughout
23 all five boroughs states, it is to enhance the
24 quality of life in New York City by working in
25 partnership with the community to enforce the law,

1
2 preserve peace, protect the people, reduce fear and
3 maintain order. The importance of maintaining a
4 partnership within the community is reflected in this
5 city's policies protecting its immigrant communities.
6 New York City's policies that collectively aim to
7 prohibit local law enforcement from acting as an
8 extension of ICE. Reflect the values of a city that
9 has enormous respect and appreciation for the
10 contributions of its immigrant population.

11 The impact immigrants have on this city's
12 financial, cultural, technological foundations cannot
13 be overstated and have been testified about many
14 times before this panel. Contributions in these
15 areas is what makes New York City thrive and a place
16 that is truly the envy of the world. But just as
17 important of a contribution, is the partnership these
18 communities have developed with the New York City
19 Police Department. It is a relationship that has
20 proven essential to the Departments mission to
21 preserve peace, protect people, reduce fear and
22 maintain order. And it is a relationship that it is
23 under attack from a federal agency whose goals
24 directly conflict with this and the concept of
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1
2 community engagement that is at the heart of the
3 NYPD's stated mission.

4 ICE already has overreaching powers. Their
5 police of permitting its officer to identify
6 themselves as police officers is a brazen attempt to
7 deceive our immigrant population into believing they
8 are part of the same city police organization that
9 relies on their support and cooperation.

10 This deception results in an environment that
11 directly undermines the relationship between local
12 law enforcement and our communities which thrives on
13 mutual feelings of trust and respect.

14 ICE's actions do not preserve peace within our
15 communities but destroys it. They do not instill a
16 sense of order but chaos and they do not reduce fear
17 but enhance it. How can members of the immigrant
18 community be expected to voluntarily come forward as
19 a witness or victim of a crime after seeing family
20 and friends dragged away by an ICE officer who had
21 identified themselves as a police officer? Why would
22 they possibly report unsafe working or housing
23 conditions when they believe doing so will cause the
24 "police" to detain them for overstaying a visa?

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2 Is it any wonder why so many immigrants now chose
3 to not even attend basic traffic court hearings when
4 they believe the police will now take them into
5 custody before they enter the courtroom? ICE's
6 policy also creates a healthcare crisis. This is a
7 time where the national and local conversation is
8 centered around the need for more accessible
9 healthcare. ICE's deceptive methods prevents that
10 from becoming a reality.

11 The safety and security of many of the city's
12 hospitals is overseen by its police force and
13 deliberately placing ICE agents who identify
14 themselves as police officers, within pools of
15 officers that protect those hospitals, the waters
16 become muddied.

17 The rationale behind the immigrant populations
18 reluctance to cooperate with local criminal
19 investigations will naturally extend to decisions
20 regarding medical treatment for themselves or loved
21 ones. A decision to go to the emergency room should
22 be made solely on whether it is medically necessary
23 and not whether it will lead to an immigration
24 enforcement action.

1
2 City resolutions like 274-A aimed at restricting
3 these predatory and harmful policies are
4 unfortunately right now an extremely limited, one of
5 an extremely amount of options in raiding in ICE's
6 power. The reality is, that there is very little
7 oversight of ICE's methods of enforcement at the
8 federal level.

9 As an agency that has under the jurisdiction of
10 the same branch of government that appoints the
11 nations immigration judges, there is simply no
12 adjudicating body that can realistically demand
13 accountability. And until the federal government
14 acts and implements an independent Article 1
15 Immigration Judiciary, it is resolutions like this
16 that must be relied on.

17 And I just want to touch finally on that last
18 point, because I think that and naturally so, because
19 of the kind of hearing it is, is really understated
20 and is not known that you have an immigration
21 judiciary appointed by the executive branch of
22 government that also appoints its ICE prosecutors and
23 officers. There is just absolutely no way to
24 credibly give any oversight for that. And I know the
25 Council's ability to do this is limited but just

1
2 getting the conversation out there about an
3 independent Article 1, a judiciary from a separate
4 branch of government in Congress would be essential
5 to any kind of oversight.

6 Thank you for the time.

7 CHAIRPERSON MENCHACA: Thank you so much for that
8 and that's the trouble that we're in right now, in
9 terms of who can actually have jurisdiction over this
10 incident. And we're hoping that the Attorney General
11 comes in and creates that but Congress will have to
12 be the spot where we also focus on. So, thank you
13 for that.

14 CORY FORMAN: Thank you.

15 HAYLEY GORENBERG: Violent arrests and medial
16 abuses in custody executed by ICE and entities with
17 which it contracts are ravaging the health of New
18 Yorkers, harming their families and friends and
19 sending shockwaves throughout entire immigrant
20 communities.

21 My name is Hayley Gorenberg, I am the Legal
22 Director of New York Lawyers for the Public Interest
23 or NYLPI. NYLPI runs an extensive Health Justice
24 Program largely focused on the wellbeing of
25 immigrants, including people in detention or at risk

1
2 of being detained. Our individual case work and our
3 partnership with doctors through the NYLPI Medical
4 Provider Network drive our systemic advocacy and our
5 litigation. We continue to bring cases on behalf of
6 people harmed in detention or in one current matter,
7 for the family of a detained man given inadequate
8 care who hemorrhaged to death.

9 NYLPI has documented injuries during ICE arrests
10 and extensive neglect of medical needs once detained.
11 Earlier this month, we advocated our Medical Provider
12 Network after an urgent request from our colleagues
13 at Make the Road. Within hours, Dr. DeLuca from whom
14 you heard on the first panel, was ready to review
15 Gaspar Avendano Hernandez's medical records. As Dr.
16 DeLuca explained his taser triggered rhabdomyolysis,
17 can cause kidney damage and death. In direct
18 conflict with medical requirements, we are informed
19 that Mr. Avendano was transferred to Hudson County
20 Correctional Center where he was placed in solitary
21 confinement without rationale, stripped nude and
22 given water only every eight hours. Mr. Avendano's
23 experience is not an isolated incident. Our medical
24 legal community partnership has documented other ICE
25 arrests related injuries that go unaddressed, once

1
2 the individual is in a detention center and away from
3 community support. One person was handled so roughly
4 by ICE agents that their shoulder was dislocated
5 requiring emergency surgery. After surgery, they
6 were left in an arm sling for months in detention
7 without any further follow up from a surgeon or
8 orthopedic specialist.

9 In another violent arrest, a person with a
10 medical implant in their arm, had the same arm
11 reinjured by the arresting ICE agents. The person
12 reported pain and loss of mobility while detained but
13 their pleas for medical assistance were ignored for
14 weeks.

15 In our reporting, NYLPI has documented egregious
16 delays and denials of necessary medical care in
17 immigration detention, cutoffs of treatment underway
18 before detention, inadequate recording of medical
19 history and care which undermines subsequent care,
20 language access barriers, which other panelists have
21 discussed, neglect of people in severe pain, failure
22 to evaluate and manage chronic illnesses and failure
23 to evaluate and manage mental health conditions.

24 ICE has physically injured people in the course
25 of taking them into custody and then ignored legal

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2 responsibility and I would say moral and ethical and
3 basic human responsibility, to provide medical care
4 after taking physical control of people and
5 separating them from their doctors.

6 Throughout and notably in advance of the Census,
7 ICE continues fomenting fear in immigrant
8 communities. With the public charge rule targeting
9 immigrants, many immigrant New Yorkers are already
10 grappling with questions about whether to forego
11 medical care in hope of someday having the
12 opportunity to become legal permanent residents.
13 ICE's actions deepen the healthcare divide by stoking
14 avoidance of what should be safe spaces.

15 In the face of grave danger to the lives of
16 immigrant New Yorkers, we cannot overstate the
17 importance of the City Council's continued support
18 for high quality free immigration representation
19 including New York Immigrant Family Unity Programs.
20 We hope the City Council will continue to monitor ICE
21 operations in the city and work closely with the
22 Mayor's Office and local advocates to promote timely
23 notice of ICE presence, particularly in sensitive
24 locations, such as hospitals.

1
2 We encourage elected officials and hospital
3 administrators to work with immigration and health
4 advocates like the New York Immigration Coalition to
5 implement and publicize and potentially build out
6 more polices as Chairman Menchaca you have suggested
7 and we would be eager to collaborate.

8 And we encourage private hospital systems to
9 follow Health and Hospitals lead in creating a more
10 welcoming environment for immigrant, undocumented,
11 and limited English proficient New Yorkers, training
12 frontline staff, and creating written policies
13 addressing ICE.

14 The violence that are our communities experience
15 underscores the importance of sanctuary spaces and we
16 ask the City Council to continue to stand firm in the
17 face of increasing attacks on the values of our
18 diverse city. Our entire team at New York Lawyers
19 for the Public Interest thanks you Chairperson
20 Menchaca, Chairperson Rivera, the Committee on
21 Immigration and the Committee on Hospitals for your
22 continuing opportunity that you give us to address
23 the immigrant healthcare crisis.

24 Thank you.

1
2 CHAIRPERSON MENCHACA: Thank you and as we
3 continue though, I'll just remind everyone about the
4 conversation around guns and hospitals and maybe we
5 can work on that together to kind of build that.
6 That we can actually administer here in the city. I
7 know it's complicated but I like to kind of put the
8 bold goal and then we can work backwards if we need
9 to but moving guns from emergency rooms, from law
10 enforcement would be a great goal to have and I think
11 we can get there but we're going to need legal minds
12 like all of you on this panel to help us get there.

13 To be continued.

14 HAYLEY GORENBERG: Yes.

15 NYASA HICKEY: Good afternoon, my name is Nyasa
16 Hickey, I am the Director of Immigration Initiatives
17 at Brooklyn Defender Services, a Public Defender
18 office and a NYIFUP provider. We applaud the City
19 Council for its longstanding acknowledgement that
20 immigrant New Yorkers are essential to the fabric of
21 our community and that we must stand united to
22 protect the rights and integrity of all New Yorkers.

23 Brooklyn Defender Services is in support of the
24 City Council to pass Resolution 274-A and to stand
25 firm in our protection of immigrant New Yorkers by

1
2 not falling prey to false rhetoric blaming sanctuary
3 city policies for ICE's misconduct.

4 In the past month in a half, since the beginning
5 of 2020, we have seen a dramatic increase in ICE
6 operations in New York City. We have detailed many
7 of these pernicious practices at length in our
8 written testimony. Just to highlight a few, they
9 include arrests of people who are not the targets of
10 the arrest, also known as collateral arrests, which
11 seems to correlate with the use of mobile fingerprint
12 devices by ICE and demands by ICE that everyone in
13 the proximity submit fingerprints.

14 The use of aggressive arrest practices that have
15 already been testified to today and the use of force
16 such as brandishing weapons and making threats
17 against family members, we're increasingly seeing as
18 well. Reliance on ruses and other nefarious means to
19 lure targets into ICE custody, including using police
20 precincts as locations for ruses.

21 ICE is also continuing to hijack our courts as
22 stalking grounds to arrest and detain immigrant New
23 Yorkers. ICE has people we represent arrested in
24 parking lots, sidewalks and other areas outside of
25 the courts. ICE almost always dresses in plain

1
2 clothes and generally refuses to identify themselves
3 or give information even to an attorney who maybe
4 there witnessing the arrest. They refuse to identify
5 themselves or discuss where they are taking the
6 person they are arresting.

7 ICE has also coercive tactics and intimidated
8 people who they are arresting around the court, such
9 as brandishing weapons and has said things such as,
10 you either come with us now or we'll follow you home
11 and take your family. In another instance, they also
12 pressed a gun into the side of a person who they were
13 arresting for about ten seconds and said, don't move
14 ICE. Again, this is occurring in or around the
15 courthouses.

16 ICE arrests are now happening within a few days
17 of someone's arraignment in criminal court. As a
18 result, a criminal case for minor charges remains
19 open and unresolved, both prejudicing the person we
20 represent in their immigration proceedings where
21 pending criminal charges often seen as a presumption
22 of guilt and in their criminal proceedings where the
23 persons absence may result in an issuance of a
24 warrant.

1
2 In our written testimony, we've laid out six
3 recommendations for New York City to be able to
4 minimize the detrimental impact of ICE enforcement
5 actions and these include funding to support legal
6 services, as Council Member Menchaca has already
7 highlighted. Know Your Rights trainings as well as
8 specific legislative reform recommendations. They
9 are mostly state legislative reforms but we think the
10 City Council can also hopefully support those.

11 But in particular, I want to ask that we think
12 critically about New York City policies that are
13 already directly feeding into these harmful ICE
14 enforcement practices. We've heard testimony today
15 about NYPD and questions about how NYPD may be
16 collaborating or may be supporting some ICE
17 enforcement actions. We have those questions as well
18 but we also want to point out that New York City must
19 end broken windows policing, which is a policy that
20 criminalizes even the smallest of offenses and puts
21 thousands of immigrants in danger just by virtue of
22 having being fingerprinted to ICE.

23 These fingerprints from New York City are the
24 primary way that ICE receives information to
25 effectuate arrests of our community members. So,

1
2 every time New York City Police officers stop and
3 arrest and fingerprint somebody, those fingerprints
4 are transmitted and that is the way that ICE is
5 making these targeted arrests.

6 New York City must stop arresting people for
7 crimes of poverty and crimes that are
8 disproportionately used against vulnerable
9 communities, such as loitering for the purposes of
10 prostitution which targets LGBT communities.

11 NYPD's policy to fingerprint anyone who is
12 arrested, further exacerbates the harm of this
13 criminalization and funnels information directly into
14 the laps of ICE officers, the people who are
15 brandishing the guns and using the lethal force
16 against our immigrant communities.

17 Even in cases that are later dismissed, criminal
18 cases that are later dismissed, are resolved with
19 noncriminal violations. Again, its those arrests and
20 fingerprints that feed into this system of
21 deportation, broken families and broken communities.

22 We hope the City Council will continue to work
23 for the City, state and federal reform that will
24 change these systems and practices that harm our New
25 York immigrant communities.

1
2 I'm happy to answer any questions that you have
3 at the end.

4 CHAIRPERSON MENCHACA: Thank you. I have one
5 before we go to the next speaker and final speaker on
6 the panel. The broken windows policing pieces is
7 enticing to think about in a kind of regulation that
8 we can do here at that city and one question that I
9 have about that is whether or not we can actually
10 mandate the police department from refusing or
11 stopping the police department from doing
12 fingerprinting. Is there a suggestion of how we
13 could offer a new pathway to an arrest that removes
14 the fingerprinting but still gives the police some
15 ability to do something? Is there a way to separate
16 that?

17 NYASA HICKEY: You know there maybe; recently
18 there was - there's the issuance of appearance.
19 Appearances instead of desk appearance tickets, they
20 are essentially appearance tickets.

21 CHAIRPERSON MENCHACA: So, appearance is
22 different from desk appearance?

23 NYASA HICKEY: Yeah, as a way to stem people from
24 having to appear in the police precincts and so, they
25 just go directly to court. Unfortunately, in those

1 cases, people do end up being fingerprinted at one
2 point or another, it just doesn't necessarily happen
3 at the arrest stage. So, what can happen is that, if
4 a police officer stops somebody on the street, my
5 understanding is that sometimes NYPD also has mobile
6 fingerprint devices and will fingerprint that person
7 at that moment but sometimes not and then they are
8 fingerprinted when they do go to court through
9 central booking.
10

11 So, they eventually are fingerprinted but the
12 fingerprints may be delayed as opposed to with the
13 desk appearance tickets, they are fingerprinted at
14 the precinct. So, certainly, I would advocate for a
15 better solution than just delaying the fingerprints.
16 Such as, not criminalizing these offences to begin
17 with.

18 CHAIRPERSON MENCHACA: Yeah, well that's step
19 one.

20 NYASA HICKEY: I mean, I think that's the answer
21 right.

22 CHAIRPERSON MENCHACA: Right, and the Council has
23 done a lot in that vein. I guess, I'm trying to
24 figure out if there is a way that we can create a
25 system that wouldn't do that and maybe what I could

1
2 do is just pause here and just welcome anyone else
3 that can join us in that effort and on another
4 legislative fix later.

5 NYASA HICKEY: Yeah.

6 CHAIRPERSON MENCHACA: And I'll follow up with
7 you on that.

8 NYASA HICKEY: Great.

9 CHAIRPERSON MENCHACA: And last and final. We
10 have one more.

11 DENNISE HERNANDEZ: Good afternoon. Thank you
12 for the opportunity to present my views to this
13 Committee. My name is Dennise Hernandez and I serve
14 as the Education and Outreach Coordinator at UnLocal.
15 Through my line of work, I frequently facilitate Know
16 York Rights presentations for community members who
17 live in fear of the deportation machine.

18 I am here today to thank the City Council for the
19 steps they are taking in passing this Resolution but
20 also to ground us in the lived realities of New York
21 City's most vulnerable. Every single week, I hear
22 from immigrant families who have been in contact with
23 ICE during an enforcement operation or closely know
24 someone who has. It is not secret that immigrations
25 in customs enforcement as an agency knows few limits,

1
2 as they routinely facilitate civil and human rights
3 violations. At a time when immigrant communities are
4 under attack in previously unforeseen ways, it is not
5 enough to simply name one injustice within the
6 broader context.

7 It is absolutely inexcusable that ICE
8 impersonates local police officers to deceive people
9 into opening their doors, so that they can initiate
10 an enforcement action. I'm sure many of us in the
11 room can agree to that.

12 Nonetheless, we cannot assert that countering
13 this practice is about safeguarding and restoring
14 trust in the New York City Police Department. When
15 an ICE agent pretends to be a local police officer,
16 they are doing so with the intent to enter someone's
17 home by whatever means necessary, without alerting
18 them to the fact that they work for ICE. In that
19 moment, an immigrant family will not open the door
20 because they inherently trust the police. They will
21 open the door because the calculated risk of speaking
22 to a police officer is less in comparison to speaking
23 to an ICE agent. As immigrant communities of color
24 know very well, speaking with police officers, even
25 if it is for investigatory purposes, carries inherent

1 risk and it is a fallacy to claim that police
2 officers are "safe" or trustworthy because we've seen
3 them aid and facilitate ICE arrests.
4

5 I would like to challenge this city to have a
6 closer look at the manipulative practices that are
7 happening in our own streets between ICE, the New
8 York City Police Department and immigrant
9 communities. Through our Raids Response work at
10 UnLocal, we have been in contact with families who
11 have not only been tricked by ICE's deceptive
12 practices, but also seen police officers assist ICE's
13 enforcement operations.

14 A mother in the Bronx's 40th Precinct had police
15 officers arrest her son on her apartments doorsteps.
16 Moments later, the young man was handed off to ICE
17 agents in her buildings basement. Another young man
18 received a call asking him to report to his
19 neighborhoods precinct. When he arrived, ICE agents
20 in vehicles were stationed right outside his 44th
21 Precinct. Both are not currently in detention.

22 While it is important for the City Council to
23 pass this symbolic Resolution in solidarity with New
24 York City's immigrant communities, it is clear that
25 there is much internal work that needs to be done

1
2 within our city as well. To better ensure the safety
3 of immigrant communities, the NYPD must be
4 investigated with a much closer lens because they are
5 collaborating currently with ICE.

6 Thank you.

7 CHAIRPERSON MENCHACA: Thank you all. We're
8 doing to do one more panel but I just want to say
9 that we want to follow up on some of the legislative
10 ideas that have come up here and any ideas that may
11 not have come up, you have, please bring them over to
12 us, we want to work on them and fast track them in
13 anticipation of some of the escalation that we are
14 seeing. It's not going end, especially with the
15 calendar of political, the political calendar and a
16 presidential election.

17 I don't think this is going to get better at all
18 and so, we want to be as connected as we can to the
19 ground and the legislative ideas need to come up now.
20 So, we want to work with you, so please follow up
21 with us. And then the final thing I want to say is
22 just take care of yourselves. I know this is a lot
23 of work and the burden is pretty big in terms of the
24 cases that you carry, each and every one of you. So,
25 just stay healthy and take care of yourselves.

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Thank you.

PANEL: Thank you.

CHAIRPERSON MENCHACA: Final panel, if we can have Anthony Beckford from the Cop Watch Patrol Unit and Black Lives Matter Brooklyn, Ellen Isaacs member of the Camps Cosecha, New Sanctuary, Jewish Voice for Peace and then Carlos Palacio the Young Progressives of America. If we have you come up to speak and you'll be closing us off today on the public panels.

Is there anyone else that wants to testify today?

Okay, Carlos, it's all yours.

CARLOS PALACIO: Alright, well first of all, thank you so much Council Member Menchaca for organizing this and also the incredible work you've been doing on immigration. So, my name is Carlos, Carlos Palacio I am the President of Young Progressives of America. I'm an immigration activist and I'm also a Senior Political Science Student at CUNY John Jay College of criminal justice. I have been working a lot on this case specifically with Eric and Gaspar since the first day with my fellow organizers.

And before I begin, I also want to acknowledge that just over a week ago was the one year

1 anniversary of Edison Barrows being freed from ICE
2 Detention Center and I'm actually wearing this
3 crucifix he gave me which was made out of plastic
4 bags from the immigrant detainees at the Hudson
5 County Detention Center. And I'm wearing this honor
6 them and all immigrants who are currently detained
7 and how we need to ensure their freedom.
8

9 So, we stand here today on the hills of a
10 horrific event that took place earlier this month
11 when ICE agents brutally attacked Gaspar Avendano
12 Hernandez to arrest him and shot Eric Diaz Cruz in
13 the face nearly killing him.

14 The days that in sued were horrific as we
15 witnessed the extent of ICE's abuse and disregard for
16 the law and human rights. I stand to voice my
17 support for this Resolution that stands before these
18 Committees, which is a crucial part in fighting back
19 and standing up for the most vulnerable in our
20 society. We can no longer allow ICE to operate with
21 impunity and identify themselves as police, enabling
22 them to freely continue terrorizing our communities.

23 ICE has no place in our hospitals, no place in
24 our communities and no place in New York, and as a
25 matter of fact, ICE must be completely abolished. We

1 must also condemn the use of heavily armed sought
2 like teams to enforce ICE raids, which will lead to
3 many more shootings and killings of innocent
4 civilians. It is also incumbent on this Chamber to
5 take a stance to create a real sanctuary in New York
6 and scrutinize the cooperation between NYPD and ICE,
7 which has been deeply troubling to witness and a
8 large part due to the broken windows policing that
9 put so many immigrants at risk and the sharing of the
10 arrest records with ICE putting them in the
11 crosshairs of ICE.
12

13 Now, as an immigration activist who has worked on
14 several other cases to stop deportations, I want to
15 make it clear that unfortunately, these events have
16 not happened in a vacuum. We have grappled with a
17 three year on slot against our immigrant communities
18 at the direction of the federal government headed by
19 Trump. Make no mistake, these policies and rhetoric
20 are part of a larger plan to advance a white
21 supremacist agenda with a goal of ethnically
22 cleansing Latino's and immigrants of color out of the
23 country in order to maintain political and
24 demographic control of the nation. We must rid
25 ourselves of this scourge of white supremacy and

1 making defeating Trump in November a matter of
2 survival.

3
4 Now, as Mark Twain famously said, history may not
5 repeat itself but it tends to rhyme. The moment we
6 are living through is rhyming in a very similar
7 fashion to one of the ugliest eras of human history.
8 The thing about history is that it is the harshest of
9 judges and a day like today we examine who is
10 standing on the right side of humanity.

11 So, my message to the City Council, to the Mayor,
12 the Attorney General, to the governor and to federal
13 lawmakers is, we are watching and history is
14 watching.

15 I ask that we all stand together to demand
16 justice for Eric, freedom to Gaspar, and the freedom
17 of all immigrants in the United States because no
18 human is illegal and no one should fear to exist.
19 Abolish ICE.

20 Thank you very much.

21 CHAIRPERSON MENCHACA: Thank you Carlos and the
22 work that you do and all of the activists that
23 testified today. I think present the voice of the
24 city and the heart of the city and as we close this
25 hearing, I just want to say thank you to all those

1
2 who testified today. You heard from Carmen and
3 Edith, two mothers who not only witnessed and saw the
4 atrocities of this administrations immigration
5 enforcement but are asking us to join them as
6 families in New York, as families who are like any
7 other families wanting to have a good life here in
8 the City of New York and as the Chamber, we hear
9 those voices and I want you to know that I've heard
10 your voice. I've heard everybody's voice and we're
11 going to continue to work hard.

12 We have two Committees here that are now
13 positioned with testimony, incredible testimony that
14 will continue to drive our work. That will be both
15 legislative budget and then just plain advocacy for
16 other chambers like in Albany and in Washington DC
17 and we're not going to stop. And that, we know that
18 there is an election on its way and maybe things will
19 change at that election but I'm not going to wait
20 until that election and I know you're not going to
21 wait until that election. And I know we're not going
22 to wait until that election. That justice is
23 deserved today and now and there are legal service
24 providers that are given us exactly what we need to
25 do to support them, so that we can liberate Gaspar

1
2 and that we can bring justice to Eric and everyone
3 else that we mentioned today.

4 I also want to lift up the question about equity
5 and the equity and when we think about health, the
6 equity, then when we think about safety, public
7 safety. On the equity, we think about due process
8 and legal services. Those are all things that we
9 question right now because of the federal government.
10 They are deteriorating our ability to bring everyone
11 justice and safety in health and due process and
12 we're not going to stop until that happens. And we
13 might not have all the power right now in this
14 Chamber but we're going to be able to I think
15 facilitate the momentum to bring justice across the
16 entire country and that's going to happen here in the
17 largest city with the biggest minds and the biggest
18 hearts.

19 So, I want to say thank you to the Committee
20 Chair, to my Co-Chair who has sent a message saying
21 that she couldn't make it back in time but she is
22 expressing her thanks and appreciation to all of the
23 panelists and will join me in bringing all these
24 things, the things we can do in the Council and then
25

1
2 call for the rest to happen and again, thank you so
3 much and we'll continue this conversation.

4 Oh, the last thing I do want to say is that a lot
5 of conversations circled around the NYPD and I think
6 what I'm hearing is, we might need to do another
7 hearing on, a joint hearing with Public Safety and
8 Immigration to really focus on the cooperation and
9 the connection to NYPD and that came out of this
10 testimony here today. And we focused on hospitals
11 but NYPD I think needs to get their own moment to
12 respond to the questions that we have as a Council.
13 So, thank you for bringing that up.

14 CARLOS PALACIO: Absolutely, thank you Carlos and
15 SPEAKING IN SPANISH [5:41:54-5:51:57].

16 CHAIRPERSON MENCHACA: Thank you so much and this
17 hearing is now over. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 1, 2018