NEW YORK CITY COUNCIL
JOINT HEARING BY THE COMMITTEE ON OVERSIGHT AND INVESTIGATIONS AND THE COMMITTEE ON CRIMINAL JUSTICE

TESTIMONY OF CHRISTOPHER RYAN
ACTING COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION

EXAMINING DOI'S REPORTS ON SANCTUARY CITY LAW COMPLIANCE BY THE CITY DEPARTMENT OF CORRECTION AND NEW YORK CITY POLICE DEPARTMENT

THURSDAY, MARCH 5, 2026

Testimony of Acting DOI Commissioner Christopher Ryan on DOI Reports Re: Sanctuary City Law Compliance
Thursday, March 5, 2026

Good morning, Chair Krishnan and the Committee on Oversight and Investigations and Chair Brooks-Powers and the Committee on Criminal Justice. My name is Christopher Ryan, and I am the Acting Commissioner of the Department of Investigation (DOI).

I appreciate the opportunity to provide testimony on the two reports DOI issued in 2025 regarding the City Department of Correction's (DOC) and the New York City Police Department's (NYPD) compliance with the Sanctuary City Laws, the local laws that limit how and when City officials can assist with the enforcement of aspects of federal immigration law. These laws and related City policies restrict local authorities' ability to share information about an individual's immigration status, bar City law enforcement from honoring ICE detainers unless specified conditions are met and prohibit City agencies from assisting with immigration enforcement. It is important to note that following DOI's reports in 2025, the City's Sanctuary Laws and policies were updated earlier this year through Local Law 63, which broadened some key definitions such as "federal immigration authorities," and "immigration enforcement," and barred federal immigration authorities from maintaining offices on Rikers for any purposes, and through Mayoral Executive Order (EO) 13, which prohibited the use of City lots as staging grounds for non-local law enforcement operations, among other changes.

DOI's investigation resulted in two public reports focused on specific allegations involving DOC and the NYPD and presented New Yorkers with our findings and the details of the violations that DOI substantiated. These reports also explained the importance of the recommendations we issued to strengthen agency policies and training around these laws, which were passed to encourage undocumented immigrants to report crimes, seek medical help, and access other essential services without fear of deportation.

DOI's investigation relating to the NYPD began in response to a letter from then-Speaker Adams and then-Chair of the Oversight and Investigations Committee Brewer on June 9, 2025, which raised questions about potential violations of the Sanctuary City laws in two incidents. DOI reviewed these two incidents and found a third incident during a review of media stories raising similar fact patterns to the initial two. The NYPD alerted DOI to a fourth incident, and a fifth incident was uncovered during DOI's investigations. Collectively, these incidents provided a diverse survey of how the City's Sanctuary City laws are implicated in the NYPD's work.

The DOC investigation began as a result of a February 2025 complaint to DOI. The results of DOI's limited review of officer conduct and the broader findings of the investigation determined that one DOC task force member assisted with immigration enforcement but was not aware that the information provided to federal authorities was in furtherance of civil immigration enforcement and thus impermissible. DOI also found that DOC was not training personnel on how to engage with immigration enforcement officials or issuing sufficient guidance about the City's Sanctuary City Laws.

For both reports, DOI conducted focused investigations and issued recommendations to the NYPD and DOC so those agencies could take any necessary corrective actions and implement any needed measures to ensure compliance with Sanctuary City Laws that would prevent future violations. DOI also recommended that DOC and the NYPD conduct internal audits of their interactions with federal immigration authorities.

I believe the findings of our reports lay the groundwork for the audit efforts announced in EO 13, titled "Protecting New Yorkers from Abusive Immigration Enforcement," which, among other provisions, requires six City agencies to develop and publicly communicate policies and protocols regarding their interactions with immigration enforcement authorities on their websites and to implement training for their employees, contractors and subcontractors. These agencies—specifically, the Administration for Children's Services, DOC, the Department of Health and Mental Hygiene, the Department of Probation, the Department of Social Services and the NYPD—are also directed to conduct compliance audits of relevant Sanctuary Laws and to produce a report on their findings. In addition, the EO supports employee and public education efforts on the laws and regulations surrounding the City's interaction involving immigration enforcement, an important element raised in our reports. If the audits uncover wrongdoing or allegations that Sanctuary Laws and/or policies have been violated, they should be referred to DOI for further investigation.

Let me turn to the findings of DOI's reports.

September 2025: DOI Investigation into DOC Intelligence Bureau Investigator Assisting Federal Agents with Immigration Enforcement

In September 2025, DOI issued its report on an investigation into a DOC Intelligence Bureau Investigator assisting federal agents with immigration enforcement that was prompted by a complaint to DOI. The complaint to DOI alleged that DOC officers assigned to a joint task force provided assistance to Immigration and Customs Enforcement (ICE) agents in February 2025 in connection with the arrest of an individual in DOC custody who was believed to have entered the country illegally. It is important to note that except in very limited circumstances, DOC staff cannot consent to a request from a non-local law enforcement agency for assistance or support to further civil immigration enforcement or to provide assistance or support. However, it is permissible for DOC staff to participate in task forces with other goals, such as bringing charges, even if that work has potential impact on an individual's immigration status.

DOI's investigation found that a DOC investigator assigned to the Homeland Security Investigations (HSI) Violent Gang Task Force did in fact provide assistance, in violation of City law and DOC policy. During the investigation, DOI uncovered a second incident where the same DOC investigator provided information to federal immigration authorities about a second person in DOC custody, also in violation of City law and DOC policy. In both instances, DOI determined that the DOC investigator was not aware that the information provided to federal authorities was in furtherance of civil immigration enforcement rendering the DOC officer's actions impermissible, as opposed to the inquiry actually being in furtherance of a federal criminal investigation, which would have been permitted pursuant to local law and DOC policy.

DOI also found that DOC had not provided sufficient guidance or training to DOC personnel with respect to DOC's rules and procedures for interacting with law enforcement agencies involved in immigration enforcement. DOC was also not providing any training to its officers or staff about City Sanctuary City laws or DOC's polices issued pursuant to those laws. Moreover, the requests for immigration enforcement assistance relating to the two persons in custody were not reported to the Mayor's Office of Immigrant Affairs or posted to DOC's website, as required by law.

DOI issued seven recommendations to DOC to strengthen their practices, including:

- Providing updated guidance to DOC employees on the City's Administrative Law relating to immigration enforcement and on how to respond to requests from law enforcement partners;
- Instructing DOC staff to direct any immigration-related requests from other law enforcement authorities to DOC's ICE Unit and the General Counsel's Office;
- Conducting a department-wide audit to determine any other identifiable instances where DOC, unintentionally or otherwise, assisted in immigration enforcement; and
- In accordance with NYC Administration Code, reporting any previously unknown or unreported immigration enforcement-related requests to the Mayor's Office of Immigrant Affairs.

DOC accepted four of the recommendations, implementing two of them; partially accepted two recommendations; and is still considering one recommendation. DOI will continue working with DOC to ensure implementation of the recommendations that DOC is accepting.

December 2025: DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement

In December 2025, DOI issued its report into the NYPD's compliance with local laws restricting City assistance with immigration enforcement. DOI examined five incidents and identified one instance where an NYPD officer violated local law by providing assistance to federal authorities in connection with enforcement of the federal civil immigration law, found that the NYPD does not fully comply with documentation and reporting requirements set forth in the Sanctuary City Laws, and also found gaps in the NYPD's current policies and practices that increase the risk of improper assistance to federal authorities for purposes of civil immigration enforcement.

Broadly, DOI found that the NYPD has been working diligently to ensure that its policies comply with local laws, while still permitting critical partnerships with federal law enforcement on criminal investigations. DOI concluded that the NYPD's current policies and procedures, particularly as strengthened and enhanced by a series of policy reforms that the NYPD implemented in 2025, both before and after DOI began its investigation, comply with City law.

As a result of the investigation, DOI issued seven recommendations to improve the NYPD policies and practices, which the NYPD agreed to implement. We appreciate that the Council has shown its commitment to the same goals embodied in our recommendations in its recent enactments, as well—for example, by requiring that the NYPD scrutinize requests for custodial transfers from all federal agents who could be enforcing immigration laws, not just immigration authorities. The NYPD recently reported that they are moving forward with their effort to implement our recommendations:

- On the recommendations that call for NYPD to require enhanced review of all custody transfers to federal agents, to adopt a standalone policy on requests for custodial transfers, to improve policies for processing requests for assistance from federal agents, and to adopt guidelines to implement Local Law 246, which restricts non-local law enforcement officers from the City property under its control – NYPD has established a working group that is in the process of drafting new policies.
- On the recommendation that the NYPD provide further training to its officers and employees on how to comply with Sanctuary City Laws, the NYPD is currently discussing the correct structure for its supplementary training.
- And finally, to better understand the NYPD's compliance with local laws, DOI recommended that the NYPD conduct an email audit of NYPD members assigned to federal task forces to ensure their compliance with local law. The NYPD has reported that the audit, and a proper structure for that audit, is under active discussion.

Our reports provided much needed transparency on incidents of concern involving two City agencies' compliance with Sanctuary City Laws and offered numerous suggestions as to how compliance could be improved moving forward.

Thank you and I am happy to answer any questions.

Testimony before the

New York City Council

Committee on Criminal Justice

Chair Selvena Brooks-Powers

Committee on Oversight and Investigations

Chair Shekar Krishnan

By

James Conroy, Deputy Commissioner of Legal Matters/General Council

NYC Department of Correction

March 5, 2026

Good morning, Chair Brooks-Powers and Chair Krishnan, and members of the Committees on Criminal Justice and Oversight and Investigations. My name is James Conroy, and I am the Deputy Commissioner of Legal Matters and General Counsel for the New York City Department of Correction ("Department" or "DOC"). I appreciate the opportunity to testify today regarding the Department's policies governing interactions with federal immigration authorities, the findings of the recent Department of Investigation ("DOI") report concerning DOC interactions with federal immigration authorities, and the steps the Department has taken in response to DOI's findings and recommendations. The Department has largely accepted DOI's recommendations and will detail how they have been implemented to date, to safeguard against an incident of this nature occurring again. This is issue is one of importance to Commissioner Richards, and our goal today is to be clear and transparent around our process and the steps we have and are taking to address this matter.

Departmental Policies

The Department's longstanding policies regarding interactions with Federal immigration officials are grounded in New York City's sanctuary city laws. In accordance with these laws, the Department does not engage in immigration enforcement and does not subject its officers or employees to the direction of federal immigration enforcement authorities. As a matter of policy, the Department does not honor Immigration and Customs Enforcement ("ICE") detainers absent a judicial warrant. In accordance with local law, if the Department receives a detainer from ICE, in some circumstances ICE will be notified of an individual's discharge, but only if the individual in custody has a qualifying conviction as defined in local laws, meaning a conviction for a violent or otherwise serious crime, within the past five years; or is identified as a possible match on a federal terrorist screening database. The request also must be supported by documentation establishing probable cause that the individual is subject to removal proceedings. This notification can be made in advance of or when the discharge process begins. Importantly, the Department will not detain an individual beyond the time that the individual is authorized to be released from custody. Perhaps most significantly, if any of the required criteria are not met – no qualifying conviction and no match to a terrorist screening database – DOC will not communicate with ICE about the individual in question.

The Department's public reporting for the fiscal year reflects that cooperation under these narrow circumstances is infrequent relative to the number of detainers lodged. Between July 2024 and June 2025, federal immigration authorities lodged 595 detainers, and 19 individuals were transferred to federal authorities. This may be better illustrated through the calendar-year statistics, however. In calendar year 2024, the Department recorded 403 detainer requests; of

those there were 18 transfers. In calendar year 2025, the Department recorded 895 detainer requests, and of those 25 individuals were transferred.

2025 Department of Investigation Report

In September 2025, DOI issued a report that examined conduct by an investigator in the Correction Intelligence Bureau who was assigned to a joint federal task force. DOI found that, in two instances, the investigator inadvertently provided information about individuals in custody to federal immigration authorities in furtherance of civil immigration enforcement, despite that no detainer meeting the statutory criteria had been presented in connection with the individual. DOI further concluded that this assistance violated City law and DOC policy. In its findings, DOI found that the investigator did not understand that the assistance was being used for civil immigration enforcement rather than a federal criminal investigation, and that the Department had not provided sufficient training, guidance, or oversight to ensure that staff — particularly those assigned to federal task forces — could reliably distinguish between permissible criminal coordination and impermissible civil immigration assistance.

While DOI found that the investigator did not intend to violate the law and did not appreciate that the assistance was being used for civil immigration purposes, the fact remains that City resources were used in a manner inconsistent with local law. The conduct described in the report, although inadvertent, should not have happened. The sanctuary city laws are clear, and the Department is bound by them. We agree that clear guidance and robust training are necessary to ensure that these types of incidents do not occur again.

DOI issued several recommendations to prevent this type of incident from recurring. Recommendations include that DOC provide updated guidance and in-person training on

applicable City law and Department policy, clarify and streamline internal procedures regarding communication with federal partners, and assess whether any other instances of unauthorized assistance occurred, among other things.

The Department has accepted the core recommendations and has already taken concrete steps to implement them. The first three recommendations made within the report relate to providing updated guidance and training on City law and policies, and specific guidance on how to respond to requests from law enforcement partners and immigration-related requests. In response to these recommendations, the Department's Legal Division conducted in-person training for relevant units that are most likely to have contact with federal law enforcement partners. Training was conducted in April and May of 2025. The training reiterated obligations under local laws and DOC policy, as well as proper communication protocols with federal immigration authorities. Additionally, since that time, the Legal Division has provided a training on this topic at each of the Department's Leadership Training courses for newly promoted Captains and Assistant Deputy Wardens. DOC is continuing to explore opportunities to expand training to additional personnel. In addition to the trainings, an agency-wide teletype was issued, which was read to personnel over twenty-one consecutive roll calls, reiterating that internal policies regarding interactions with federal immigration authorities remain in full force and effect and must be strictly followed, and that any immigration-related requests must immediately be referred to the DOC ICE Unit and the DOC Legal Division. DOI also recommended that senior DOC officials coordinate with senior federal agency officials about limitations set forth in City law. DOC leadership has already met with senior officials and other agency liaisons at federal agencies with whom its staff regularly collaborate. DOC will continue to engage federal agency partners on

these issues and reiterate its commitment to ensure practices comply with all applicable laws and policy. As recommended, DOC also reported previously unknown interactions to appropriate city partners for public reporting purposes. Finally, DOI recommended certain policy changes and, as well as an agency-wide audit. While DOC had partially accepted these recommendations at the time of the report's publication, the Department currently is working to implement Mayoral Executive Order 13, which requires an audit and review of all agency policies and practices as it relates to interactions with federal immigration authorities. The work is underway, and the outcome of this collaborative assessment will guide future policy and training, which will be made publicly available on the Department's website .

Conclusion

The Department of Correction is committed to the goals of upholding public safety and protecting the safety and security of all the individuals in custody, as well as those working within the City's jails. To be clear: those goals do not include enforcement of immigration laws or in any way engaging in conduct that is inconsistent with this City's sanctuary laws. We are grateful that these incidents were reported to help us ensure that we are addressing any gaps in the implementation of our policies. We remain committed to the implementation of these laws and open to hearing from families, lawyers, elected officials, and others about issues or challenges as they arise.

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Presented before

The New York City Council

Committees on Oversight and Investigation and Criminal Justice

Oversight Hearing on the Department of Investigation's Reports on Agency Compliance with Sanctuary-related Local Laws.

March 5, 2026

My name is Sophie Dalsimer, and I am an Associate Director of the New York Immigrant Family Unity Project at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We want to thank the Committees on Oversight and Investigation and Criminal Justice, and Chair Krishnan and Chair Brooks-Powers, for the opportunity to testify today about agency compliance with sanctuary laws.

For 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services to Queens. We represent over 40,000 people each year who are accused of a crime, facing the removal of their children, or deportation. Our staff consists of attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

Since 2009, BDS has counseled thousands of clients in immigration matters, including deportation defense, affirmative applications, advisals, and immigration consequence consultations in the criminal court system. Our *Padilla* team attorneys are criminal-immigration specialists who provide support and expertise on thousands of cases, including advocacy regarding enforcement of New York City's detainer law, individualized immigration screenings,

and legal consultations. Since 2013, BDS has provided removal defense services through the New York Immigrant Family Unity Project, New York's first-in-the-nation assigned counsel program for detained New Yorkers facing deportation. BDS also regularly litigates immigration cases in U.S. federal courts, including habeas petitions seeking release from unlawful detention and petitions for review before U.S. circuit courts.

BDS works at the intersection of the criminal legal and family court systems and the immigration legal system. We witness everyday how interactions with these systems expose immigrant New Yorkers to unequal treatment as they often lead to double punishment because of the negative immigration consequences they often carry even after the local matters are resolved. Even minor offenses, often the result of biased policing, can lead to mandatory incarceration in Department of Homeland Security (DHS) detention facilities, or permanent separation from family and exclusion from this country because of the entanglement of the criminal or family legal systems and our federal immigration laws.

Sanctuary City Policies are Critical for all New Yorkers

Immigrant New Yorkers are at significant risk of being separated from their families, communities, and jobs, and detained in jail-like conditions that cause rapid physical and mental health deterioration. Increasingly, people in immigration can be transferred anywhere in the country without the ability to seek a bond hearing. And it is now more likely that an ICE arrest and detention could result in deportation to a third country where a person has never been to, holds no status in, and could face dangerous or torturous conditions. Our neighbors are being snatched off the street by masked, plainclothes Immigration and Customs Enforcement (ICE) agents or are being detained at the very courthouses they are visiting to abide by the legal process of the immigration system. The increase of federal agents in NYC not only creates fear in New Yorkers regardless of immigration status but also increases the likelihood of violent arrests and unlawful immigration detention. The city must take immediate steps to protect the rights of immigrant New Yorkers, expand immigration legal services, and ensure all New Yorkers know their rights.

Concerns highlighted in DOI Reports

The two recent Department of Investigation (DOI) reports that are the subject of this hearing highlight deeply concerning incidents in which New York City's sanctuary laws were violated. The reports also warned there may be additional instances of local collusion with federal immigration authorities that were not detected, as well as broader systemic problems, including unclear agency policies, insufficient training of agency staff, and failures in tracking and documenting interactions with federal immigration authorities that create an ongoing risk of improper cooperation.

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In September 2025, DOI issued a report *DOI Investigation into DOC Correction Intelligence Bureau Investigator Assisting Federal Agents with Immigration Enforcement* which found an employee of the Department of Correction (DOC) had violated the city sanctuary laws and DOC policy by sharing information on two people in DOC custody with federal civil immigration enforcement.

The second DOI report from December 2025, entitled *DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement*[1] highlighted a concerning incident in which an NYPD officer improperly assisted federal immigration enforcement by using NYPD resources. The December 2025 report warned there may be additional instances of local collusion with federal immigration authorities that were not detected. Beyond that single violation, this report highlights broader systemic problems—including unclear policies, insufficient training, and failures in tracking and documenting interactions with federal immigration authorities—that create an ongoing risk of improper cooperation.

The DOI reports should serve as a warning that city agencies are unable to uniformly comply with laws that have been in place for a decade and there is a clear need for increased guidance, training, and tightened data privacy.

This risk is particularly acute given the broader federal information-sharing systems already in place. Even where New York City limits direct cooperation with immigration enforcement, local law enforcement activity is already embedded in federal data systems. When a person is arrested, their fingerprints are automatically transmitted to the Federal Bureau of Investigation (FBI) and, through interoperable databases, shared with the Department of Homeland Security (DHS). This automatic data-sharing occurs nationwide and can trigger immigration enforcement, including home raids, the issuance of detainers, or the initiation of removal proceedings, regardless of how the underlying local case is ultimately resolved.[2]

In other words, routine contact with the criminal legal system—such as an arrest—can place individuals into the federal immigration enforcement pipeline, even in jurisdictions with strong sanctuary laws. In this context, any additional local data sharing, surveillance, or failure to comply with sanctuary protections compounds the risk and increases the likelihood that New Yorkers will be exposed to immigration enforcement.

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[1] https://www.nyc.gov/assets/doi/reports/pdf/2025/49NYPD.SancLawsRelease.Rpt.12.03.2025.pdf

[2] National Immigration Law Center, *How ICE Uses Databases and Information Sharing to Deport Immigrants* (Jan. 25, 2018) https://www.nilc.org/articles/how-ice-uses-databases-and-information-sharing-to-deport-immigrants/

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Address Critical Gaps in the Detainer Law

The New York City Council continues to be a leader in ensuring the protection of all New Yorkers. In October 2014, the Council passed groundbreaking legislation (detainer discretions laws) that removed ICE from Rikers Island and prevented the New York City Department of Corrections (DOC), the New York City Police Department (NYPD), and the Department of Probation (DOP) from unlawfully detaining non-citizens without a judicial warrant. These detainer discretion laws were intended to prevent non-citizens detained in DOC and NYPD custody from being transferred to immigration detention. However, given the intransigence of ICE's aggressive apprehension and detention policies, and the agency's enforcement priorities, years later, it is evident that our criminal legal system continues to cause non-citizens to be apprehended by ICE, as the vast majority of New York City residents detained by ICE have had contact with the criminal legal system. This is especially concerning given that more noncitizens in ICE custody are now subject to mandatory detention under the federal government's interpretation of 8 U.S.C. § 1225(b)[3] and the enactment of the Laken Riley Act.[4] During an oversight hearing before the New York City Council in February 2023, DOC testified that it interprets the 2014 detainer discretion laws to contain a loophole which allows DOC to notify the Department of Homeland Security (DHS) of an individual's release based on a finding of "dangerousness," as established by a recent criminal conviction for one of the enumerated offenses, or inclusion on the FBI's terrorist watch list.[5] Unlike a request to detain an individual beyond the time they would otherwise be released to allow for ICE transfer, which can be honored by DOC only when there is both a finding of dangerousness *and* a judicial warrant, notification alone, under DOC's interpretation, does not require a judicial warrant. Once ICE is notified of the person's impending release, ICE can and does go to the DOC facility and take custody of the person directly from DOC.

We understand that DOC believes this interpretation of the law allows it to effectively facilitate the transfer of such individuals to ICE custody and that DOC does not need to be provided with a judicial warrant in these instances. We disagree with this interpretation. More importantly, the intention behind these laws, however, was to ensure that New York City upheld the due process

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[3] "Interim Guidance Regarding Detention Authority for Applicants for Admission," Available at https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (claiming all persons present in the United States without having been admitted shall now be subject to mandatory detention provision under § 1225(b)(2)(A) regardless of when or where a person is apprehended and affects those who have resided in the United States for months or years); *Matter of Yajure Hurtado*, 29 I&N Dec. at 229 (Sept. 5, 2025); *see also Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873, ECF No. 87 at 3 (C.D. Cal.) (asserting the agencies are disregarding the district court's "declaratory judgment requiring bond hearings for the class").

[4] H.R.7511 - 118th Congress (2023-2024): Laken Riley Act

[5] New York City Council Hearing "Oversight - New York City's Detainer Laws," Committee on Immigration Jointly with the Committee on Criminal Justice, February 15, 2023 10:00 AM, meeting video available at https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1078800&GUID=54D0B5D1-9B0B-4A5D-B7C3F6E67806FBC5&Options=info%7C&Search=#

rights of its residents to protect them from the abusive overreach of federal civil immigration enforcement without judicial oversight. The city should not be denying New Yorkers this protection because of a criminal conviction. This protection takes on renewed urgency at a time when ICE seeks to detain more people in jail-like conditions while affording them less due process and is actively seeking to deport people to third countries they have never been to. The City Council should make clear that city agencies cannot communicate with ICE about an individual for the purposes of civil immigration enforcement without the presentation of a judicial warrant. The city cannot adequately protect New Yorkers, or uphold the detainer discretion laws, without upholding the requirement that ICE present a judicial warrant in interactions with city agencies about an individual for the purpose of civil immigration enforcement.

The enactment of the Safer Sanctuary Act (Intro 1412) in January amended existing detainer laws by clarifying previously ambiguous language. These revisions were designed to prevent inconsistent interpretations of the statute and to strengthen protections against the use of local government resources in federal deportation proceedings.

In addition to tightening NYC's sanctuary laws, city agency staff will benefit from additional training on how to ensure compliance with the laws. In our experience with DOC, for example, officers will frequently not accept bail or not release someone who has posted bail if there is an ICE hold on that person in custody. This misinformation can deter families from posting bail, unnecessarily prolong detention, and increase the risk of immigration enforcement. When this has come up for our office, we have found that the DOC staff are not intentionally trying to violate the law but rather do not understand the law and would benefit from in depth training to ensure compliance.

This Council should also augment New York City's detainer discretion laws - those harmed by violations of the law must have the ability to hold the government accountable. This needs to include the ability to enforce the law if or when it is not followed. Intro 209 creates a private right of action for individuals who experience harm as the result of a violation of the detainer discretion laws.

Implement Executive Order 13 to Ensure Compliance with Sanctuary City Laws

Executive Order 13 is intended to ensure that New York City's sanctuary laws are meaningfully implemented across all agencies by requiring clear guidance, training, and accountability when city employees interact with federal immigration authorities. However, the continued reporting of violations and the findings of oversight bodies make clear that these protections are not being consistently realized in practice.

A central concern is the persistent lack of understanding among city workers about what sanctuary laws require and what conduct is prohibited. Frontline staff are often placed in

situations involving federal immigration authorities without clear direction. This confusion is not incidental—it is the result of agencies failing to provide adequate guidance, training, and internal protocols to ensure compliance.

Our experience representing New Yorkers reflects these gaps in implementation. As described above, we have encountered repeated situations in which Department of Correction staff unlawfully refuse to release individuals after bail is paid based on the mistaken belief that the existence of an ICE detainer requires continued detention, even where the individual is clearly protected under the city's detainer laws. Families are also frequently given incorrect information about the effect of ICE detainers. They are often told that bail cannot be posted, or that release will not occur, because of an "ICE hold." As a matter of law, an ICE detainer alone does not provide a valid basis for continued detention once a person has met the conditions of release. This misinformation can deter families from posting bail, unnecessarily prolong detention, and increase the risk of immigration enforcement.

These implementation failures are compounded by deficiencies in oversight and reporting. City law requires agencies to document and report interactions with federal immigration authorities, including under the detainer laws, yet it remains unclear whether all agencies are consistently complying with these requirements. Incomplete or inconsistent reporting undermines transparency and limits the City Council's ability to conduct meaningful oversight.

These concerns are further reinforced by public reporting. Media outlets, including Gothamist, Politico, the Associated Press, and The City, have documented multiple incidents in which city employees may have acted inconsistently with the city's sanctuary laws. Taken together, these findings demonstrate that, despite the existence of Executive Order 13, gaps in implementation, training, and accountability persist across agencies.

Surveillance and Database Concerns

New York City's sanctuary laws are intended to limit local involvement in federal immigration enforcement. However, the city's extensive data collection and surveillance systems create parallel pathways through which sensitive information can be accessed, shared, or misused in ways that undermine those protections.

City agencies routinely collect and maintain large amounts of personal data through everyday operations, including benefits records, housing information through NYCHA, and law enforcement databases. At the same time, policing technologies—such as license plate readers, transit surveillance, and other monitoring tools—generate detailed records about New Yorkers' movements, associations, and activities. These systems often contain inaccurate, incomplete, or unverified information, yet they can have significant consequences when accessed or relied upon by law enforcement or federal authorities.

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When local agencies share sensitive information about individuals with ICE, such as immigration status, it can lead to the unjust targeting of vulnerable populations.
This Council should enact new, and strengthen any existing, policies that keep communities' personal data private. By doing so, New York City can ensure that immigrant communities are not subject to unlawful surveillance or data-sharing practices. For example:

- minimize, as much as possible, the amount of data that is collected and stored by city agencies;
- avoid the retention, transmission, or storing of sensitive data such as immigration status;
- enact transparent policies on data sharing with federal agencies.

New York City's sanctuary laws are intended to prevent local systems from being used to facilitate federal immigration enforcement. But expansive data collection and surveillance systems built into everyday governance fundamentally weaken that commitment by creating reservoirs of deeply personal information that can be misused, shared, or leaked through system flaws.

The NYPD's gang database is a striking example of overcollection leading to harm. Oversight bodies, researchers, and community members have long documented that the database overwhelmingly targets Black and Latine youth. The criteria used to justify placement, such as alleged "self-admission" pulled from social media or proximity to others similarly labeled, are unscientific, pretextual, and racially coded. Inclusion in the database does not require a criminal conviction, an arrest, or even reasonable suspicion of criminal activity. Many people included in the list have never been convicted of a crime, others remain in the database long after any alleged conduct.

Yet despite the high level of inaccuracy and discrimination inherent in the database, the consequences of inclusion are immense, particularly for immigrants. The December 2025 report reflected that the NYPD shared gang database information with Homeland Security Investigations through a gang task force, effectively treating the "gang" label as a justification to sidestep sanctuary limitations. In other words, a racially biased and error-prone database became a vehicle for exposing New Yorkers to federal immigration enforcement. While the NYPD has suggested it will "review" access to its systems, limiting access to a flawed database does not solve the underlying problem. The existence of the database itself creates an unjustifiable risk. We have already seen nationally that false gang allegations are used to justify detention and deportation. The city cannot credibly claim it is upholding sanctuary protections while it allows the NYPD to amass inaccurate, unnecessary, and dangerous data about its residents.

These concerns extend beyond just NYPD databases. In correctional settings, the use of digital surveillance technology also raises additional risks of data leaks that could lead to immigration enforcement violations of our city's sanctuary protections. The jail phone call systems operated by Securus, for example, record and store phone calls and associated biometric and personal data

from incarcerated individuals and their loved ones. Securus not only records jail phone calls, but also stores voiceprints, a form of biometric data, on every individual who uses the system. The city collects biometric data on incarcerated people, as well as anyone who contacts them, whether family members, friends, community groups, or children without proper justification for how the data is being used, who it is shared with, or how long it is stored.

In addition to the invasive collection of biometric data, Securus uses Threads, a platform designed to aggregate and analyze communications and then uses algorithms to track social networks in and outside of prisons, leading to surveillance and guilt by mere association of people in the community. Reporting has indicated that federal agencies, including DHS, previously had access to the data collected by Securus through the federally connected Fusion Center on Riker's Island.[6] Even if the city does not directly provide access to their digital surveillance technology, the collection and storage of this personal data and use of these invasive systems creates a risk that sensitive data may be accessed, repurposed, or disclosed beyond its original purpose because of the commingling of data by third party vendors, or unauthorized agency sharing.

To uphold sanctuary protections, the city must address not only direct and limited cooperation with federal immigration enforcement, but also the underlying data systems that enable it. This requires significantly limiting the collection and use of sensitive information across agencies, eliminating databases such as the NYPD gang database that rely on unverified and discriminatory criteria, and ending the collection and retention of jail phone data (*i.e.,* ending the recording of jail phone calls). We strongly urge the Council to pass Int. 96, the End Community Correctional Surveillance (ECCoS) Act, to ban the recording of jail phone calls and end the invasive and inappropriate surveillance of incarcerated people and their loved ones as well as pass Int. 96 to abolish the highly discriminatory and harmful NYPD gang database. These practices generate large volumes of sensitive information that are not necessary for the administration of detention and create substantial risks of misuse, third-party access, and potential disclosure to federal authorities. If city agencies cannot comply with longstanding detainer laws, they cannot be trusted to responsibly manage access to sensitive databases or deploy new and emerging technologies that would further expand information-sharing with federal authorities.

Pass the NYC Trust Act (Int. 209-2026)

Brooklyn Defender Services supports the passage of the NYC Trust Act (Int. 209-2026), which would strengthen the enforceability of New York City's existing detainer protections. As described earlier in our testimony, ICE has been able to rely on communication practices at

[6] Maurizio Guerrero, *ICE May Still Have Massive Access to Rikers Island Data Despite City's Sanctuary Status*, Documented (July 2, 2025), https://documentedny.com/2025/07/02/ice-may-still-have-massive-access-to-rikers-island-data-despite-citys-sanctuary-status/.

Brooklyn Defenders

DOC, information-sharing within Probation, and shifts in executive policy to facilitate civil immigration arrests despite the framework the Council established in 2014. Int. 209 responds to these concerns by creating a private right of action, allowing individuals to seek judicial review when city agencies engage in cooperation or communication with ICE that violates municipal law. This mechanism reinforces the requirement that city agencies adhere to the statutory limits on civil immigration enforcement, regardless of internal interpretations or external pressure. By establishing a means of accountability, Int. 209 helps ensure that the protections set out by the Council are meaningful and that agencies cannot rely on informal communication channels or executive directives to circumvent the judicial-warrant standard. We support its passage and view it as an important step in ensuring that city systems do not serve as conduits for civil immigration enforcement.

Conclusion

All New Yorkers benefit when our diverse communities can thrive. As this Council has always noted, immigrants, regardless of their status, are the backbone of our city, our culture and our economy. New York City has long made efforts to reassure our communities that the city welcomes and protects all New Yorkers, including its immigrant communities. We applaud our City Council's leadership in forging city policies and laws that center the protection of all New Yorkers. However, immigrant communities continue to face an enormous threat in an era of increased surveillance and immigration enforcement. The city can and should do more to ensure that residents are not unnecessarily targeted for detention or deportation because of some action or failure to act by the city.

The City Council has played a critical role in safeguarding New York City's immigrant community and established itself as a national leader in the creation and ongoing support of the NYIFUP program. We thank the New York City Council for its continued support of low-income immigrant New Yorkers. This support and the need for our services is more acute than ever. If you have any questions, please feel free to reach out to Anya Mukarji-Connolly, Managing Director, Policy & Advocacy at amukarjiconnolly@bds.org.

Testimony of

Brittany Brown
Supervisor, Collateral Consequences Unit
New York County Defender Services

Before the

City Council Committee on Oversight and Investigations

Oversight - The Department of Investigation's Reports on Agency Compliance with Sanctuary-related Local Laws

March 5, 2026

Thank you to the Committee on Oversight and Investigations for holding this public hearing to address the Department of Investigation (DOI) report on the compliance of the New York City Police Department (NYPD) and the Department of Correction (DOC) with sanctuary-related local laws. My name is Brittany Brown and I am the Supervising Attorney of the Collateral Consequences Unit at New York County Defender Services (NYCDS). NYCDS is an indigent defense office that every year represents tens of thousands of New Yorkers in Manhattan's Criminal, Family, and Supreme Courts. Our organization includes attorneys who specialize in immigration matters, and advise our clients on any immigration consequences stemming from criminal legal system-involvement, including deportation. They also assist our non-citizen clients with other immigration issues, such as representing them in immigration court and accompanying them to ICE check-ins. Consequently, we frequently represent clients who may have collateral immigration consequences due to their interaction with the criminal legal system.

We, therefore, thank you Chair Krishnan for holding today's hearing and to all of the Council Members that seek to bring more transparency to our city agencies compliance with sanctuary city laws.

I. Background:

New York City adopted sanctuary laws to ensure that city agencies do not participate in federal immigration enforcement. These laws establish clear limits on how and when city agencies may

communicate with federal immigration authorities. Yet the DOI report demonstrates that these legal protections are only as strong as agency compliance.[1] Notably, the detainer law violations identified in the report occurred under the prior mayoral administration. During previous administrations, advocates consistently raised concerns that city agencies, particularly DOC and NYPD, were engaging in practices that circumvented or undermined these safeguards. Our organization has previously raised these concerns before the Council and the Board of Correction, including testimony describing how our client was unlawfully transferred from DOC custody to ICE custody after information was shared between the two agencies during the previous Adams administration.[2] This client's experience demonstrated how even limited communication between local agencies and federal immigration authorities can trigger devastating consequences for immigrant New Yorkers. We are hopeful that these concerns will be allayed under the new mayoral administration.

This conversation comes at a particularly urgent moment, as federal government is dramatically escalating immigration enforcement.[3] Across the country we have seen the Trump administration implement increasingly aggressive immigration enforcement actions that terrorize communities and undermine public trust. Most recently we saw this in Minnesota, where a sweeping federal immigration crackdown resulted in widespread fear, mass arrests, and the tragic deaths of civilians.[4] These events sent shockwaves through communities across the country and demonstrated how rapidly aggressive immigration enforcement can escalate into violence and tragedy. As these events unfolded, we all watched closely, including immigrants in New York. The specter of similar enforcement tactics reaching our city currently looms over all of us. We now live under the real fear that similar tactics could occur here, and that local agencies could contribute to those harms through unlawful communication or cooperation with federal immigration authorities.

To be clear, we are already seeing the devastating consequences of federal immigration enforcement in New York State. ICE agents recently entered a Columbia University residence

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[1] New York City Department of Investigation, *Investigation into CIB Investigator Assisting with Immigration Enforcement* (Sept. 25, 2025), https://www.nyc.gov/assets/doi/reports/pdf/2025/38DOC.Release.Rpt.09.25.2025.pdf.

[2] Courtney Gross, *Public defenders accuse city correction department of illegal ICE coordination*, NY1 (Jan. 15, 2026) available at https://ny1.com/nyc/all-boroughs/politics/2026/01/15/public-defenders-accuse-city-correction-department-of-illegal-ice-coordination.

[3] Rashawn Ray and Gabriel R. Sanchez, *ICE expansion has outpaced accountability. What are the remedies?*, Brookings Institute (Jan. 26, 2026) available at https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/; Aaron Reichlin-Melnick, *New report details ICE expanding and increasingly unaccountable detention system*, American Immigration Council (Jan. 23, 2026) available at https://www.americanimmigrationcouncil.org/blog/ice-expanding-detention-system/.

[4] Ilse Ramirez, *6 deaths in ICE custody and 2 fatal shootings: a horrific start to 2026*, American Immigration Council (Feb. 11, 2026) available at https://www.americanimmigrationcouncil.org/blog/ice-deaths-shootings-2026/.

after falsely posing as NYPD officers and claiming that they were searching for a missing child.[5] In reality, they were seeking a student for deportation and abducted her from her residence without a judicial warrant.[6] This was not an isolated incident. Only one day before, a nearly blind refugee who spoke very little English, was taken into US Custom and Border Patrol (CBP) custody after being released from a county jail in Buffalo.[7] CBP released the man but instead of making sure he was safely back home, they dropped him off alone at a coffee shop miles from safety without notifying his family or legal counsel.[8] Days later, he was found frozen to death outside.[9]

This unspeakable tragedy was completely preventable, as CBP deliberately decided to drop a vulnerable man in freezing conditions miles away from home, with no regard for his life or safety. CBP was only able to obtain custody of him because the county jail informed them of his release.[10] If the county jail did not share information with federal immigration authorities, he would still be alive. That is why harm from city agencies sharing information with federal immigration authorities is not abstract. In this environment, even limited information sharing or cooperation between local agencies and federal immigration agencies can have devastating consequences. New York City's sanctuary protections were designed to prevent local government from contributing to these harms, and we cannot let them fail.

The DOI findings confirm our fears: that without clear safeguards, training, and oversight, individual staff members can circumvent our City's protections.[11] When this occurs we risk exposing an already vulnerable population to detention, deportation, and family separation. The DOI report highlights significant weaknesses in DOC's policies and oversight structures governing communication with ICE. According to the report, a DOC investigator shared sensitive information about an individual in custody (including identifying and custodial information) with ICE in a manner that violated our laws.[12] The report claims that these communications occurred at least in part because DOC lacked adequate safeguards to prevent staff from engaging in unauthorized contact with federal immigration officials.[13] Additionally, DOI identified gaps in training and supervision that led to this violation.[14] The fact that DOC

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[5] Jake Offehartz, ICE agents said to have posed a police, a tactic some fear could erode trust in real cops, AP Feb. 27, 2026) available at https://apnews.com/article/nypd-columbia-university-immigration-c9b0cd212ab3bad901aadb3d87a55149

[6] *Id.*

[7] Ana Faguy, *Bling refugee found dead in New York after being released by immigration authorities,* BBC (Feb. 27, 2026) available at https://www.bbc.com/news/articles/cq57j559eq4o.

[8] *Id.*

[9] *Id.*

[10] Jon Shleton, US: Blind refugee found dead after release from custody, DW (Feb. 26, 2026) available at https://www.dw.com/en/us-blind-refugee-found-dead-after-release-from-cbp-custody/a-76136879.

[11] New York City Department of Investigation, *Investigation into CIB Investigator Assisting with Immigration Enforcement* (Sept. 25, 2025), https://www.nyc.gov/assets/doi/reports/pdf/2025/38DOC.Release.Rpt.09.25.2025.pdf.

[12] *Id.*

[13] *Id.*

[14] *Id.*

staff were not adequately trained on the City's sanctuary laws is deeply troubling, especially because these protections have existed for over a decade and should be well understood across city agencies.

We support the implementation of the recommendations outlined in the report, including strengthening training for DOC personnel on the City's sanctuary laws and implementing clearer internal policies governing communication with federal immigration authorities.[15] However, the findings of the report also demonstrate that training and internal policy changes alone are insufficient. When individual staff members are able to communicate directly with federal immigration authorities without meaningful oversight, the City's sanctuary policies are vulnerable to circumvention.

II. The Council must pass legislation ending the communication loopholes between DOC and ICE:

The DOI's findings underscore the need for the Council to enact legislation that closes the communication loopholes that currently exist between DOC and ICE. Our sanctuary city laws were created to limit cooperation between local agencies and federal immigration enforcement, particularly when no judicial warrant exists. However, DOC has adopted an interpretation of the City's detainer laws that allow DOC staff to communicate with immigration authorities even when no warrant has been issued. DOC argues that they are allowed to communicate a person's release date, incarceration status, and court appearance dates without a judicial warrant to ICE. We believe their interpretation of Admin. Code § 9-131 is flagrantly illegal under provision (b). Moreover, DOC denies delaying the release of our clients so that ICE can more easily detain them upon release, but in our experience we have noticed blatant delays in our client's release that are otherwise unexplainable.

DOC has also adopted a policy interpreting Admin. Code § 9-131 to treat the instant arrest as a qualifying conviction that allows communication with ICE. We do not believe that interpretation is consistent with the text of the law, which refers to individuals who have been convicted within the previous five years of certain offenses, clearly indicating prior convictions rather than the arrest that brought a person into custody.

We believe these actions are illegal and clearly inconsistent with both the purpose and the plain intent of our laws. DOC's actions demonstrate how agencies can exploit ambiguous language to circumvent the City's legal safeguards. We cannot trust DOC to address their own violations as the communications obtained through a public records request unequivocally showed extreme anti-immigrant sentiments within DOC as email communications to ICE from DOC used the hashtag #teamsendthemback. That is why we are calling on the Council to enact legislation

[15] *Id.*

clarifying that DOC personnel may not communicate with immigration authorities regarding individuals in custody except in the narrow circumstances explicitly permitted by law. Clear statutory language will ensure that the City's sanctuary protections are implemented as intended and will prevent agencies from relying on interpretations that undermine those protections.

We do want to commend the current Mayor for the issuance of Executive Order 13, which establishes new audit requirements on numerous agencies including the DOC and creates an interagency response committee to review compliance with the City's sanctuary laws.[16] Oversight mechanisms are critical to ensure that city agencies are held accountable for adhering to the law. The DOI report focused on isolated incidents, but revealed larger systemic issues that are contributing to these violations. The new audit requirements under Executive Order 13 will further build on DOI's investigation and allow for broader and more in depth investigation of our agencies.[17]

While we applaud the new audit requirements under Executive Order 13, meaningful oversight will depend on whether all forms of communication with ICE are captured and reviewed. That is why we were concerned to hear during the hearing testimony that DOC staff do not all have agency email addresses. If DOC staff are communicating with ICE through channels not documented or easily auditable (such as phone calls, text messages or other informal means) there is a serious risk that violations of law may go undetected. At a minimum, we must ensure that all communications between DOC personnel and federal immigration agencies go through official, documented channels that can be reviewed for compliance.

We are grateful that the new administration is willing to take the necessary steps to ensure our city agencies comply with our laws, especially since the previous administration refused to do so.[18] We welcome these new oversight efforts and hope that they ensure that agencies like DOC and the NYPD will align their practices with our sanctuary laws. Legislative action from the Council will further reinforce that expectation and ensure that the law is implemented consistently and correctly.

That is why we urge the Council to enact legislation that would close the communication loopholes that currently exist between DOC and ICE.

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[16] New York City Mayoral Executive Order No. 13 (Feb. 6, 2026) available at https://www.nyc.gov/mayors-office/news/2026/02/executive-order-13.
[17] *Id.*
[18] To the contrary, the previous Adams' administration tried to allow ICE officers on Rikers Island. *See* New York City Mayoral Executive Order Executive Order No. 50 (April 6, 2025) available at https://www.nyc.gov/mayors-office/news/2025/04/executive-order-50.

III. The Council must pass the New York City Trust Act (Int. 0209-2026)

We urge the Council to support and pass the New York City Trust Act (Int. 0209-2026), which would strengthen accountability when city agencies violate our sanctuary laws. Under this legislation, when an individual's rights are violated due to local cooperation with federal immigration authorities, they could sue the City for damages. Meaning when agencies unlawfully honor federal detainers or share information with immigration authorities, individuals will have legal recourse. This private right of action is critical because as we have already seen, city agencies such as the NYPD and DOC, have violated these laws, resulting in grave harm to immigrant communities. Allowing individuals to have a private right of action against such illegal behavior could also incentivize the agency to start acting in better faith, for they may be more likely to provide more information as to what is happening due to the fear of a possible future lawsuit. Otherwise, there is no reason for DOC, or any other city agency, to adhere to a law if there are no true repercussions for noncompliance.

For this reason, we urge the passage of the New York City Trust Act (Int. 0209-2026), which would create a private right of action so that people wronged by violations of our already existing laws can seek justice in courts. This bill would make sure that city agencies can be held accountable when violations occur, helping ensure compliance with existing laws, and allowing immigrants to feel safer during their legal proceedings.

IV. Conclusion

We thank the Council for holding an important oversight hearing and for the continued attention to ensure that city agencies comply with our sanctuary laws. Ultimately, the DOI report offers only a narrow glimpse into the broader problem of unlawful cooperation between city agencies and ICE. The actions described in the report are not merely policy failures. They represent outright violations of our laws. Without meaningful transparency and accountability, it is impossible to know the full extent of these practices or how many similar violations have already occurred and are occurring. For this reason we are calling on the Council to pass stronger safeguards. The Council must act to ensure that city agencies comply with the law by passing legislation that closes the communication loopholes between DOC and ICE and by passing the New York City Trust Act (Int. 0209-2026), which would provide a private right of action for individuals harmed by violations of our law.

If you have any questions about my testimony, please email policy@nycds.org.

Benjamin Remy
Senior Coordinating Attorney, New York Legal Assistance Group
City Council Testimony
March 5, 2026

Hello,

My name is Benjamin Remy and I'm the Senior Coordinating Attorney at the New York Legal Assistance Group. I'm here today to speak a little bit more about what is happening at our immigration courthouses. As I know many of you here are aware, myself and my colleague Allison Cutler have been on the ground every single day since ICE began detaining people at master calendar hearings at 26 Federal Plaza and 290 Broadway.

My introduction to this phenomenon of ICE enforcement in our New York City Immigration Courts was a mother who was brutally thrown to the ground in front of me after her routine court hearing. Despite pleading with ICE agents that she had a child in school who she needed to be there when she returned home, ICE only became more violent, and agents kneeled on top of her while she screamed "mi hijo, mi hijo, mi hijo," "my child, my child, my child." Little did I know that this was just a small preview of the cruelty that I would see only increase and intensify over the following months.

Months later, I was standing in front of a courtroom surrounded by masked federal agents. As people began leaving the courtroom, the door opened, and the first man to walk through the door, naturally, took a step back when saw the agents. The agents, who interpreted this as resisting, began screaming at him to stop resisting, and wrestled him to the floor with small children only feet behind them while he screamed in agony. They handcuffed him so poorly that his wrist was bent at an extreme angle, and the cuffs had dug so deeply into his skin that he was bleeding on the floor. After I demanded that the agents fix the handcuffs, I was told that he wasn't even on their supposed list for the day.

Today, although the raw number of daily detentions in our courts have decreased, we still see the same level of brutality and cruelty when these detentions are made. We still see families split apart on a daily basis, and people who are doing their best to follow the rules continue to be punished for doing so. Beyond this, we see how deeply entrenched the climate of fear that ICE has cultivated has become - just last week, I walked out with someone who just finished their hearing, and in the elevator, he confided in me that he had not slept at all the night before - he had just prayed and prayed all night that he would make it back home the next day.

If there's anything that this evolution in ICE courthouse activity has taught me, it is that our work is far from done. ICE will continue to undermine the protections granted to immigrant community members by our sanctuary laws, and we must continue to work tirelessly to ensure that our institutions do not collude with the Department of Homeland Security. Finally, it is also imperative that City Council ensure that they have places to go for advice and support so that they can make informed decisions about how to best navigate today's treacherous landscape.

This includes funding the work of legal service providers and community-based organizations who have proven their capacity to adapt to meet the needs of immigrant community members and have thus established relations of trust with diverse communities across our city.

Kristina Garrity
Pro Se Plus Project Coordinator
City Council Testimony
March 5, 2026

Good morning,

My name is Kristina Garrity, and I am the Coordinator for the Pro Se Plus Project, a collaborative made up of four legal service providers and two community-based organizations. In the past three years, the Pro Se Plus Project, otherwise known as PSPP, has worked tirelessly to meet the needs of immigrant New Yorkers who are unable to retain high-quality legal counsel and must navigate our labyrinthine immigration legal system *pro se*.

As I'm sure many Council Members are aware, people who are represented can appear in immigration online, meaning that it's *pro se* respondents – the people our project is designed to serve – who have been detained by ICE when appearing for routine appointments. Thanks to the flexibility of our project's model and the generosity of City Council, PSPP partners have been on the ground at 26 Federal Plaza and 290 Broadway since the courthouse arrests started happening. This has put us at the frontlines of the Trump administration's assault on our collective right to due process and the integrity of our City's sanctuary laws.

As my colleagues Tania and Benjamin have already discussed, we have seen firsthand the horrific consequences of the Department of Homeland Security's unprecedented expansion of unchecked power. This includes not only the violent, unlawful detention of immigrant New Yorkers who are complying with reporting requirements, but a general undermining of faith in public institutions. The fear created by the presence of federal immigration officers in courthouses drives community members who feel they have no other option to miss hearings and check-ins, precipitating orders of removal that will soon be near impossible to appeal.

If there is anything that our on the ground experience has taught us, it is that we can count on ICE to wilfully push the boundaries created by our local laws. When this happens, it is not only immigrants who lose, but all New Yorkers. To that end, I commend the Committee's commitment to ensuring the NYPD and DOC's compliance with sanctuary laws.

I close by insisting upon the importance of funding services for communities most vulnerable to escalating detention and deportation. This includes not only to PSPP, but to *pro se* service providers in the Asylum Seeker Legal Assistance Network and beyond.

Thank you for this opportunity to testify.

New York City Council Hearing
March 5, 2026
Committee on Oversight and Investigations

Testimony of the Legal Aid Society

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My name is Sarah Vendzules, and I am the Director of the Immigration Justice Team (IJT) at The Legal Aid Society (LAS). Thank you for the opportunity to submit testimony. The IJT is part of LAS's Criminal Defense Practice. As required by the U.S. Supreme Court's landmark decision in *Padilla v. Kentucky*, the IJT advises non-citizen defendants of the adverse immigration consequences that can result from their criminal case. Legal Aid is grateful for the City Council's steadfast support of our work.

In 2025, LAS served over 480,000 individuals and their families through our holistic Civil, Criminal, and Juvenile Rights Practices. Our work across these Practices provides us with unique insights into the challenges facing marginalized communities in NYC and an unparalleled ability to effect change on a greater scale. The IJT also monitors the Department of Correction's compliance with NYC Admin Code s 9-131, hereinafter, the "Detainer Law."

I would like, in my testimony today, to explain, through the story of one of our clients, why the recommendations in the DOI report, especially the recommendations regarding info sharing with ICE by DOC, are insufficient, and why true accountability is needed to effectively uphold NYC's detainer law. Because this client has been deported to a country where he feared harm and persecution and to protect client confidentiality, I will refer to our client using the pseudonym "Byron.".

Our client, Byron, was a young man seeking asylum. He was arrested after a fight between him and some other young people. Byron's defense attorney negotiated a plea that would leave Byron with a Youthful Offender ("YO") adjudication – importantly, immigration does not consider YO adjudications to meet its definition of "conviction." The goal of this plea was to preserve Byron's ability to seek humanitarian relief in the form of asylum and Special Immigrant Juvenile Status.

While Byron was at Rikers with pending criminal court proceedings, ICE lodged a detainer against him. Despite the detainer, Byron was eligible for release from Rikers because the Detainer Law specifically exempts YO adjudications from the definition of a "Violent or Serious Crime."

When Byron's defense attorney reached out to DOC for assurances that Byron would be released, as the law requires, DOC was non-responsive. The defense attorney specifically asked DOC if they were aware that YO adjudications do not count as Violent or Serious Crimes. DOC's response was merely "we will follow the law." Relying on that, we advised Byron he was getting out of Rikers, and soon, since he was almost done serving his sentence.

Rather than follow the law, DOC turned Byron over to ICE a day before he was to be released. We still don't know why. Of course, we requested all applicable DOC files, documents, and communications between ICE and DOC, and any determination related to Byron's eligibility for release. Unsurprisingly, there was nothing in Byron's DOC file that explained why DOC turned him over to ICE. No judicial warrant. No gang or terrorism related markers. Nothing.

Byron's case exemplifies the need for both transparency and accountability.

First, the whole process was marked by a lack of transparency from DOC. Neither we nor Byron were ever served with the ICE detainer. This is especially problematic because a detainer, as noted on its face, indicates that it should be personally served on the person affected. In fact, DOC has never been willing to give us, as counsel, a copy of a client's detainer without a lengthy FOIL request. When DOC is even less transparent than ICE, that's a problem.

Also, it is extremely problematic that DOC refuses to do any analysis of whether or not they can cooperate with ICE until the date of release. This left virtually no time for Byron's attorney to intervene on his behalf and advocate for proper application of the Detainer Law. Unfortunately, this problem is not unique to Byron. We have seen similar cases where DOC failed to indicate whether they planned to turn the clients over to ICE pursuant to a detainer, including when clients were supposed to get released to a treatment program. In one case, they refused to do the calculation in advance until ordered by the Judge who wanted to release the client. Of course we do not have that power.

Additionally, in Byron's case, DOC refused to even engage with us about proper application of the detainer law and completely ignored our proffered legal analysis. When we asked DOC to confirm their awareness that YO adjudications were protected under the detainer law, they told us we can file a FOIL request for their guidance. As you are aware, FOIL requests take months to be processed. Meanwhile, DOC's release decisions can take hours, hours during which we have no information on what DOC's interpretation of the detainer law is with respect to our client's case.

Because we suspected DOC might mistakenly consider a YO adjudications to count as Violent or Serious Crimes, we proactively sought to educate them to avoid the egregious result of our client being turned over to ICE due to DOC's legal error. Our mistake was in believing that, once informed of the law, DOC would follow it. Had we known they were going persist with a facially incorrect interpretation, our advice for Byron would have been very different. We would have informed Byron about what to expect when he was detained and explained his rights and the decisions he was going to have to make very soon, possibly without counsel, in immigration court. We would have let Byron's family know that Byron was not going to make it home that night. We would have made sure he had phone numbers memorized, and let the family know how to track him and how to get in touch with him. We would have gotten him to sign releases before being transferred to ICE custody, and worked to make sure he had a lawyer.

The way that DOC is handling these cases, at every single step along the way, is the opposite of transparent. They won't give us the detainer. They won't tell us whether they will honor it. They won't tell us their interpretation of the detainer laws, and how they apply to our clients. So we have no chance to avert a possible mistake. And, once they make a mistake and the client is handed over, it's too late. Which brings me to my second point: **Additional training and reporting are not enough. There needs to be accountability.**

In Byron's case, we were somewhat lucky in that his case stayed in the NYC area, where we have a robust universal representation system for detained non-citizens. He got an immigration attorney,

and we were able to get in touch with him to get him to sign releases so I could order his file from DOC. That's not going to be true for a lot of people since ICE is known to expeditiously move people to far away locations such as Texas or Alligator Alcatraz in Florida, before deporting them to another country, sometimes not even to their country of origin. Many clients do not have their Alien Numbers memorized. ICE detainers contain these numbers and other useful information, but as I shared previously, DOC refuses to provide us with our client's detainers. So sometimes we can't even track them in ICE custody.

I was ultimately able to get Byron's DOC file and confirm that DOC violated the law. Unfortunately, he has since been deported, despite having an asylum claim. Understandably, prolonged detention was too much for Byron. He gave up fighting for the immigration relief for which he was eligible. Being detained also prevented him from pursuing Special Immigrant Juvenile Status (SIJS). But, even if we do get in touch with Byron, which we're working on, we'll have to say to him, as we've said to other clients, "There's no possible benefit to you to going forward with this. You aren't getting any restitution. You aren't getting any justice for your rights being violated. The most you are getting is someone to say oh they shouldn't have done that. And maybe they don't do it to the next person." But what's DOC's incentive not to? A slap on the wrist. Meanwhile, what's Byron's incentive to risk his name ending up in the media and becoming a Fox News talking point? He still has family here in the U.S. who could be at risk, and he himself could be at risk in his home country if his name ends up being published.

This is why it is so important to pass the NYC Trust Act (Int. 209), a measure that would bring real accountability for agencies who violate New York City's sanctuary laws. While a civil lawsuit would probably not bring Byron back, vindicating his rights in court may repair some of the harm caused by DOC's careless conduct.

There's one final point I want to make. I read the DOI reports with great interest because there's something else I can't figure out with Byron's case and the cases of other clients of our office: did DOC share more information about him with ICE beyond the date of his release? We don't know because there is a massive loophole that allows DOC to freely share information with ICE and other federal law enforcement entities so long as their request is not on-its-face obviously related to immigration enforcement. Under current DOC guidance, including the recommendations made in the DOI report and implemented by DOC, DOC employees only have to seek guidance from the legal department when an information request from the federal government is clearly related to immigration enforcement.

In cases where my office represents detained clients through there New York Immigrant Family Unity Project, we have seen, for example, allegations of gang membership that were not there when the person came to the U.S. to seek asylum. ICE alleges, in a form called the "record of deportable alien" that the person has been identified as a member of a gang, including one that is now considered a terrorist group by executive fiat. We know that DOC has a team, the Correction Intelligence Bureau (CIB), whose focus is investigating gangs. When a client is sent to Rikers, the

CIB participates in the intake process and asks questions aimed at determining gang affiliation. The CIB also questions incarcerated individuals at other times while they are on Rikers to determine who might be a gang member or who might be involved in gang activity. They have access to phone records, visitor logs, mail, and interviews with other incarcerated people. The DOC employee who shared information with ICE-HSI about the two people in custody at Rikers was part of CIB and he shared the information as part of his membership in the federal-state Violent Gang Task Force. The CIB is also highlighted in former Mayor Adams's 2025 Executive Order (EO 50) that would have allowed ICE on Rikers. The order touts CIB's responsibility for "combatting gang activity in the City's jails [and] coordinating with ... law enforcement partners" and states that it is "critical" that federal law enforcement agencies "share intelligence with the DOC and NYPD in real-time about criminal gang activity among individuals both inside and outside of DOC custody". The type of information CIB is collecting is not necessarily anything that would hold up in court. It's mainly jailhouse hearsay and other unreliable sources of information. Someone could end up classified as a gang member or associate just based on associating with someone in a gang – maybe they know each other from school or sports or any number of innocent ways. There's no due process, no chance for the affected person to examine or question a determination. But getting put on one of these lists could lead to real world consequences for people.

The reforms that DOC has promised to implement in light of the DOI report are primarily focused on information requests from ICE that lead to a person getting turned over to ICE custody. There are detailed recommendations for changes that can be made by Custody Management that, if implemented, would have prevented the illegal arrest of Mr. Concepcion, one of the two people mentioned in the report. But when it comes to other types of illegal information sharing, the changes DOC has promised to make would not have prevented the illegal sharing of Mr. Villa Nueva's information, or what may have happened to Byron and other Legal Aid clients: Mr. Villa Nueva's information was shared as part of the CIB investigator's work on the Violent Gang task force. Both the investigator and his supervisor assumed it was permitted because they assumed that the information was for law enforcement purposes. The proposed fix is that DOC employees, including those on task forces, are supposed to reach out to the legal division if a request "appears related to the enforcement of federal immigration laws." That's it. Essentially "don't ask don't tell." There is no guidance for how a DOC employee is supposed to know when a request is related to immigration enforcement and no requirement to interrogate it. DOC rejected the part of DOI's recommendation that would have directed staff to ask about the primary purpose of the request and whether it relates to an active criminal investigation saying there was no need for "scripted follow-up questions". There is also absolutely no requirement to document these requests or report them to City Council. So there's no way to track what requests were made, what justification was given, what information was shared, and what purpose the feds eventually put it to. As we have recently learned, the federal government can no longer necessarily be counted on to be a good faith actor.

In contrast, reading the NYPD report, there's so much detail about how information requests should be scrutinized, documented, and reported. Why is DOC different?

Allowing DOC to share this type of information without scrutiny is extremely dangerous because it takes on a life of its own. Once an allegation of gang membership pops up, for example, it's enough to poison the immigration case. As you may be aware, there are no rules of evidence in immigration court and ICE famously relies on hearsay and other unreliable information, including, for example, the allegations in dismissed criminal cases. Information coming from an entity that ICE considers to be "law enforcement" is presumed to be reliable, and our clients have had very little success on pushing back or countering it. Mere allegations that someone committed a crime or has been identified as a gang member are more than enough to justify the denial of bond or other relief. Allegations and other unreliable information that originated with DOC could easily be the difference between freedom and jail, winning asylum or getting deported.

We have no way of knowing what information DOC might have shared about Byron and other clients of my office with ICE, and what information they might be regularly sharing about other New Yorkers thinking it's for law enforcement purposes. We don't know how many requests have been made, from what agencies. We don't know what DOC was told about the justification. Maybe they were lied to. Or maybe they did not bother to ask questions. Under current protocols, unless the request is obviously for immigration enforcement, there iso requirement to run anything by the legal department. No official sign off. No documentation of the reasons given and the determination made. And no reporting to the City Council. In Byron's case, I have his immigration paperwork and there are certain things in there that I suspect came from DOC. Of course I have no way of knowing whether that's true. And that's exactly the problem.

We welcome the Mayor's Executive Order 13 which requires DOC, among other agencies, to do an audit of information sharing with immigration enforcement agencies. We strongly urge that this audit closely scrutinize information sharing that takes place with all federal agencies, especially through task forces, fusion centers, and other federal-state partnerships to ensure that information sharing under these partnerships complies with State and City law. And, as part of the oversight of city agencies and their compliance with our sanctuary laws, we urge the City Council to pass legislation that would close this communication loophole so New Yorkers can trust that local agencies will not collude with federal immigration authorities under false pretenses under the guise of "law enforcement."

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Acting Commissioner Chris Ryan

Address: DOT

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: James Conroy

Address: _____

I represent: NYC Department of Correction

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: March 5th 2026

(PLEASE PRINT)

Name: Ben McCoubrey

Address: 100 Pearl Street NY NY

I represent: NYLAG

Address: _____

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card | 13

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: Jason Taper

Address: [redacted] Queens

I represent: Surveillance Technology Oversight Project

Address: 40 Rector St, Manhattan

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

PANEL W/ Legal Aid & Bronx Defenders

Date: _____

(PLEASE PRINT)

Name: Sophie Dalsimer

Address: 177 Livingston, Brooklyn

I represent: Brooklyn Defender Services

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 209 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rosa Cohen-Cruz

Address: _____

I represent: The Bronx defenders

Address: _____

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: Sophie Dalsimer

Address: (Public defender panel)

I represent: Brooklyn Defender Services

Address: 177 Livingston St, Bk, NY 10021

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Zachary Ahmad

Address: [redacted]

I represent: New York Civil Liberties Union

Address: 125 Broad St.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: Sarah Vendzules

Address: [redacted] Brooklyn NY

I represent: the Legal Aid Society

Address: 49 thomas St., New York, NY

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Appearance Card | 15

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Lucky Ho

Address: 120 Wall St., Fl. 9

I represent: Asian American Federation

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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☒ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: Tania Mattos

Address: 45 W 29th St NY NY 10001

I represent: UnLocal

Address: _____

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THE CITY OF NEW YORK

Appearance Card

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☐ in favor ☐ in opposition

Date: 3/5/26

(PLEASE PRINT)

Name: KRISTINA GAXHIRY

Address: 345 PRESIDENT STREET

I represent: PAVE ST NICK PROJECT

Address: _____

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Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JENNINGS Yusef Murgent

Address: _____

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Gabriel Rivera

Address: [redacted] Sedgwick Ave

I represent: _____

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

of separation/sanctuary *Date:* 3/5

(PLEASE PRINT)

Name: Michael Lobb

Address: Brooklyn

I represent: self

Address: _____

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