

RESOLUTION OF THE CITY OF PEEKSKILL
ADOPTING POLICY ON IMMIGRATION ENFORCEMENT AND DISCRIMINATION

WHEREAS, the City of Peekskill is a vibrant and diverse community that has been shaped by the contributions of immigrants throughout its history, with individuals from various cultural, ethnic, and linguistic backgrounds enriching the social, economic, and cultural fabric of our community; and

WHEREAS, immigrants in the City of Peekskill contribute significantly to the local economy as business owners, workers, and consumers, and play vital roles in our schools, neighborhoods, and civic life; and

WHEREAS, fostering trust and cooperation between local government, law enforcement, and all community members is essential to promoting public safety and the well-being of all residents; and

WHEREAS, studies have shown that fear of immigration enforcement deters individuals from reporting crimes, seeking assistance, and accessing essential services, thereby undermining the safety and security of all community members; and

WHEREAS, the City of Peekskill Police Department (PPD) has adopted a Standard Operating Procedure regarding Notification to I.C.E. that is consistent with this Policy. The PPD shall ensure that all procedures, training, and enforcement practices align with the provisions set forth herein. Any future modifications to PPD's policies regarding interactions with Federal Immigration Authorities; and

WHEREAS, the City of Peekskill reaffirms its commitment to upholding the constitutional rights of all individuals, regardless of immigration or citizenship status.

NOW, THEREFORE,

BE IT RESOLVED that the City Council of the City of Peekskill adopts the following policy to ensure the fair and equitable treatment of all individuals, regardless of immigration or citizenship status:

Section 1. Definitions:

- a. **Citizenship or Immigration Status:** An individual's citizenship of the United States or any other country and an individual's statutory or regulatory right to reside in or otherwise be present in the United States as determined under the federal Immigration and Nationality Act.
- b. **Federal Immigration Authorities:** Any agency or individual employed by or acting as an agent of the federal government and charged with enforcement of the civil provisions of the Immigration and Nationality Act, including but not limited to, United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services.

- c. **City of Peekskill Police Department (PPD):** Sworn officers and civilian employees of the City of Peekskill Police Department.
- d. **Civil Immigration Detainer/Hold Request:** A request issued pursuant to 8 C.F.R. § 287.7, or any similar request by Federal Immigration Authorities asking the PPD to maintain custody of an individual currently in its custody beyond the time the individual would otherwise be eligible for release, in order to facilitate the individual's transfer to Federal Immigration Authorities, including United States Department of Homeland Security (DHS) Form I-247A.
- e. **Notification Request:** A request from Federal Immigration Authorities to the PPD asking to be informed of the release date, time, and/or location of an individual, including DHS Form I-247N.
- f. **Transfer Request:** A request from Federal Immigration Authorities to the PPD asking for the transfer of an individual in custody of PPD to Federal Immigration Authorities, including DHS Form I-247X.
- g. **Judicial Warrant:** A warrant based on probable cause and issued by a federal judge as established in Article III of the United States Constitution or a federal magistrate judge, or a judge or magistrate of a court of competent jurisdiction. This does not include an administrative warrant or any other document issued or signed by employees of the Department of Homeland Security or the United States Department of Justice relating solely to federal immigration law.
- h. **Confidential Information:** Any information obtained and/or maintained by the PPD or other City department that has been deemed confidential by federal or state statute or regulation, and/or relating to an individual's sexual orientation, status as a victim of domestic violence or sexual assault, status as a victim of a crime, status as a crime witness, or status as a recipient of public assistance.
- i. **Non-Public Information:** Information not readily accessible by search within the public domain and/or which requires access to government records not generally available for public review, including but not limited to an individual's home address, work address, email address, past or future release dates, or income tax records.

Section 2.

- a. Any service provided by any City department or employee shall be made available to all eligible individuals, regardless of Citizenship or Immigration status.
- b. When assessing eligibility for or providing services or benefits, the PPD and City departments shall not inquire about or request proof of Citizenship or Immigration Status, unless the receipt of such services or benefits is contingent upon an individual's Citizenship or Immigration Status, or when required by federal or state statute, regulation, or case law. When inquiry or request for proof regarding Citizenship or Immigration Status is permitted under this section, such inquiry or

request should be limited to that necessary to evaluate eligibility or comply with relevant law.

- c. City resources shall not be used to create an official registry of City of Peekskill residents for the purposes of targeted immigration profiling based on race, sex, gender identity, sexual orientation, religion, ethnicity, or national origin.

Section 3.

The PPD and other City departments shall not inquire about or investigate the Citizenship or Immigration Status or country of birth or place of birth of an individual unless:

- a. Required by federal or state statute, regulation, or case law; or
- b. Permissible, as determined in Section 2; or
- c. Required for the investigation of a possible non-immigration related crime; or
- d. Voluntary and informed consent has been obtained from the individual.

Section 4.

The PPD and other City departments shall not threaten to contact Federal Immigration Authorities or to transmit any information about any individual's Citizenship or Immigration Status to Federal Immigration Authorities unless otherwise required by law.

Section 5.

The PPD and other City departments shall not use City facilities, funds, personnel, or other resources for detecting or apprehending individuals based solely on their actual or suspected Citizenship or Immigration Status.

Section 6.

The PPD shall not stop, question, interrogate, investigate, or arrest an individual based upon any one or more of the following:

- a. Actual or suspected citizenship or immigration status; or
- b. Actual or suspected country of birth; or
- c. Existence of an Administrative Warrant, or civil Immigration Detainer/Hold Request in the individual's name.

Section 7.

- a. The PPD shall not communicate with Federal Immigration Authorities about an individual unless:
 - 1. Required by federal or state statute, regulation, or case law; or
 - 2. Related to the investigation of a possible non-immigration related crime; or

3. There is probable cause to believe that an individual has illegally re-entered the Country after a previous order of removal or return as defined by 8 U.S.C. § 1326, and the individual has been convicted at any time of a felony under New York State Penal Law, or federal crime or crime under the law of another state, either of which would constitute a predicate felony conviction; or
 4. There is probable cause to believe that the individual has or is engaged in terrorist or criminal activity.
- b. Subsection (a) does not govern the sending or receiving of information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Section 8.

Nothing in this resolution prohibits the PPD or other City departments from sending to or receiving from any local, state, or federal agency—as required by 8 U.S.C. § 1373—information regarding an individual's Citizenship or Immigration Status.

Section 9.

The PPD shall not perform the duties of Federal Immigration Authorities, engage in the enforcement of federal immigration law, or accept requests by Federal Immigration Authorities to assist in the enforcement of federal immigration laws.

Section 10.

The PPD and other City agencies and employees shall not provide Federal Immigration Authorities with access to any City equipment or area not available to the general public, unless required by exigent circumstances.

Section 11.

The City and PPD shall not use City facilities, funds, personnel, or other resources for the detention of individuals detained by Federal Immigration Authorities solely based on an individual's immigration status or suspected immigration status.

Section 12.

- a. The PPD and other City departments and employees shall not delay an individual's release from custody because of any one or more of the following:
 1. An individual's actual or suspected Citizenship or Immigration Status, place of birth, or country of birth; or
 2. A Civil Immigration Detainer/Hold Request; or
 3. A request from Federal Immigration Authorities for Notification about, transfer of, detention of, or interview of an individual.

- b. The PPD shall not Detain or Transfer an individual based upon a Civil Immigration Detainer/Hold or Transfer Request from Federal Immigration Authorities, unless accompanied by a Judicial Warrant.
- c. The PPD shall utilize the same booking, processing, release, and transfer procedures, policies, and practices of that agency for all individuals, regardless of any individual's actual or suspected citizenship or immigration status, place of birth, or country of birth.

Section 14.

This Resolution shall only be amended by the City Council following the holding of a duly noticed public hearing.