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A LOCAL LAW enacting amendments to the Town/Village Code to foster transparency, oversight, and accountability in relation to certain law enforcement activities conducted within the Town/Village in order to promote public safety, peace, and good order

Be it enacted by the Town/Village Board of the Town/Village of xxxxxxxxxxxxxx as follows:

Section 1. Legislative Findings.

The Town/Village of xxxxxxxxx hereby acknowledges the authority of the federal government to enact and enforce federal immigration laws pursuant to its constitutionally granted authority. The Town/Village further recognizes that state and local governments are bound by the supremacy clause of the U.S. Constitution and are pre-empted from enacting state and local laws that infringe on the federal powers regarding immigration. However, under our federal system, that power is not unlimited.

The Town/Village of xxxxxxxxx further recognizes that under the Tenth Amendment to the U.S. Constitution, those powers not given to the federal government, nor forbidden to the states, belong to the states, local governments, and the people. Among those powers reserved to the states and to local governments is the police power. The police power is a critical power reserved by the states in order to protect public safety, peace, and good order. The police power of local governments in New York State is enumerated in the State Constitution and the Municipal Home Rule Law.

The Town/Village of xxxxxxxxxxxxxx has been blessed with a professional police department that has done an outstanding job in protecting the safety, peace, and good order of its residents. Because of their efforts, the Town/Village of xxxxxxxxx is one of the safest communities in the nation. The public is highly supportive of these efforts and the Town/Village of xxxxxxxxxxxxxx enjoys excellent police-community relations.

The Town/Village Board of the Town/Village of xxxxxxxxxxxxxx recognizes that across the nation, the federal government through the activities of United States Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Customs and Border Patrol (CBP), including the Department of

Justice (DOJ), has launched unprecedented immigration enforcement operations. Such efforts have been reported and confirmed as occurring across eastern Long island. Because of the lack of transparency and accountability, these operations in some parts of the country have resulted in rampant fear, disruptions to public safety, violence, injury, and even death undermining the local police power.

The Town/Village of xxxxxxxxxxxx, under its constitutionally recognized police power, bears the primary responsibility to ensure the safety and well-being of its residents. Under the State Constitution and the State Municipal Home Rule Law, the Town/Village possesses broad authority to enact policies that promote public safety, peace and good order. The Town/Village also possesses broad authority to establish policies for the administration of its police department that promote these goals. Finally, the Town/Village has the duty and responsibility to protect the constitutional rights of its residents, including but not limited to the right of free speech and to petition its government.

Therefore, the Town/Village Board of the Town/Village of xxxxxxxxxxxx by this local law hereby enacts policies to foster transparency and accountability to the public relating to immigration enforcement operations conducted within the Town/Village. This local law exercises its authority under the police power and enacts policies intended to protect public safety, peace, and good order and provide the public with information about immigration enforcement operations within its jurisdiction where appropriate without impacting the legitimate activities of the federal government with regard to its immigration enforcement powers.

Section 2. Federal Authority Recognition and Preemption Avoidance.

A. The Town/Village of xxxxxxxxxxxx acknowledges the authority of the federal government to enforce federal immigration laws within the United States, including within the town's/village's jurisdiction.

B. Nothing in this local law shall be construed to prohibit, restrict, or interfere with the proper exercise of federal immigration enforcement authority in accordance with federal law.

C. This local law is intended to operate within the town's/village's legitimate police powers to protect public safety and ensure transparency in law enforcement operations within its jurisdiction.

Section 3. Definitions.

A. The following definitions shall apply to this local law:

1. “Town/Village Law Enforcement Officer” shall mean any Town/Village “police officer” as that term is defined in Section 1.20 of the State Criminal Procedure Law.
2. “Town/Village Property” shall mean any property or facility owned, leased, controlled, or operated by the Town.
3. “287(g) agreement” shall mean any agreement entered into pursuant to Section 287(g) of the Immigration and Nationality Act (8 U.S.C. Section 1357(g) , including , but not limited to, an agreement under which an officer or employee may perform a function of an immigration officer.
4. “Immigration Enforcement Operation” shall mean any operation conducted by a federal agency that has as its main objective the identification or apprehension of a person or persons in order to subject them to civil immigration detention, removal, or deportation proceedings or removal or deportation from the United States, or to criminally prosecute a person or persons for offenses related to immigration status.
5. “Federal Agency” shall mean but not be limited to the United State Customs and Border Patrol (CBP), the Department of Homeland Security (DHS), Immigrations and Customs Enforcement (ICE) and the Department of Justice (DOJ).
6. “Federal Law Enforcement Officer” any law enforcement officer of a federal agency.

Section 4. Federal Immigration Enforcement Activity Reporting Requirements.

- A. Where town/village law enforcement officers respond to an incident involving a federal agency conducting an immigration enforcement operation in the town/village, the town/village police department shall report said incident to the Town Supervisor’s Office/Village Mayor’s office.
- B. The Town Supervisor’s Office/Village Mayor’s Office shall share such reports with all members of the Town Board.
- C. The Town Supervisor’s Office shall develop a plan to share such reports with members of the public, including any organization requesting such information.

- D. There shall be established by the Town/Village Board a Community Task Force on Immigration Enforcement. The members of the Task Force shall be appointed by the Town/Village Board and shall fully represent the full range of community stakeholders with an interest in immigration enforcement. The Town/Village shall consult with the Task Force concerning all relevant matters regarding immigration enforcement operations within the Town/Village. The Task Force shall also consider recommendations to the Town/Village Board regarding policies necessary to insure the safety of the public, in response to immigration enforcement activities, including but not limited to continued access by all members of the public to education, health care, human services, transportation, and other critical services.

Section 5. Immigration Enforcement Agreements Prohibited.

- A. No town/village officer, employee, or agent shall enter into a 287(g) agreement.
- B. In addition, no town/village officer, employee, or agent shall enter into any agreement to house or detain individuals for federal civil immigration violations.
- C. No town/village funds, personnel, equipment, or facilities shall be used to support the activities of a 287(g) agreement.
- D. Nothing in this section shall be intended to limit town/village law enforcement officers from enforcing any valid state or federal court - issued warrants or orders, or any other actions required by law.

Section 6. Federal Immigration Enforcement Operations on Town/Village Property Prohibited in Certain Cases.

- A. No town officer, employee, or agent shall permit a federal agency to enter a nonpublic area of town/village property for the purposes of conducting an immigration enforcement operation.
- B. Nothing in this section shall be intended to limit town/village law enforcement officers from enforcing any valid state or federal court - issued warrants or orders, or any other actions required by law.

Section 7. Identification.

- A. In order to provide for the orderly enforcement of Section 190.26 of the State Penal Law (criminal impersonation in the first degree), upon the request of any town/village law enforcement officer, a federal law enforcement officer engaged in an immigration enforcement action shall provide their full name, agency affiliation, and badge or identification number to the town/village law enforcement officer.
- B. It is the intent of this section that all law enforcement officers include their name or badge number on their uniforms.

Section 8. Enforcement.

- A. The Town/Village Attorney, pursuant to a resolution of the Town/Village Board, shall be authorized to institute an action in a court of competent jurisdiction seeking appropriate judicial relief for the purposes of enforcing this local law and enjoining or restraining any violations of this local law.
- B. Notwithstanding any other provision of law, any taxpayer domiciled within the town/village, or any person aggrieved by a violation of this local law shall be authorized to institute an action in a court of competent jurisdiction seeking appropriate judicial relief for the purposes of enforcing this chapter and enjoining or restraining any violations of this chapter.

Section 9. Construction.

- A. Nothing in this local law shall prohibit town/village officers, employees, and agents from cooperating with federal agencies in the investigation or prosecution of criminal activity when required by law.
- B. Nothing in this local law shall be construed to restrict compliance with federal or state law where such compliance is mandatory.

Section 10. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this local law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

Section 11. Effective Date.

This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.