

Safety and Dignity for All Act

A Message from Rockland County Legislator Paul Cleary, chair of the Public Safety Committee, which is vetting the proposed new **Safety and Dignity for All Act** prior to its consideration by the full County Legislature:

The Rockland County Legislature has been discussing the proposed **Safety and Dignity for All** law for County Employees. Despite some claims, this is not a sanctuary law.

Due to strong public interest, I am sharing the current draft of the bill for review.

While not final, it has been reviewed and agreed upon by the Democratic Caucus. Any changes will be reflected in the final version, which will be made public at least five days before the required public hearing.

I urge everyone to read this legislation and form their own conclusions. Much of the information circulating on social media is inaccurate, spread by opponents to this legislation.

At last night's meeting of the County Legislature, hundreds attended and most speakers supported the Legislature taking action.

We will continue discussions with the Legislative Minority (they have this bill) and the County Attorney. We also plan to discuss this in detail with Sheriff Falco.

To be clear, this law does not affect Town or Village Law Enforcement. It clarifies how the Sherrif's Department and county employees share personal information with federal authorities in immigrant matters. **If Federal authorities have a judicial warrant, full cooperation will occur.**

Please scroll down for the draft.

Title: A Local Law Establishing the Rockland County Safety and Dignity for All Act

Section 1. Short Title.

This local law shall be known as the “Safety and Dignity for All Act.”

Section 2. Legislative Intent and Findings.

A. The County Legislature finds that public safety is enhanced when residents—regardless of citizenship or immigration status—can access County services and cooperate with law enforcement without fear that personal information will be used for civil immigration enforcement.

B. At the same time, the Rockland County Legislature is concerned for the safety of its residents and is duty-bound to follow both Federal and State laws related to criminal acts committed by those currently residing in Rockland County. This duty extends to assisting various federal, state and local authorities when they act in compliance with the law.

C. The Legislature seeks to create a framework to calm the tensions between those in this country who have committed no crimes, and those who have committed crimes, in order to guide Rockland County employees, including law enforcement personnel and other county employees, in their interactions with federal and state authorities regarding residents and others not currently legally in the United States but who have committed no crimes.

D. The Legislature further finds that this Act promotes constitutional policing, guards against unlawful detention, and ensures County resources are used to advance local public safety and service delivery while still adhering to the County’s obligations to uphold both federal and state law.

E. The Rockland County Legislature is also cognizant that nothing in this law makes Rockland County a sanctuary county. First, any limitations in this Local Law apply ONLY to persons in Rockland County’s employ. Second, this Local Law does not apply to “criminal acts” as that term is defined below. Any suggestions that this law enables criminals to avoid apprehension is either erroneous or worse, purposefully misrepresents this law to sow distrust between communities.

Section 3. Definitions.

For purposes of this Act:

1. “Citizenship or Immigration Status” means an individual’s citizenship of the United States or any other country and the 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.

2. “Federal Immigration Authorities” means any agency or person employed by, or acting as an agent of, the federal government charged with enforcing the civil provisions of the Immigration and Nationality Act, including but not limited to U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS).
3. “County Law Enforcement Agencies” or “CLEAs” means the employees, agents, and officers of the Rockland County Sheriff’s Office, Rockland County Correctional Facility, and Rockland County Department of Probation, and any successor entities.
4. “Civil Immigration Detainer/Hold Request” means a request issued pursuant to 8 C.F.R. § 287.7, or any similar request by Federal Immigration Authorities, asking a CLEA to maintain custody of an individual beyond the time that individual would otherwise be eligible for release, in order to facilitate transfer to Federal Immigration Authorities, including but not limited to DHS Form I-247A.
5. “Notification Request” means a request from Federal Immigration Authorities asking to be informed of the release date, time, and/or location of an individual, including but not limited to DHS Form I-247N.
6. “Transfer Request” means a request from Federal Immigration Authorities asking a CLEA to transfer custody of an individual to Federal Immigration Authorities, including but not limited to DHS Form I-247X.
7. “Judicial Warrant” means a warrant based on probable cause and issued by a federal judge established under Article III of the U.S. Constitution, a federal magistrate judge, or a judge or magistrate of a court of competent jurisdiction, including New York State Judges. An administrative warrant or other document signed by employees of DHS or the U.S. Department of Justice relating solely to federal immigration law is not a Judicial Warrant.
8. “Confidential Information” means information obtained and/or maintained by CLEAs or other County agencies or employees 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 or witness of a crime, or status as a recipient of public assistance.
9. “Non-Public Information” means information not readily accessible in the public domain and/or requiring access to government records not generally available for public review, including but not limited to an individual’s home or work address, email address, past or future release dates, or income tax records.

10. "Criminal act" means an investigation into, a charge for, or a conviction of any federal, or New York state or local crime, including any misdemeanor or felony, regarding any person, regardless of immigration status.

Section 4. Equal Access to County Services; Limits on Inquiries.

A. All County services shall be available to eligible individuals regardless of Citizenship or Immigration Status except as noted in subsection "B" for services contingent upon such status.

B. When assessing eligibility for or providing services or benefits, CLEAs and other County agencies and employees shall not inquire about or request proof of Citizenship or Immigration Status unless receipt of such services or benefits is contingent upon such status, or when required by federal or state statute, regulation, or case law. Any permitted inquiry shall be limited to what is necessary to evaluate eligibility or comply with law.

C. County resources shall not be used to create an official registry of County residents for the purpose of targeted immigration profiling, including but not limited to race, sex, gender identity, sexual orientation, religion, ethnicity, or national origin.

Section 5. Prohibited Inquiries and Threats.

A. CLEAs and other County agencies and employees shall not inquire about or investigate the Citizenship or Immigration Status, country of birth, or place of birth of any individual except:

- (1) where required by federal or state statute, regulation, or case law;
- (2) where permissible under Section 4;
- (3) where related to the investigation of a possible non-immigration-related crime; or
- (4) where voluntary and informed consent has been obtained.
- (5) where the inquiry is regarding a criminal act.

B. CLEAs and other County agencies and employees 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.

Section 6. Use of County Resources.

CLEAs and other County agencies and employees shall not use County facilities, funds, personnel, or other resources to detect or apprehend individuals based solely on their

actual or suspected Citizenship or Immigration Status. This section does not apply to a criminal act.

Section 7. Stops, Questioning, and Arrests.

CLEAs shall not stop, question, interrogate, investigate, or arrest an individual based solely upon:

- A. the person's actual or suspected Citizenship or Immigration Status;
- B. the person's actual or suspected country or place of birth; or
- C. the existence of an administrative immigration warrant or a Civil Immigration Detainer/Hold Request in the individual's name, unless connected to a criminal act.

Section 8. Communication with Federal Immigration Authorities.

A. CLEAs 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 criminal act; or
- (3) there is probable cause to believe that the individual has engaged in or is engaging in terrorist 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 9. Compliance with 8 U.S.C. § 1373.

Nothing in this Act prohibits any CLEA or other County agency or employee 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 10. Access to County Facilities.

CLEAs and other County agencies and employees shall not provide Federal Immigration Authorities with access to any County equipment or area not available to the general public, unless required by exigent circumstances or otherwise required by law. All County Agencies should assist Federal Immigration Authorities, to the extent required by federal or state law and in CLEAs' discretion, as they would any other state or federal agency with regard to assistance in pursuing anyone regarding a criminal act.

Section 11. Interviews of Persons in County Custody.

A. Except as provided in Section 8, and where no criminal act is suspected, CLEAs and other County agencies shall not permit Federal Immigration Authorities without a Judicial Warrant or the individual's voluntary and informed consent to interview an individual in County custody for the sole purpose of enforcing federal civil immigration laws. If any such interview occurs, the individual shall be afforded the opportunity to have legal counsel present when required by federal or state law.

B. CLEAs and other County agencies shall not permit Federal Immigration Authorities to interview an individual in County custody regarding criminal matters without providing the individual the opportunity to have legal counsel present when required by federal or state law.

C. All inmates in custody at the County jail facility, regardless of citizenship or immigration status, shall be afforded all the due process rights to which they are entitled under the United States and New York State constitutions and law; no more, no less.

Section 12. Release, Detention, and Transfer.

Unless it is related to a criminal act,

A. CLEAs and other County agencies and employees shall not delay an individual's release from custody due to:

(1) the individual's actual or suspected Citizenship or Immigration Status, place of birth, or country of birth;

(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. CLEAs and other County agencies and employees shall not detain or transfer an individual based on a Civil Immigration Detainer/Hold Request or Transfer Request from Federal Immigration Authorities unless accompanied by a Judicial Warrant.

C. CLEAs and other County agencies and employees shall utilize the same booking, processing, release, and transfer procedures, policies, and practices for all individuals, regardless of any individual's actual or suspected Citizenship or Immigration Status, place of birth, or country of birth.

Section 13. Notice of Federal Requests.

Upon receipt of a Civil Immigration Detainer/Hold Request, Notification Request, Transfer Request, or an interview request from Federal Immigration Authorities for an individual in

CLEA custody, the CLEA shall promptly provide the individual with written notification that such a request has been made and a copy of that request.

Section 14. Limits on County Participation in Civil Immigration Enforcement.

Unless it is related to a criminal act:

A. CLEAs and other County agencies and employees shall not perform the duties of Federal Immigration Authorities or engage in enforcement of federal civil immigration law.

B. CLEAs and other County agencies and employees shall not accept requests from Federal Immigration Authorities to assist in enforcement of federal civil immigration law, except as expressly permitted in this Act or required by federal or state law.

Section 15. Use of County Facilities for Federal Detention.

County facilities, funds, personnel, or other resources shall not be used for the detention of individuals detained by Federal Immigration Authorities, except as required by law or court order, or except where the detention is lawful under some other federal or state law.

Section 16. Transparency and Public Reporting.

A. All CLEAs shall provide prompt written notice to the County Legislature of any changes in policy or practice regarding interactions with Federal Immigration Authorities relating to civil immigration matters. Within thirty (30) days of its submission to the Legislature, such notice shall be made publicly available on the County's official website and the County Legislature's website.

B. All CLEAs shall provide their procedures regarding implementation of this Act to the County Legislature and the County Human Rights Commission for public dissemination.

Section 17. No Private Right of Action.

Nothing in this Act shall be construed as creating a private right of action; however, this section does not affect an individual's ability to utilize CLEAs' or other County agencies' administrative complaint procedures.

Section 18. Discretion of CLEAs in Individual Cases.

If, in the opinion and discretion of the Rockland County Sheriff or a designee, suspending this Local Law in an individual's case is in the best interests, safety and well-being of Rockland County residents, the Sheriff or designee may do so. In such cases, the Sheriff shall cause to be transmitted to the Rockland County Executive and Legislature within 15 business days the reasons for such determination, along with whatever facts are deemed appropriate and with due consideration to any privacy rights under federal or state law as

well as law enforcement considerations. The Office of the District Attorney is exempt from this law, but may exercise its discretion as it sees fit.

Section 19. Severability.

The provisions of this Act are severable. If any provision of this Act or its application is held invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Section 20. Effective Date.

This Act shall take effect sixty (60) days after adoption.