



**THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER**

TESTIMONY OF NEW YORK CITY COMPTROLLER  
SCOTT M. STRINGER

BEFORE MEMBERS OF THE  
COMMITTEE ON IMMIGRATION  
OF THE NEW YORK CITY COUNCIL

OCTOBER 15, 2014

Thank you, Chairperson Carlos Menchaca and members of the Immigration Committee, for holding this hearing today on an issue of great importance to our city: the detention of immigrant New Yorkers by the New York City Police Department (NYPD) and the Department of Correction (DOC) pursuant to federal immigration detainers. I would also like to thank Speaker Melissa Mark-Viverito for her leadership on this issue and for introducing the two bills that are the topic of this hearing today: Int 0486-2014 and Int 0487-2014.

Throughout its history, the City of New York has been a gateway to America, welcoming immigrants and refugees from around the world. However, in recent years, that legacy has been weakened by the assistance by New York City law enforcement agencies to Immigration and Customs Enforcement (ICE) efforts targeting immigrant New Yorkers for detention and potential deportation.

For over a decade, DOC and the NYPD have participated in the federal Criminal Alien Program, providing the names of all arrestees to ICE regardless of the alleged crimes. Meant to target criminal offenders, the Criminal Alien Program has become a tool to keep tabs on immigrants who have been accused of crimes, whether or not they are ultimately convicted. The federal government has been using the criminal justice system to locate undocumented immigrants for deportation.

As the results illustrate, many New Yorkers who are not violent criminal offenders get caught up in the immigration detention system.

- According to the Department of Correction, between October 2012 and September 2013, 1702 individuals—more than half of those transferred to the custody of federal immigration authorities—had not been convicted of a misdemeanor or felony offense.<sup>1</sup>
- In addition, during that period, 845 individuals with at least one misdemeanor conviction, but no felony convictions were transferred to the custody of federal immigration authorities.<sup>2</sup>

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<sup>1</sup> Summary of Discharges of Inmates with Federal Immigration and Customs Enforcement (ICE) Detainers, For Discharges October 1, 2012 – September 30, 2013. City of New York Department of Corrections, [http://www.nyc.gov/html/doc/html/about/ICE\\_Report\\_2013.pdf](http://www.nyc.gov/html/doc/html/about/ICE_Report_2013.pdf)

<sup>2</sup> Ibid, Page 1

Individuals transferred to federal immigration custody and sent to detention centers far from their homes in New York City often lack access to legal counsel to ensure that their rights are protected.

Moreover, many immigrants in detention centers face abuse and lack of quality health care access while in ICE detention. In fact, between October 2003 and December 2013, 141 immigrants died while in ICE detention centers.<sup>3</sup> As a result, it is imperative that the City consider the safety of ICE facilities when determining City immigration policy.

Beyond the human cost that implementing federal immigration detainers place on communities and families in New York City, there is also a substantial financial cost that the City bears from cooperation with ICE.

- According to the Department of Correction, the amount of money requested from the federal government through the State Criminal Alien Assistance Program (SCAAP) to pay for the City's costs of processing detainers between October 2012 and September 2013 was \$51,971,827.<sup>4</sup>
- The amount of SCAAP money actually obtained by the City to pay for cooperation in processing immigrant detainers was \$9,535,609, over \$42,000,000 less than the requested amount or only 18 percent of the requested funds.<sup>5</sup>

In effect, New York City taxpayers are subsidizing the detention and deportation of non-criminal New Yorkers. With deportation of immigrants at an all-time high and inaction by Congress on vitally needed immigration reform, we must reconsider the role this city plays in cooperating with the detention of immigrants within the five boroughs.<sup>6</sup>

Three years ago, in collaboration with immigrant community advocates such as Make the Road New York, I called on the City to end its collaboration with ICE on immigration detainers. I did so because of the terrible consequences that this policy

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<sup>3</sup> List of Deaths in ICE Custody, October 2003 – December 2, 2013, Immigration and Customs Enforcement. <http://www.ice.gov/doclib/foia/reports/detaineedeaths2003-present.pdf>

<sup>4</sup> Ibid, Page 2

<sup>5</sup> Ibid, Page 2

<sup>6</sup> Yearbook of Immigration Statistics: 2013, Aliens Removed or Returned Fiscal Years 1892 to 2013.

<http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2013/ENF/table33.xls>

has unleashed on our communities; separating families, threatening the safety and due process of New Yorkers and costing the City millions.

Those arguments are as important today as they were then and I support the efforts of the City Council to end this misguided policy.

Thank you.