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**TESTIMONY OF:**

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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.**

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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,

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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.

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*<sup>1</sup> 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.<sup>2</sup>

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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<sup>1</sup> <https://www.nyc.gov/assets/doi/reports/pdf/2025/49NYPD.SancLawsRelease.Rpt.12.03.2025.pdf>

<sup>2</sup> 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/>

## **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 discretion 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)<sup>3</sup> and the enactment of the Laken Riley Act.<sup>4</sup> 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.<sup>5</sup> 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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<sup>3</sup>“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”).

<sup>4</sup> H.R.7511 - 118th Congress (2023-2024): Laken Riley Act

<sup>5</sup> 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.



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.<sup>6</sup> 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

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<sup>6</sup> 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/>.



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](mailto:amukarjiconnolly@bds.org).