

JOSÉ M. SERRANO

SENATOR, 28th District

Albany Office

848 Legislative Office Building
Albany, NY 12247
(518) 455-2795
FAX (518) 426-6886

District Office

157 East 104th Street
New York, NY 10029
(212) 828-5829
FAX (212) 828-2420

Email

serrano@senate.state.ny.us
www.nyssenate28.com

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SENATE

ALBANY, NEW YORK 12247

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September 1, 2010

Dear Governor David Paterson:

As members of the New York State Senate, we are writing to express our deep concern about the Secure Communities (S-Comm) program. We also write in support of the request of NY-based organizations to suspend the Memorandum of Agreement signed in May 2010 between New York State Department of Criminal Justice Services and Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) agency. The suspension of the MOA would allow time for the State of NY and its key constituencies, including law enforcement agencies and community-based organizations, to assess the potential costs and consequences of S-Comm on issues such as community safety, effective policing, civil rights (including the potential of racial profiling), fiscal costs and liabilities, among others.

We understand that representatives from five NY-based organizations representing a broad coalition of over 45 groups had a meeting with DCJS on August 11, 2010. At that meeting, Commissioner Sean Byrne informed the group that his understanding was that although the State signed an MOA allowing NY fingerprint databases to be made available to DHS, participation in S-Comm is not mandatory and that the decision to participate would be made by each individual law enforcement jurisdiction. While this may be the case, we still believe that suspension of the MOA is the prudent step to take at this time for the reasons cited above and because we, as state legislators, were not even informed that NY had agreed to allow for implementation of this program and require some time for evaluation.

As elected officials entrusted to ensure the best interests of NY, we are extremely concerned about the increasing collaboration between local law enforcement agencies and ICE. Our concerns include, but are not limited to, the negative impact this collaboration has on community trust in policing, the potential for racial profiling, and most importantly, the funneling of thousands on New Yorkers into the black hole of immigration detention and deportation with almost no opportunities for relief. The detention and deportation system lacks accountability or transparency, and often sends NY immigrant residents thousands of miles away to immigration detention centers located in Texas, Louisiana, and Alabama, where they are deprived of adequate access to counsel, medical care, family, witnesses, and other evidence necessary to defend themselves against deportation. Beyond the individual suffering, each one of these New Yorkers leaves behind a broken family.

Participation in such mass deportations is contrary to the interests of our state. We support the request made by the 45 organizations who call for the suspension of all MOA contractual activities in a letter to the Governor on August 11 until further investigation and public debate are conducted on the potential consequences and financial impact that S-Comm as well as the impact of existing ICE ACCESS programs will have on New York State residents. As New York State elected officials, we call for further inquiry and meaningful discussion to take place before the implementation of the S-Comm program to ensure that all measures have been taken to ensure a fair, just, transparent and fiscally responsible legal system for all New York residents. .

We ask that the State use its resources properly - not to deport New Yorkers but rather to keep NY families together, promote public safety, limit its exposure to liability, and protect the rights of its most vulnerable residents.

Sincerely,

A handwritten signature in black ink, appearing to read "José M. Serrano", with a long horizontal flourish extending to the right.

José M. Serrano
New York State Senator
28th District