

February 20, 2018 Proposed Resolution

WHEREAS, the Westchester County Board of Legislators will meet to consider an Act, which, among its provisions, would prohibit local law enforcement and in particular the Westchester County Police from cooperating with immigration (ICE) authorities with respect to detained unnaturalized and/or illegal aliens;

WHEREAS, cooperating with county, state and federal law enforcement agencies is an important part of maintaining law and order and public safety; and

WHEREAS, the need for this cooperation is now more than ever required to properly protect our citizens from threats of terror, serious crime and illicit drug trafficking, and

WHEREAS, according to the Affiliated Police Association of Westchester County, the passage of a law that would direct local law enforcement not to cooperate with Federal Law enforcement authorities would cause Westchester County to be deemed a sanctuary for criminal, unnaturalized and/or illegal aliens charged with crimes; and

WHEREAS, United States Executive Order 13768 provides that jurisdictions that willfully refuse to comply with 8 U.S.C. § 1373 will be designated as “sanctuary jurisdictions” and will not be eligible to receive federal grants, except as deemed necessary for law enforcement purposes; and

WHEREAS, the Town of Yorktown operates a police department that is desirous of fully cooperating with Federal Law Enforcement agencies and authorities and deems such cooperation as being in the best interests of the Yorktown community, and

WHEREAS, there is no articulable public safety benefit by directing the Westchester County police not to cooperate with Federal Law enforcement, same being nothing more than a vapid, hollow political statement that puts all in danger and

WHEREAS, the passage of any such law is contrary to the purpose of government to keep its citizens from harm, and

WHEREAS, prior to the consideration of any such law the County Board of Legislators and the County Executive’s office should be admonished to consider the impacts to local municipal, city, town and village police departments and therewith the local municipalities’ concerns, and

WHEREAS, 8 U.S.C. § 1373 provides that a local governmental entity or official may not prohibit, or in any way restrict, any governmental entity or official from sending to, or receiving from, ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual; and

WHEREAS, the Town of Yorktown fully complies with 8 U.S.C. § 1373; and

WHEREAS, the Town of Yorktown intended to resist any act which would cause it to be labeled a sanctuary jurisdiction; and

WHEREAS, the Town of Yorktown will continue to comply with the directives of Federal Law and Federal law enforcement agencies, and

WHEREAS, the Town of Yorktown remains committed to the safety of all its citizens and all persons whether naturalized or not. And

WHEREAS providing extra-legal protections to a selected group of individuals undermines the proper and equal application of law and undermines the authority of law allowing same to be arbitrarily enforced and applied; and

WHEREAS, the protection of the fundamental rights of all requires obedience to and the equal application of law;

NOW, THEREFORE, BE IT RESOLVED, that this Board pleads that the County Board of Legislators give pause in its deliberations prior to the adoption of any law which would direct the Westchester County Police to provide special accommodation and/or sanctuary to those coming into custody of Westchester law enforcement by reason of their status as unnaturalized citizens and/or illegal aliens;

AND BE IT FURTHER RESOLVED, that this Board demands the County Board of Legislators further pause in its deliberations to affirm that any law, act or resolution directing that County law enforcement to provide special accommodation and/or sanctuary to un-naturalized and/or illegal aliens shall not have effect on or over town police departments within Westchester County and in particular the town of Yorktown which shall remain fully compliant with the United States Constitution and all applicable federal laws with respect to immigration detainer requests;

AND BE IT FURTHER RESOLVED, that this Board requests that prior to any consideration of legislation or resolution that intends to provide special accommodation and/or sanctuary to an un-naturalized and/or illegal alien that it considers input from local police enforcement agencies and affiliations;

AND BE IT FURTHER RESOLVED, that the Commissioners of the Yorktown Police Department is hereby authorized and directed to remain fully compliant with all applicable federal laws and the United States Constitution and cooperate with the federal government to the extent permissible by law; notwithstanding any act of the County Board of legislators and/ County Executive,

AND BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Westchester County Executive George Latimer, Westchester County Legislator Michael Kaplowitz, Westchester County Legislator John Testa and Chief Robert Noble of the Yorktown Police Department.