

Attached are documents provide by Myra Saul pursuant to her public comments at the Village Board meeting.

Rob

Robert Cole
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From: myrals@aol.com [<mailto:myrals@aol.com>]

Sent: Friday, March 17, 2017 4:41 PM

To: Robert Cole <rcole@scarsdale.com>

Subject: Attachments

Dear Mr. Cole, Deputy Village Manager, Village of Scarsdale:

Attached are the documents in PDF format.

Thank you

Regards,

Myra Saul

**PROPOSED LOCAL LAWS OF THE VILLAGE OF SCARSDALE
ON IMMIGRATION ENFORCEMENT AND DISCRIMINATION**

IT IS THE POLICY OF THE VILLAGE OF SCARSDALE that its law enforcement officials not engage in activities solely for the purpose of enforcing federal immigration laws. In furtherance of that policy:

- (A) Scarsdale Police shall not stop, question, interrogate, investigate, or arrest an individual solely on the basis of:
 - (1) Actual or suspected immigration or citizenship status, or
 - (2) A “civil immigration detainer”¹ or administrative warrant in the individual’s name, including those identified in the National Crime Information Center (NCIC) database.
- (B) Scarsdale Police shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual.
- (C) Scarsdale Police shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law – whether pursuant to 8 U.S.C. §1357(g) or under any other law, regulation, or policy.

IT IS THE FURTHER POLICY OF THE VILLAGE OF SCARSDALE that its law enforcement officials not honor detainer requests from U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) without a judicial warrant, except in very limited circumstances. In furtherance of that policy:

Scarsdale Police may respond affirmatively to a “civil immigration detainer” or other request from ICE or CBP to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours ONLY IF the request is accompanied by a judicial warrant, except that the Police may detain a person for up to 48 hours on a detainer if:

- (A) There is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return, as defined by 8 U.S.C. § 1326, and the individual has been convicted at any time of (1) a specifically enumerated set of

serious crimes under the New York Penal Law (e.g., Class A felony, attempt of a Class A felony, Class B violent felony, etc.)², or (2) a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under the New York Penal Law, for any of the preceding felonies; or

- (B) There is probable cause to believe that the individual has or is engaged in terrorist activity.

IT IS THE FURTHER POLICY OF THE VILLAGE OF SCARSDALE that in those cases in which the Scarsdale Police do receive federal immigration enforcement requests, the Police shall give the detainee notice of the request and protect the detainee's due process rights. In furtherance of that policy,

- (A) The Scarsdale Police shall not delay bail and/or release from custody upon posting of bail solely because of: (1) an individual's immigration or citizenship status, (2) a civil immigration warrant, or (3) an ICE or CBP request – for the purposes of immigration enforcement – for notification about, transfer of, detention of, or interview or interrogation of that individual.
- (B) Individuals in the custody of the Scarsdale Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies and practices the Department ordinarily uses, regardless of actual or suspected citizenship or immigration status.
- (C) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request with respect to an immigrant in custody, the Scarsdale Police shall provide a copy of that request to the individual named in it and inform the individual whether the SPD will comply with the request, before communicating the SPD response to the requesting agency. A copy of the request shall also be transmitted promptly to the Village Manager and Mayor.

IT IS THE FURTHER POLICY OF THE VILLAGE OF SCARSDALE that the Scarsdale Police shall not provide ICE or CBP with access to an individual in the SPD's custody nor permit the use of Village facilities to question or interview such individual if ICE's or CBP's sole purpose is enforcement of federal immigration law.

IT IS THE FURTHER POLICY OF THE VILLAGE OF Scarsdale that, in the absence of a judicial warrant, the Scarsdale Police shall not honor ICE or CBP requests for certain personal information about an individual. In furtherance of that policy:

- (A) The Scarsdale Police may respond affirmatively to an ICE or CBP request for non-public information about an individual, including but not limited to non-public information about an individual's release, home address, or work address, ONLY IF the request is accompanied by a judicial warrant, except that nothing shall prohibit the Police from:
- (1) sending or receiving from any local, state or federal agency, as required by 8 U.S.C. § 1373, (a) information regarding an individual's country of citizenship, or (b) a statement of the individual's immigration status; or
 - (2) disclosing information about an individual's criminal arrests or convictions, where disclosure of such information is otherwise permitted by state law or required pursuant to subpoena or court order; or
 - (3) disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information is otherwise permitted by state law or required pursuant to subpoena or court order.
- (B) The Scarsdale Police shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state or local law.

IT IS THE FURTHER POLICY OF THE VILLAGE OF SCARSDALE that Village resources (i.e., money, facilities, property, equipment or personnel) not be used to create or assist in the creation of any registry, including a federal registry, that is based on race, gender, sexual orientation, religion, ethnicity or national origin.

IT IS THE POLICY OF THE VILLAGE OF SCARSDALE that Village personnel not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits is contingent on one's immigration or citizenship status or where such inquiries are otherwise lawfully required by federal, state or local laws.

1 A "civil immigration detainer" is sometimes called a "civil immigration warrant."

2 See, e.g., N.Y.C. Administrative Code sec. 14-154(a)(6) for a list of designated felonies in New York City's law.

**SCARSDALE IMMIGRATION ENFORCEMENT
LIST OF "SERIOUS CRIMES"**

(A) The following felonies under the New York State Penal Law:

Article 120 - Assault and Related Offenses

120.01	Reckless assault of a child by a child care provider
120.02	Reckless assault of a child
120.03	Vehicular assault in the second degree
120.04	Vehicular assault in the first degree
120-04-A(4)	Aggravated vehicular assault, causing serious physical injury to another person
120.05	Assault in the second degree
120.06	Gang assault in the second degree
120.07	Gang assault in the first degree
120.08	Assault on a peace officer, police officer, fireman or emergency medical services professional
120.10	Assault in the first degree
120.11	Aggravated assault upon a police officer or peace officer
120.12	Aggravated assault on a person less than 11 years old
120.13	Menacing in the first degree
120.18	Menacing a police officer or peace officer
120.25	Reckless endangerment in the first degree
120.55	Stalking in the second degree
120.60	Stalking in the first degree
120.70	Luring a child

Article 121 - Strangulation and Related Offenses

121.12	Strangulation in the second degree
121.13	Strangulation in the first degree

Article 125 - Homicide, Abortion and Related Offenses

125.10	Criminally negligent homicide
125.11	Aggravated criminally negligent homicide
125.12	Vehicular manslaughter in the second degree
125.13	Vehicular manslaughter in the first degree
125.14	Aggravated vehicular homicide
125.15	Manslaughter in the second degree
125.20	Manslaughter in the first degree
125.21	Aggravated manslaughter in the second degree

125.22	Aggravated manslaughter in the first degree
125.25	Murder in the second degree
125.26	Aggravated murder
125.27	Murder in the first degree
125.40	Abortion in the second degree
125.45	Abortion in the first degree

Article 130 - Sex Offenses

130.25	Rape in the third degree
130.30	Rape in the second degree
130.35	Rape in the first degree
130.40	Criminal sexual act in the third degree
130.45	Criminal sexual act in the second degree
130.50	Criminal sexual act in the first degree
130.53	Persistent sexual abuse
130.65	Sexual abuse in the first degree
130-65-a	Aggravated sexual abuse in the fourth degree
130-66	Aggravated sexual abuse in the third degree
130-67	Aggravated sexual abuse in the second degree
130-70	Aggravated sexual abuse in the first degree
130-75	Course of sexual conduct against a child in first degree
130-80	Course of sexual conduct against a child in second degree
130-85	Female genital mutilation
130-90	Facilitating a sex offense with a controlled substance
130.95	Predatory sexual assault
130-96	Predatory sexual assault against a child

Article 135 - Kidnapping, Coercion and Related Offenses

135.10	Unlawful imprisonment in the first degree
135.20	Kidnapping in the second degree
135.25	Kidnapping in the first degree
135.35	Labor trafficking
135.50	Custodial interference in the first degree
135.65(2)(b)	Coercion in the first degree, when victim is incapable of consent by reason of being physically helpless

Article 140 - Burglary and Related Offenses

140.17	Criminal trespass in the first degree
140.25	Burglary in the second degree
140.30	Burglary in the first degree

Article 145- Criminal Mischief

145.12 Criminal mischief in the first degree

Article 150 - Arson

150.05 Arson in the fourth degree
150.10 Arson in the third degree
150.15 Arson in the second degree
150.20 Arson in the first degree

Article 160 - Robbery

160.05 Robbery in the third degree
160.10 Robbery in the second degree
160.15 Robbery in the first degree

Article 195 - Official Misconduct and Obstruction of Public Servants

195.07 Obstructing governmental administration in first degree
195.08 Obstructing governmental administration by means of a self-defense spray device
195.17 Obstruction of governmental duties by means of a bomb, destructive device, explosive or hazardous substance

Article 215 - Other Offenses Relating to Judicial and Other Proceedings

215.11 Tampering with a witness in the third degree
215.12 Tampering with a witness in the second degree
215.13 Tampering with a witness in the first degree
215.15 Intimidating a victim or witness in the third degree
215.16 Intimidating a victim or witness in the second degree
215.17 Intimidating a victim or witness in the first degree
215.51 Criminal contempt in the first degree
215.52 Aggravated criminal contempt

Article 220 - Controlled Substances Offenses

220-18 Criminal possession of a controlled substance in 2nd degree
220-21 Criminal possession of a controlled substance in 1st degree
220-28 Use of a child to commit controlled substance offense
220-41 Criminal sale of controlled substance in 2nd degree

- 220-43 Criminal sale of controlled substance in 1st degree
220-44 Criminal sale of controlled substance in or near school grounds
220-48 Criminal sale of controlled substance to a child
220-77 Operating as a major trafficker

Article 230 - Prostitution Offenses

- 230.05 Patronizing a prostitute in the second degree
230.06 Patronizing a prostitute in the first degree
230.19 Promoting prostitution in a school zone
230.25(2) Promoting prostitution in 3rd degree, of person less than 19 yrs old
230.30 Promoting prostitution in 2nd degree
230.32 Promoting prostitution in 1st degree
230.33 Compelling prostitution
230.34 Sex trafficking

Article 25 - Obscenity and Related Offenses

- 235.22 Disseminating indecent material to minors in first degree

Article 240 - Offenses Against Public Order

- 240.06 Riot in the first degree
240.55 Falsely reporting an incident in the second degree
240.60 Falsely reporting an incident in the first degree
240.61 Placing a false bomb or hazardous substance in second degree
240.62 Placing a false bomb or hazardous substance in first degree
240.63 Placing a false bomb or hazardous substance in a sports stadium,
mass transportation facility or enclosed shopping mall
240.75 Aggravated family offense
241.05 Harassment of a rent regulated tenant

Article 255 - Offenses Affecting the Marital Relationship

- 255.26 Incest in the second degree
255.27 Incest in the first degree

Article 260 - Offenses Relating to Children, Disabled Persons and Vulnerable Elderly Persons

- 260.25 Endangering welfare of incompetent or physically disabled person

- 260.32 Endangering welfare of vulnerable elderly person in 2nd degree
260.34 Endangering welfare of vulnerable elderly person in 1st degree

Article 263 - Sexual Performance by a Child

- 263.05 Use of a child in a sexual performance
263.10 Promoting an obscene sexual performance by a child
263.11 Possessing an obscene sexual performance by a child
263.15 Promoting a sexual performance by a child
263.16 Possessing a sexual performance by a child
263.30 Facilitating a sexual performance by a child with a controlled
 substance or alcohol

Article 265 - Firearms and Other Dangerous Weapons

- 265.01-a Criminal possession of a weapon on school grounds
265.01-b Criminal possession of a firearm
265.02 Criminal possession of a weapon in third degree, but not
 subsections (1), (9), and (10)
265.03 Criminal possession of a weapon in the second degree
265.04 Criminal possession of a weapon in the first degree
265.08 Criminal use of a firearm in the second degree
265.09 Criminal use of a firearm in the first degree
265.10 Manufacture, transport, disposition and defacement of weapons
 and dangerous instruments and appliances
265.11 Criminal sale of a firearm in the third degree
265.12 Criminal sale of a firearm in the second degree
265.13 Criminal sale of a firearm in the first degree
265.14 Criminal sale of a firearm with the aid of a minor
265.16 Criminal sale of a firearm to a minor
265.17 Criminal purchase of a weapon
265.19 Aggravated criminal possession of a weapon
265.35(2) Prohibited use of weapons (shooting at aircraft, train, car, bus)

Article 270 - Offenses Against Public Safety

- 270.30 Unlawful fleeing a police officer in a motor vehicle in 2nd degree
270.35 Unlawful fleeing a police officer in a motor vehicle in 1st degree

Fireworks

- 405.16 Aggravated unpermitted use of indoor pyrotechnics in 2nd degree,
causing physical injury
- 405.18 Aggravated unpermitted use of indoor pyrotechnics in 1st degree

Article 460 - Enterprise Corruption

- 460.22 Aggravated enterprise corruption

Article 470 - Money Laundering

- 470.21 Money laundering in support of terrorism in 4th degree
- 470.22 Money laundering in support of terrorism in 3rd degree
- 470.23 Money laundering in support of terrorism in 2nd degree
- 470.24 Money laundering in support of terrorism in 1st degree

Article 490 - Terrorism

- 490.10 Soliciting or providing support for an act of terrorism in 2nd
degree
- 490.15 Soliciting or providing support for an act of terrorism in 1st degree
- 490.20 Making a terroristic threat
- 490.25 Crime of terrorism
- 490.30 Hindering prosecution of terrorism in 2nd degree
- 490.35 Hindering prosecution of terrorism in 1st degree
- 490.37 Criminal possession of a chemical or biological weapon in 3rd
degree
- 490.40 Criminal possession of a chemical or biological weapon in 2nd
degree
- 490.45 Criminal possession of a chemical or biological weapon in 1st
degree
- 490.47 Criminal use of a chemical or biological weapon in 3rd degree
- 490.50 Criminal use of a chemical or biological weapon in 2nd degree
- 490.55 Criminal use of a chemical or biological weapon in 1st degree

The term "serious crime" also includes:

- (B) A felony attempt, felony conspiracy or felony criminal solicitation to commit any crime listed above, or a felony criminal facilitation of such specified crime.
- (C) A felony hate crime (as defined in Penal Law § 485.05)
- (D) Any felony set forth in Vehicle and Traffic Law § 600 (Leaving the scene of an incident without reporting).

Resolution In Support of the Westchester County Legislature Immigrant Protection Act

WHEREAS, the Village of Scarsdale has adopted several resolutions aimed at creating an open and safe community for all;

WHEREAS, trust in law enforcement is essential to public safety;

WHEREAS, 44% of Latino Americans (including U.S. citizens) report that they are less likely to contact police because of potential immigration consequences;

WHEREAS, the International Association of Police Chiefs, the Major Cities Chiefs Association, and the Police Executive Research Forum all oppose the cooperation of local police with federal immigration authorities if it undermines trust in local law enforcement;

WHEREAS, this concern extends not just to the Village of Scarsdale but to Westchester County as well; now therefore be it

RESOLVED, that the Village of Scarsdale endorses the immediate passage of Resolution 9928, the Immigrant Protection Act in the Westchester County Board of Legislators; and

FURTHER RESOLVED, that the Village of Scarsdale encourages all members of the County Legislature to vote in favor of the Immigrant Protection Act; and

FURTHER RESOLVED, that the Village of Scarsdale encourages County Executive Rob Astorino to sign the Immigrant Protection Act into law.

RESOLUTION #2

RESOLUTION IN SUPPORT OF ISSUING DRIVER'S LICENSES TO NEW YORK STATE RESIDENTS REGARDLESS OF IMMIGRATION STATUS

WHEREAS, many New York residents are denied access to driver's licenses solely because of their immigration status; and

WHEREAS, these New York residents urgently need these licenses in order to lawfully drive to their places of work, buy groceries and essential supplies, take their children to school, travel to appointments, attend religious worship, or get to the hospital and other medical facilities in cases of emergencies; and

WHEREAS, licensing all drivers improves public safety by ensuring that everyone driving on our roads is knowledgeable of our vehicle and traffic laws through the licensing process, and is operating a registered, inspected, and insured vehicle; and

WHEREAS, licensed drivers who become involved in traffic incidents are more likely to aid police and emergency workers and to engage in the exchange of necessary information with other motorists, and those who witness incidents and crimes will be more comfortable reporting them to the police and cooperating in investigations; and

WHEREAS, allowing immigrants to obtain a driver's license regardless of immigration status would mean an increase in revenue for New York State from license, registration and other associated fees and taxes; and

WHEREAS, removing immigration status barriers to driver's licenses will assist in the reduction of accidents involving uninsured motorists, leading to lower auto insurance premiums for all New Yorkers; and

WHEREAS, there are twelve states across the United States that already provide access to licenses for all residents regardless of immigration status, including our adjacent state of Connecticut and Vermont to the north.

NOW, THEREFORE, BE IT RESOLVED, that the Village Trustees of the Village of Scarsdale express our collective desire for safety and security for all of our residents and, further, our commitment to pursuing the common good by ensuring shared resources such as roads and highways be accessed and utilized responsibly and safely; and

BE IT FURTHER RESOLVED, that the Village Trustees of the Village of Scarsdale recognize immigration law to be a federal concern, and enforcement a drain on limited local resources; and

BE IT FURTHER RESOLVED, that the Village Trustees of the Village of Scarsdale call upon the New York State legislature and Governor Cuomo to promptly ensure the issuance of driver's licenses to all New York State residents regardless of immigration status; and

BE IT FURTHER RESOLVED, that the Village Clerk shall forward a true copy of this Resolution, duly endorsed to reflect its enactment by the Village Trustees of the Village of Scarsdale, to the Executive Chamber of Governor Andrew Cuomo, Assembly member Amy Paulin and Senator Andrea Stewart-Cousins.