



Committee on Legislation

~AGENDA~

Monday, July, 17, 2017

1:00 PM

Committee Chair: Virginia Perez

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting is joint with the Committee on Public Safety & Social Services.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 9928) Act - LEGISLATORS BORGIA, SHIMSKY, A. WILLIAMS, PARKER, JENKINS, L. WILLIAMS, BOYKIN, PEREZ: Proposed Act - Immigrant Protection Act:**

Forwarding a proposed "ACT" regarding the policy of the County of Westchester on Immigration Enforcement.

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “An Act regarding the Policy of the County of Westchester on Immigration Enforcement.”

Your Committee is aware that too many immigrants are frightened to cooperate with law enforcement when they need assistance in their home community. In a study by the University of Illinois, 45% of Latinos stated that they are less likely to voluntarily offer information about crimes and are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status. Meanwhile 70% of undocumented immigrants report that they are less likely to contact law enforcement authorities if they are a victim of a crime. This undermines the safety of all Westchester residents.

Your Committee finds that the Department of Public Safety and Department of Corrections are required to follow all federal immigration laws. In addition, this proposed Act will ensure that people are not stereotyped or discriminated against based on their race, gender, sexual orientation, religion, ethnicity or national origin. This bill will also guarantee people being interviewed by a federal agent have an opportunity to have counsel present.

Your Committee notes that this measure does not prevent violent offenders from being detained. Individuals who have previously been convicted of a felony or where there is probable cause that an individual has committed a felony or has or is engaged in terrorist activity, are not protected by this legislation.

Your Committee is aware that Westchester County has a history of protecting the rights of its residents. We have laws prohibiting discriminatory in employment and housing. In 2001 the County enacted Act 130-2001 to prohibit racial profiling in traffic stops.

Your Committee is advised that other than section three, all sections of this proposed Act come from the model provisions laid out in a January 19, 2017 report by the New York State Attorney General. Section three, which provides the opportunity for counsel, is based on existing Washington D.C. law. This bill complies with federal law and sets forth constitutionally permissible Westchester County procedures that will help assure just and fair treatment for all county residents.

Your Committee believes that the proposed Act will ensure that everyone is treated fairly in any part of the justice system and that immigrants will be more confident in working with law enforcement. This bill includes provisions to encourage cooperation and foster positive relations between county residents and law enforcement. Nobody should ever be afraid to report crimes to police. Ultimately this will improve public safety for all of Westchester's residents.

An affirmative vote of a Majority of the voting strength of your Honorable Board is required for approval of this Act.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”).

_____ the applicable SEQRA regulations and
_____ that since the proposed action does not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to SEQRA, this does not constitute an action as defined in 6 N.Y.C.R.R. §617.2(b), and as such, no further environmental review is required.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this proposed Act

Dated: 2017

White Plains, New York

Committee on

ACT NO. 2017

AN ACT regarding the policy of the County of Westchester on Immigration Enforcement.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester shall not utilize County monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, or national origin.

§ 2. (a) The Department of Public Safety or The Department of Corrections may respond affirmatively to a “civil immigration detainer” from United States Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“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:

(b) Notwithstanding subdivision (a) of this section, the Department of Public Safety or the Department of Corrections may detain a person for up to 48 hours on a “civil immigration detainer” in the absence of a judicial warrant only if:

1. 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 United States Code (“U.S.C.”) § 1326; and

2. the individual has been convicted at any time of or there is currently probable cause to believe that the individual has committed:

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

3. there is probable cause to believe that the individual has or is engaged in terrorist activity.

§ 3. (a) The County of Westchester shall not provide to any ICE agent an office, booth, or any facility or equipment for a generalized search of or inquiry about inmates or permit an ICE agent to conducted an individualized interview of an inmate without giving the inmate an opportunity to have counsel present;

(b) In advance of any interview between ICE and an individual in the custody of the Department of Public Safety or the Department of Corrections regarding civil immigration, the Department of Public Safety or the Department of Corrections shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese and Korean.

§ 4. (a) The Department of Public Safety or the Department of Corrections shall not delay bail and/or release from custody upon posting of bail solely because of:

- (i) an individual's immigration or citizenship status; or
- (ii) a civil immigration detainer; or

(iii) 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) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Department of Public Safety or the Department of Corrections shall provide a copy of that request to the individual named therein in the custody of either Department and inform the individual and the individuals' counsel, whether the Department of Public Safety or the Department of Corrections will comply with the request before communicating its response to the requesting agency;

(c) Individuals in the custody of the Department of Public Safety or the Department of Corrections shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

§ 5. (a) The Department of Public Safety shall not stop, question, interrogate, investigate, or arrest an individual based solely upon any of the following:

(i) Actual or suspected immigration or citizenship status; or

(b) The Department of Public Safety 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) The Department of Public Safety shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law—whether pursuant to Section 1357(g) of Title 8 of the U. S.C. or under any other law, regulation or policy.

§ 6. The Department of Public Safety and the Department of Corrections shall provide a written report to the County Board of any changes in policy or practice regarding interactions with ICE or CBP.

§ 7. This Act shall become effective immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “An Act regarding the Policy of the County of Westchester on Immigration Enforcement.”

Your Committee is aware that immigrants are frightened to cooperate with law enforcement when they need assistance in their home community. In a study by the University of Illinois, 45% of Latinos stated that they are less likely to voluntarily offer information about crimes and are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status. Meanwhile, 70% of undocumented immigrants report that they are less likely to contact law enforcement authorities if they are a victim of a crime. This undermines the safety of all Westchester residents.

Your Committee finds that, although the Department of Public Safety and Department of Corrections are required to follow all federal immigration laws, this proposed Act will ensure that people are not stereotyped or discriminated against based on their race, gender, sexual orientation, religion, ethnicity or national origin. This bill will also guarantee people being interviewed by a federal agent have an opportunity to have counsel present or to willingly and objectively waive said right to counsel.

Your Committee notes that this measure does not prevent violent offenders from being detained. Individuals who have previously been convicted of a felony or where there is probable cause that an individual has committed a felony or has or is engaged in terrorist activity, are not protected by this legislation.

Your Committee is aware of the 4th Amendment of the United States Constitution which protects us from unlawful search and seizure and is reinforcing the prohibition of detainment or imprisonment against a persons will for a suspected civil offense.

Your Committee is aware that Westchester County has a history of protecting the rights of its residents. We have human rights laws that safeguard people from discrimination in employment, public accommodations and housing. In 2001 the County enacted Act 130-2001 to prohibit racial profiling in traffic stops. Westchester County Executive Andrew J. Spano issued Executive Order No. 4 of 2006 to provide protections and improve access for immigrants to all county programs and services. This proposed law will codify and strengthen that mandate.

Your Committee is advised that other than section three, all sections of this proposed Act come from the model provisions laid out in a January 19, 2017 report by the New York State Attorney General. Section three, which provides the opportunity for counsel, is based on existing Washington D.C. law. This bill complies with federal law and sets forth constitutionally permissible Westchester County procedures that will help assure just and fair treatment for all county residents.

Your Committee notes that it is important for the County to educate the public of this proposed Act and its adoption, so people are aware of their rights and protections offered to them. This bill will require the Human Rights Commission to widely disseminate such information in writing and on the County Website, as well as conduct educational programs to communities throughout the county.

Your Committee believes that the proposed Act will ensure that everyone is treated fairly in any part of the justice system and that immigrants will be more confident in working with law enforcement. This bill includes provisions to encourage cooperation and foster positive relations between county residents and law enforcement. Nobody should ever be afraid to report crimes to police. Ultimately this will improve public safety for all of Westchester’s residents.

An affirmative vote of a Majority of the voting strength of your Honorable Board is required for approval of this Act.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”).

_____ the applicable SEQRA regulations and
 _____ that since the proposed action does not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to SEQRA, this does not constitute an action as defined in 6 N.Y.C.R.R. §617.2(b), and as such, no further environmental review is required.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this proposed Act

Dated: 2017
White Plains, New York

Committee on

ACT NO. 2017

AN ACT regarding the policy
of the County of Westchester on
Immigration Enforcement.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester shall not utilize County monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, or national origin.

§ 2. (i) No County officer or employee may respond affirmatively to a United States Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) request for non-public information about an individual-including but not limited to non-public information about an individual’s release from the custody of the Department of Public Safety or the Department of Corrections, home address, or work address, unless the request is accompanied by a judicial warrant, or:

a. Such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual’s parent or legal guardian; or

b. Such disclosure is required by Federal, State or County law; or

c. Such disclosure is to another County officer or employee and is necessary to fulfill the purpose or achieve the mission of any County agency; or

d. the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in illegal activity, other than their mere status as an undocumented immigrant; or

e. the dissemination of such information is necessary to apprehend a person suspected of engaging in illegal activity, other than their mere status as an undocumented immigrant, or

f. disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or

g. disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state pursuant to subpoena or court order.

(ii) except that nothing in this Act prohibits any local agency from:

a. sending to or receiving from any local, state, or federal agency-as per 8 United States Code ("U.S.C.") §1373-information, regarding an individual's country or citizenship or a statement of the individual's immigration status; or

§ 3. A County officer or employee shall not inquire about a person's immigration status unless:

a. Such person's immigration status is necessary for the determination of program, service or benefit eligibility or the provision of County services; or

b. Such officer or employee is required by law to inquire about such person's immigration status.

§ 4. Any service provided by any County agency shall be made available to all persons notwithstanding their immigration status who are otherwise eligible for such services.

§ 5. a. The Department of Public Safety or the Department of Corrections may respond affirmatively to a “civil immigration detainer” 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:

b. Notwithstanding subdivision (a) of this section, the Department of Public Safety or the Department of Corrections may detain a person for up to 48 hours on a “civil immigration detainer” in the absence of a judicial warrant only if:

1. 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
2. the individual has been convicted at any time of or there is currently probable cause to believe that the individual has committed:
 - (i) a specifically enumerated set of serious crimes as defined under the New York State Penal Law (e.g., Class A felony, attempt of a Class A felony, Class B violent felony, etc.); or
 - (ii) a federal crime or crime under the law of another state that would constitute a predicate felony conviction, as defined under the New York State Penal Law, for any of the preceding felonies; or
3. there is probable cause to believe that the individual has or is engaged in terrorist activity.

§ 6. a. The County of Westchester shall not provide to any ICE agent an office, booth, or any facility or equipment for a generalized search of or inquiry about inmates or permit an ICE agent access to or conduct an individualized interview of an inmate without giving the inmate an opportunity to have counsel present;

b. In advance of any interview between ICE and an individual in the custody of the Department of Public Safety or the Department of Corrections regarding civil immigration, the Department of Public Safety or the Department of Corrections shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese and Korean.

§ 7. a. The Department of Public Safety or the Department of Corrections shall not delay bail and/or release from custody upon posting of bail solely because of:

- (i) an individual's immigration or citizenship status; or
- (ii) a civil immigration detainer; or
- (iii) 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. Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Department of Public Safety or the Department of Corrections shall provide a copy of that request to the individual named therein in the custody of either Department and inform the individual and the individuals' counsel, whether the Department of Public Safety or the Department of Corrections will comply with the request before communicating its response to the requesting agency. If either department decides that it will comply with the request, the inmate shall be given the opportunity, no

less than 48 hours, to confer with and or require the presence and representation of legal counsel;

c. Individuals in the custody of the Department of Public Safety or the Department of Corrections shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

§ 8. The Department of Public Safety and the Department of Corrections:

a. shall not inquire about a person's immigration status unless investigating illegal activity other than mere status as an undocumented alien.

b. The Department of Public Safety shall not stop, question, interrogate, investigate, or arrest an individual based solely upon any of the following:

- (i) Actual or suspected immigration or citizenship status; or
- (ii) A "civil immigration warrant," administrative warrant, or an immigration detainer in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

c. The Department of Public Safety 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, based on probable cause;

d. The Department of Public Safety shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law—whether pursuant to Section 1357(g) of Title 8 of the U.S.C. or under any other law, regulation or policy.

§ 9. The Department of Public Safety and the Department of Corrections shall provide a written report to the County Board of any changes in policy or practice regarding interactions with ICE or CBP. The Department of Public Safety and Department of Corrections shall also provide the County Board with a written report on July 1 and December 1 of each calendar year, which contains an accounting of those instances when it granted consent to ICE to interview an inmate regarding their immigration status which shall include inmate number, proof of informed decision to have counsel or waive of right, and section of law under which inmate is being held.

§10. The Human Rights Commission shall be responsible for disseminating information to the public regarding the County policy on immigration enforcement by posting provisions of this Act on the Commission website and by holding educational programs throughout the County to make residents aware of their rights under this Act. All public information regarding this Act shall be made available in English, Spanish, Italian and Portuguese.

§ 11. This Act shall become effective immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “An Act instituting the policy of the County of Westchester regarding the collection of confidential information on immigration status.”

Your Committee is aware that many immigrants are frightened to cooperate with law enforcement when they need assistance in their home community. In a study by the University of Illinois, 45% of Latinos stated that they are less likely to voluntarily offer information about crimes and are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status. Meanwhile, 70% of undocumented immigrants report that they are less likely to contact law enforcement authorities if they are a victim of a crime. This undermines the safety of all Westchester residents.

Your Committee finds that although all County departments and agencies and particularly the County Departments of Public Safety, Corrections and Probation are required to follow all federal immigration laws, this proposed Act will ensure that people are not stereotyped or discriminated against based on their race, gender, sexual orientation, religion, ethnicity or national origin. This proposed Act will also guarantee that people being interviewed by a federal agent will have an opportunity to have counsel present or to willingly and objectively waive said right to counsel.

Your Committee is aware that the 4th Amendment to the United States Constitution protects us from unlawful search and seizure and reinforces the provision contained in this proposed Act which prohibits detainment or imprisonment against persons will for a suspected civil offense in the absence of a judicial warrant.

Your Committee is aware that Westchester County has a history of protecting the rights of its residents. We have human rights laws that safeguard people from discrimination in employment, public accommodations and housing. In 2001, the County enacted Act 130-2001 to prohibit racial profiling in traffic stops. Former Westchester County Executive Andrew J. Spano issued Executive Order No. 4 of 2006 to provide protections and improve access for immigrants to all county programs and services. This proposed Act will strengthen that mandate.

Your Committee is advised that this proposed Act will prohibit the sharing of confidential or non-publicly available personal information with federal immigration authorities without a judicial warrant, state or federal law requirements, court order, or an individual's written consent. Notwithstanding, in compliance with federal law (8 USC§ 1373), nothing in this proposed Act prohibits the County from sending or receiving information from any local agency, state or federal agency regarding an individual's citizenship or immigration status. This proposed Act sets forth constitutionally permissible Westchester County procedures that will help assure just and fair treatment for all county residents.

Your Committee notes that it is important for the County to educate the public of this proposed Act and its adoption, to ensure that people are aware of the rights and protections offered to them. This proposed Act will require the County Human Rights Commission to widely disseminate such information in writing and on the County Website, as well as conduct educational programs for communities throughout the county.

Your Committee believes that the proposed Act will ensure that all county residents are treated fairly in any part of the justice system and that immigrants will be more confident in working with law enforcement. This proposed Act includes provisions to encourage cooperation and foster positive relations between county residents and law enforcement. No person should ever be afraid to report crimes to the police. Ultimately this Act will improve public safety for all of Westchester's residents.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Act.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA").

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 _____ that since the proposed action does not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to SEQRA, this does not constitute an action as defined in 6 N.Y.C.R.R. §617.2(b), and as such, no further environmental review is required.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this proposed Act.

Dated: 2017
White Plains, New York

Committee on

Attachment: ACT-Immigration Protection Act-DRAFT #3 (9928 : Proposed Act - Immigrant Protection Act)

ACT NO. 2017

AN ACT instituting the policy of the County of Westchester regarding the Collection of Confidential Information on Immigration Status.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Definitions

- a. "Citizenship or immigration status": an individual's citizenship of the United States or any other country and an individual's statutory or regulatory right to reside in or otherwise be present in the United States as determined under the federal Immigration and Nationality Act (INA).
- b. "Civil Immigration Detainer/Hold Request": a request issued pursuant to 8 CFR § 287.7, or any similar request by a federal immigration authority asking a County Law Enforcement Agency (CLEA) or other County agency to maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to federal immigration authorities, its form and content including but not limited to United States Department of Homeland Security (DHS) Form I-247D.
- c. "Confidential Information": any information obtained and maintained by a County agency relating to an individual's sexual orientation, status as a victim of domestic violence or sexual assault status as a victim of a crime, status as a crime witness a receipt of public assistance, and shall include all non-public information contained in any individual's income tax records.
- d. "County Law Enforcement Agencies": (CLEAs), include, among others, agents and entities of the County Departments of Public Safety, Corrections, and Probation.
- e. "Federal Immigration Authorities": any individual employed by or acting as an agent of the (DHS) – including United States Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or any division thereof or any other officer - who is charged with enforcement of the civil provisions of the INA.
- f. "Inquire": To request information from an individual or act in such a way as to elicit information from another individual.
- g. "Investigate": To search for and/or examine the particulars of a situation, event, or individual, in an attempt to learn additional facts about something unknown, uncertain, or requiring additional information or evidence to prove.
- h. "Judicial Warrant": a warrant based on probable cause and issued by a federal judge as established in Article III of the United States Constitution or a federal magistrate judge, that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. This does not include an administrative warrant.
- i. "Non-public information": information not readily accessible by search within the public domain and/or which requires access to government, personal, or other records not generally open for public review.

j. “Notification request”: a request from a federal immigration authority to a local law enforcement agency asking to be informed of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.

k. “Registration”: mandatory recording or inserting information regarding a person’s race, gender, sexual orientation, religion, ethnicity, or national origin in an official book of public records or register.

l. “Transfer Request”: a request from a federal immigration authority to a local law enforcement agency asking that the local law enforcement agency facilitate the transfer of an individual in its custody to the federal immigration authority and includes, but is not limited to, DHS Form I-247X.

§ 2. The County of Westchester shall not utilize County monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any local, state, or federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, ethnicity, or national origin.

§ 3. Any service provided by any CLEA or other county agency shall be made available to all eligible individuals.

§ 4. CLEAs and other County agencies and employees shall not request or require that an individual provide information regarding his or her citizenship or immigration status or country of birth where such disclosure is not necessary to establish eligibility for the service undertaken or benefit sought.

a. When providing or assessing eligibility for services or benefits, CLEAs and other County agencies and employees shall not inquire about or request proof of citizenship or immigration status, except when the receipt of such services or benefits is contingent upon one’s citizenship or immigration status or when inquiries are otherwise lawfully required by federal, state, or local statute, regulation, or jurisprudence, at which time any inquiries regarding citizenship or immigration status should be limited to the information necessary to evaluate eligibility or comply with relevant law.

(1) Section 4(a) shall not prohibit CLEAs or other County agencies or employees from requesting proof of citizenship or immigration status after obtaining voluntary and informed consent from an individual.

b. CLEAs and other County agencies and employees shall not inquire about or investigate the citizenship or immigration status or the country of birth of an individual, including but not limited to actions and inquiries based on civil and criminal immigration enforcement, unless lawfully required by state statute, federal law or regulation, court order or binding jurisprudence, or is otherwise necessary as determined in Section 4(a).

§ 5. CLEAs and other County agencies and employees shall not threaten to contact federal immigration authorities to report or question any individual’s citizenship or immigration status.

§ 6. CLEAs and other County agencies and employees shall not use agency moneys, equipment, or personnel for detecting or apprehending individuals because of their actual or suspected citizenship or immigration status.

§ 7. No CLEA shall stop, question, interrogate, investigate, or arrest an individual based solely upon any of the following:

- a. actual or suspected citizenship or immigration status; or
- b. actual or suspected country of origin; or
- c. existence of an administrative warrant, or Civil Immigration Detainer/Hold Request in the individual's name, including those identified in the National Crime Information Center (NCIC) database; or
- d. any combination of only the factors enumerated in sections 7 a through c.

§ 8. a. CLEAs and other County agencies and employees shall not respond affirmatively to requests for Confidential or Non-public information about an individual – including, but not limited to, information about the individual's home address, email address, social media account, release or release date, or work address – made without a Judicial Warrant by or any Federal Immigration Authorities.

b. CLEAs shall not make county or local agency or department databases available to Federal Immigration Authorities absent a Judicial Warrant, except as required by state statute, federal law or regulation, court order, or binding jurisprudence.

c. Notwithstanding the restrictions outlined in subsection a, where there is not a Judicial Warrant, a CLEA or other County agency or employee may disclose confidential and non-public information to a person, agency, or entity that is not a CLEA or other County agency where:

- (1) such disclosure has been voluntarily and intelligently authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (2) state statute, federal law or regulation, court order, or binding jurisprudence require such disclosure.

d. Nothing in this Act prohibits any local agency employee from sending or receiving from any local, state, or federal agency – as per 8 USC § 1373 – information regarding an individual's citizenship or immigration status.

§ 9. CLEAs and other County agencies and employees shall not provide to DHS or any federal immigration authority or officer, absent a judicial warrant, access to any county facility or equipment for a search of or inquiry about inmates.

§ 10. a. When federal immigration authorities are investigating civil immigration matters, CLEAs shall not permit a federal immigration agent to inquire of or have contact with an inmate without a judicial warrant.

b. When federal immigration authorities are investigating criminal matters, CLEAs shall not permit a federal immigration agent to inquire of or have contact with an inmate without giving the inmate an opportunity to have counsel present.

(1) in advance of any interview between ICE and an individual in the custody of the county CLEAs shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the county population or 10,000 residents.

(2) within 90 days of the passage of this bill, CLEA's shall develop a process to ensure that after a request by ICE for contact with an individual in the custody of the county, the individual is informed that the communication with ICE is voluntary, that they have the right to have an attorney present and that they have at least 72 hours to search for an attorney after receiving notice of the request. The process shall be submitted to the Board of Legislators when completed.

§ 11. a. CLEAs and other County agencies and employees shall not delay bail and/or release from custody upon posting of bail solely because of:

- (1) an individual's immigration or citizenship status or country of birth; or
- (2) a Civil Immigration Detainer/Hold Request; or
- (3) a request from Federal Immigration Authorities for notification about, transfer of detention of, or interview or interrogation of an individual.

b. CLEAs and other County agencies and employees shall not respond affirmatively to a Civil Immigration Detainer/Hold Request from Federal Immigration Authorities to detain or transfer an individual for immigration enforcement or investigations for purposes for up to 48 hours unless accompanied by a duly executed judicial warrant.

c. All CLEA and other County agencies and employees shall utilize the same booking, processing, release, and transfer procedures, policies, and practices of that agency for detained individuals, regardless of actual or suspected citizenship or immigration status or country of birth.

§ 12. a. Upon receipt of a hold, transfer, notification, or interrogation request for an individual in the custody of any CLEA or other County agency, from Federal Immigration

Authorities, all CLEA and other County agencies and employees shall provide a copy of that request to the individual named therein.

(1) The copy shall be made available in English, Spanish, Portuguese, Italian, French, Haitian Creole and any other language spoken by 5 percent of the county population or 10,000 residents. Upon request, it shall also be translated into any language reasonably necessary for the individual in custody's full understanding of its contents.

b. Notwithstanding prohibitions established in Section 8, if a CLEA agent or employee provides Federal Immigration Authorities with notification that a detained individual is being, or will be, released from custody on a certain date, access to directly contact or communicate in-person or via telephone with a detained individual, or with information on an individual's citizenship or immigration status, shall promptly provide the same notification in writing to the individual and to his or her counsel.

(1) The notification shall be made available in English, Spanish, Portuguese, Italian, French, Haitian Creole and any other language spoken by 5 percent of the county population or 10,000 residents. Upon request, it shall also be translated into any language reasonably necessary for the detained individual to understand its contents.

§ 13. a. CLEAs and other County agencies and employees shall not perform the functions of a federal immigration authority or officer or otherwise engage in the enforcement of federal immigration law— whether pursuant to 8 U.S.C. Section 1357(g) or under any other law, regulation or policy.

b. CLEAs and other County agencies and employees shall not accept requests by Federal Immigration Authorities to assist in immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement.

§ 14. CLEAs and other County agencies and employees shall not use county facilities, funds, personnel, or other resources for the detention of individuals detained by Federal Immigration Authorities.

§ 15. a. All CLEAs shall record, solely to create the reports described in subsection (b) the following for each immigration detainer, notification, transfer, interview, or interrogation request received from Federal Immigration Authorities:

- (1) Date and time that the named individual was taken into CLEA custody, the location where the individual was taken into CLEA custody, the location where the individual was held, and the arrest charges;
- (2) Date and time of the CLEA's receipt of the request;
- (3) The requesting agency;
- (4) Alleged immigration or criminal history and alleged country of citizenship indicated on the request form, if any;

- (5) Whether the request was accompanied by any documentation regarding citizenship or immigration status or proceedings, e.g., a judicial warrant;
- (6) Whether a copy of the request was provided to the named individual and, if yes, the date and time of notification;
- (7) Whether the named individual was informed of his right to obtain counsel;
- (8) Whether the named individual consented to the request;
- (9) Whether the named individual requested to confer with counsel regarding the request;
- (10) The CLEA's response to the request and reasons why, including for a decision not to fulfill the request;
- (11) If applicable, the date and time that DHS or other federal immigration authority or officer took custody of, or was otherwise given access to, the named individual; and
- (12) The date and time of the named individual's release from the CLEA's custody.

b. All CLEAs shall provide semi-annual reports to the County Board and County Human Rights Commission, for dissemination to the public under the guidelines established in § 16 regarding the information collected in subsection a. above in an aggregated form without any personal identifiers, to ensure compliance with this Act.

§ 16. All CLEAs shall provide a written report to the County Board of any changes in policy or practice regarding interactions with Federal Immigration Authorities. Such report shall be made available to the public on the Department of Public Safety, Department of Corrections, and County Board websites, translated into English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the county population or 10,000 residents, within 30 days of its submission to the County Board.

§ 17. The County Human Rights Commission shall be responsible for disseminating information to the public regarding the County policy on immigration enforcement by posting provisions of this Act on the Commission website and by holding educational programs throughout the County to make residents aware of their rights under this Act. All public information regarding this Act shall be made available in English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents.

§ 18. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

§ 19. This Act shall become effective immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “An Act instituting the policy of the County of Westchester regarding the collection of confidential information on immigration status.”

Your Committee is aware that many immigrants are frightened to cooperate with law enforcement when they need assistance in their home community. In a study by the University of Illinois, 45% of Latinos stated that they are less likely to voluntarily offer information about crimes and are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status. Meanwhile, 70% of undocumented immigrants report that they are less likely to contact law enforcement authorities if they are a victim of a crime. This undermines the safety of all Westchester residents.

Your Committee finds that although all County departments and agencies and particularly the County Departments of Public Safety, Corrections and Probation are required to follow all federal immigration laws, this proposed Act will ensure that people are not stereotyped or discriminated against based on their race, sex, gender identity, sexual orientation, religion, ethnicity or national origin. This proposed Act will also allow people being interviewed by a federal agent to have an opportunity to have counsel present or to willingly and objectively waive said right to counsel.

Your Committee is aware that the 4th Amendment to the United States Constitution protects us from unlawful search and seizure and reinforces the provision contained in this proposed Act which prohibits detainment or imprisonment against persons will for a suspected civil offense in the absence of a judicial warrant.

Your Committee is aware that Westchester County has a history of protecting the rights of its residents. We have human rights laws that safeguard people from discrimination in employment, public accommodations and housing. In 2001, the County enacted Act 130-2001 to prohibit racial profiling in traffic stops. Former Westchester County Executive Andrew J. Spano issued Executive Order No. 4 of 2006 to provide protections and improve access for immigrants to all county programs and services. This proposed Act will strengthen that mandate.

Your Committee is advised that this proposed Act will prohibit the sharing of confidential or non-publicly available personal information with federal immigration authorities without a judicial warrant, state or federal law requirements, court order, or an individual's written consent. Notwithstanding, in compliance with federal law (8 USC§ 1373), nothing in this proposed Act prohibits the County from sending or receiving information from any local agency, state or federal agency regarding an individual's citizenship or immigration status. This proposed Act sets forth constitutionally permissible Westchester County procedures that will help assure just and fair treatment for all county residents.

Your Committee notes that it is important for the County to educate the public of this proposed Act and its adoption, to ensure that people are aware of the rights and protections offered to them. This proposed Act will require the County Human Rights Commission to widely disseminate such information in writing and on the County Website, as well as conduct educational programs for communities throughout the county.

Your Committee believes that the proposed Act will ensure that all county residents are treated fairly in any part of the justice system and that immigrants will be more confident in working with law enforcement. This proposed Act includes provisions to encourage cooperation and foster positive relations between county residents and law enforcement. No person should ever be afraid to report crimes to the police. Ultimately this Act will improve public safety for all of Westchester's residents.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Act.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA").

_____ the applicable SEQRA regulations and
 _____ that since the proposed action does not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to SEQRA, this does not constitute an action as defined in 6 N.Y.C.R.R. §617.2(b), and as such, no further environmental review is required.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this proposed Act.

Dated: 2017
White Plains, New York

Committee on

Attachment: ACT-Immigration Protection Act-DRAFT #4 (9928 : Proposed Act - Immigrant Protection Act)

ACT NO. 2017

AN ACT instituting the policy of the County of Westchester regarding the collection of confidential information on immigration status.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Definitions:

- a. "Citizenship or Immigration Status": an individual's Citizenship of the United States or any other country and an individual's statutory or regulatory right to reside in or otherwise be present in the United States as determined under the federal Immigration and Nationality Act (INA).
- b. "Civil Immigration Detainer/Hold Request": a request issued pursuant to 8 CFR § 287.7, or any similar request by a Federal Immigration Authority asking a County Law Enforcement Agency (CLEA) or other County agency to maintain custody of an individual currently in its custody beyond the time the individual would otherwise be eligible for release, in order to facilitate the individual's transfer to Federal Immigration Authorities, its form and content including but not limited to United States Department of Homeland Security (DHS) Form I-247A.
- c. "Confidential Information": any information obtained and/or maintained by a CLEA or other County agency or employee that has been deemed confidential by federal, state, or local statute, regulation, or jurisprudence, and/or relating to an individual's sexual orientation, status as a victim of domestic violence or sexual assault, status as a victim of a crime, status as a crime witness, status as a recipient of public assistance, and all Non-Public Information contained in any individual's income tax records.
- d. "County Law Enforcement Agencies" (CLEAs): among others, agents and entities of the County Departments of Public Safety, Corrections, and Probation.
- e. "Federal Immigration Authorities": any agency, group, or individual employed by or acting as an agent of the federal government and charged with enforcement of the civil provisions of the Immigration and Nationality Act, including but not limited to, United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services.
- f. "Judicial Warrant": a warrant based on probable cause and issued by a federal judge as established in Article III of the United States Constitution or a federal magistrate judge, which authorizes Federal Immigration Authorities to take the subject of the warrant into custody. This does not include an administrative warrant.
- g. "Non-Public Information": information not readily accessible by search within the public domain and/or which requires access to government, personal, or other records not

generally available for public review, and including but not limited to an individual's home address, work address, email address, social media account, and past or future release dates.

h. "Notification Request": a request from a Federal Immigration Authority to a CLEA or other County agency or employee asking to be informed of the release date, time, and/or location of an individual, its form and content including but not limited to, DHS Form I-247N.

i. "Registry": a list based on and principally for the purpose of identifying individuals based on the individual's race, sex, gender identity, sexual orientation, religion, ethnicity, or national origin.

j. "Transfer Request": a request from a Federal Immigration Authority to a CLEA or other County agency or employee asking for the transfer of an individual in the custody of a CLEA to any Federal Immigration Authority, its form and content including but not limited to, DHS Form I-247X.

§ 2. a. Any service provided by any County agency or employee shall be made available to all eligible individuals, regardless of Citizenship or Immigration Status.

b. When assessing eligibility for or providing services or benefits, CLEAs and other County agencies and employees shall not inquire about or request proof of Citizenship or Immigration Status, unless the receipt of such services or benefits is contingent upon an individual's Citizenship or Immigration Status, or when lawfully required by federal, state, or local statute, regulation, or jurisprudence. When inquiry or request for proof regarding Citizenship or Immigration Status is permitted under this section, such inquiry or request should be limited to that necessary to evaluate eligibility or comply with relevant law.

(1) Section 2(b) shall not prohibit CLEAs or other County agencies or employees from requesting information regarding or proof of Citizenship or Immigration Status from an individual after obtaining voluntary and informed consent from that individual.

c. CLEAs and other County agencies and employees shall not shall not utilize County monies, facilities, property, equipment, or personnel to Investigate, enforce, or assist in the Investigation or enforcement of any local, state, or federal program creating a Registry of individuals, except as lawfully required by federal, state, or local statute, regulation, or jurisprudence.

§ 3. a. CLEAs and other County agencies and employees shall not inquire about or investigate the Citizenship or Immigration Status, country of birth, or place of birth of an individual unless lawfully required by federal, state, or local statute, regulation, or jurisprudence; permissible, as determined in Section 2; or necessary for ongoing criminal investigation purposes.

(1) Section 3(a) shall not prohibit CLEAs or other County agencies or employees from requesting information regarding or proof of Citizenship or Immigration Status, country of birth, or place of birth from an individual after obtaining voluntary and informed consent from that individual.

b. Nothing in this Section permits CLEAs or other County agencies or employees to inquire about or investigate the Citizenship or Immigration Status, country or birth, or place of birth of an individual for civil immigration purposes.

§ 4. CLEAs and other County agencies and employees shall not threaten to contact Federal Immigration Authorities or to transmit any information about any individual's Citizenship or Immigration Status to Federal Immigration Authorities.

§ 5. CLEAs and other County agencies and employees shall not use County facilities, funds, personnel or other resources for detecting or apprehending individuals based on their actual or suspected Citizenship or Immigration Status.

§ 6. No CLEA shall stop, question, interrogate, investigate, or arrest an individual based solely upon any of the following:

- a. Actual or suspected Citizenship or Immigration Status; or
- b. Actual or suspected country of birth or place of birth; or
- c. Existence of an administrative warrant, or Civil Immigration Detainer/Hold Request in the individual's name, including those identified in the National Crime Information Center database; or
- d. Any combination of only the factors enumerated in sections 6(a) through (c).

§ 7. a. CLEAs and other County agencies and employees shall not provide Confidential Information to Federal Immigration Authorities, unless pursuant to a Judicial Warrant.

b. CLEAs and other County agencies and employees shall not provide Federal Immigration Authorities with, or respond affirmatively to requests by Federal Immigration Authorities for Non-Public Information, unless pursuant to a Judicial Warrant or necessary for a criminal investigation for which the CLEA bears joint responsibility.

c. CLEAs and other County agencies and employees shall not provide Federal Immigration Authorities direct access to CLEA or other County agency non-public databases absent a Judicial Warrant, unless required to do so by federal, state, or local statute, regulation, or jurisprudence.

d. CLEAs and other County agencies and employees shall not provide Federal Immigration Authorities with any lists of individuals based on place or country of birth.

e. Notwithstanding subsections (a) and (b), absent a Judicial Warrant, a CLEA or other County agency or employee may disclose Confidential and Non-Public Information to a person, agency, or entity that is not a CLEA or other County agency or employee, only where:

- (1) Such disclosure has been voluntarily and intelligently authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or

(2) Federal, state, or local statute, regulation, or jurisprudence requires such disclosure.

f. Nothing in this Act prohibits any CLEA or other County agency or employee from sending or receiving from any local, state, or federal agency – as per 8 USC § 1373 – information regarding an individual’s Citizenship or Immigration Status.

§ 8. CLEAs and other County agencies and employees shall not provide Federal Immigration Authorities with access to any County facility or equipment – including but not limited to a booth, dedicated office space, or equipment – for a generalized search of or inquiry about inmates.

§ 9. a. When Federal Immigration Authorities are investigating civil immigration matters, CLEAs shall not permit Federal Immigration Authorities to inquire of or have contact with an inmate without first requiring a Judicial Warrant, notifying the inmate of the inmate’s right to retain Counsel, and giving the inmate an opportunity to have Counsel present during any interview.

b. When Federal Immigration Authorities are investigating criminal matters, CLEAs shall not permit a Federal Immigration Agent to inquire of or have contact with an inmate without first notifying the inmate of the inmate’s right to retain Counsel and giving the inmate an opportunity to have Counsel present during any interview.

(1) In advance of any interview between Federal Immigration Authorities and an individual in the custody of the County, CLEAs shall provide the inmate with a written notice, which shall explain the inmate’s Fourth and Fifth Amendment rights, that the interview is voluntary, and that the inmate may decline to be interviewed or may choose to be interviewed only with Counsel present.

i. The written notice shall be drafted by the Board of Legislators in consultation with the CLEAs and be made available for public comment. Upon approval, the notice shall be provided to the CLEAs in English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents, as determined by the Board of Legislators.

(2) In advance of any interview between a Federal Immigration Authority and an individual in the custody of the County, CLEAs shall notify the Legal Aid Society of Westchester County. CLEAs shall also allow Counsel retained by the individual, including but not limited to Counsel from the Legal Aid Society of Westchester County, the opportunity to be present and provide representation during any interview.

§ 10. a. CLEAs and other County agencies and employees shall not delay an inmate’s release from custody because of:

- (1) An inmate's actual or suspected Immigration or Citizenship Status, place of birth, or country of birth; or
- (2) A Civil Immigration Detainer/Hold Request; or
- (3) A request from Federal Immigration Authorities for Notification about, transfer of, detention of, or interview of an inmate; or
- (4) Any combination of only the factors enumerated in Section 10(a)(1) through (4).

b. CLEAs and other County agencies and employees shall not Detain or Transfer an individual based upon a Civil Immigration Detainer/Hold or Transfer Request from Federal Immigration Authorities, unless accompanied by a Judicial Warrant.

c. CLEAs and other County agencies and employees shall utilize the same booking, processing, release, and transfer procedures, policies, and practices of that agency for all individuals, regardless of any individual's actual or suspected Citizenship or Immigration Status, place of birth, or country of birth.

§ 11. a. Upon receipt of a Civil Immigration Detainer/Hold, Transfer, Notification, or interview Request from Federal Immigration Authorities for an individual in the custody of any CLEA or other County agency, all CLEA and other County agencies and employees shall provide a copy of that request to the individual named therein.

- (1) The copy shall be made available in English, Spanish, Portuguese, Italian, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents, as determined by the Board of Legislators. Upon request, it shall also be translated into any language reasonably necessary for an individual in custody to fully understand its contents,

b. Notwithstanding prohibitions established in Sections 7 and 9, if a CLEA or other County agency or employee provides Federal Immigration Authorities with Confidential or Non-Public information for an individual in their custody, with access to directly contact or communicate with such individual, or with information on such individual's Citizenship or Immigration Status, then the CLEA or other County agency or employee shall promptly provide the same notification in writing to the individual and to the individual's Counsel if known.

- (1) The notification shall be made available in English, Spanish, Portuguese, Italian, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents. Upon request, it shall also be translated into any language reasonably necessary for the individual in the custody of a CLEA or other County agency to fully understand its contents.
- (2) The written templates to be used for such notification shall be drafted by the Board of Legislators in consultation with the CLEAs and made available for public comment. Upon approval, they shall be provided to the CLEAs in English, Spanish, Italian, Portuguese, French, Haitian Creole and any other

language spoken by 5 percent of the County population or 10,000 residents, as determined by the Board of Legislators.

§ 12. a. CLEAs and other County agencies and employees shall not perform the functions of a Federal Immigration Authority or officer or otherwise engage in the enforcement of federal immigration law – whether pursuant to 8 U.S.C. Section 1357(g) or any other non-mandatory federal, state, or local statute, regulation, or policy.

b. CLEAs and other County agencies and employees shall not accept requests by Federal Immigration Authorities to assist in immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement.

§ 13. CLEAs and other County agencies and employees shall not use County facilities, funds, personnel, or other resources for the detention of individuals detained by Federal Immigration Authorities.

§ 14. a. All CLEAs shall record, solely to create the reports described in subsection (b), the following information for each Civil Immigration Detainer/Hold, Notification, Transfer, or interview Request received from Federal Immigration Authorities:

- (1) Date and time that the named individual was taken into CLEA custody, the location where the named individual was taken into CLEA custody, the location where the named individual was held, and any arrest charges;
- (2) Date and time of the CLEA's receipt of the request;
- (3) The requesting agency;
- (4) Alleged immigration or criminal history, alleged Citizenship or Immigration Status, and alleged country or place of birth indicated on the request form, if any;
- (5) Whether the request was accompanied by any documentation regarding Citizenship or Immigration Status of the named individual or proceedings, e.g., a Judicial Warrant;
- (6) Whether a copy of the request was provided to the named individual and, if yes, the date and time of notification;
- (7) Whether the named individual was informed of his right to obtain counsel;
- (8) Whether the named individual consented to the request;
- (9) Whether the named individual requested to confer with counsel regarding the request;
- (10) Whether there is a record of the named individual conferring with Counsel regarding the request;
- (11) The CLEA's response to the request and reasons for the response, including for a decision not to fulfill the request;
- (12) The date and time, if any, that the Federal Immigration Authority or officer took custody of, or was otherwise given access to, the named individual; and

- (13) Whether the individual was accompanied by Counsel during any interview with Federal Immigration Authorities;
- (14) The date and time of the named individual's release from the CLEA's custody.

b. All CLEAs shall provide semi-annual reports to the Board of Legislators and County Human Rights Commission, for dissemination to the public under the guidelines established in Section 15 regarding the information collected in subsection (a) above in an aggregated form without any personal identifiers, to ensure compliance with this Act.

§ 15. All CLEAs shall provide prompt written notice to the County Board of any changes in policy or practice regarding interactions with Federal Immigration Authorities. Within 30 days of its submission to the Board of Legislators, such report shall be made available to the public on the Department of Public Safety, Department of Corrections, and County Board websites, and such report shall be translated into English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents, as determined by the Board of Legislators.

§ 16. The County Human Rights Commission shall be responsible for disseminating information to the public regarding the County policy on immigration enforcement by posting provisions of this Act on the Commission website and by holding educational programs throughout the County to make residents aware of their rights under this Act. All public information regarding this Act shall be made available in English, Spanish, Italian, Portuguese, French, Haitian Creole and any other language spoken by 5 percent of the County population or 10,000 residents, as determined by the Board of Legislators.

§ 17. The provisions of this Act are severable. If any provision of this Act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

§ 18. This Act shall become effective immediately.