



STATE OF NEW YORK  
**EXECUTIVE CHAMBER**  
ALBANY 12224

**ANDREW M. CUOMO**  
GOVERNOR

June 8, 2018

John V. Kelly  
Acting Inspector General of the Department of Homeland Security  
U.S. Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Acting Inspector General Kelly:

The enforcement actions of Immigration and Customs Enforcement (“ICE”) agents have raised significant legal and public safety concerns. As a result of ICE tactics, immigrant communities are being vilified and profiled – here in New York, we see the very real impact that fear is having on families and entire communities. Several years ago, I supported an independent investigation into the federal Secure Communities program because it appeared it was not serving its stated purpose to “deport serious felons.” ICE was formed pursuant to the Homeland Security Act in the wake of the September 11<sup>th</sup> attacks and was charged with protecting national security and public safety. It is clear that ICE has strayed far from its mission.

Today, I am writing to request that your office launch an investigation into the conduct of ICE agents to ensure they are abiding by the rule of law.

Recent high profile incidents have cast light on the disgraceful and, in many cases, illegal tactics used by ICE. On June 1, Pablo Villavicencio, a father and loving husband who had no criminal record, was detained by ICE while he was doing his job delivering pizza at Fort Hamilton in New York City. His arrest and detention appears to be a result of ethnic profiling and does nothing to make our communities safer. Detaining a hardworking man, separating a father from his children and tearing apart families doesn't make America safe.

Separately, on April 18, ICE violated the constitutional rights of farm owner John Collins in Rome, New York when they entered his property to arrest one of his farm workers. The agents did not have a warrant to enter Mr. Collins’s property, did not identify themselves or the purpose for being there, and, when Mr. Collins approached the agents to determine what was happening and to record what was taking place, they handcuffed him and threatened to arrest him. In the wake of this incident, I issued a cease and desist letter to ICE to demand the immediate stop of

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their reckless and unconstitutional enforcement actions, and we continue to closely monitor ICE activities in the State of New York and are prepared to take legal action.

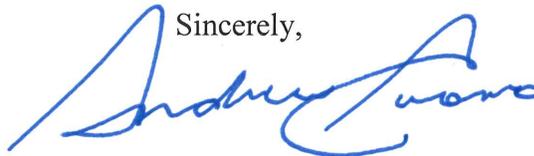
These are just two of the countless cases that have spread fear among immigrant communities across our state and shocked the conscience of all New Yorkers. My administration has received numerous first-hand accounts of conduct that raises serious concerns that ICE is violating constitutional rights and targeting people based on their ethnicity.

New York will not sit on the sidelines as our immigrant communities are threatened. We have challenged ICE's conduct before. In 2011, we suspended our participation in the federal Secure Communities program and supported an independent probe to investigate the failed program amid reports that it was being abused and posed a danger to community policing and public safety.

Last year, amid increasingly aggressive ICE raids and hostility toward immigrants, we launched the Liberty Defense Project, the nation's first State-led, public-private legal defense fund to ensure that all immigrants, regardless of status, have access to high quality legal counsel. In partnership with leading nonprofit legal service providers, the project has provided more than 10,000 services to immigrants across New York State and has offered support to Mr. Villavicencio and his family to protect his rights. Further, given my concerns regarding the conduct of your agents in the State and the risks that such conduct pose to public safety, I issued Executive Order 170.1, which prohibits civil immigration enforcement in state facilities unless there is a judicial warrant.

The pattern of conduct demonstrated by ICE agents shows reckless contempt for the Constitution and runs counter to the agency's stated mission as well as federal and state law. I call on your office to immediately investigate ICE tactics and ensure the rights of New Yorkers are being protected.

Sincerely,



ANDREW M. CUOMO

cc: President Donald J. Trump  
Senate Minority Leader Charles E. Schumer  
Senator Kirsten E. Gillibrand