SUPREME COURT OF THE STATE OF NEW YORK, NASSAU COUNTY

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In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

Petitioners,

For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, NASSAU COUNTY, and the NASSAU COUNTY POLICE DEPARTMENT,

Respondents.

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VERIFIED PETITION FOR A JUDGMENT PURSUANT TO ARTICLE 78

Index No.

PRELIMINARY STATEMENT

1. Petitioners Central American Refugee Center ("CARECEN"), Haitian-American Family of Long Island ("HAFALI"), Episcopal Diocese of Long Island ("the Diocese"), Marc Soto, and John Doe bring this Article 78 proceeding to challenge the Nassau County Police Department's ("NCPD") decision to enter an agreement with U.S. Immigration and Customs Enforcement ("ICE") that violates New York law, will lead to racial profiling, and threatens to deprive many New Yorkers of their freedom.

2. On March 10, 2025, NCPD entered an agreement with ICE—called a 287(g) Agreement, referencing Section 287(g) of the Immigration and Nationality Act—that radically and unlawfully expanded its authority to arrest and detain people in Nassau County. The 287(g) Agreement is breathtakingly broad. It allows NCPD officers to stop, question, and arrest

Nassau County residents—*anywhere* in the community—based solely on the officer's "belief" that they may be "in the United States in violation of law."[1] The agreement further permits NCPD officers to serve and execute ICE administrative warrants anywhere in Nassau County. In short, as ICE has put it, the Agreement is a "force multiplier," transforming NCPD officers into ICE agents with free reign to roam throughout the community and police the immigration status of any Nassau County resident.[2]

3. For immigrant families in Nassau County and many lifelong county residents, the impacts of the agreement have been devastating. For more than three months, worried parents have avoided schools, parks, and playgrounds; mourning relatives have skipped burial services; and hungry families have been too afraid to pick up food from food pantries run by their churches. Simply leaving the house has carried the risk of being stopped, interrogated, or arrested by an NCPD officer under suspicion of being undocumented. The 287(g) Agreement is a constant presence throughout Nassau County communities, disrupting lives and making many families' daily existence harder.

4. The 287(g) Agreement is not just harmful—it is flat-out unlawful. Settled New York law forbids local law enforcement officers from effectuating arrests for violations of federal immigration law. NCPD officers, like all New York law enforcement, wield only the powers granted by state law. Their authority to effectuate arrests—to deprive New Yorkers of their liberty—derives exclusively from the express terms of state statutes. There is no statutory authority for New York law enforcement to arrest or detain people for civil violations of federal immigration law.

[1] Memorandum of Agreement between NCPD and ICE regarding 287(g) Task Force Model, attached as Exhibit 1 to the affirmation of Rubin Danberg Biggs ("Danberg Biggs Affirmation").
[2] *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, Immigration and Customs Enforcement, Danberg Biggs Affirmation Exhibit 2, available at https://www.ice.gov/identify-and-arrest/287g.

5. The power to stop and interrogate people under New York law is also strictly limited. Officers cannot ask "pointed questions" suggesting someone is a subject of the officer's interest without "founded suspicion that criminal activity is afoot" (*People v Hollman*, 79 NY2d 181, 185 [1992]). There is no lawful authority for New York law enforcement to stop and interrogate people for civil violations of federal immigration law.
6. Yet the Respondents' 287(g) Agreement purports to give NCPD officers the power to ignore these well-established limits on their authority. Under the agreement, NCPD officers may interrogate anyone about their immigration status at any time and may effectuate warrantless arrests for any suspected violation of federal immigration law. In essence, NCPD entered an agreement permitting its officers to violate state law.
7. For three independent reasons, the decision to enter into the agreement was arbitrary and capricious and affected by an error of law. First, the agreement commits NCPD officers to violate state law by effectuating arrests and conducting interrogations for civil violations of federal law. That alone renders the agreement void and unenforceable. Second, the decision was not based on a reasoned consideration of the facts but was instead mired in racial prejudice and lacked any supported rationale. Finally, the decision to enter into the agreement was undertaken despite clear historical evidence that such arrangements invariably result in rampant racial profiling. Time and again, these agreements have facilitated the racist over-policing of residents of color and sowed distrust between community members and law enforcement.
8. The Petitioners bring this action to ensure that Nassau County residents do not live in fear of being deprived of their liberty pursuant to an unlawful agreement.
9. The Petitioners seek injunctive relief enjoining and setting aside the agreement in full.

PARTIES

10. Petitioner CENTRAL AMERICAN REFUGEE CENTER ("CARECEN") is a Long Island-based nonprofit that provides legal services to immigrants, including in Nassau County. This includes representing individuals who find themselves in immigration removal proceedings.

11. Petitioner HAITIAN-AMERICAN FAMILY OF LONG ISLAND ("HAFALI") is a membership-based nonprofit that serves the Haitian-American community in Nassau and Suffolk Counties through community-building, advocacy, and providing resources to assist with the acculturation process.

12. Petitioner EPISCOPAL DIOCESE OF LONG ISLAND ("the Diocese") is part of The Episcopal Church and serves roughly 40,000 members across 120 parishes. The Diocese oversees 27 parishes in Nassau County and serves members of various immigration statuses.

13. Petitioner MARC SOTO is a civil-rights activist, advocate, and volunteer who regularly travels through Nassau County and interacts with immigrant communities, including undocumented individuals. He is a Latino man and the Executive Director of the Líga De Justícia Foundation, a nonprofit that serves immigrant families in Suffolk and Nassau Counties.

14. Petitioner JOHN DOE is an undocumented man who lives in Nassau County. He has been stopped multiple times by NCPD over his thirty years residing in Nassau, and on one occasion was detained by ICE.

15. Respondent NASSAU COUNTY POLICE DEPARTMENT ("NCPD") is a party to the 287(g) Memorandum of Agreement ("287(g) Agreement"), which sets forth terms in

violation of New York state law. Respondent NCPD is a "body or officer" pursuant to CPLR § 7802(a).

16. Respondent PATRICK J. RYDER is sued in his official capacity as Commissioner of the Nassau County Police Department. Respondent Ryder leads the NCPD and signed the 287(g) Agreement, which sets forth terms in violation of New York state law. Respondent Ryder is a "body or officer" pursuant to CPLR § 7802(a).

17. Respondent NASSAU COUNTY established and oversees the NCPD, which signed the 287(g) Agreement setting forth terms in violation of New York state law. Respondent Nassau County is a "body or officer" pursuant to CPLR § 7802(a).

JURISDICTION AND VENUE

18. Pursuant to CPLR §§ 7804(b) and 506(b), venue in this proceeding lies in Nassau County, in the judicial district in which the Respondents took the action challenged here and where the office of the Respondents is located.

19. Pursuant to CPLR § 7803, this proceeding raises questions of whether the Respondents' determinations and actions in signing and enforcing the 287(g) Agreement were arbitrary and capricious and affected by an error of law.

STATEMENT OF FACTS

287(g) Agreements Between Local Law Enforcement and ICE

20. Immigration enforcement is exclusively a federal responsibility (*Arizona v U.S.*, 567 US 387 [2012]). However, in 1996, as part of revisions to the Immigration and Nationality Act ("INA"), Congress permitted federal immigration authorities to enter into agreements that allowed cooperation between state and local law enforcement agencies and federal authorities (8 USC §1357[g]). These agreements are called "287(g) agreements" after the provision in the INA that authorizes them.

21. Under a 287(g) agreement, a state or local law enforcement officer "who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States . . . may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law" (8 USC §1357[g][1]).

22. ICE currently executes three types of 287(g) agreements: the Jail Enforcement Model, the Warrant Service Officer Model, and the Task Force Model.[3] Each type of 287(g) agreement authorizes local law enforcement to engage in a set of immigration enforcement activities.

23. Task Force Model Agreements—like the one at issue in this proceeding—authorize the broadest and most sweeping set of enforcement activities, allowing "state and local agencies to carry out immigration enforcement activities in non-custodial settings" (ERO Facts 287(g) Task Force Model, Immigration and Customs Enforcement [Mar. 2025], Danberg Biggs Affirmation Exhibit 3).

24. While the INA allows local law enforcement entities to carry out certain immigration functions, it does not displace state law, nor does it "suggest the intent . . . to prevent states from regulating *whether* their localities cooperate in immigration enforcement (*City of El Cenizo v Texas*, 890 F3d 164, 178 [5th Cir 2018]). Federal law provides that 287(g) agreements must be "consistent with State and local law" (8 USC §1357[g][1]).

25. As a result, federal and state courts have frequently looked to state law to determine the lawfulness of 287(g) agreements (*see Nash v Mikesell*, 557 P 3d 369 [Col Ct App 2024]; *County of Ocean v Grewal*, 475 F Supp 3d 355, 383 [D NJ 2020]; *Lopez-Flores v Douglas*

[3] Exhibit 2.

County, 2020 WL 2820143, at *4 [D Or May 30, 2020]; *Renteria-Villegas v Metro Gov't of Nashville & Davidson County*, 2011 WL 4048523, at *11 [MD Tenn 2011]).

26. Indeed, because 287(g) is a voluntary program and 287(g) agreements must conform with applicable state law, many states have enacted legislation expressly regulating whether and how their local law enforcement agencies can enter 287(g) agreements and what enforcement activities these agreements may authorize (*see eg* NC Gen Stat Ann § 128-1.1[c1]; Tx Crim Pro Art 2A 060; Colo Rev Stat § 24-76.6; New Mexico H.B.9; N.J. Attorney General Law Enforcement Directive No. 2018-6 v2.0 [Sept. 27, 2019], Danberg Biggs Affirmation Exhibit 4).

27. In short, 287(g) agreements must comply with applicable state law.

Local Immigration Enforcement in New York

28. Before this year, some local law enforcement entities in New York made attempts to cooperate with ICE in immigration enforcement. For instance, prior to 2020, Nassau County had a policy of holding people beyond the date of their criminal sentence if ICE issued a so-called "detainer"—a request to hold someone whom ICE believes it has reason to investigate for a civil immigration offense.

29. Beginning in 2016, Suffolk County maintained a similar policy "under which inmates subject to either an ICE detainer accompanied by a United States Department of Homeland Security (hereinafter DHS) Warrant for Arrest of Alien, and/or DHS Warrant of Removal/Deportation, are to be held for up to 48 hours after the time they would otherwise have been released, with ICE to be notified immediately" (*People ex rel Wells v DeMarco*, 168 AD3d 31, 35 [2d Dept 2018]).

30. Nassau and Suffolk County adopted these policies without 287(g) agreements, but instead under the authority of 8 USC § 1357(g)(10), which allows certain cooperation between ICE and local officers without a formal agreement (*id.* at 53).

31. However, in 2018, the Second Department concluded that local law enforcement in New York lack the authority to arrest and/or detain anyone based solely on a civil immigration violation, whether or not ICE has issued an administrative warrant.

32. In *Wells v Demarco*, the Appellate Division held that New York law does not permit local law enforcement officers to hold individuals for civil immigration violations (*id.* at 53-54).

33. The court explained that state and local police officers in New York exercise limited authority to effectuate arrests. The full scope of this authority is defined by state statutory law (*see id*. at 45-46).

34. An immigration arrest, or a transfer from local police custody to ICE custody after a person was entitled to release, is an arrest under New York state law (*see id.* at 39–41).

35. Removing a person from the country under federal immigration law is a civil administrative matter, and immigration detainers are administrative warrants (*see Arizona v US*, 567 US 387 [2012]). An administrative warrant does not give New York police officers the authority to conduct an arrest. Any civil immigration arrest conducted pursuant to an ICE detainer therefore constitutes a warrantless arrest under New York law (*see Wells*, 168 AD3d at 42-45).

36. New York criminal law permits officers to conduct warrantless arrests only when a person "has committed or is believed to have committed an offense and who is at liberty within the state" (CPL 140.05). CPL 140.10 specifies that state and local police may make

warrantless arrests only when the officer has reasonable cause to believe that an individual has committed a crime or offense.

37. But a civil immigration violation does not fall under the definition of crime or offense under New York state law (*see Wells*, 168 AD3d at 44). Accordingly, New York police officers lack authority to arrest a person when the only "warrant" is an ICE administrative detainer, or when the sole suspected violation is a civil immigration violation. This was clearly established in *Wells*, and that law still controls today.

38. The Appellate Division was not alone in its analysis. In federal court, the Eastern District of New York reaffirmed *Wells* and expanded on the Second Department's ruling, holding that an officer who arrests an individual for a suspected civil immigration offense without authorization under state law deprives that individual of their right to due process guaranteed by Article I of the New York State Constitution (*Orellana v County of Suffolk*, 2025 WL 481723, at *11-12 [ED NY 2025]).

39. Courts across the country have come to the same conclusion: state and local police may not arrest people for civil immigration offenses without state law authorization (*see Lunn v Commonwealth*, 477 Mass 517 [Mass 2020]; *Ramon v Short*, 399 Mont 254 [Mont 2020]; *Esparza v Nobles*, 2019 WL 4594512 [Minn 2019]; *Nash v Mikesell*, 557 P3d 369 [Col Ct App 2024]; *see also Melendres v Arpaio*, 695 F3d 990, 1000 [9th Cir 2012] ["The Fourth Amendment does not permit a stop or detention based solely on unlawful presence"]; *Lopez-Aguilar v Marion County. Sheriff's Dept*, 296 F Supp 3d 959, 975 [SD Ind 2017] ["[S]eizures conducted solely on the basis of known or suspected civil immigration violations violate the Fourth Amendment when conducted under color of state law."]).

40. Indeed, New York Attorney General Letitia James has advised law enforcement agencies not to enter into 287(g) agreements because effectuating arrests for civil immigration offenses pursuant to such an agreement "may well violate New York law."[4]

41. It is also settled law that, short of arrests, New York police officers can only stop and question individuals in public under a limited set of circumstances.

42. First, officers may "stop a person in a public place located within the geographical area of such officer's employment when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law" (CPL § 140.50).

43. Beyond these circumstances, the Court of Appeals has recognized a "common-law right to inquire" (*People v De Bour*, 40 NY2d 210, 223 [1976]). A common-law inquiry entails "pointed questions that would lead the person approached reasonably to believe that he or she is suspected of some wrongdoing and is the focus of the officer's investigation" (*Hollman*, 79 NY2d at185). To effectuate a lawful common-law inquiry, an officer must have a "founded suspicion that criminality is afoot" (*id.*).

44. Suspected violations of federal immigration law do not satisfy the conditions to effectuate either form of stop. Such violations are neither felonies nor misdemeanors as defined by state penal law. Moreover, because these are civil violations, they do not constitute criminality.

45. Following *Wells*, NCPD issued Administrative Order 20-003 confirming that it would no longer hold people based solely on ICE detainers (*see Nassau County* Admin. Order 20-

[4] Office of the New York State Attorney General, *Guidance Concerning Local Authorities' Participation in Immigration Enforcement and Model Provisions* (Jan 2, 2025), Danberg Biggs Affirmation Exhibit 5, at 5.

003, Danberg Biggs Affirmation Exhibit 6).[5] In that order, NCPD acknowledged the Appellate Division's ruling that administrative arrest warrants and detainers issued by ICE officials do not provide state and local law enforcement officers with authority to detain an individual. On information and belief, NCPD has never rescinded or amended Administrative Order 20-003.

46. In addition to the specific limitations that New York law imposes on local law enforcement officers, state law also imposes limits on local governments' ability to enter agreements with other government entities. The New York Constitution only authorizes local governments to enter contracts with the federal government for the undertaking of functions that "each participating local government has the power to provide separately" (NY Const art IX, § 1[c]). Accordingly, county governments and local police departments cannot "assume by contract a . . . power deprived of it by state statute" (*Manitou Sand & Gravel Co v Town of Ogden*, 808 NYS2d 918, at *4 [Sup Ct Monroe County 2005]).

History of Racial Profiling Caused by Task Force Model 287(g) Agreements

47. Due to the broad and unchecked authority conferred by Task Force Model Agreements, they frequently resulted in rampant racial profiling. Most notably, after the Maricopa County Sheriff's Office ("MCSO"), led by Joe Arpaio, entered into a Task Force Model Agreement, it engaged in such blatant and widespread racial profiling that both the DOJ and private parties filed suits. A 2011 investigation by the Department of Justice found that MCSO stopped Latino drivers at rates up to nine times higher than non-Latino drivers.[6]

[5] *See also* Geoff Dempsey, "Nassau Police Stop Detaining Immigrants for ICE: Report," Patch, (Mar. 12, 2020), Danberg Biggs Affirmation Exhibit 7, available at https://patch.com/new-york/mineola/nassau-police-stop-detaining-immigrants-ice-report.

[6] Letter of Findings, United States' Investigation of the Maricopa County Sheriff's Office (Dec. 15, 2011), Danberg Biggs Affirmation Exhibit 8, available at https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf.

48. Accordingly, a federal court found that MCSO had engaged in a pattern and practice of racial profiling and imposed a federal monitor, who remains in place to this day (s*ee Melendres v Arpaio*, 784 F.3d 1254 [9th Cir 2015]; *see also* Independent Monitor for the Maricopa County Sheriff's Office: Third Quarter 2024 [Mar. 31, 2025], Danberg Biggs Affirmation Exhibit 9, available at https://www.mcso.org/home/showpublisheddocument/1548/638791095047200000).

49. MCSO was not the only department where a Task Force Model Agreement led to the racial profiling of Latinos. The DOJ also found that Alamance County Sheriff's Office, which entered a Task Force Model Agreement, stopped Latino drivers more often than other drivers and were more likely to arrest them when they did.[7]

50. A report published in 2010 by the University of North Carolina at Chapel Hill found that Task Force Model agreements in the state were primarily used to target offenders who posed no threat to public safety or individuals with no criminal record.[8] Overall, 33 percent of individuals detained through the 287(g) program were charged with traffic violations; in one county that was a subject of the study, the figure rose to 57 percent.[9]

51. Researchers have found that 287(g) agreements foster environments that broadly increase racial profiling by law enforcement agents that disproportionately impacts Latino and Black community residents. A 2022 study from Texas A&M University also found that this discriminatory behavior has affected law enforcement agencies that have not even

[7] Letter of Findings, United States' Investigation of the Alamance County Sheriff's Office (Sept. 18, 2012), Danberg Biggs Affirmation Exhibit 10, available at https://www.justice.gov/iso/opa/resources/171201291812462488198.pdf.
[8] Mai Thi Nguyen and Hannah Gill, *The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities*, The Latino Migration Project (Feb. 2010), Danberg Biggs Affirmation Exhibit 11, available at http://dx.doi.org/10.13140/RG.2.1.4129.5204.
[9] *Id*. at 38

entered a formal ICE agreement but are geographically proximate to an agency with an active agreement.[10]

52. In the face of a widespread and growing wave of successful litigation against the departments using these agreements, ICE issued a 2012 policy memo discontinuing the Task Force Model in favor of "more efficient use of resources for focusing on priority cases."[11]

NCPD's History of Racial Profiling

53. In recent decades, analyses of data on arrests by police on Long Island show that NCPD engaged in biased policing that likely relied on racial profiling to some degree.[12] For example, a Newsday investigation found that from 2007 to 2017, people who are Black, Latino, and other people of color were far more likely than white people "to be arrested and wind up behind bars for" low-level charges, even though approximately 73 percent of Long Island's population was white and 27 percent of the population were people of color during this period.[13] Specifically in Nassau County, people of color "made up 30 percent of the population but 67 percent of all felony arrests" as well as "63 percent of resisting-arrest charges during the past decade."[14]

[10] Huyen Pham & Pham H. Van, *Sheriffs, State Troopers, and the Spillover Effects of Immigration Policing*, 64 Ariz L Rev 463 (2022), Danberg Biggs Affirmation Exhibit 12.
[11] "FY 2012: ICE announces year-end removal numbers, highlights focus on key priorities an issues new national detainer guidance to further focus resources," *U.S. Immigration and Customs Enforcement* (Dec. 20, 2012), Danberg Biggs Affirmation Exhibit 13, available at https://www.ice.gov/news/releases/fy-2012-ice-announces-year-end-removal-numbers-highlights-focus-key-priorities-and.
[12] *See* Thomas Maier & Ann Choi, *Unequal justice: Racial disparity in arrests, sentencings on LI*, Newsday (Oct. 19, 2017), Danberg Biggs Affirmation Exhibit 14, available at https://projects.newsday.com/long-island/unequal-justice-part-1/.
[13] Exhibit 14.
[14] *Id.*

54. Biased policing continued even after NCPD passed reforms to combat racial disparities. [15] A 2023 report released by the community advocacy group Long Island United to Transform Policing & Community Safety found that in the year prior, NCPD arrested Black people 5.7 times more than white individuals and Latino people up to 2.4 times more than white people.[16] Further, Black individuals were "10.1 to 4.2 times more likely to be patted down by officers" in 2022 "while Latin[o individuals] were 3.9 to 2.7 times more likely to be patted down" relative to white people.[17] These racial disparities in NCPD's policing outcomes "has remained consistent year after year and in some ways has become more prominent."[18]

NCPD Entered a Task Force Model 287g Agreement in March 2025

55. Despite the clear state law limits on local immigration enforcement, the history of racial profiling associated with Task Force Model Agreements, and NCPD's own history of racially discriminatory policing, following President Donald Trump's election in fall 2024, Nassau County officials declared their intent to again assist federal officials with civil immigration enforcement. Nassau County Executive Bruce Blakeman stated in November 2024: "The Nassau County Police Department will cooperate with Customs and Border Patrol, ICE, the FBI, and anybody else who wants to make sure these people are returned to the countries they came from."[19]

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[15] Michelle O'Keeffe, *Black people and Latinos in Nassau arrested at significantly higher rates than whites despite police reform, community advocates say*, Newsday (Oct. 10, 2023), Danberg Biggs Affirmation Exhibit 15, available at https://www.newsday.com/long-island/crime/nassau-police-stops-blacks-latinos-reform-ck4mcocr
[16] *Id.*
[17] *Id.*
[18] *Id.* (internal quotation marks omitted).
[19] Kevin Veser, *Nassau County Executive Bruce Blakeman affirms support for mass deportation policy, vows county assistance*, News 12 Long Island (Nov. 20, 2024), Danberg Biggs Affirmation Exhibit 16, available at https://longisland.news12.com/nassau-county-executive-bruce-blakeman-affirms-support-for-mass-deportation-policy-vows-county-assistance.

56. In February 2025, Blakeman reiterated the County's commitment to assisting with civil immigration enforcement, releasing a statement that "Nassau County Police and Sheriff's Departments are fully cooperating with ICE and other federal agencies to round up illegal migrants."[20]

57. On February 4, 2025, Nassau County officials formally announced that NCPD was entering a 287(g) Agreement to cooperate with federal authorities in civil immigration enforcement.[21] Specifically, the County announced it had cross-designated ten detectives as civil immigration officers and allocated fifty jail beds to detain people for up to seventy-two hours on behalf of ICE.[22]

58. On March 3, 2025, Respondent Patrick J. Ryder, acting on behalf of NCPD, officially signed a Memorandum of Agreement to enter a 287(g) Agreement with ICE (*see* Exhibit 1). On March 10, 2025, Todd M. Lyons signed the 287(g) Agreement on behalf of ICE (*id.*).

59. NCPD's 287(g) Agreement is a Task Force Model Agreement. Under the agreement, deputized officers can question any person they believe to be present in the United States unlawfully; arrest, without a warrant, those they believe are in the United States unlawfully; and serve and execute arrest warrants for immigration violations (*id.* at 2).

60. Beyond street-level investigations and arrests, NCPD's 287(g) Agreement authorizes deputized officers to process for immigration removal and detention those who have been

[20] Kiran Dhillon & Matthew Euzarranga, *Nassau County Executive Confirms cooperation with ICE for migrant enforcement*, PIX11 (Jan. 25, 2025), Danberg Biggs Affirmation Exhibit 17, available at https://pix11.com/news/local-news/nassau-county-executive-confirms-cooperation-with-ice-for-migrant-enforcement/.
[21] Krista McNally, *Blakeman: Nassau County detectives to assist ICE in detaining immigrants in the county illegally who commit crimes*, News 12 Long Island (Feb. 4, 2025), Danberg Biggs Affirmation Exhibit 18, available at https://longisland.news12.com/blakeman-nassau-county-detectives-to-assist-ice-in-detaining-immigrants-in-the-county-illegally-who-commit-crimes.
[22] *Id.*

arrested for state and federal criminal offenses; issue immigration detainers themselves; prepare immigration-specific charging documents, including a Notice to Appear in immigration court; and obtain evidence—including biometric data—on behalf of ICE (*id.* at 2-3).

61. The 287(g) Agreement also provides that NCPD can take and maintain custody of individuals arrested by ICE, or another State or local law enforcement agency on behalf of ICE, including for arrests solely for violations of immigration laws; and to transport individuals to ICE detention facilities (*id.*).

62. Not only does the 287(g) Agreement purport to allow Nassau police officers to do the very thing that *Wells* prohibits—arrest people based on an immigration detainer—it authorizes NCPD officers to take the further step of arresting people *without* a detainer and based solely on their own individual suspicion. These authorizations run counter NCPD's own Administrative Order 20-003.

The Respondents' Justification for the March 2025 287(g) Agreement

63. Like any agency action, the Respondents' decision to enter the 287(g) Agreement must be supported by sufficient rationale (*see Save Am.'s Clocks, Inc. v City of New York*, 33 NY3d 198, 220 [2019]).

64. In the face of overwhelming evidence that Task Force Model 287(g) Agreements frequently result in racial profiling, NCPD's own history of racially discriminatory policing, and the well-established limits on local enforcement of federal immigration law, the Respondents entered the 287(g) Agreement and violated the County's prior policy for one purported reason: crime.

65. County Executive Blakeman explained that he viewed the 287(g) Agreement as "a necessary response to the serious public safety concerns we all face."[23] He stated further that he directed NCPD to enter the 287(g) Agreement to "keep [Nassau] [C]ounty safe from unvetted illegal immigrants who commit crimes."[24]

66. Despite these claims, index crimes actually fell in the first two months of 2025[25] and Nassau County was recently named the safest county in the country by U.S. News and World Report.[26] County Executive Blakeman boasted about this report in a social media post in April 2025, just a month after NCPD entered the 287(g) Agreement.[27]

67. Further, there is no evidence that immigration is responsible for crime in Nassau County. Rather, data consistently show that immigrants are considerably less likely to commit crimes than people born in the United States (*see Debunking the Myth of Immigrants and Crime*, American Immigration Council [Oct. 17, 2024], Danberg Biggs Affirmation Exhibit 24; Brianna Seid, Rosemary Nidiry, and Ram Subramanian, *Debunking the Myth of the 'Migrant Crime Wave,'* Brennan Center for Justice [May 29, 2024], Danberg Biggs Affirmation Exhibit 25, available at https://www.brennancenter.org/our-work/analysis-

[23] Bruce Blakeman, *ICE Partnership Targets Criminals to Keep Nassau Safe*, LI Herald (Mar. 7, 2025), Danberg Biggs Affirmation Exhibit 19, available at https://www.liherald.com/stories/bruce-blakeman-ice-partnership-targets-criminals-to-keep-nassau-safe,213577.
[24] Brandon Cruz, *Nassau Exec Bruce Blakeman Pledges to Work with ICE, Celebrates that County Is 'Not a Sanctuary'*, NY Post (Mar. 12, 2025), Danberg Biggs Affirmation Exhibit 20, available at https://nypost.com/2025/03/12/us-news/nassau-exec-bruce-blakeman-pledges-to-work-with-ice-celebrates-that-county-is-not-a-sanctuary/.
[25] Nassau County Police Department Strat-Com Comparison Report, Danberg Biggs Affirmation Exhibit 21, available at https://www.pdcn.org/DocumentCenter/View/6346/YTD-NCPD-Strat-Com-Comparison-Monthly-without-OtherCrime.
[26] Steven Ross Johnson, *The Safest Communities in Americ*a, U.S. News and World Report [Aug. 6, 2024], Danberg Biggs Affirmation Exhibit 22, available at https://www.usnews.com/news/healthiest-communities/slideshows/safest-counties-in-america?onepage.
[27] Facebook Post of Nassau County Executive Bruce Blakeman [Apr 29, 2025], Danberg Biggs Affirmation, Exhibit 23, available at https://www.facebook.com/BruceBlakemanNCExec/posts/nassau-is-now-the-safest-county-in-america-thanks-to-the-nassau-county-police-de/1259739319491881/.

opinion/debunking-myth-migrant-crime-wave). Indeed, in Nassau County, as the immigrant population has grown in recent years, crime has steadily decreased.

Petitioners are Harmed by NCPD's 287(g) Agreement

68. The 287(g) Agreement authorizes a broad and aggressive set of police powers, which NCPD officers may exercise anywhere in the community. For immigrants living in Nassau County, as well as for many residents of color who have lived in the U.S. their entire lives, leaving home means risking being stopped, interrogated, or arrested by an NCPD officer who suspects they are undocumented. The Petitioners are three non-profit organizations and two residents of Nassau County. Between them, they reflect the breadth and diversity of people whose lives have been impacted by NCPD's 287(g) Agreement.

69. **CARECEN** is a nonprofit that provides "legal services, social services, education, and advocacy to and on behalf of Long Island's immigrant communities."[28] It is the largest immigration legal service provider on Long Island. CARECEN serves clients in Nassau County and works to research and disseminate accurate information to their clients on immigration issues. CARECEN also advocates against policies that harm Long Island's immigrant community.

70. Approximately half of CARECEN's clients live in Nassau County. As immigrants of varying immigration status, CARECEN's clients risk being subject to policing pursuant to the 287(g) Agreement whenever they leave their homes. Since March, many of these families have lived in fear that they will be stopped, interrogated, or arrested by an NCPD officer acting pursuant to the 287(g) Agreement.

[28] Affidavit of Jessica Greenberg, ¶ 1, Danberg Biggs Affirmation Exhibit 26.

71. Some of CARECEN's clients are afraid to report incidents to NCPD because of the 287(g) Agreement. This includes an individual who was the victim of a crime but is too afraid to seek U Nonimmigrant Status, a client who has experienced domestic violence but does not want to report it out of concern that it would trigger removal proceedings and lead to more abuse, and a client who has witnessed child abuse but has not reported it because they are concerned that themselves and the child may be deported.

72. CARECEN has devoted significant resources responding to the 287(g) Agreement, including the time of ten attorneys, eight law school graduates, and fourteen paralegals.

73. CARECEN's Legal Director, Jessica Greenberg, now attends at least two ninety-minute meetings each week to discuss advocacy related to NCPD's 287(g) agreement, in addition to communicating about this topic through email and other means.

74. To support its clients, CARECEN regularly conducts Know Your Rights presentations in Nassau County. Following the announcement of the 287(g) Agreement, CARECEN has had to modify these trainings to incorporate information about how their clients should interact with NCPD and the potential consequences of the 287(g) Agreement. This took time to research, in addition to the time spent planning the logistics of the presentations.

75. CARECEN clients and their relatives have had interactions with NCPD that required CARECEN legal staff to provide counseling and develop contingency plans to address potential immigration consequences of the interactions.

76. Since the February 2025 announcement of the 287(g) Agreement, CARECEN staff have dedicated approximately 370 hours to advocacy efforts surrounding the agreement. This is a diversion of CARECEN's resources that has reduced their ability to represent their individual clients.

77. **HAFALI** is a membership-based organization located in Nassau County that serves and is comprised of Haitian-American families in Long Island. HAFALI provides members with support on issues they face in their daily lives, such as housing, public benefits, school, and language access, and strives to develop a community among their members in addition to conducting advocacy on issues pertinent to the Haitian-American community.

78. HAFALI's membership includes individuals with a variety of immigration statuses, including citizens, permanent residents, and undocumented individuals, with many member families being mixed-status.

79. HAFALI's members experience fear and stress over the threat of immigration enforcement in Nassau County. Members have reported being afraid to take the bus, attend church, drive, send their children to school, or even leave their house because they are concerned they will be stopped, questioned, or detained due to their immigration status.

80. This fear and stress arise not only from concern over immigration enforcement by federal agents, but also from interactions with NCPD. Every potential interaction with NCPD carries the risk of being detained, questioned, or arrested. For HAFALI's members, this risk imposes a daily burden that changes the way they structure their lives.

81. HAFALI's services have been affected due to this fear. Members have dropped out of their English as a Second Language class. In addition, the organization struggles to plan events since attendance has dropped, as people are hesitant to leave their homes.

82. **The Episcopal Diocese of Long Island** serves members throughout Kings, Queens, Suffolk, and Nassau Counties through a variety of church services. As part of its mission to implement the teachings of Jesus Christ in the public square, the Diocese supports recent

immigrants through food pantries, meal programs, language classes, afterschool programs, and other services.

83. The Diocese considers its parishioners to be its members. There are 27 parishes in Nassau County, with between 50 and 200 parishioners each. Many of the parishes in Nassau County have a significant immigrant population. This includes members that are citizens and noncitizens, including those that are undocumented.

84. Since early 2025, many parishioners have expressed fear over attending church services because of the threat of immigration enforcement. This has led to a drop in attendance at some churches. A reverend at one Nassau County parish reported that NCPD presence in the vicinity of the church has resulted in lower attendance at some religious services, including burials. The drop has been particularly notable among Latino parishioners.

85. At least two food pantries operated by the Diocese have seen a drop in visitors over the past few months. Many of the visitors to the food pantry are members of the Diocese and many have expressed fear that they may be stopped, detained, or arrested while accessing the Diocese's food pantries. Immigration officers travelling in both NCPD patrol cars and black unmarked vehicles have been sighted around the food pantries and have arrested people there.

86. Parishioners have been stopped and questioned by NCPD over their immigration status. Some have experienced this multiple times and have been threatened with arrest.

87. This has affected the Diocese's ability to carry out its mission. Physical attendance at church is required for members to participate in the Eucharist and Holy Communion, and helps to build community, encourage participation in church programs, solicit donations, and allows the church to provide effective pastoral care to their members.

88. Further, addressing the harms of immigration enforcement on the Diocese's members has prevented Diocese staff from focusing on other essential ministries.

89. **Marc Soto** is the Executive Director of the Líga De Justícia Foundation, a nonprofit that serves immigrants and hosts events in Nassau and Suffolk Counties.

90. As part of his work, Mr. Soto regularly travels to and attends events in Nassau County and interacts with immigrants who are both documented and undocumented. He frequently speaks in Spanish to communicate with the people that his organization serves.

91. When Mr. Soto attends events on public property, he almost always observes police officers present.

92. Mr. Soto is concerned that when he is in Nassau County, he will be stopped and questioned about his immigration status because of his frequent interactions with the Latino immigrant community, the fact that he is Latino man, and the fact that he speaks Spanish. He is also concerned that NCPD may detain him if they believe he is in the United States in violation of the law.

93. This fear has caused Mr. Soto to be hesitant about scheduling events in Nassau County because he is concerned that he or members of his community may be stopped, questioned, or detained.

94. Mr. Soto has observed how fear of immigration enforcement has decreased attendance at events in Nasau County and caused individuals to avoid public events.

95. **John Doe** is an undocumented individual who has lived in Nassau County for over thirty years.

96. Mr. Doe has been stopped by police multiple times while in Nassau County. Several of those incidents occurred in wealthier, predominantly white neighborhoods in Nassau where

police told Mr. Doe that he looked "suspicious" and as though he did not belong in the neighborhood, leading Mr. Doe to believe that these stops may have been motivated by racial profiling.

97. In one incident in late 2024, Mr. Doe was detained by ICE in Nassau County. Although he was ultimately released, the incident left him deeply fearful of immigration enforcement.

98. Since NCPD entered the 287(g) Agreement, Mr. Doe has noticed increased immigration enforcement activity. This has amplified his fear of being stopped and potentially detained again.

99. As a result of this fear, Mr. Doe has altered his behavior. He drives less frequently and has started to avoid places where he observed immigration enforcement. He has advised his loved ones to do the same. They now only leave the house to go to work or school.

100. Mr. Doe is a soccer coach and has canceled practice for his team because many of the team members and their families are immigrants.

101. This fear has affected the wider community. Mr. Doe has observed that immigrants in Nassau County are fearful of NCPD and federal immigration authorities to the point where there are fewer cars on the street. People are also hesitant to reach out to the police for assistance because they fear immigration consequences.

102. Mr. Doe is afraid that he will be stopped by police due to racial profiling in the future and detained because he lacks documentation. He is concerned that he may ultimately be deported.

CAUSE OF ACTION

Violation of CPLR § 7803

Entering Into the 287(g) Agreement Was Affected by an Error of Law

103. The Petitioners repeat and re-allege every allegation above as though fully set forth herein.

104. The 287(g) Agreement enacted by the Respondents authorizes the very type of arrests that New York law prohibits. Likewise, the 287(g) Agreement authorizes officers to detain and question individuals without any suspicion of criminality, as required by New York law. Nassau County is barred under Article 9 § 1(c) of the New York Constitution from entering a contract with the federal government to provide services that the county is not authorized to provide itself. As such, the decision to enter the 287(g) Agreement was "affected by an error of law" in violation of CPLR § 7803(3).

105. The Petitioners are entitled to judgment under CPLR § 7806 enjoining the 287(g) Agreement and preventing NCPD or Commissioner Ryder from enforcing federal immigration law as contemplated in the agreement.

Entering Into the 287(g) Agreement Was Arbitrary and Capricious

106. The Petitioners repeat and re-allege every allegation above as though fully set forth herein.

107. The Respondents' decision to enter the 287(g) Agreement that authorized its officers to effectuate unlawful arrests and engage in unlawful interrogations and detentions was arbitrary and capricious in violation of CPLR § 7803(3).

108. The Respondents' decision to enter the 287(g) Agreement directly contradicts NCPD's Administrative Order 20-003, which established a policy against honoring ICE detainers after *Wells* was decided; disregarded strong evidence demonstrating that such agreements lead to racial profiling and that NCPD has and continues to engage in biased policing; and was based upon speculative and unsupported concerns about immigrant-

related crime in Nassau County. The Respondents' decision was arbitrary and capricious under CPLR § 7803(3).

109. The Petitioners are therefore entitled to judgment under CPLR § 7806 setting aside NCPD's 287(g) agreement and enjoining NCPD or Commissioner Ryder from enforcing federal immigration law as contemplated in the agreement.

Stay and Preliminary Injunction

110. The Petitioners repeat and re-allege every allegation above as though fully set forth herein.

111. The Petitioners are entitled to a preliminary injunction and stay pursuant to CPLR §§ 7805 and 6301 enjoining the enforcement of Respondents' 287(g) Agreement pending the final determination of this proceeding.

112. The Petitioners have established a substantial likelihood of success on the merits.

113. The Petitioners will suffer irreparable injury, including unlawful and unconstitutional interrogations, detentions, and arrests, unless the Court enjoins enforcement of the Respondents' 287(g) Agreement.

114. The balance of equities weighs decisively in favor of issuing a stay of the Respondents' 287(g) Agreement.

PRAYER FOR RELIEF

115. WHEREFORE, the Petitioners respectfully request judgment as follows:

116. Issue preliminary relief enjoining enforcement of the 287(g) Agreement during the pendency of this proceeding;

117. Issue injunctive relief permanently enjoining and setting aside the 287(g) Agreement;

118. Award the Petitioners reasonable costs; and

119. Grant any and all further relief as this Court deems just and proper.

Dated: New York, New York
June 24, 2025

Respectfully Submitted,

NEW YORK CIVIL LIBERTIES UNION FOUNDATION

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Counsel for Petitioners

SUPREME COURT OF THE STATE OF NEW YORK, NASSAU COUNTY

--X

In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

Index No.

Petitioners,

For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, NASSAU COUNTY, and the NASSAU COUNTY POLICE DEPARTMENT

Respondents.

--X

I, Melanie Creps, affirm this 23rd day of June, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am Executive Director of CARECEN. a named petitioner in this action

2. I am making this verification under CPLR 3020(d)

3. I have read the Verified Petition and the allegations in paragraphs 1-10, 15-76, and 103-119 are true to my personal knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

Melanie Creps

NEW YORK, NASSAU COUNTY

--X

In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

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For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, NASSAU COUNTY, and the NASSAU COUNTY POLICE DEPARTMENT

Respondents.

--X

I, Lawrence C. Provenzano, affirm this 24th day of June, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am the Bishop of the Episcopal Diocese of Long Island, a petitioner in this action.

2. I am making this verification under CPLR 3020(d)

3. I have read the Verified Petition and the allegations in paragraphs 1-9, 12, 15-68, 82-88, and 103-119 are true to my personal knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

Rt. Rev. Lawrence C. Provenzano

SUPREME COURT OF THE STATE OF NEW YORK, NASSAU COUNTY

----------X

In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN-AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

Petitioners,

For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, and the NASSAU COUNTY POLICE DEPARTMENT

Respondents.

----------X

I, Maryse Lamercie Emmanuel-Garcy, affirm this 24th day of June, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am a named petitioner in this action.
2. I am making this verification under CPLR 3020(d).
3. I have read the Verified Petition and the allegations in paragraphs 1-9, 11, 15-68, 77-81, and 103-119 are true to my personal knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

Maryse Lamercie Emmanuel-Garcy

SUPREME COURT OF THE STATE OF NEW YORK, NASSAU COUNTY

--X

In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

Index No.

Petitioners,

For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

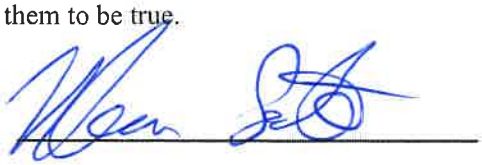
PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, NASSAU COUNTY, and the NASSAU COUNTY POLICE DEPARTMENT

Respondents.

--X

I, Marc Soto, affirm this 24th day of June, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am a named petitioner in this action
2. I am making this verification under CPLR 3020(d)
3. I have read the Verified Petition and the allegations in paragraphs 1-9, 13, 15-68, 89-94, and 103-119 are true to my personal knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.



Marc Soto

SUPREME COURT OF THE STATE OF NEW YORK, NASSAU COUNTY

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In the Matter of the Application of CENTRAL AMERICAN REFUGEE CENTER, EPISCOPAL DIOCESE OF LONG ISLAND, HAITIAN-AMERICAN FAMILY OF LONG ISLAND, MARC SOTO, and JOHN DOE,

Petitioners,

For Judgment and Order pursuant to Article 78 of the Civil Practice Law and Rules

-against-

PATRICK RYDER, in his official capacity as the Commissioner of the Nassau County Police Department, and the NASSAU COUNTY POLICE DEPARTMENT ,

Respondents.

----------X

I, [redacted] affirm this 24th day of June, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am a named petitioner in this action.
2. I am making this verification under CPLR 3020(d).
3. I have read the Verified Petition and the allegations in paragraphs 1-9, 14, 15-68, and 95-119 are true to my personal knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

[redacted]

[redacted] John Doe