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*****FOR IMMEDIATE RELEASE*****

Five NYC Public Defenders Issue Letters Invoking Constitutional Rights of New Yorkers in NYC DOC Custody to Protect Against Federal Immigration Enforcement Due Process Violations

Attorneys Also Call on Adams Administration to Immediately Rescind this Executive Order to Comply with NYC Sanctuary Laws and Due Process

(NEW YORK, NY) - The Legal Aid Society, New York County Defender Services, The Bronx Defenders, Neighborhood Defender Service of Harlem, and Queens Defenders issued formal notices invoking the constitutional rights of every client currently in, or who may be placed in, the custody of the New York City Department of Correction (DOC), in response to Executive Order 50—issued by the Adams Administration authorizing federal immigration officials to conduct criminal investigations at Rikers Island.

Executive Order 50 authorizes collaboration between federal law enforcement agencies — including Homeland Security Investigations (HSI), a division of U.S. Immigration and Customs Enforcement (ICE) — and DOC’s Correction Intelligence Bureau.

In sum, the letters state:

- clients represented by New York City public defender offices unequivocally invoke their right to counsel under the New York State Constitution and the U.S. Constitution. They do not consent to any questioning or identification procedures in the absence of their attorneys;
- clients invoke their right to remain silent and their protection against self-incrimination under state and federal law;
- clients do not consent to any searches of their person or property, including the taking of biological or biometric information;
- clients do not consent to be questioned on any matters relating to immigration status, alienage, or immigration enforcement without counsel present.

“This executive order is a blatant and dangerous attempt to trample the constitutional rights owed to every person in this city, regardless of immigration status or incarceration,” said **Tina Luongo, Chief Attorney of the Criminal Defense Practice at The Legal Aid Society**. “Our clients with open, pending criminal matters have constitutional rights that cannot be circumvented. We will fiercely defend them. We will not stand by as the City

turns Rikers Island into a pipeline for the abhorrent federal immigration actions taking place. The Adams Administration must immediately rescind this order.”

Read The Legal Aid Society’s [letter](#).

“As the federal government continues to infringe on the rights of immigrants, we must continue to protect our communities - not capitulate to these cruel practices. President Trump’s policies have already isolated neighbors, friends and community members, and Mayor Adams’s continuous support of federal policies is destroying the heart and soul of our city in the name of ‘public safety.’ We call on the Mayor to withdraw this EO and demand that our legislature immediately act,” said **Piyali Basak, Managing Director of Neighborhood Defender Service of Harlem.**

Read the Neighborhood Defender Service of Harlem’s [letter](#).

“The executive order rests on a dangerous fiction—that ICE can operate on Rikers Island without undermining due process,” said **Juval O. Scott, Executive Director of The Bronx Defenders.** “We’ve seen what happens when ICE has access to city jails: people are funneled into deportation proceedings without notice, without counsel, and without any regard for their rights. That’s why we are invoking the full constitutional protections that the people we represent are entitled to. No New Yorker should be subjected to secret interrogations, unlawful searches, or backdoor transfers to ICE custody. We urge the Mayor to rescind this order immediately.”

Read The Bronx Defenders’ [letter](#).

“Our city made clear over a decade ago that city resources will be used to oversee the administration of justice, not to rip families apart and disappear our community members on behalf of ICE overreach and their apparent disregard for due process,” said **Stan Germán, Executive Director of New York County Defender Services.** “Clearly our mayor has different priorities as we see with [yet another legally dubious executive order](#). With this letter, we are unequivocally invoking the constitutional rights of our clients to make crystal clear that we are on the side of the people and the rule of law. We call on the City Council to join us and move to enforce our city’s sacrosanct system of coequal branches of government that this executive order undermines.”

“The Adams Administration’s Executive Order allowing the presence of federal immigration authorities at Rikers Island will undermine due process and rob our clients of their right to counsel,” said **Anthony Martone, Interim Executive Director of Queens Defenders.** “Embracing the federal government’s regressive policies will only serve to harm the New York City residents we represent, and we call on Mayor Adams to immediately rescind this executive order and for the New York City Council to act on behalf of the countless New Yorkers currently housed at Rikers who are now at risk of deportation.”

Read the Queens Defenders’ [letter](#).

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