



**TOWN OF EAST HAMPTON
OFFICE OF THE TOWN ATTORNEY**

159 Pantigo Road

East Hampton, New York 11937

Phone: (631) 324-8787 Fax: (631) 329-5371

JACOB TURNER

Town Attorney

BRITTANY L. TOLEDANO

Deputy Town Attorney

CHARLES J. COLLINS

Senior Assistant Town Attorney

TREVOR DARRELL

Assistant Town Attorney

JOHN C. JILNICKI

Assistant Town Attorney

ALEXANDRA F. VECCHIO

Assistant Town Attorney

MEMORANDUM

TO: East Hampton Town Board members

FROM: Jacob Turner

DATE: April 1, 2026

RE: Proposed Public Safety and Accountability Code

The attached proposed resolution schedules a public hearing regarding amending the Town Code. Such would create Town Code regarding interactions between Town personnel and applicable federal immigration officials.

The proposed code specifically prohibits participation between the Town and federal enforcement officials in any agreement pursuant to 287(g) of the Immigration and Nationality Act. These types of agreements allow local law enforcement officers to operate with limited immigration enforcement functions under Immigration and Customs Enforcement ("ICE") oversight.

In addition, the proposed code amendment creates a Task Force comprised of appointed representatives of specific groups within the community and Town personnel. The Town Board would be charged with appointing the Task Force members. The Task Force would provide recommendations to the Town Board regarding immigration enforcement. The Town Board would need to respond to such recommendations within thirty (30) days.

The new code would require reporting procedures of known immigration enforcement operations within the Town. Specifically, the new code requires the Town police department to notify the Town Supervisor. The Town Supervisor is required to notify the Town Board. Finally, the Town Supervisor is also required to notify the Task Force.

To address concerns regarding proper identification of federal immigration officers the proposed code amendment specifically permits Town police officers to request proper identification from those purporting to be conducting immigration enforcement within the Town.

Finally, it should be noted that this proposed code change is the result of much research and discussion between attorneys, law enforcement, and Town personnel. It has been drafted to balance the concerns of the community with the inherent powers and limitations of the Town. The result being a local law that is designed to address the concerns of the community while also withstanding applicable legal challenges.

As of April 3, 2026

Notice of Public Hearing to Amend Chapter 211 of the East Hampton Town Code (Public Safety and Accountability)

RESOLVED, the Town Board shall hold a public hearing on Thursday _____, 2026, at 6:00 p.m. or as soon thereafter as this matter may be heard to consider all comments of any persons either for or against a local law entitled: "A Local Law Providing for the Amendment of Chapter 211 Public Safety and Accountability)", as hereinafter set forth; and be it further

RESOLVED that the Town Clerk shall publish the attached Notice of Public Hearing in the _____, 2026 edition of the East Hampton Star.

LOCAL LAW NO. _____ OF 2026

INTRODUCTORY NO. _____ OF 2026

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

Chapter 211 Public Safety and Accountability.

§ 211-1. _____ Legislative Intent.

The Town of East Hampton (the "Town") hereby acknowledges the authority of the federal government to enact and enforce federal immigration laws pursuant to its constitutionally granted authority. The Town further recognizes that state and local governments are bound by the supremacy clause of the U.S. Constitution and are pre-empted from enacting state and local laws that infringe on the federal powers regarding immigration. However, under our federal system, that power is limited.

The Town further recognizes that under the Tenth Amendment to the U.S. Constitution, those powers not given to the federal government, nor forbidden to the states, belong to the states, local governments, and the people. Among those powers reserved to the states and to local governments is the police power. The police power is a critical power reserved by the states in order to protect public safety, peace, and good order. The police power of local governments in New York State is enumerated in the State Constitution and the Municipal Home Rule Law.

The East Hampton Town Police Department is a professional organization committed to protecting the safety, peace, and good order of Town residents and visitors. The Town Board further finds that effective local law enforcement depends upon community trust, respect for human rights, the practice of community policing, and transparency in the exercise of public authority. Strong police-community relations are essential to public safety because all residents should feel safe reporting crimes, seeking emergency assistance, cooperating with police officers, and accessing public services. The Town Board further recognizes that when fear and uncertainty resulting from federal immigration enforcement activity cause members of the community to withdraw from public life

or avoid contact with public institutions, trust is eroded, public safety suffers, and the Town's ability to protect the public welfare is undermined.

The Town recognizes that across the nation, the federal government through the activities of United States Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Customs and Border Patrol (CBP), including the Department of Justice (DOJ), has launched unprecedented immigration enforcement operations creating rampant fear and uncertainty.

Therefore, the Town Board of the Town East Hampton by this local law exercises its authority under the police power and enacts policies intended to protect public safety, peace, and good order without interfering with the legitimate activities of the federal government with regard to its immigration enforcement powers.

The Town acknowledges the authority of the federal government to enforce federal immigration laws within the United States, including within the Town's jurisdiction. Nothing in this local law shall be construed to prohibit, restrict, or interfere with the proper exercise of federal immigration enforcement authority in accordance with federal law.

§ 211-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Town. The Town of East Hampton.

Town police department. The East Hampton Town Police Department.

Town police officer. Any Town "police officer" as that term is defined in Section 1.20 of the State Criminal Procedure law.

Town Personnel. Any and all employees of the Town, including but not limited to, Town police officers.

Town Resources. Any and all real property, buildings, structures, automobiles, vehicles, equipment, funds and databases owned by the Town.

§ 211-3. Civil Immigration Enforcement Cooperation and Participation Prohibited.

- A. The Town shall not enter into, renew, or participate in any agreement pursuant to Section 287(g) of the Immigration and Nationality Act (8 U.S.C. §1357(g)).
- B. Unless pursuant to a judicial warrant, or as otherwise required by law, Town personnel shall not allow for any Town resources to be utilized to investigate, detain, question, arrest, or transport any individual solely for purposes of federal civil immigration enforcement.

§ 211-4 Task Force. A Task Force is hereby established.

A. Task Force Composition

1. The Task Force shall be composed of no more than twelve (12) voting members, appointed by the Town Board, which shall be comprised as follows:
 - a. A representative from a school district within the Town.
 - b. A representative from the local clergy.
 - c. Two representatives from the local medical field.
 - d. A representative from a local non-profit organization.
 - e. A representative from a local food pantry.
 - f. An attorney with experience working within immigration law.
 - g. A member with experience working within social services.
 - h. A member who is a Latino youth advocate.
 - i. A Latino business owner.
2. The following shall also be ex officio members of the Task Force
 - a. The East Hampton Town Police Department Chief of Police or his/her designee.
 - b. The Town Supervisor or his/her designee.
 - c. The Town Attorney or his/her designee.
 - d. The Town Human Services Director or his/her designee.
3. The Task Force members appointed by the Town Board shall serve for one-year terms.

B. Task Force Duties.

The Task Force shall:

1. Meet as frequently as needed to address the concerns of the community regarding federal immigration practices within the Town.
2. Provide recommendations to the Town Board regarding appropriate methods for the Town to utilize to ensure public safety regarding immigration enforcement.
3. The Town Board shall respond to the Task Force within thirty (30) days to any and all recommendations from the Task Force.

§ 211-5 Federal Immigration Enforcement Activity Reporting Requirements.

- A. Where Town police officers respond to an incident involving a federal agency conducting an immigration enforcement operation in the Town, the Town police department shall report said incident to the Town Supervisor.

- B. The Town Supervisor shall provide copies of such reports to all members of the Town Board as soon as practicable but in no event later than the next regularly scheduled meeting of the Town Board.
- C. After providing copies of such reports to the Town Board, the Town Supervisor shall make such reports available to the Task Force and public, consistent with the State Freedom of Information Act.

§ 211-6 Identification.

In order to provide for the orderly enforcement of Section 190.26 of the State Penal Law (criminal impersonation in the first degree), Town police officers shall have the authority to request any unidentified person engaged in an immigration enforcement action to provide their full name, agency affiliation, and badge or identification number to the Town police officer.

§ 211-7. Construction.

- A. Nothing in this local law shall prohibit Town officers, employees, and agents from cooperating with federal agencies in the investigation or prosecution of criminal activity when required by law.
- B. Nothing in this local law shall be construed to restrict compliance with federal or state law where such compliance is mandatory.

§ 211-8 Severability.

If any portion of this local law is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions.

§ 211-9 Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State and shall expire and be deemed repealed on July 1, 2029.