

Congress of the United States

Washington, DC 20515

October 16, 2025

The Honorable Jessica Tisch
Commissioner
New York Police Department
One Police Plaza
New York, NY, 10038

Dear Commissioner Tisch:

I write in connection to the outrageous and unlawful conduct exhibited by federal agents and officers employed by the Department of Homeland Security (DHS), including Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), in cities around the country, including violently and improperly arresting United States citizens. In light of the likely possibility that DHS will similarly send armies of agents into New York City for civil immigration purposes, I write to request that the New York City Police Department (NYPD or Department) be prepared to strictly enforce state and local laws in order to hold federal agents accountable for any unlawful actions they engage in, including potentially through arrest and prosecution for felony violations.

ICE's own policy explicitly states that "as a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a U.S. citizen."¹ Yet, under the current Trump administration, there have been dozens of credible reports – some recorded on video – that the agency is doing exactly that, including in some cases violently assaulting U.S. citizens or lawfully residing immigrants.² In other cases, DHS has even deported American citizens in clear violation of their constitutional rights.³

¹ U.S. Immigration and Customs Enforcement, Investigating the Potential U.S. Citizenship of Individuals Encountered by ICE, November 10, 2015,

<https://www.ice.gov/sites/default/files/documents/Document/2017/16001.2.pdf>.

² CNN, "We are not safe in America today: These American citizens say they were detained by ICE," Alisha Ebrahimji, June 27, 2025, <https://www.cnn.com/2025/06/27/us/american-citizens-detained-ice-immigration/>; Washington Post, "As Trump cracks down on immigration, U.S. citizens are among those snared," María Luisa Paúl, April 5, 2025, <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>.

³ Government Accountability Office, Actions Needed to Better Track Cases Involving U.S. Citizenship Investigations, July 2021, <https://www.gao.gov/assets/gao-21-487.pdf>; ProPublica, "Some Americans Have Already Been Caught in Trump's Immigration Dragnet. More Will Be.," Nicole Foy, March 18, 2025, <https://www.propublica.org/article/more-americans-will-be-caught-up-trump-immigration-raids>; SSRN, "U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens," Jacqueline Stevens, September 22, 2011, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1931703; Los Angeles Times, "ICE held an American man in custody for 1,273 days. He's not the only one who had to prove his citizenship," Paige St. John and Joel Rubin, April 27, 2018, <https://www.latimes.com/archives/story/2018-04-27/ice-held-an-american-man-in-custody-for-1273days>.

When immigration officials make warrantless arrests of U.S. citizens or lawful residents without reasonable suspicion to believe they have violated immigration law, they are acting outside the scope of their legal authority. Accordingly, when they are acting outside the scope of their legal authority, they are no different than anyone else and their conduct is subject to New York criminal laws, including felony assault.

Under the NYPD [Patrol Guide](#), the Department’s Mission statement affirms that, “the mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, protect the people, reduce fear, and maintain order.” In that same Guide, the Department also pledges to “protect the lives and property of our fellow citizens and impartially enforce the law.” Further, each NYPD officer takes an oath and swears to “support the Constitution of the United States, the Constitution of the State of New York” and to “faithfully discharge the duties of the office.”⁴ As the Guide and Oath make clear, it is the Department’s responsibility and duty to protect all New Yorkers from violence and excessive force, even if conducted by federal civil enforcement officials.

If federal agents or officers act beyond the scope of their lawful authority, they are not shielded by the Supremacy Clause nor by federal qualified immunity. Indeed, the Supreme Court has long recognized that federal qualified immunity applies to actions taken by federal officers that are authorized by law; if they are not, the officer is still subject to the laws of the state.⁵ In that same vein, courts have also held that immunity doctrines strictly protect *lawful* acts within an official’s scope of duty, but this same immunity does not extend to ultra vires or unconstitutional conduct.⁶

It is abundantly clear that the Trump administration is unwilling to police its own officers or hold them accountable for gross misconduct.⁷ Accordingly, NYPD—pursuant to the Department’s own mission, values, and oath of office — has an obligation to intervene and take appropriate action, including arrest, when federal immigration officers engage in conduct that is unlawful under state law and beyond the scope of their federal enforcement authority.

In advance of a federal immigration operation in New York City similar to those occurring around the country, it is imperative that NYPD officers receive proper training and instruction on the bounds of federal civil immigration authority so they can be prepared to enforce state laws prohibiting criminal conduct, including through detention and arrest where appropriate.

No person, regardless of their badge, should be permitted to assault or unlawfully detain any New Yorker without facing consequences. In light of this failure of federal oversight, it is the responsibility of the City to uphold the rule of law and protect the public.

⁴ NY Const art XIII § 1

⁵ In re Neagle, 135 U.S. 1 (1890).

⁶ Larson v. Domestic & Foreign Commerce Corp., 337 U.S. 682 (1949)

⁷ Camilo Montoya-Galvez, ICE officer seen on video pushing woman to ground has returned to duty, CBS News (Sept. 29, 2025), <https://www.cbsnews.com/news/ice-officer-pushed-woman-video-returns-to-duty/>.

Thank you for your attention to this important issue, and I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Goldman', written over a horizontal line.

Dan Goldman
Member of Congress