

**City of New Rochelle
Police Department**

General Order No. 2

May 22, 2026

To: All Department Personnel

From: Neil K. Reynolds, Police Commissioner

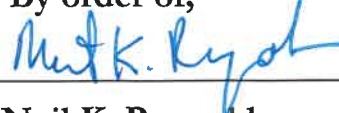
Subject: Amendments to the Manual of Procedure

Manual of Procedure:

Chapter One – Article 1.08 (Immigration Warrants/Detainers)

The amendments to the Manual of Procedure regarding the above-referenced subjects are attached. All members shall familiarize themselves with the changes and be guided accordingly.

By order of,



**Neil K. Reynolds
Police Commissioner**

**New Rochelle Police Department
Manual of Procedure**

Subject: **Immigration Warrants/Detainers**

Chapter: One

Article: 1.08

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Date Effective: 13 May 17

Date Revised: 22 May 26

POLICY: It is the policy of the New Rochelle Police Department ("Department") not to inquire into an individual's immigration status unless it is necessary for a criminal investigation or as otherwise required for lawful enforcement purposes. The Department shall not detain any person based solely on suspected unlawful presence in the United States, except as provided for herein. Individuals in custody will be afforded all constitutional protections under the New York State and United States Constitutions and shall be promptly notified of any Immigration and Customs Enforcement Agency (ICE) detainer received by the Department.

DEFINITIONS:

For purposes of this policy, the terms and "Civil Immigration Detainer" and "Immigration Administrative Warrant," may collectively be referred to herein as "Immigration Detainer(s)". Members of the Department shall not detain or transfer an individual based upon an Immigration Detainer from federal immigration authorities, unless accompanied by a Judicial Warrant.

1. Civil Immigration Detainer – A request issued pursuant to 8 C.F.R. § 287.7 by a federal immigration authority seeking custody of a person in local law enforcement custody for an alleged civil immigration violation and requesting notification prior to release to facilitate transfer of custody. A detainer is a request only and does not impose a legal obligation on a local law enforcement agency to detain the individual.
2. Immigration Administrative Warrant – A non-judicial warrant issued by a federal agency for the arrest of a non-citizen suspected of removability under the Immigration and Nationality Act. There is no legal obligation for a local law enforcement agency to detain an individual on such a warrant.
3. Judicial Warrant – A warrant issued by an Article III Federal Judge or a federal magistrate judge, based on probable cause, authorizing federal immigration authorities to take a person into custody. This warrant shall be treated as any other criminal warrant, and the Desk Supervisor shall notify the issuing agency and ascertain an estimated time of arrival for transfer of custody. The term may also include a warrant issued by a judge or magistrate within the state or local judicial branch. For purposes of this policy, a Judicial Warrant does not include an Immigration Detainer or other document issued solely by federal immigration authorities without judicial approval.

PROCEDURE:

1. INVESTIGATIONS

- 1.1 Except as otherwise provided herein, members of the Department shall not stop, question, interrogate, investigate, or arrest an individual solely on the basis of any of the following:
 - a. Actual or suspected immigration or citizenship status;
 - b. Any actual or suspected civil violation of federal immigration laws; or
 - c. The existence of an Immigration Detainer including those identified in the National Crime Information Center (NCIC) database.
- 1.2 Members of the Department shall not inquire about the immigration status of an individual, including that of a crime victim, witness, or person seeking police assistance, unless necessary to investigate criminal activity committed by that individual.
- 1.3 Members of the Department shall not perform the functions of a federal civil immigration officer or otherwise engage in the enforcement of Federal Civil Immigration Law, whether independently, through informal arrangements, pursuant to 8 U.S.C. § 1357(g), or under any other law, program, regulation, or policy.

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1.4 Federal law allows certain temporary immigration protections for victims and witnesses of qualifying crimes, including:

- a. U-Visas (8 USC § 1101(a)(15)(U)); and
- b. T-Visas (8 USC § 1101(a)(15)(T)) for victims of human trafficking.

Members of the Department shall assist eligible victims in a timely manner with requests for U-Visa or T-Visa certifications in accordance with applicable federal law and Department procedures. All such requests will be documented and referred to the General Investigations Unit for follow up.

2. ARREST PROCESSING AND CUSTODY

2.1 The Department shall not hold, detain, or transfer custody of any individual for federal civil immigration enforcement purposes pursuant to an Immigration Detainer, or other request from federal civil immigration authorities, unless the request is accompanied by a Judicial Warrant.

2.2 In the absence of a Judicial Warrant, the Department may, in its discretion, provide advance notice of an individual's release from custody, without extending detention, only where:

- a. There is probable cause to believe the individual has illegally re-entered the country following removal as defined by 8 U.S.C. § 1326, *and* the individual has been convicted of a serious offense under New York Penal Law, including a Class A felony, attempted Class A felony, Class B violent felony, or a comparable federal or out-of-state offense that would constitute a predicate felony under the New York law; or
- b. There is probable cause to believe that the individual has or is engaged in terrorist activity.

The decision to notify federal immigration authorities will be made after consultation with a Command Staff member.

2.3 The Department shall not provide federal civil immigration authorities with access to an individual in custody or permit the use of Department facilities for questioning or interviewing, where the sole purpose is civil immigration enforcement. The Department shall not allow federal civil immigration authorities access to non-public areas of its facilities for civil immigration enforcement without a Judicial Warrant.

2.4 The Department shall not delay an individual's release from custody, on bail or otherwise, solely on the basis of:

- a. immigration or citizenship status,
- b. any actual or suspected civil immigration violation; or
- c. Immigration Detainer or other non-judicial request.

2.5 Members of the Department shall utilize the same booking, processing, release, and transfer procedures to all individuals, regardless of actual or suspected citizenship or immigration status, place of birth, or country of origin.

2.6 Except as provided in Section 3, members of the Department shall not provide federal civil immigration authorities with any non-public information about an individual, including but not limited to release dates, court appearances, or home or work address, absent a Judicial Warrant.

3. INTERACTIONS WITH FEDERAL IMMIGRATION AUTHORITIES

3.1 Members of the Department are not prohibited from:

- a. sending to or receiving from any local, state, or federal agency, pursuant to 8 U.S.C. § 1373, information regarding an individual's country of citizenship or immigration status.

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- b. disclosing information about an individual's criminal arrests or convictions, where such disclosure is otherwise permitted by state law or required pursuant to subpoena or court order; or
- c. disclosing information about an individual's juvenile arrests, delinquency matters, or youthful offender adjudications, where such disclosure is otherwise permitted by state law or required pursuant to subpoena or court order.

3.2 Members of the Department shall limit the collection of information regarding an individual's immigration or citizenship status to information that is necessary to perform official duties and shall not use or disclose such information except as authorized or required by federal, state, or local law.

3.3 Members of the Department shall comply with all applicable federal law, including 8 U.S.C. § 1324, regarding the harboring or shielding of individuals from detection.

4. FEDERAL IMMIGRATION ENFORCEMENT ACTIONS

4.1 All federal immigration enforcement activities (including surveillance) reported to the Department shall be documented in a CAD Administrative entry, and an email to the Command Staff. Any request for assistance from federal immigration authorities shall be directed to the Tour Commander or Officer in Charge (OIC). Where appropriate, the incident shall be documented in the proper Department report and include, at a minimum, the date, time, and location of the interaction (if known); the requesting federal agency; the nature of request; any assistance provided by the Department; and any notifications made or documentation received in connection with the request.

4.2 Where federal immigration authorities conduct enforcement actions within the City of New Rochelle, the Department's role shall be limited to its primary mission of ensuring local public safety and maintaining the peace. Members of the Department may provide ancillary support services, including traffic control, crowd management or peacekeeping, solely to ensure public safety and prevent breaches of the peace.

5. RESOURCES AND DOCUMENTATION

5.1 The Department shall not use City resources, including money, facilities, property, equipment, or personnel, to create or assist in the creation of any type of registry, including a federal registry, based on race, gender, sexual orientation, religion, ethnicity or national origin.

5.2 The Police Commissioner or designee shall conduct quarterly review of all incidents involving immigrations enforcement actions and requests for assistance from federal immigration authorities.

6. TRAINING

6.1 All sworn personnel shall receive training on the Department's immigration procedures and policies. The training shall include, but not be limited to, review of Civil Immigration Detainers and Immigration Administrative Warrants; the distinction between Administrative Warrants and Judicial Warrants; protocols for interacting with federal immigration authorities operating within the City; and the Department's required documentation and reporting procedures.