



The City of New York  
Department of Investigation

JOCELYN E. STRAUBER  
COMMISSIONER

180 MAIDEN LANE  
NEW YORK, NY 10038  
212-825-5900

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**CONTACT: DIANE STRUZZI  
CLODAGH MCGOWAN  
(212) 825-5931**

**DOI EXAMINED FIVE INCIDENTS AND IDENTIFIED ONE WHERE AN NYPD OFFICER VIOLATED LAWS  
THAT LIMIT ASSISTANCE WITH CIVIL IMMIGRATION ENFORCEMENT;  
DOI FOUND THAT THE NYPD'S POLICIES COMPLY WITH THE LAW AND  
ISSUED SEVEN RECOMMENDATIONS FOR IMPROVEMENT, WHICH THE NYPD HAS ACCEPTED**

Jocelyn E. Strauber, Commissioner of the New York City Department of Investigation ("DOI"), issued a Report today on the New York City Police Department's ("NYPD") compliance with Local Laws and executive orders restricting assistance with federal civil immigration enforcement and related NYPD policies. The investigation was prompted by a referral from City Council Speaker Adrienne Adams and Chair of the Oversight and Investigations Committee Gale Brewer, concerning media reports of two incidents that raised questions about NYPD's potential involvement in such enforcement. The Report issued today addresses those incidents, as well as three others identified during the investigation – one through public media reports, one disclosed by the NYPD and one through DOI's investigative work. DOI also examined the NYPD's policies pertaining to civil immigration enforcement and found that the NYPD has been working diligently to ensure that its policies comply with local laws, while still permitting critical partnerships with federal law enforcement on criminal investigations. DOI concluded that the NYPD's current policies and procedures, particularly as strengthened and enhanced by a series of policy reforms that the NYPD implemented in 2025, both before and after DOI began its investigation, comply with City law. However, DOI identified one incident in which an officer violated local law by providing assistance to federal authorities in connection with enforcement of the federal civil immigration law, found that the NYPD does not fully comply with documentation and reporting requirements concerning requests for assistance with federal civil immigration enforcement, and also found gaps in the NYPD's current policies and practices that raise the risk of improper information sharing or assistance to federal authorities for purposes of civil immigration enforcement.

DOI issued seven recommendations to improve NYPD policies and practices, each of which NYPD has accepted. DOI found that several NYPD policies lack the clarity necessary to ensure consistent responses to requests for assistance with civil immigration enforcement and that NYPD officers would benefit from improved training on the policies' requirements. A copy of the Report follows this release and can also be found at this link: <https://www.nyc.gov/site/doi/newsroom/public-reports-current.page>

DOI Commissioner Jocelyn E. Strauber said, "New York City's laws and executive orders limit local authorities' assistance with enforcement of the federal civil immigration laws, but do not restrict vital federal and local cooperation in the enforcement of most criminal laws, striking a delicate balance that is being tested in unprecedented ways. DOI's investigation of NYPD's compliance in five separate incidents demonstrates the complexities and challenges that NYPD faces in the current environment. DOI found that the NYPD has been working to strengthen its policies in this area and identified one instance, of the five investigated, in which an officer provided assistance in violation of local law. However, DOI did find gaps in the Department's current policies and practices that increase the risk of improper information sharing or assistance, as well as a failure to fully document

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and report federal requests for immigration-related assistance, and made seven recommendations intended to ensure the implementation of uniform procedures and mitigate the risk of improper information-sharing or assistance, which the NYPD has accepted. I thank the NYPD for its cooperation in this investigation and commitment to compliance with the laws and executive orders pertaining to federal civil immigration enforcement.”

On June 9, 2025, the Speaker of the New York City Council and the Chair of its Oversight and Investigations Committee alerted the DOI to media reports suggesting that, at least in some cases, the NYPD may not have been honoring the City’s laws restricting cooperation with federal authorities conducting civil immigration enforcement. In light of those reports, the Speaker and Chair requested an investigation of NYPD’s compliance with these laws. The Report summarizes the findings of DOI’s investigation and the key conclusions are below.

1. **Merwil Gutiérrez Flores:** On February 25, 2025, the NYPD transferred Merwil Gutiérrez Flores from NYPD custody into Federal Bureau of Investigation (“FBI”) custody following Mr. Gutiérrez Flores’s arrest for possession of a firearm and the Bronx County District Attorney’s decision not to prosecute Mr. Gutiérrez Flores. The FBI promptly transferred Mr. Gutiérrez Flores into civil immigration detention. The NYPD transferred Mr. Gutiérrez Flores into FBI custody pending potential federal criminal charges, after FBI informed the NYPD that federal prosecutors were contemplating such charges. Therefore, DOI concluded that the NYPD’s actions — the transfer of Gutiérrez Flores into federal custody — did not violate NYPD policies or local laws restricting cooperation with civil immigration enforcement. Nevertheless, the NYPD has accepted DOI’s recommendation to enhance the Department’s review of the rationale for all custodial transfers to federal agents to help prevent the NYPD from transferring individuals into immigration custody unwittingly.
2. **Leqaa Kordia:** On March 14, 2025, the NYPD provided Homeland Security Investigations (“HSI”) with information about a prior arrest of Leqaa Kordia pursuant to a request for assistance in what HSI represented to the NYPD was a money laundering investigation. Those records were subsequently used during civil immigration proceedings against Ms. Kordia. As the NYPD has publicly acknowledged, the prior arrest information should not have been disclosed to HSI because the arrest records were sealed. DOI concluded that the NYPD’s actions did not violate NYPD policies or local laws restricting cooperation with civil immigration enforcement because the NYPD disclosed information to HSI based on HSI’s stated need for assistance with a criminal investigation. Nevertheless, after this incident, and before DOI’s investigation began, the NYPD changed its policies to require more thorough scrutiny of federal law enforcement agencies’ stated justifications for requesting information.
3. **The Row and Roosevelt Hotels:** While planning a criminal warrant sweep of the Row and the Roosevelt Hotels in early March 2025, the NYPD learned that its federal partners at HSI intended to conduct a simultaneous operation at the same locations to execute criminal illegal entry and re-entry warrants—activity that local law prohibits the NYPD from participating in. DOI found no evidence that the team responsible for planning the Row and Roosevelt Hotel operation coordinated with HSI in violation of local law. Moreover, when HSI’s planned execution of illegal entry and re-entry warrants became apparent, NYPD executives cancelled the NYPD’s Row and the Roosevelt Hotel operation, preventing the agency from participating in an operation that could have involved prohibited immigration enforcement.
4. **HSI Violent Gang Task Force Request:** On November 21, 2024, an NYPD officer on an HSI Violent Gang Task Force received a request from his federal counterparts for alerts to be placed on a list of individuals subject to potential civil immigration enforcement, so that the NYPD officer would receive an automated email if the individuals interacted with the NYPD. The officer honored that request in violation of NYPD policy and local law. The NYPD was not aware of this incident before it was brought to the NYPD’s attention by DOI. The NYPD has since removed the officer from his task force assignment and restricted his access to the computer systems through which he placed the alerts. The disciplinary process is ongoing. However, the NYPD has uncovered no evidence that NYPD officers took any actions as a result of the officer’s alert notifications.
5. **Federal Fugitive Request:** On June 18, 2025, an FBI agent and a Department of Homeland Security (“DHS”) agent asked two police officers to temporarily detain an individual who had escaped from civil immigration detention while being transported, so that the federal agents could retrieve their vehicles, which had been abandoned in pursuit of the individual. Given the nature of the requests, the officers

informed their supervisor, who acquiesced to the federal agents' request. The NYPD detained the immigration detainee for approximately twenty minutes. While this incident arguably violated the NYPD's policy prohibiting NYPD officials from "[d]etaining an individual so that federal civil immigration agents can take that person into custody," the NYPD's actions appear to have been reasonable under the exigent circumstances presented, particularly given that the detainee had just escaped from federal custody, a crime under federal law.

In addition to these incidents, DOI assessed the NYPD's compliance with several provisions of local law that impose recordkeeping, reporting, and guideline-adoption requirements related to civil immigration enforcement. As described in further detail below, DOI found the following:

**Local Law 59 of 2014:** Local Law 59 requires the NYPD to post annual reports on its websites summarizing information about the civil immigration detainer requests it received in the prior year. DOI found that the NYPD complies with this reporting requirement.

**Local Law 228 of 2017:** Local Law 228 requires City agencies to document each request for assistance with civil immigration enforcement and the City (through the Mayor's Office of Immigrant Affairs ("MOIA")) to transmit a quarterly report summarizing that data to the City Council. DOI found that the NYPD does not comply with this law, because its documentation of requests is underinclusive and does not contain the level of detail required by local law and other City policies. Relatedly, the NYPD does not transmit all of the required information to MOIA for its quarterly reports and, as a result, those reports are also non-compliant with local law.

**Local Law 246 of 2017:** Local Law 246 of 2017 requires City agencies to adopt policies limiting the access of non-local law enforcement agents to City property. DOI found that the NYPD has not adopted such a policy, apart from general policy statements prohibiting the use of City property to assist in immigration enforcement, and is therefore non-compliant with Local Law 246. When DOI brought this issue to the NYPD's attention, it promptly began working on a policy to come into compliance with the law.

In order to further improve the NYPD's practices, DOI has made seven recommendations, each of which the NYPD has agreed to implement:

**Recommendation 1:** Unlike the NYPD's general policies on cooperation with civil immigration enforcement efforts, NYPD policies governing detainer requests currently apply only when "federal civil immigration agents present a member of service with papers to take an individual from Department custody." As the case of Mr. Gutiérrez Flores highlights, even more informal requests from federal agents that do not primarily engage in civil immigration enforcement can have immediate immigration consequences, particularly in light of current federal practice, in which an expanded group of federal agencies are responsible for immigration enforcement. To better implement local law restrictions, the NYPD should amend its policies to require enhanced review of all custody transfers to federal agents, not only transfers to "federal civil immigration agents" who present the NYPD with formal detainer paperwork.

**Recommendation 2:** The NYPD's written policies for responding to detainer requests from federal agents are currently memorialized in a single paragraph of a general civil immigration enforcement policy and that paragraph is in some respects inconsistent with the practices, not memorialized in writing, that the NYPD follows in responding to those requests. The NYPD should adopt a standalone policy on requests for custodial transfers from federal agents that addresses, at a minimum: (1) what kinds of detention requests are subject to the policy (incorporating Recommendation #1, above, by ensuring that informal requests and requests from non-civil immigration agents are scrutinized); (2) what documentation and information should be collected to process a request; (3) the appropriate NYPD division to which detainer requests should be directed; and (4) the standards against which decisions whether to honor detainer requests should be assessed.

**Recommendation 3:** The NYPD has four separate policy documents governing how NYPD officers should respond to requests for assistance with civil immigration enforcement. None of those policies provide officers with sufficient guidance to help them determine when they are in situations in which assisting federal agents could violate local law restrictions on civil immigration enforcement. And two of the NYPD's policies

provide different protocol for responding to requests for civil immigration enforcement than the other two provide. The NYPD should improve its policies for processing requests for assistance from federal agents by providing additional guidance on: (1) how an officer should assess whether the request is for assistance with civil immigration enforcement; and (2) routing requests for information about unknown subjects. In its revised policies, the NYPD should also require task force officers to document the steps they took to confirm that a federal request was not one for assistance with civil immigration enforcement.

**Recommendation 4:** Several of the incidents studied by DOI revealed inconsistency within the NYPD as to when and how requests for assistance with civil immigration enforcement should be documented and reported. Accordingly, the NYPD should provide officers with further training on when and how to report and document requests for assistance from federal law enforcement.

**Recommendation 5:** The records that the NYPD maintains regarding requests for assistance with civil immigration enforcement lack sufficient information to establish the nature of the request received and the actions the NYPD took in response to the request, as required by Local Law 228. Moreover, the NYPD does not track the requesting agency, as required by mayoral guidance. Finally, the NYPD has not reported non-detainer requests for assistance with civil immigration enforcement to MOIA for MOIA's quarterly Local Law 228 reports, as is required by law. The NYPD should improve its recordkeeping and reporting pursuant to Local Law 228.

**Recommendation 6:** The paucity of the non-detainer entries in the NYPD's databases for tracking requests for assistance with immigration enforcement (and the absence of events like the HSI Violent Gang Task Force request from those databases) raises questions about whether the NYPD has a complete understanding of the frequency with which its members are receiving requests for assistance with civil immigration enforcement. To better understand its own compliance with local laws, the NYPD should conduct an email audit of NYPD members assigned to federal task forces to ensure their compliance with local law.

**Recommendation 7:** The NYPD has not adopted a policy to restrict non-local law enforcement officers from the City property under its control, as is required by Local Law 246 of 2017. Accordingly, the NYPD should adopt guidelines implementing Local Law 246.

DOI Commissioner Jocelyn E. Strauber thanks NYPD Commissioner Jessica S. Tisch and her staff, including Deputy Commissioner of Legal Matters Michael Gerber and Agency Privacy Officer Emily Gold, for their cooperation in this investigation.

At DOI, the investigation was conducted by Special Investigative Counsel Zachary Bannon in DOI's Office of the Inspector General for Special Investigations, Special Counsel to the Inspectors General Danielle Muniz, and Investigative Attorney Edward Pruette. The investigation was supervised by Senior Inspector General Andrew Sein, Deputy Commissioner of Strategic Initiatives Christopher Ryan, and Deputy Commissioner/Chief of Investigations Dominick Zarrella.

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New York City  
Department of Investigation



# DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement

Jocelyn E. Strauber  
Commissioner

Andrew Sein  
Inspector General for Special Investigations

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## I. Executive Summary

Since Mayor Ed Koch issued Executive Order No. 124 in 1989, New York City has restricted its officers and employees from assisting federal authorities in civil immigration enforcement. The City's laws and policies implementing this restriction are designed to ensure that undocumented immigrants have access to City services. In the statement of basis and purpose accompanying Executive Order No. 124, Mayor Koch explained that many immigrants "who reside in the City fail to make use of [City] services, largely from fear that any contact with a government agency will bring them to the attention of federal immigration authorities." Mayor Koch continued: "It is to the disadvantage of all City residents if some who live in the City are uneducated, inadequately protected from crime, or untreated for illness." And so the City began "preserv[ing] the confidentiality of all information respecting law-abiding aliens."

On June 9, 2025, the Speaker of the New York City Council and the Chair of its Oversight and Investigations Committee wrote a letter to the Commissioner of the Department of Investigation ("DOI") alerting DOI to media reports suggesting that, at least in some cases, the New York City Police Department ("NYPD") may not have been honoring the City's laws restricting cooperation with federal authorities conducting civil immigration enforcement. Given those reports, the Council Members requested that DOI investigate whether the NYPD had violated City laws or circumvented their intent. This report summarizes the findings of DOI's investigation.

Broadly, DOI has concluded that the NYPD has been working diligently to ensure that its policies with respect to assisting federal law enforcement agencies comply with local laws, while still permitting the NYPD to partner with federal law enforcement on criminal investigations. However, DOI identified one incident in which an officer violated local law, and several instances discussed in this report highlight gaps in the agency's current policies and practices that raise the risk of improper information sharing or assistance to federal authorities for purposes of civil immigration enforcement. Accordingly, in this report, DOI makes several policy recommendations that are intended to mitigate the risk that NYPD officers may disclose information to federal law enforcement, unaware that the information will be used to assist in civil immigration enforcement.

During its investigation, DOI examined the NYPD's policies implementing local laws restricting City cooperation with civil immigration enforcement and investigated five incidents, including two identified by the City Council, in which the NYPD's compliance with those laws were implicated. As explained in more detail below, DOI made the following findings regarding those incidents:

1. **Merwil Gutiérrez Flores:** On February 25, 2025, the NYPD transferred Merwil Gutiérrez Flores from NYPD custody into Federal Bureau of Investigation (“FBI”) custody following Mr. Gutiérrez Flores’s arrest for possession of a firearm and the Bronx County District Attorney’s decision not to prosecute Mr. Gutiérrez Flores. The FBI promptly transferred Mr. Gutiérrez Flores into civil immigration detention. The NYPD transferred Mr. Gutiérrez Flores into FBI custody pending potential federal criminal charges, after the FBI informed the NYPD that federal prosecutors were contemplating such charges. Therefore, DOI concluded that the NYPD’s actions—the transfer of Mr. Gutiérrez Flores into federal custody—did not violate NYPD policies or local laws restricting cooperation with civil immigration enforcement. Nevertheless, the NYPD has accepted DOI’s recommendation to enhance its review of the rationale for all custodial transfers to federal agents to help prevent the NYPD from transferring individuals into immigration custody unwittingly.
2. **Leqaa Kordia:** On March 14, 2025, the NYPD provided Homeland Security Investigations (“HSI”) with information about a prior arrest of Leqaa Kordia pursuant to a request for assistance in what HSI represented to the NYPD was a money laundering investigation. Those records were subsequently used during civil immigration proceedings against Ms. Kordia. As the NYPD has publicly acknowledged, that the prior arrest information should not have been disclosed to HSI because the arrest records were sealed. DOI concluded that the NYPD’s actions did not violate NYPD policies or local laws restricting cooperation with civil immigration enforcement because the NYPD disclosed information to HSI based on HSI’s stated need for assistance with a criminal investigation. Nevertheless, after this incident and before DOI’s investigation began, the NYPD changed its policies to require more thorough scrutiny of federal law enforcement agencies’ stated justifications for requesting information.
3. **The Row and Roosevelt Hotels:** While planning a criminal warrant sweep of the Row and the Roosevelt Hotels in early March 2025, the NYPD learned that its federal partners at HSI intended to conduct a simultaneous operation at the same locations to execute criminal illegal entry and re-entry warrants—activity that local law prohibits the NYPD from participating in. DOI found no evidence that the team responsible for planning the Row and Roosevelt Hotel operation coordinated with HSI in violation of local law. Moreover, when HSI’s planned execution of illegal entry and re-entry warrants became apparent, NYPD executives cancelled



the Row and the Roosevelt Hotel operation, preventing the agency from participating in an operation that could have involved prohibited immigration enforcement.

4. **HSI Violent Gang Task Force Request:** On November 21, 2024, an NYPD officer on an HSI Violent Gang Task Force received a request from his federal counterparts for alerts to be placed on a list of individuals subject to potential civil immigration enforcement, so that the NYPD officer would receive an automated email if the individuals interacted with the NYPD. The officer honored that request in violation of NYPD policy and local law. The NYPD was not aware of this incident before it was brought to the NYPD's attention by DOI. The NYPD has since removed the officer from his task force assignment and restricted his access to the computer systems through which he placed the alerts. The disciplinary process is ongoing. However, the NYPD has uncovered no evidence that NYPD officers took any actions as a result of the officer's alert notifications.
5. **Federal Fugitive Request:** On June 18, 2025, an FBI and a Department of Homeland Security ("DHS") agent asked two police officers to temporarily detain an individual who had escaped from civil immigration detention while being transported, so that the federal agents could retrieve their vehicles, which had been abandoned in pursuit of the individual. Given the nature of the requests, the officers informed their supervisor, who acquiesced to the federal agents' request. The NYPD detained the immigration detainee for approximately twenty minutes. While this incident arguably violated the NYPD's policy prohibiting NYPD officials from "[d]etaining an individual so that federal civil immigration agents can take that person into custody," the NYPD's actions appear to have been reasonable under the exigent circumstances presented, particularly given that the detainee had just escaped from custody, a crime under federal law.

In addition to these incidents, DOI assessed the NYPD's compliance with several provisions of local law that impose recordkeeping, reporting, and guideline-adoption requirements related to civil immigration enforcement. As described in further detail below, DOI found the following about the NYPD's compliance with those provisions:

1. **Local Law 59 of 2014:** Local Law 59 requires the NYPD to post annual reports on its websites summarizing information about the civil immigration detainer requests it received in the prior year. DOI found that the NYPD complies with this reporting requirement.

2. **Local Law 228 of 2017:** Local Law 228 requires City agencies to document each request for assistance with civil immigration enforcement and the City (through the Mayor's Office of Immigrant Affairs ("MOIA")) to transmit a quarterly report summarizing that data to the City Council. DOI found that the NYPD does not comply with this law, because its documentation of requests is underinclusive and does not contain the level of detail required by local law and other City policies. Relatedly, the NYPD does not transmit all of the required information to MOIA for its quarterly reports and, as a result, those reports are also non-compliant with local law.
3. **Local Law 246 of 2017:** Local Law 246 of 2017 requires City agencies to adopt policies limiting the access of non-local law enforcement agents to City property. DOI found that the NYPD has not adopted such a policy, apart from general policy statements prohibiting the use of City property to assist in immigration enforcement, and is therefore non-compliant with Local Law 246. When DOI brought this issue to the NYPD's attention, it promptly began working on a policy to come into compliance with the law.

To summarize, DOI's investigation found that most of the NYPD's policies and procedures comply with City law, particularly after a series of policy reforms that the NYPD has implemented since the beginning of 2025, both before and after DOI began its investigation. The NYPD cooperated fully with DOI's investigation and proactively worked to address several deficiencies that were highlighted as DOI's investigation was underway.

Nevertheless, DOI identified several ways in which the NYPD's policies and practices can be improved in order to better comply with local law. In particular, several NYPD policies lack the clarity necessary to ensure consistent responses to requests for assistance with civil immigration enforcement and NYPD officers should be better trained on their obligations under the NYPD's policies. Clarifying policies and providing adequate training on them would help prevent situations where NYPD officers violate local law (as in the HSI Violent Gang Task Force incident) or where officers appear to lack confidence in their decisions (which, as discussed below, may have been the case in the federal fugitive incident). Furthermore, the NYPD has not yet fully implemented several policies necessary to fulfill the reporting and record-keeping requirements of Local Law 228 and 246 of 2017.

In order to further improve the NYPD's practices, DOI has made seven recommendations, each of which the NYPD has agreed to implement:

**Recommendation 1:** Unlike the NYPD's general policies on cooperation with civil immigration enforcement efforts, NYPD policies governing detainer requests currently apply only when "federal civil

immigration agents present a member of service with papers to take an individual from Department custody.” As the case of Mr. Gutiérrez Flores highlights, even more informal requests from federal agents that do not primarily engage in civil immigration enforcement can have immediate immigration consequences, particularly in light of current federal practice, in which an expanded group of federal agencies are responsible for immigration enforcement. To better implement local law restrictions, the NYPD should amend its policies to require enhanced review of all custody transfers to federal agents, not only transfers to “federal civil immigration agents” who present the NYPD with formal detainer paperwork.

**Recommendation 2:** The NYPD’s written policies for responding to detainer requests from federal agents is currently memorialized in a single paragraph of a general civil immigration enforcement policy and is in some respects inconsistent with the practices, not memorialized in writing, that the NYPD follows in responding to those requests. The NYPD should adopt a standalone policy on requests for custodial transfers from federal agents that addresses, at a minimum: (1) what kinds of detention requests are subject to the policy (incorporating Recommendation #1, above, by ensuring that informal requests and requests from non-civil immigration agents are scrutinized); (2) what documentation and information should be collected to process a request; (3) the appropriate NYPD division to which detainer requests should be directed; and (4) the standards against which decisions whether to honor detainer requests should be assessed.

**Recommendation 3:** The NYPD has four separate policy documents governing how NYPD officers should respond to requests for assistance with civil immigration enforcement. None of those policies provide officers with sufficient guidance to help them determine when they are in situations in which assisting federal agents could violate local law restrictions on civil immigration enforcement. And two of the NYPD’s policies provide different protocol for responding to requests for civil immigration enforcement than the other two provide. The NYPD should improve its policies for processing requests for assistance from federal agents by providing additional guidance on: (1) how an officer should assess whether the request is for assistance with civil immigration enforcement; and (2) routing requests for information about unknown subjects. In its revised policies, the NYPD should also require task force officers to document the steps they took to confirm that a federal request was not one for assistance with civil immigration enforcement.

**Recommendation 4:** Several of the incidents studied by DOI revealed inconsistency within the NYPD as to when and how requests for assistance with civil immigration enforcement should be documented and reported. Accordingly, the NYPD should provide officers with further training on when and how to report and document requests for assistance from federal law enforcement.

**Recommendation 5:** The records that the NYPD maintains regarding requests for assistance with civil immigration enforcement lack sufficient information to establish the nature of the request received and the actions the NYPD took in response to the request, as required by Local Law 228. Moreover, the NYPD does not track the requesting agency, as required by mayoral guidance. Finally, the NYPD has not reported non-detainer requests for assistance with civil immigration enforcement to MOIA for MOIA's quarterly Local Law 228 reports, as is required by law. The NYPD should improve its recordkeeping and reporting pursuant to Local Law 228.

**Recommendation 6:** The paucity of the non-detainer entries in the NYPD's databases for tracking requests for assistance with immigration enforcement (and the absence of events like the HSI Violent Gang Task Force request from those databases) raises questions about whether the NYPD has a complete understanding of the frequency with which its members are receiving requests for assistance with civil immigration enforcement. To better understand its own compliance with local laws, the NYPD should conduct an email audit of NYPD members assigned to federal task forces to ensure their compliance with local law.

**Recommendation 7:** The NYPD has not adopted a policy to restrict non-local law enforcement officers from the City property under its control, as is required by Local Law 246 of 2017. Accordingly, the NYPD should adopt guidelines implementing Local Law 246.

Implementation of these recommendations will help the NYPD ensure that it complies with local law.

## **II. New York City "Sanctuary" Laws and Executive Orders**

For more than three decades, New York City has operated under laws and policies that restrict the use of City time, resources, and personnel to facilitate civil immigration enforcement. In 1989, Mayor Ed Koch signed Executive Order No. 124, which prohibited City officers and employees from transmitting information about any non-citizen to federal immigration authorities unless they were required by law

to make a disclosure, had the written consent of the non-citizen, or suspected the non-citizen of engaging in criminal activity.<sup>1</sup>

In 1996, Congress passed laws meant to counteract local laws like Mayor Koch's executive order. Those laws "provid[ed] that no state or local government entity may be restricted from exchanging information with the [Immigration and Naturalization Service] regarding the immigration status, lawful or unlawful, of individuals in the United States."<sup>2</sup> Mayor Rudolph Giuliani refused to rescind Executive Order No. 124 and instead sought a ruling on the constitutionality of the federal laws. In 1997, the City's suit was dismissed<sup>3</sup> and in 1999, the Second Circuit affirmed dismissal, holding that the 1996 laws' interference with Executive Order No. 124 was permissible.<sup>4</sup>

In 2003, faced with uncertainty over the City's immigration policies, Mayor Michael Bloomberg issued Executive Order No. 34, rescinding Executive Order No. 124 and replacing it with a prohibition on City officers and employees from "inquir[ing] about a person's immigration status," unless those inquiries were in furtherance of law enforcement operations, were relevant to the provision of or determination of eligibility for City services, or were otherwise required by law.<sup>5</sup> Facing backlash from City Council Members and immigrant advocates on the basis that a "don't ask" policy (as opposed to a "don't tell" policy) was insufficiently protective of the City's immigrant communities,<sup>6</sup> Mayor Bloomberg issued Executive Order No. 41 in September 2003, amending Executive Order No. 34.<sup>7</sup> Executive Order No. 41 prohibited City officers and employees from disclosing "confidential information," including information about an individual's immigration status, unless

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<sup>1</sup> Exec. Order No. 124 § 2 (Aug. 7, 1989).

<sup>2</sup> Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-13, 110 Stat. 2105 (1996); *see also* Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (1996) (expanding on § 434's prohibitions).

<sup>3</sup> *City of New York v. United States*, 971 F. Supp. 789 (S.D.N.Y. 1997).

<sup>4</sup> *City of New York v. United States*, 179 F.3d 29 (2d Cir. 1999).

<sup>5</sup> Exec. Order No. 34 § 3 (May 13, 2003); *see also id.* § 4 ("Police officers and peace officers, including members of the Police Department and the Department of Correction, shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.").

<sup>6</sup> Susan Sachs, *Mayor's New Immigrant Policy, Intended to Help, Raises Fears*, THE N.Y. TIMES (July 23, 2003), available at <https://www.nytimes.com/2003/07/23/nyregion/mayor-s-new-immigrant-policy-intended-to-help-raises-fears.html>.

<sup>7</sup> Exec. Order No. 41 (Sept. 17, 2003).

the disclosure was authorized by the individual, required by law, or made in furtherance of criminal law enforcement objectives.<sup>8</sup>

The City Council first began regulating the City's cooperation with federal immigration authorities in 2011<sup>9</sup> and passed its first law specific to the NYPD's cooperation with federal immigration authorities in 2013—Local Law 21 of 2013.<sup>10</sup> Local Law 21 prohibited the NYPD from honoring civil immigration detainers unless: (1) the subject of the detainer had been convicted of a covered crime, had a pending covered criminal case, had an outstanding criminal warrant, was a known gang member, or was a possible match in the terrorist screening database; or (2) the individual was the subject of a warrant of removal or a final order of removal.<sup>11</sup> In 2014, the Council passed Local Law 59, imposing additional restrictions on the NYPD's ability to honor civil immigration detainers.<sup>12</sup> That law, codified at New York City Administrative Code § 14-154, provides that the NYPD may honor a civil immigration detainer only if it is accompanied by a judicial warrant, and the NYPD determines that the individual subject to the detainer has been convicted of a violent or serious crime or is a possible match in the terrorist screening database.<sup>13</sup> The NYPD is required to issue a public report summarizing information about the detainer requests it receives every year.<sup>14</sup>

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<sup>8</sup> *Id.* §§ 1-2. Executive Order No. 41 was written more broadly than Executive Order No. 124, restricting the disclosure of “confidential information” to *any* third party rather than the disclosure of just “information respecting any alien” to “federal immigration authorities.” *Compare* Exec. Order No. 41 § 1 *with* Exec. Order No. 124 § 2. Under Second Circuit law, this change brought Executive Order No. 41 outside the scope of the 1996 laws’ prohibitions. *See City of New York*, 179 F.3d at 36 (distinguishing Executive Order No. 124 from “a general policy that limits the disclosure of confidential information to only specific persons or agencies or prohibits such dissemination generally”).

<sup>9</sup> Local Law No. 62 (2011) of City of New York (limiting the circumstances in which the Department of Correction would honor civil immigration detainers).

<sup>10</sup> Local Law No. 21 (2013) of City of New York.

<sup>11</sup> *Id.*

<sup>12</sup> The City Council passed the stricter requirements of Local Law 59 of 2014 after “a number of courts . . . decided that local authorities do not need to comply with ICE detainer requests,” reasoning that “honoring such requests without an underlying finding of probable cause may raise civil rights concerns.” New York City Council, Council to Vote on Legislation Banning Warrantless ICE Detainers (Oct. 22, 2014), available at <https://council.nyc.gov/press/2014/10/22/314/> (last visited Oct. 14, 2025); *see also Morales v. Chadbourne*, 996 F. Supp. 2d 19, 40 (D.R.I. 2014) (“ICE detainers are not mandatory. Federal regulations clearly label ICE detainers as ‘requests.’”); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014) (reaching the same conclusion).

<sup>13</sup> Local Law No. 59 (2014) of City of New York (codified at Admin. Code § 14-154). Local Law 59 also expanded the definition of “Civil Immigration Detainer” to encompass not only formal detainers issued pursuant to 8 C.F.R. § 287.7 but also “any similar federal request for detention of a person suspected of violating civil immigration law.” *Id.* § 1.

<sup>14</sup> Admin. Code § 14-154(f).

The City Council enacted two more laws governing cooperation with civil immigration enforcement in 2017 that apply to all City agencies and employees, including the NYPD. First, Local Law 228 of 2017, codified at New York City Administrative Code § 10-178, provides both that “[n]o agency shall subject its officers or employees to the direction and supervision of the secretary of homeland security primarily in furtherance of immigration enforcement”<sup>15</sup> and that “[n]o city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for immigration enforcement.”<sup>16</sup> Whenever a City officer receives a request to provide support for immigration enforcement, the officer must make a record of that request, and any actions taken in response, and those requests must be summarized in a quarterly report to the City Council.<sup>17</sup> Local Law 228 of 2017 does not otherwise limit the NYPD’s authority to honor civil immigration detainers for individuals convicted of a serious crime, when accompanied by a judicial warrant, as permitted by New York City Administrative Code § 14-154, nor does it limit the NYPD’s participation in task forces that are not primarily intended for immigration enforcement.<sup>18</sup>

Second, Local Law 246 of 2017, codified at New York City Administrative Code § 4-210, prohibits non-local government personnel empowered to enforce civil or criminal laws from having access to non-public areas of City property unless one of six conditions are met: (1) access is authorized pursuant to an agreement; (2) the personnel have a judicial warrant; (3) access is required by law; (4) the personnel are accessing the property as part of a cooperative agreement; (5) access furthers the purpose of a City agency; or (6) exigent circumstances exist. Every agency with jurisdiction over City property is required to adopt guidelines or rules implementing Local Law 246.

### **III. City Council Referral dated June 9, 2025**

On June 9, 2025, City Council Speaker Adrienne Adams and Chair of the Oversight and Investigations Committee Gale Brewer sent a letter to DOI Commissioner Jocelyn Strauber requesting that DOI “initiate an investigation into the New York City Police Department’s . . . information-sharing practices and other

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<sup>15</sup> Guidance issued by the then-First Deputy Mayor on January 31, 2018, makes clear that this language prohibits both formal and informal arrangements with the Department of Homeland Security. See Dean Fuleihan, *Guidance for Agency Implementation of Local Law 228 of 2017 (“in relation to immigration enforcement”)*, OFFICE OF THE MAYOR (Jan. 31, 2018).

<sup>16</sup> Admin. Code § 10-178(b), (c).

<sup>17</sup> *Id.* § 10-178(d). The then-First Deputy Mayor’s guidance tasked MOIA with submitting that quarterly report to the City Council, with City agencies required to compile information for MOIA’s report on a quarterly basis.

<sup>18</sup> *Id.* § 10-178(e).

forms of collaboration with federal authorities in connection with civil immigration enforcement that may violate local laws.”<sup>19</sup> The letter expressed “concern[]” about “recent reports that information provided to federal agencies by the NYPD is now being used in civil immigration proceedings in ways that may violate New York City’s laws,”<sup>20</sup> citing two such reports:

- Yoav Gonen, et al., *Arrested by the NYPD but Not Prosecuted, They’re Now Imprisoned in El Salvador*, THE CITY (May 16, 2025)<sup>21</sup>

The first article reports on the detention and deportation of 19-year-old Merwil Gutiérrez Flores. It reports that Mr. Gutiérrez Flores was arrested by the NYPD on February 24, 2025 and detained in the Bronx on firearm charges, but was never prosecuted. A DHS press release cited in the story states that Mr. Gutiérrez Flores was arrested during a joint operation between the FBI and the NYPD.<sup>22</sup> A DHS document cited in the story shows that, about 24 hours after Mr. Gutiérrez Flores’s arrest, the FBI turned him over to Immigration and Customs Enforcement (“ICE”) pursuant to a “Warrant for the Arrest of Alien.”<sup>23</sup> The story reports that Mr. Gutiérrez Flores, a Venezuelan national, was later deported to the Terrorism Confinement Center (“CECOT”) in El Salvador.

When asked for comment on the story, the NYPD stated as follows:

*“In this matter, the NYPD, as part of an FBI task force, was solely engaged in a criminal investigation. The NYPD had no involvement in any civil immigration enforcement related to this case.*

*The NYPD does not engage in civil immigration enforcement, period. As it has for many years, the NYPD works with local, state, and federal law enforcement agencies on criminal enforcement matters, including work*

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<sup>19</sup> Adrienne Adams & Gail Brewer, *Letter to Commissioner Strauber* at 1 (June 9, 2025) (hereinafter “Referral Letter”).

<sup>20</sup> *Id.*

<sup>21</sup> Available at <https://www.thecity.nyc/2025/05/16/merwil-gutierrez-flores-nypd-fbi-ice-cecot-task-forces/>.

<sup>22</sup> See Dep’t of Homeland Security, *DHS Releases Records of TdA Associate Deported to CECOT* (May 12, 2025), available at <https://www.dhs.gov/news/2025/05/12/dhs-releases-records-tda-associate-deported-cecot>.

<sup>23</sup> See Dep’t of Homeland Security, *Record of Deportable/Inadmissible Alien*, available at [https://www.dhs.gov/sites/default/files/2025-05/25\\_0226\\_opa\\_i-213-final-draft-redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2025-05/25_0226_opa_i-213-final-draft-redacted_508.pdf) (hereinafter “Gutiérrez Flores Form I-213”).



*on federal criminal task forces. That work is critical to getting dangerous individuals out of our communities and keeping our families safe.”*

- Jake Offenhartz, *NYPD Shared a Palestinian Protester’s Info with ICE. Now It’s Evidence in her Deportation Case*, ASSOCIATED PRESS (May 2, 2025)<sup>24</sup>

The second article reports on the deportation proceedings of Leqaa Kordia. It reports that Ms. Kordia was detained by ICE during a voluntary check-in with immigration officials on March 13, 2025. The story further reports that, on March 14, 2025, the NYPD shared a four-page report on Ms. Kordia with HSI, a division of ICE, reflecting that Ms. Kordia had been arrested at a protest outside Columbia University in the spring of 2024. The story explains that this report was used by federal agents at an immigration hearing as evidence that Ms. Kordia should not be granted bail.

When asked for comment on the story, the NYPD stated as follows:

*[The NYPD] “received a request from a federal agency related to a criminal investigation and shared relevant information in accordance with our sanctuary city policies.*

*The NYPD does not participate in programs that are designed for visa revocation or any civil immigration matter.”*

Based on these reports,<sup>25</sup> the Speaker and Council Member Brewer “request[ed] that DOI conduct a comprehensive and independent review to determine whether the NYPD’s recent actions have violated City laws or circumvented their intent.”<sup>26</sup> They further requested that the investigation be “fully documented in a written report” and that, in the event DOI finds evidence of noncompliance or policy gaps, DOI should “recommend appropriate corrective actions, including policy revisions, specific

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<sup>24</sup> Available at <https://apnews.com/article/nypd-ice-leqaa-kordia-trump-palestinian-protests-90c6f446f431e8cec23a93172e1eb0b8>.

<sup>25</sup> After the City Council sent its referral to DOI, *The New York Times* published an article describing another instance of potential non-compliance with laws concerning civil immigration enforcement. See William Rashbaum, et al., *How Dr. Phil and a Top Adams Aide Helped Ease ICE’s Path Into New York*, N.Y. TIMES (June 18, 2025), <https://www.nytimes.com/2025/06/18/nyregion/ice-kaz-adams-nyc-immigration.html> (discussing alleged efforts by former NYPD official and current Deputy Mayor for Public Safety Kaz Daughtry to help federal officials plan a coordinated raid on immigrants living in two large City-funded hotels that was reportedly blocked by NYPD Commissioner Jessica Tisch, who concluded it violated the law).

<sup>26</sup> Referral Letter, *supra* note 19 at 2.

accountability measures, and improved oversight mechanisms that will prevent and deter future violations.”<sup>27</sup>

#### IV. The NYPD’s Policies on Civil Immigration Enforcement

The NYPD has had policies implementing the City’s restrictions on participation in civil immigration enforcement since at least 2019. Since January 2025, the NYPD has adopted several additional policies designed to ensure that the NYPD’s operational resources are not deployed in furtherance of federal civil immigration enforcement efforts. In order to fully describe the NYPD’s current practices, this report will review the agency’s policies as they have evolved in recent years: (1) first, the written policies that were in place prior to 2025; and (2) second, the written policies that the NYPD has implemented since 2025 began.

##### A. The NYPD’s Written Policies from 2019 to 2025

Prior to 2025, the NYPD had two policies in place to ensure compliance with City laws related to immigration enforcement—Patrol Guide 212-66 (effective June 13, 2019) and Patrol Guide 212-126 (effective June 24, 2020, amended July 9, 2025).

##### 1. *Patrol Guide 212-66*

Patrol Guide 212-66 states that NYPD services should be provided to all individuals regardless of immigration status and that, as a general matter, members of the service should not inquire into individuals’ immigration status. Patrol Guide 212-66 then sets out the specific circumstances in which it is permissible to collect, inquire about, or disclose an individuals’ immigration status:

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<sup>27</sup> *Id.*

### Collection

Members of the NYPD can collect information about an individual's immigration status only:

- In connection with the investigation of a crime, or credible information about an attempted or impending crime;
- In connection with an investigation by a City agency concerning the welfare of a minor or incompetent individual;
- If pre-approved by the Agency Privacy Officer assigned to the Legal Bureau as a routine use;
- If pre-approved by the City Chief Privacy Officer as in the best interests of the City;
- If approved in writing by the Legal Bureau as required by law or treaty; or
- If approved in writing by the Legal Bureau as in furtherance of the purpose or mission of the NYPD.

### Inquiry

Members of the NYPD can inquire into an individual's immigration status only if:

- The inquiry is to investigate criminal activity; or
- One of the exceptions for "Collection" applies; and
- One of the two following conditions is met:
  - The individual's immigration status is necessary for determining program, service or benefit eligibility, or for the provision of City services; or
  - The member of the service is required by law to inquire about the individual's immigration status.

### Disclosure

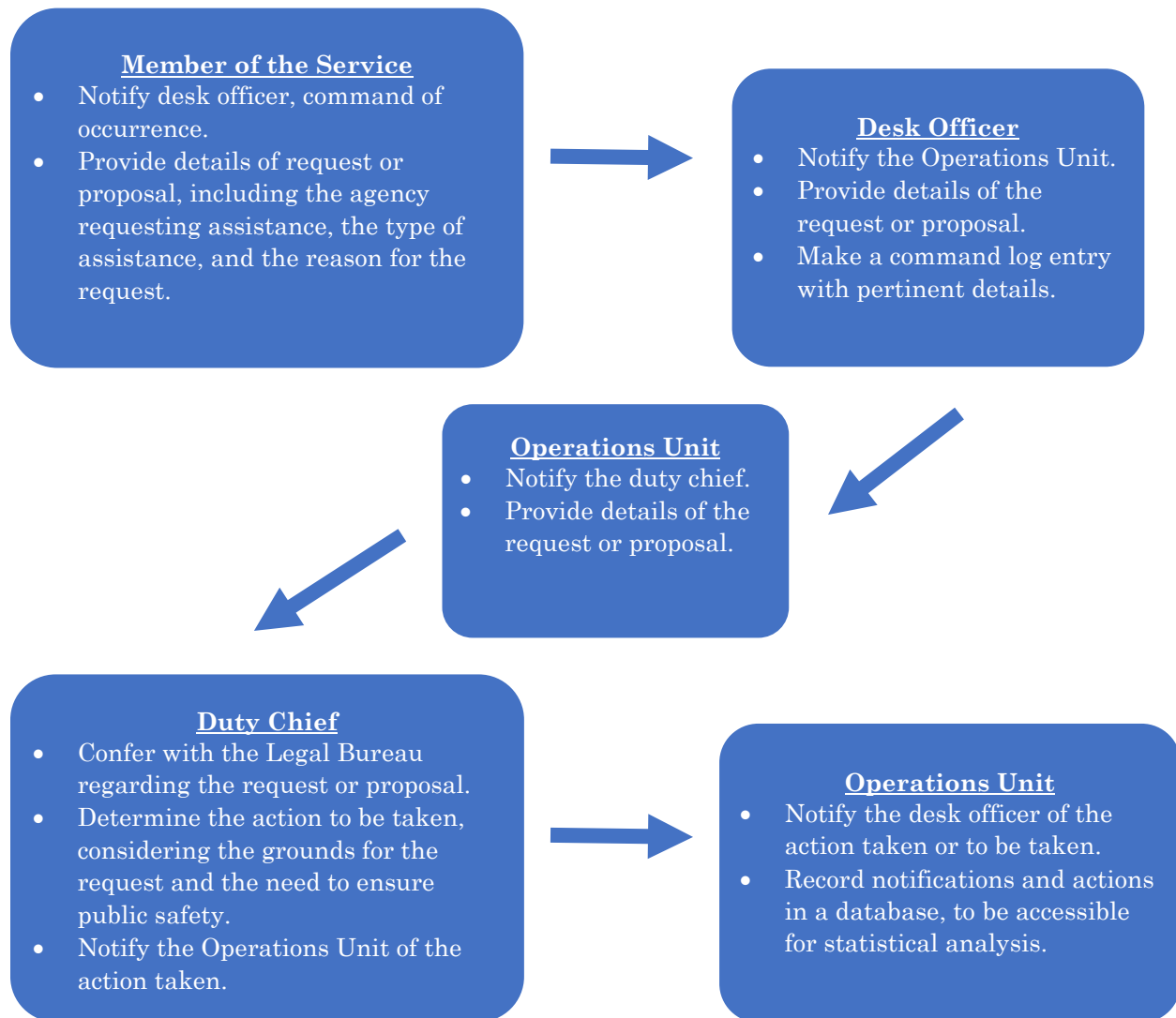
Members of the NYPD can disclose information about an individual's immigration status only if disclosure:

- Meets one of the exceptions for "Collection"; or
- Is approved in writing by the Agency Privacy Officer assigned to the Legal Bureau and authorized in writing by the individual or their legal guardian.

Members of the service are directed to consult with the NYPD's Legal Bureau should they have questions related to the disclosure of identifying information. Patrol Guide 212-66 is attached to this report as Appendix A.

2. *Patrol Guide 212-126*

Patrol Guide 212-126 sets a default rule that members of the NYPD may not use City resources to support or assist in immigration enforcement, except under certain circumstances. It also prescribes the following procedure for notifying the NYPD chain of command and receiving instructions when a member of the service receives a request from a non-local law enforcement agency to support or assist in immigration enforcement:



Patrol Guide 212-126 provides an exception to this protocol in emergency situations; in such cases, the highest-ranking uniformed member of the NYPD present at the scene must decide how to respond to the request and report back to the Operations Unit as soon as possible thereafter.

Until July 2025, Patrol Guide 212-126 also stated:

*Members of the service are not required to follow [the procedures in Patrol Guide 212-126] when performing duties with non-local law enforcement agencies in connection with a cooperative agreement, such as a task force that is not primarily intended to further immigration enforcement, or when responding to requests from the Department of Homeland Security (DHS) for detention of a person in custody beyond the time s/he would be released under state or local law or for advance notice of such person's release.*

By its terms, this carveout appeared to create major exceptions to NYPD policies on compliance with local laws limiting participation in immigration enforcement.

First, the language created an exception when members of the service were “performing duties with non-local law enforcement agencies in connection with a cooperative agreement, such as a task force that is not primarily intended to further immigration enforcement . . . .” This language appears to create a blanket exemption from compliance with the rules set forth in Patrol Guide 212-126 as long as an NYPD officer was part of a “task force that is not primarily intended to further immigration enforcement.” Second, the language appeared to create an exception for officers “responding to requests from the Department of Homeland Security . . . for detention of a person in custody beyond the time s/he would be released under state or local law or for advance notice of such person's release.” This, too, could have been interpreted to broadly exempt detainer requests from NYPD reporting protocol (rather than directing that those requests be processed through a separate reporting protocol, as was the NYPD's practice).

In connection with this investigation, on June 23, 2025, DOI met with representatives of the NYPD's Legal Bureau, which included a discussion of these apparent exceptions in Patrol Guide 212-126. The NYPD acknowledged that the language was unclear and stated the procedure should be revised; however, it clarified to DOI that the language in question meant that the specific procedures set out in Patrol Guide 212-126 did not apply in these situations, not that officers were permitted to cooperate in civil immigration enforcement in those situations. On July 9, 2025, following its meeting with DOI, the NYPD issued an updated version of Patrol Guide 212-126 removing this carveout language.<sup>28</sup> The current version of Patrol Guide 212-126 is attached to this report as Appendix B.

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<sup>28</sup> DOI supports the rescission of this language, which could have been read in a manner contrary to local law and, at a minimum, had the potential to create confusion among NYPD personnel.

## B. The NYPD's Written Policies Since 2025

The NYPD has adopted three new policies related to civil immigration enforcement since the beginning of 2025—Operations Order No. 4 (effective January 18, 2025); Chief of Detectives Memo, *External Requests for Information from Federal Law Enforcement* (the “Chief of Detectives Memo”) (effective July 7, 2025); and Deputy Commissioner Intelligence and Terrorism Memo, *External Requests for Information from Federal Law Enforcement Agencies* (the “Deputy Commissioner Memo”) (effective July 7, 2025).

### 1. *Operations Order No. 4*

The NYPD’s most recent comprehensive policy on civil immigration enforcement is Operations Order No. 4, which went into effect on January 18, 2025. It begins with a general prohibition on members of the NYPD assisting in any manner with civil immigration enforcement, then provides guidance on how members of the NYPD should respond to different scenarios that they may encounter. Among other examples, Operations Order No. 4 explains:

- Members of the NYPD may not take any action that will interfere with or impede civil immigration enforcement undertaken by federal authorities.
- If individuals are obstructing immigration authorities, members of the NYPD are not to assist the authorities unless the individuals are engaged in conduct that, separate from obstructing civil immigration enforcement, poses an immediate threat to public safety. Otherwise, federal authorities alone will take enforcement action consistent with their own rules and procedures.
- If immigration authorities are under physical attack, members of the NYPD will act to protect them.
- If a member of the NYPD encounters federal authorities engaged in civil immigration enforcement, they must follow the procedure set forth in Patrol Guide 212-126. The member of the NYPD must refrain from acting until an order is given by an executive of the NYPD, after consultation with the Legal Bureau.
- If immigration authorities present a member of the NYPD with papers to take an individual from NYPD custody, the member must contact the Operations Division, which will notify the Legal Bureau. No individual can be released from NYPD custody to immigration

authorities without authorization from both an executive in the member's operational command and a Legal Bureau executive.<sup>29</sup>

- The Operations Division must monitor internal NYPD databases for entries of police responses related to immigration enforcement. If they encounter such an entry, they must immediately notify a commanding officer or duty captain, a Patrol Borough executive, and the Legal Bureau.

The NYPD's Legal Bureau stated that Operations Order No. 4 is the controlling agency policy on compliance with City laws concerning civil immigration enforcement. When it was issued, the order was distributed to all members of the service, who were required to certify that they had read and understood it. As of June 2025, 42% of the NYPD had done so. The NYPD reported that, despite the 42% certification rate, "Operations Order [No.] 4 [is] in the 99th percentile of policies *viewed* by members of service since the Department began utilizing"<sup>30</sup> its current platform for distributing policy documents. DOI was also informed that the NYPD's Deputy Commissioner of Legal Matters held trainings and answered questions on Operations Order No. 4 for borough commands, operational commands, and senior NYPD executives. Operations Order No. 4 is attached to this report as Appendix C.

## 2. *Information Request Memos*

The information-sharing relationship between the NYPD and federal law enforcement agencies is complex. To successfully carry out its public safety mission, the NYPD routinely collaborates with non-local law enforcement agencies to investigate criminal activity, including with federal law enforcement agencies that play a role in civil immigration enforcement. This collaboration requires information sharing, particularly where the NYPD has a unique level of access to information.

The NYPD's Legal Bureau has informed DOI that, to ensure compliance with local laws restricting the use of City resources to further civil immigration enforcement, while also permitting collaboration on criminal matters with federal partners, the NYPD distinguishes requests for information about known subjects of

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<sup>29</sup> The NYPD has informed DOI that, in practice, its policy differs. Instead, detainees are processed by the NYPD's Criminal Justice Bureau, which manages the processing of prisoners. A detainer is honored only if the conditions set forth in New York City Administrative Code § 14-154 are met—that is, the subject of the detainer has been convicted of a violent or serious crime (defined by reference to an enumerated list of felonies from the New York Penal Law) and has a judicial warrant for their arrest. Neither the Criminal Justice Bureau's involvement, nor the conditions set forth in the Administrative Code, are memorialized in a written NYPD policy. The NYPD last honored a civil immigration detainer between October 1, 2015 to September 30, 2016, and has denied over 13,000 detainer requests since that time.

<sup>30</sup> NYPD Production Letter (July 25, 2025) (emphasis added).

joint criminal investigations (“known subjects”) from individuals without a known connection to an investigation in which the NYPD is involved (“unknown subjects”).

With respect to known subjects, the NYPD freely shares information with federal law enforcement partners working on joint criminal investigations. Because of the nature of joint task-force relationships, members of the NYPD know, or can easily confirm, that requests about known subjects relate to criminal matters. The NYPD’s Legal Bureau told DOI that the agency has communicated to its federal task-force partners that its members are not permitted to work on civil immigration matters. The NYPD’s policy for the treatment of known subjects is not reflected in any of its written civil immigration enforcement policies.

With respect to unknown subjects, up until recently, the NYPD also operated on practices that were not memorialized in a written policy. Prior to April 2025, the NYPD required federal law enforcement agencies seeking information about an unknown subject to fill out an “external agency request form” providing information about a criminal matter to which the request related, including the name and agency of the requestor, the name of the subject, the information requested, and the reason for the request. Those requests were directed through the NYPD’s Real Time Crime Center (“RTCC”),<sup>31</sup> which would grant requests based on a review of the information provided in the form alone. Between April and July 2025, the NYPD adopted an unwritten practice to direct those requests through the joint task forces associated with the requesting agency. Supervising Task Force Officers (“TFO”) would then determine whether to grant information requests following a dialogue with the requesting agency to determine whether the request was made in furtherance of a criminal investigation, as opposed to for purposes of civil immigration enforcement. This practice was memorialized in the Chief of Detectives Memo and Deputy Commissioner Memo in July 2025.

#### a. Chief of Detectives Memo

On July 7, 2025, the NYPD adopted the Chief of Detectives Memo, a policy outlining the process that members of the NYPD assigned to a federal task force or the RTCC must follow when they receive a request implicating the City’s civil immigration enforcement laws.<sup>32</sup>

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<sup>31</sup> New York City Police Dep’t, *Detectives, available at* <https://www.nyc.gov/site/nypd/bureaus/investigative/detectives.page> (“Real Time Crime Center is a centralized, technology-driven support center which uses state-of-the-art technology, such as facial recognition and link-analysis software, to provide instant, vital information to detectives and other officers at the scene of a crime.”).

<sup>32</sup> Although issued on July 7, 2025, the NYPD informed DOI that “[t]he process described in the Chief of Detectives Memo has been in place within the Detective Bureau since on or about May 19, 2025.”



Under this policy, when a TFO is contacted by federal authorities regarding a request for information unrelated to an ongoing criminal investigation being conducted by the task force, the TFO must notify a supervising TFO. The supervisor must then confer with the agency and determine whether the request relates to an active criminal investigation. If it does, the supervising TFO must call the RTCC to request the information on behalf of the federal agency.

The officer assigned to the RTCC is required to fill out an external agency request form documenting the inquiry and notify an RTCC supervisor before providing the requested information to the supervising TFO, who forwards the information to the requesting agency. All requests from federal agencies made directly to the RTCC are re-directed to the relevant task forces to follow the same procedure. The Chief of Detectives Memo is attached to this report as Appendix D.

#### b. Deputy Commissioner Memo

The NYPD also adopted the Deputy Commissioner Memo, an information-sharing policy specific to the Intelligence and Counterterrorism Bureau, on July 7, 2025. When members of the Intelligence and Counterterrorism Bureau receive requests from federal agencies unrelated to a joint criminal or terrorism investigation, they are directed to notify their supervisor, who will confer with the relevant federal agency. If the supervisor determines that the request was made in connection with an active criminal or terrorism investigation, Bureau personnel must complete an external agency request form documenting the inquiry, which is retained in a centralized location by Bureau leadership. The results of the inquiry are then conveyed by the supervisor to the requesting agency. The Deputy Commissioner Memo is attached to this report as Appendix E.

### V. Discussion of Reported Incidents

DOI reviewed two cases brought to its attention by the City Council in which public reporting called into question the NYPD's compliance with local law—the cases of Merwil Gutiérrez Flores and Leqaa Kordia. In addition, DOI reviewed a third incident about which there was public reporting that NYPD officials collaborated with federal civil immigration authorities on a planned enforcement operation to take place at the Roosevelt and Row Hotels in Manhattan. Finally, DOI reviewed a fourth incident that DOI identified during the course of its investigation and a fifth incident that was disclosed to DOI by the NYPD. Although DOI concluded that the NYPD only clearly violated local law in the fourth incident (regarding an HSI Violent Gang Task Force member honoring a request for assistance with civil immigration enforcement), each of these case studies provide insight into where the NYPD's policies are working, where they fall short, and how they can be improved.

### A. Merwil Gutiérrez Flores

The first incident reviewed by DOI involved Merwil Gutiérrez Flores's transfer into federal custody following his arrest by the NYPD. With respect to this incident, DOI reviewed NYPD documentation concerning Mr. Gutiérrez Flores's arrest, reviewed federal documentation concerning Mr. Gutiérrez Flores' subsequent immigration proceedings, and interviewed the NYPD lieutenant who supervised the arrest.

#### 1. *Factual Findings*

Mr. Gutiérrez Flores was arrested on February 24, 2025, at approximately 11:30 PM as part of a joint operation undertaken by the Safe Streets Task Force VTI—a task force comprised of members of the NYPD and the FBI—and members of the Field Intelligence Officer team at the NYPD's 52nd Precinct. The arresting officers brought Mr. Gutiérrez Flores back to the 52nd Precinct for interrogation and arrest processing. He was arrested for a violation of New York Penal Code § 265.03, the offense of criminal possession of a weapon in the second degree. Paperwork was sent to the Bronx District Attorney's Office the morning of February 25.

At approximately 7:00 PM on February 25, an NYPD officer received a facsimile from an ICE agent transmitting a civil immigration detainer request for Mr. Gutiérrez Flores with no judicial warrant attached.<sup>33</sup> The NYPD officer notified a platoon commander of this detainer request and further notified the Operations Unit at 9:17 PM. A decision was made not to honor ICE's detainer around the same time. The arresting team at the 52nd Precinct was not made aware of this detainer request, according to the supervising officer of the arrest team.

Around 10:00 PM on February 25, the Bronx District Attorney's Office sent a document to the NYPD indicating that they were declining to prosecute Mr. Gutiérrez Flores, and advising that the NYPD check whether he was subject to outstanding arrest warrants before he was released. NYPD records reflect that agency personnel conducted a warrant check at approximately 10:03 PM with negative results.

DOI interviewed the NYPD lieutenant, a member of the Safe Streets Task Force, who supervised the arrest of Mr. Gutiérrez Flores. The lieutenant stated that after the Bronx District Attorney declined to prosecute Mr. Gutiérrez Flores, he had a conversation with his task force counterpart at the FBI who indicated that the FBI would take Mr. Gutiérrez Flores into custody pending a charging decision by federal

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<sup>33</sup> Based on the NYPD's records and an interview conducted by DOI of a supervising lieutenant present for Mr. Gutiérrez Flores's arrest, this officer was not likely assigned to the 52nd Precinct. Rather, it appears that the detainer request was sent to Bronx Central Booking.

prosecutors with respect to Mr. Gutiérrez Flores. Mr. Gutiérrez Flores was then transferred from NYPD custody to FBI custody at approximately 10:06 PM.

Records released by DHS indicate that the FBI then contacted ICE about Mr. Gutiérrez Flores and transferred Mr. Gutiérrez Flores into ICE custody at approximately 11:00 PM. ICE arrested him minutes later pursuant to a Warrant for Arrest of Alien.<sup>34</sup> At the time, Mr. Gutiérrez Flores had removal proceedings pending against him.<sup>35</sup> DHS has since announced that Mr. Gutiérrez Flores was deported to El Salvador's Terrorism Confinement Center on March 15, 2025.<sup>36</sup>

## 2. *Analysis of Incident*

At the time of the Gutiérrez Flores incident, the only NYPD policy directly addressing detainer requests from federal agents was Operations Order No. 4, which provides, in relevant part:

Should federal civil immigration agents present a member of service with papers to take an individual from Department custody, the member of service will immediately contact the Operations Division and an executive in the member of service's operational command. The Operations Division will notify the Legal Bureau. No individual is to be released from Department custody to civil immigration authorities without authorization from both an executive in the member of service's operational command and a Legal Bureau executive.

The NYPD officer who received an ICE detainer request by email followed this policy by notifying his precinct's platoon commander and the Operations Unit. The NYPD determined that the detainer should not be honored, consistent with the restrictions imposed by Local Law 59 of 2014.

The decision to transfer Mr. Gutiérrez Flores to FBI custody was also consistent with NYPD policies and local law. As noted above, the NYPD transferred Mr. Gutiérrez Flores to FBI custody only after the Bronx District Attorney's Office declined to prosecute him and only after an FBI agent informed an NYPD supervisor that the FBI would continue to detain Mr. Gutiérrez Flores pending a decision by a federal prosecutor as to whether Mr. Gutiérrez Flores would be charged with a federal crime. Nothing in local law or NYPD policy prohibits the NYPD's cooperation with federal officials enforcing criminal law.

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<sup>34</sup> Gutiérrez Flores Form I-213, *supra* note 23 at 3.

<sup>35</sup> *Id.*

<sup>36</sup> Dep't of Homeland Security, *supra* note 22.

Nevertheless, the FBI's decision to transfer Mr. Gutiérrez Flores to ICE within an hour of his release from NYPD custody highlights an important consideration for the NYPD's policies—even federal agencies not traditionally thought to enforce civil immigration laws, like the FBI, may assist in civil immigration enforcement. Most of the NYPD's policies account for this possibility, broadly prohibiting assistance with civil immigration enforcement.<sup>37</sup> However, the NYPD's policy on civil immigration detainer requests is drawn more narrowly, applying only to requests from "federal civil immigration agents."<sup>38</sup> To account for the fact that other federal agents may also be engaged in civil immigration enforcement (and to better implement the requirements of New York City Administrative Code § 14-154<sup>39</sup>), the NYPD should scrutinize requests for custody transfers from any federal agents to ensure that they do not relate to civil immigration enforcement and to apply the standards required by law if they do. While additional scrutiny will not necessarily preclude an ultimate transfer into ICE custody—in Mr. Gutiérrez Flores's case, federal agents provided a criminal purpose for his detention and the federal government may consider criminal enforcement and subsequently opt for immigration enforcement—such scrutiny would ensure that the NYPD has as much information as possible before transferring individuals into federal custody. This recommendation is set forth below as Recommendation #1.

## B. Leqaa Kordia

The second incident reviewed by DOI involved the federal government's use of NYPD arrest records during immigration proceedings brought against Leqaa Kordia. To conduct this review, DOI reviewed internal NYPD documents concerning Ms. Kordia as well as public documents concerning Ms. Kordia's immigration proceedings and public statements made by the Police Commissioner regarding the incident.

### 1. *Factual Findings*

On March 14, 2025, the NYPD received a request from a Special Agent at HSI for "all NYPD arrest/incident report(s) and summons(es) for Leqaa KORDIA" via the RTCC. The request noted that HSI was conducting a money laundering investigation

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<sup>37</sup> See, e.g., Operations Order No. 4 ¶ 11 (discussing requirements for when "a uniformed member of service encounters federal agents engaged in civil immigration enforcement"); Patrol Guide 212-126 (prohibiting assistance with civil immigration enforcement presented by any "non-local law enforcement agency").

<sup>38</sup> Operations Order No. 4 ¶ 14.

<sup>39</sup> Local law expressly contemplates that civil immigration detainer requests can come from agents other than ICE, defining "civil immigration detainer" as "a detainer issued pursuant to 8 CFR § 287.7 or any similar federal request for detention of a person suspected of violating civil immigration law." Admin. Code § 14-154(a)(1) (emphasis added).

and cited a corresponding HSI case number for that investigation. In response, based solely on the information provided by HSI on its request form, at 3:44 PM, an NYPD officer generated a Domain Awareness System report which was provided to ICE and which contained information confirming that Ms. Kordia had been issued two summonses on April 30, 2024, for failing to comply with an NYPD command to disperse during protest activity.

The NYPD has since acknowledged that the summons information provided was associated with a sealed arrest, and it conducted an internal investigation to determine why that information was nevertheless provided to HSI.<sup>40</sup> The NYPD determined that, at the time that NYPD provided the report to ICE, the summonses were not sealed in NYPD databases because the Office of Court Administration had not notified the NYPD that they were subject to sealing.

At the time HSI sent its request to the NYPD, ICE had already detained Ms. Kordia during a voluntary check-in with immigration officials in Newark, New Jersey on March 13.<sup>41</sup> DHS reported that ICE had arrested Ms. Kordia for overstaying her expired F-1 student visa.<sup>42</sup> In that press release, DHS noted that “in April 2024 Kordia was arrested for her involvement in pro-Hamas protests at Columbia University in New York City.”<sup>43</sup> The federal government subsequently used information about Ms. Kordia’s summonses at an immigration hearing.<sup>44</sup> Ms. Kordia has been detained at an ICE detention facility in Texas since March.<sup>45</sup>

## 2. Analysis of Incident

At the time of the Kordia incident, the NYPD did not have written policies designed to help officers determine whether a request from a federal agent was being

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<sup>40</sup> OFFICE OF THE MAYOR, *Transcript: Mayor Adams Briefs Media on NYPD Officers Attacked in Times Square with NYPD Commissioner Tisch and Holds In-Person Media Availability* (May 6, 2025), available at <https://www.nyc.gov/mayors-office/news/2025/05/transcript-mayor-adams-briefs-media-nypd-officers-attacked-times-square-nypd>.

<sup>41</sup> Jake Offenhartz, *NYPD Shared a Palestinian Protester’s Info with ICE. Now It’s Evidence in her Deportation Case*, ASSOCIATED PRESS (May 2, 2025), <https://apnews.com/article/nypd-ice-leqaa-kordia-trump-palestinian-protests-90c6f446f431e8cec23a93172e1eb0b8>.

<sup>42</sup> Dep’t of Homeland Security, *VIDEO: Columbia University Student Whose Visa Was Revoked for Supporting Hamas and Terrorist Activities Used CBP Home App to Self-Deport* (Mar. 14, 2025), available at <https://www.dhs.gov/news/2025/03/14/video-columbia-university-student-whose-visa-was-revoked-supporting-hamas-and>.

<sup>43</sup> *Id.*

<sup>44</sup> Offenhartz, *supra* note 41 (“At an April 3rd hearing, the federal government pointed to Kordia’s prior arrest for protesting as a reason she should not be released.”).

<sup>45</sup> See generally *Kordia v. Noem*, No. 3:25-cv-01072 (N.D. Tex. Apr. 30, 2025) (docket of Ms. Kordia’s habeas case, not reflecting release from custody) (last accessed November 25, 2025).

made to further civil immigration enforcement purposes.<sup>46</sup> Instead, the NYPD had a practice that required a requesting federal agent to submit a form to the RTCC to request information about a subject, if that subject was not known to the NYPD. If that form indicated that the request was made in furtherance of a criminal investigation, the NYPD would disclose the requested information to the federal agent without further inquiry. That practice was followed in Ms. Kordia's case—HSI filled out a form requesting information about Ms. Kordia, providing an HSI case number and indicating that the request was in furtherance of a money laundering investigation. Because the NYPD conducted no further inquiry into HSI's representation and DOI did not seek information directly from HSI as part of this investigation, DOI is not able to determine whether HSI had a bona fide money laundering investigation into Ms. Kordia. However, public records reflect that DHS had active immigration proceedings against Ms. Kordia at the time of HSI's information request.

In April 2025, after the Kordia incident, the NYPD adopted a new policy for handling information requests from federal agents about individuals who were not subjects of an NYPD task force investigation. Since that time, all information requests from federal agents are routed from the RTCC to TFOs on relevant joint task forces, who are required to engage in a dialogue with the relevant federal agency before honoring a request. The NYPD informed DOI that it chose to channel these requests through task forces in order to take advantage of repeat player task force relationships and because TFOs are more attuned to the distinction between criminal enforcement and civil immigration enforcement. The NYPD has since formalized aspects of these changes into the Chief of Detectives Memo and the Deputy Commissioner Memo. DOI supports the NYPD's changes, which help ensure that the NYPD can most accurately assess whether a federal request is in furtherance of civil or criminal enforcement and thereby fully comply with the local law restrictions on the use of City resources for civil immigration enforcement purposes.

As discussed in Recommendation #3 below, the NYPD should take steps to clarify and streamline the directions to officers for determining whether to honor a request for assistance from federal agencies. The NYPD processes these federal requests under a patchwork of policies reflected in Patrol Guide 212-126, Operations Order No. 4, the Chief of Detectives Memo, and the Deputy Commissioner Memo. In particular, the NYPD would benefit from consolidating the reforms reflected in the Chief of Detectives Memo and Deputy Commissioner Memo into a policy applicable to all NYPD members. Furthermore, NYPD officers currently receive little guidance or training on whether federal requests implicate civil immigration enforcement. Operations Order No. 4 lists four exemplary scenarios, but only 42% of NYPD officers have certified that they have read that order. By providing additional examples

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<sup>46</sup> Both Patrol Guide 212-126 and Operations Order No. 4 provide protocol for how to respond to requests for assistance with civil immigration enforcement, but neither address the antecedent question of how to identify whether a request relates to civil immigration enforcement.

beyond those listed in Operations Order No. 4 and training officers on how to recognize when NYPD policies on civil immigration enforcement are implicated, the NYPD could strengthen existing procedures so as to mitigate the risk of disclosure of information to federal authorities to be used for immigration enforcement.

### C. Planned Operation at the Roosevelt and Row Hotels

On June 18, 2025, *The New York Times* reported that former NYPD Deputy Commissioner of Operations (now Deputy Mayor of Public Safety) Kaz Daughtry “helped [Thomas] Homan and other federal officials plan [a] coordinated raid[] targeting immigrants living in at least two large city-funded hotels.”<sup>47</sup> It reported that those “raids were originally planned to target noncitizens who were wanted for arrest,” but that “Commissioner Tisch halted her department’s involvement once it became clear that hundreds of ICE agents would take part, seeking to detain anyone based solely on their immigration status.”<sup>48</sup> Given the story’s nexus to the City Council’s referral, DOI investigated the allegations contained in it and the results of that investigation are summarized below. DOI’s review included interviews with Chief of Detectives Joseph Kenny, the Deputy Mayor for Public Safety Kaz Daughtry, the NYPD Inspector assigned to plan the arrest warrant operation, and an NYPD member of an HSI-NYPD task force consulted on the operation, as well as the review of information provided to DOI by the NYPD’s Legal Bureau.

#### 1. *Factual Findings*

During the peak of New York City’s influx of asylum seekers in 2022 and 2023, New York City converted several hotels into migrant shelters to help house the City’s new residents, including Row NYC in late 2022 and the Roosevelt Hotel in May 2023.<sup>49</sup> By the end of 2024, there were reports that some residents in those hotels were engaging in criminal activity.<sup>50</sup>

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<sup>47</sup> Rashbaum et al., *supra* note 25.

<sup>48</sup> *Id.*

<sup>49</sup> See, e.g., Bernadette Hogan, et al., *NYC Moving Migrants into Famed Luxury Times Square Hotel*, N.Y. POST (Aug. 15, 2022), available at <https://nypost.com/2022/08/15/row-nyc-hotel-being-turned-into-migrant-shelter/>; OFFICE OF THE MAYOR, *Mayor Adams Announces Launch of Asylum Seeker Arrival Center, Ninth Humanitarian Emergency Response and Relief Center to Continue to Respond to Asylum Seeker Influx* (May 13, 2023), <https://www.nyc.gov/office-of-the-mayor/news/333-23/mayor-adams-launch-asylum-seeker-arrival-center-ninth-humanitarian-emergency-response>.

<sup>50</sup> See, e.g., Michael Ruiz, *Juvenile Illegal Immigrant Gang Members Behind Robbery Spree Stay Out of Jail Due to Age*, FOX NEWS (Oct. 15, 2024), <https://www.foxnews.com/us/juvenile-illegal-immigrant-gang-members-behind-robbery-spree-stay-out-jail-due-age>; Max Rivera & Jorge Fitz-Gibbon, *NYC Migrant Moms Are Fed Up with Gang Violence at Notorious Midtown Hotel as They Worry About Impact on Their Kids*, N.Y. POST (Oct. 17, 2024), <https://nypost.com/2024/10/17/us-news/nyc-migrant-hotels-violent-gang-rep-is-all-over-tiktok-say-fed-up-residents-who-worry-its-only-gonna-get-worse/>.

In early 2025, the NYPD began planning an operation to target that criminal activity. More specifically, in late February or early March, the Chief of Detectives met with an NYPD Inspector and an NYPD member of an NYPD/HSI joint task force to begin planning an operation with a two-fold purpose—to arrest targets of a joint NYPD/HSI gun-trafficking investigation at the Row and to execute outstanding state criminal warrants for individuals thought to reside in the Row and other City-run migrant shelters, including the Roosevelt. The NYPD anticipated that this arrest operation would take place during the week of March 10. It would involve only the NYPD and the execution of arrest warrants issued for state criminal offenses, apart from one anticipated NYPD/HSI task force gun-trafficking arrest that would occur outside the Row and would also involve HSI agents.

On March 5, 2025, Secretary of Homeland Security Kristi Noem visited New York City and held an event for area law enforcement officials on a Coast Guard boat, which the Chief of Detectives attended. At that event, the Chief of Detectives was approached by an ICE<sup>51</sup> executive who informed him that ICE intended to send hundreds of agents to New York for the NYPD's operation. This statement came as a surprise to the Chief of Detectives, as he was not aware that ICE intended to participate in the operation.<sup>52</sup> The Chief of Detectives informed the ICE official that ICE could not participate in the NYPD's planned operation. He did not inform the NYPD Deputy Commissioner of Legal Matters of this ICE executive's remarks and could not recall whether he discussed them with the Police Commissioner prior to phone calls he had with her on Friday, March 7, discussed below.<sup>53</sup> The Chief of Detectives left for a scheduled vacation the evening of March 5.

The NYPD Inspector charged with planning the Row and Roosevelt operation had a similar experience with federal officials on Thursday, March 6. That day, HSI's Assistant Special Agent-in-Charge ("ASAC") of the New York field office requested a call with the Inspector to clarify whether the operation was moving forward. The ASAC informed the Inspector that HSI intended to send hundreds of officers to the NYPD's operation to conduct a sweep of warrants for illegal entry and re-entry

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<sup>51</sup> ICE is divided into several bureaus, including HSI (which conducts criminal investigations) and Enforcement and Removal Operations ("ERO") (which conducts civil enforcement). Members of the NYPD generally use the term HSI to refer to ICE's criminal enforcement arm, but use the term ICE to refer to the civil enforcement conducted by ERO.

<sup>52</sup> It is unclear how ICE became aware of the NYPD's planned operation. DOI did not interview any federal agents in connection with this investigation, including the HSI agents who were part of the task force involved in NYPD's plans for the Roosevelt and Row Hotel operations. Deputy Mayor Daughtry stated that he did not inform ICE of the operations.

<sup>53</sup> During his interview with DOI, Deputy Mayor Daughtry stated that the Chief of Detectives informed him of this interaction and that he told the Chief of Detectives that ICE's presence was not necessary and that the Police Commissioner should be informed. The Deputy Mayor's account was not corroborated by the Chief of Detectives' account—the Chief of Detectives did not report that he had a conversation with the Deputy Mayor after the Coast Guard event.



(conduct that the NYPD is prohibited from assisting in under local law). The Inspector informed the ASAC that such a large HSI presence was unnecessary and immediately reported his interaction to his immediate supervisor, the NYPD's Chief of Citywide Investigations. The NYPD task force officer who assisted in planning the Row and the Roosevelt operation also informed DOI that, when he learned of HSI's intention to conduct a sweep for illegal entry and re-entry warrants, he reported this fact to the NYPD's Chief of Citywide Investigations.

On Friday, March 7, the Chief of Citywide Investigations briefed an advisor to the Police Commissioner regarding the contemplated operation, who subsequently briefed the Police Commissioner. The Police Commissioner expressed operational concerns about the plan and called the Chief of Detectives to gain clarity on operational details. During that call, the Chief of Detectives informed the Police Commissioner that ICE was also planning an operation at the Roosevelt and the Row for the same day. The Police Commissioner and the Deputy Commissioner of Legal Matters called the Special Agent in Charge (SAC) of HSI's New York Field Office and the SAC informed the Commissioner that ICE's operation would involve the execution of criminal warrants for illegal entry and re-entry offenses. The Commissioner informed the SAC that the NYPD could not participate in such an operation due to local laws restricting the NYPD's participation in civil immigration enforcement as well as enforcement of criminal laws concerning illegal entry and re-entry. Soon after, the Commissioner directed the NYPD's operation not to move forward.

## 2. *Analysis of Incident*

NYPD executives—in particular, the Chief of Detectives and the Police Commissioner—complied with local law by putting a stop to potential ICE involvement with an NYPD operation that could have resulted in the NYPD assisting federal officials with civil immigration enforcement. The NYPD officers responsible for planning the operation also complied with local law by informing their supervisors of federal agents' intention to engage in activities that the NYPD could not assist with during the operation.

While the Chief of Detectives and Police Commissioner ultimately avoided the commitment of City resources toward immigration enforcement, this incident highlights a need for more training on when NYPD members should elevate requests for assistance with immigration enforcement, as discussed below in Recommendation #4. A common thread throughout Patrol Guide 212-126 and Operations Order No. 4 is that, when faced with a situation implicating the NYPD's participation in civil immigration enforcement, members of the service should consult with the Legal Bureau.<sup>54</sup> The scenario faced by the Chief of Detectives—having been informed of ICE's plan to send hundreds of officers to New York to participate in an NYPD

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<sup>54</sup> See, e.g., Patrol Guide 212-126 ¶ 8; Operations Order No. 4 ¶¶ 11-14.

operation—does not fit comfortably within the language of any one of those policy provisions. However, the spirit of the NYPD’s policies is that the Legal Bureau should be consulted on matters pertaining to civil immigration enforcement. Here, it appears that the Chief of Detectives did not inform the Legal Bureau or the Police Commissioner of ICE’s planned involvement in the operation until prompted by a phone call with the Commissioner on March 7. To be clear, the Chief of Detectives never committed City resources toward immigration enforcement; in fact, he informed ICE that the NYPD would not do so. Nevertheless, the Chief of Detectives should have proactively raised ICE’s potential involvement in the NYPD’s operation with the Legal Bureau.

#### D. Task Force Request

DOI independently received information concerning an additional incident involving a federal task force that included members of the NYPD and the Department of Correction that implicated the City’s immigration enforcement laws. DOI’s review of this incident included the review of several key NYPD email communications as well as the NYPD Legal Bureau’s summary of information learned during its Internal Affairs Bureau’s (IAB’s) investigation of this incident, which was prompted by the information that DOI provided to the NYPD.

##### 1. *Factual Findings*

On November 21, 2024, an NYPD member of an HSI Violent Gang Task Force received an email from his counterparts at HSI asking him to “put out alerts” on a list of individuals provided by HSI. Internal HSI emails visible to the NYPD officer from earlier in that email chain stated that those individuals were “suspected Tren de Aragua (TdA) members” who “may be amenable to custody redetermination, administrative arrest, or placed on an elevated [alternative to detention]”—all actions that would constitute civil immigration enforcement under New York City law. The emails also explicitly referenced ERO, ICE’s civil immigration enforcement arm. At the time the NYPD officer received this email, NYPD policy (Patrol Guide 212-126) required that he report this request to his desk officer.

DOI brought this email to the NYPD’s attention in connection with this investigation. The NYPD was not previously aware of the communication and referred the matter to its IAB for an internal investigation. The NYPD informed DOI that the IAB has since concluded that the officer did comply with HSI’s request; he placed alerts on individuals within an NYPD database who were the subject of civil immigration enforcement efforts so that he and three other NYPD task force members would receive automated updates if any of the individuals flagged had a law enforcement interaction.<sup>55</sup> However, the IAB has uncovered no evidence that NYPD

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<sup>55</sup> The IAB uncovered no evidence that the other three NYPD task force members took steps to assist in civil immigration enforcement.

officers took any actions as a result of these automated alerts. As a result of the IAB investigation, the NYPD removed the officer from the HSI Violent Gang Task Force and restricted his access to the computer systems from which those alerts are made. The IAB's investigation remains ongoing as of the date of this report.

## 2. *Analysis of Incident*

Compliance with a request for assistance with civil immigration enforcement efforts violates local law and NYPD policy. As such, since DOI brought this matter to the NYPD's attention, the NYPD has acted appropriately by promptly investigating it to determine what disciplinary measures are warranted and taking interim steps to restrict access to NYPD systems.

This incident underscores the importance of providing additional training to NYPD members of service, particularly those serving in federal task forces, on compliance with local law in this area, as set forth in Recommendation #4. When interviewed by the IAB, the NYPD officer explained, in sum and substance, that he believed that his actions were taken in connection with a criminal law enforcement operation. Assuming the officer's statements were truthful, the officer missed clear signs—the discussion of ERO and of civil immigration enforcement actions—that should have made it apparent to him that he was being asked to assist with civil immigration enforcement.

Taking a broader view, this incident highlights that the NYPD may not be aware of each instance in which an officer is asked to assist with civil immigration enforcement and fails to follow the NYPD's policies. If an incident goes unreported, it is unlikely to be brought to leadership's attention. As recommended below in Recommendation #6, to gain a more complete understanding of compliance with local law, the NYPD should conduct a limited email audit of NYPD officers assigned to federal task forces to determine whether there are any other reportable instances and, depending on the nature and volume of such instances, whether they warrant strengthening of the NYPD's policies or the imposition of other procedures, such as regular future audits.

### E. Federal Fugitive Incident

During DOI's investigation, the NYPD disclosed an additional event implicating the NYPD's policies for processing immigration-related requests from federal agents that has not been previously reported. DOI reviewed documents and body-worn camera footage of the NYPD officers involved in this incident.

### 1. *Factual Findings*

On June 18, 2025 at 8:56 PM, two federal agents flagged down two NYPD officers on patrol at the corner of Orchard Street and East Houston Street in Manhattan. The federal agents identified themselves as FBI and DHS agents. When notified that one agent worked for DHS, one NYPD officer stated: “Okay, let me just get my boss over here.”

The federal agents explained that they had been transporting a detainee from John F. Kennedy Airport across the Williamsburg Bridge when the detainee jumped from the back of one of their cars. The federal agents chased the escapee down on foot and apprehended him, but got lost along the way and flagged down the NYPD for assistance. The agents further explained that the subject had been detained pursuant to a final deportation order and asked whether the NYPD would temporarily take custody of him while they retrieved their vehicles. An NYPD officer responded to the federal agents: “Give us a second, I’m getting off with my boss over here, because I’m not sure our – our guidelines –, I’m not sure if we’re able to.”

Shortly thereafter, several additional officers arrived at the scene, including an NYPD lieutenant. After being briefed, the lieutenant told the federal agents that the NYPD would briefly take custody of the detainee while the responding officers drove the federal agents to pick up their vehicles. While the subject was detained, the lieutenant placed a call to “Central” (the NYPD radio dispatcher) and informed the dispatcher that the FBI had made an arrest at his present location and asked the NYPD to hold the arrestee. He did not mention the presence of DHS or the final deportation order. Records from the NYPD’s Intergraph Computer Aided Dispatch (ICAD) system registered this call at 9:09 PM, with no notation of the event’s immigration nexus. Around 9:15 PM, other supervisors and the Operations Unit were also notified. Soon after, the federal agents arrived back at the scene and took the detainee back into federal custody.

Two additional reports were generated after the incident. First, the Operations Unit sent an email to senior NYPD leadership, including the Police Commissioner, at 10:29 PM noting that “FBI Agents were transporting an ICE detainee over the Williamsburg Bridge” when the detainee fled. The email further notes that after federal agents re-detained the escapee, they flagged down NYPD officers to temporarily secure their detainee and to bring them back to their vehicles. The email also states that the captain of the relevant precinct was notified.

Second, the 7th Precinct Patrol Supervisor sent a memorandum to the Chief of Patrol dated June 18, 2025. The memo reflects that officers “were approached by an FBI agent requesting assistance.” It then states that two federal agents “who identified themselves as FBI agents” asked that the officers assist them in securing an escaped prisoner and procuring their abandoned vehicles. It notes that the officers

requested the presence of a patrol supervisor, who arrived before assistance was provided. Finally, the memo notes the officers who were on the scene and those who were notified, including the Operations Unit; the precinct commanding officer, executive officer, and desk officer; and the Patrol Services Bureau. This memo does not disclose that the incident had a nexus to civil immigration enforcement.

## 2. Analysis of Incident

Officers complied with the NYPD's policies and local law during the federal fugitive incident. When he believed he had received a request related to civil immigration enforcement, one of the officers who was initially flagged down properly elevated the request to his supervisor before acting further. That officer clearly highlighted that the federal agents' request implicated the NYPD's rules on civil immigration enforcement and communicated that fact to other NYPD personnel.

When the officer's supervisor, a lieutenant, arrived at the scene, he decided to assist in securing the escaped detainee due to the exigent circumstances. This decision was permissible under NYPD policy; Patrol Guide 212-126 permits "[i]n emergency, public safety related situations" for "the decision to support [a] non-local law enforcement agency" to "be made by the highest ranking uniformed member of the service at the scene." This decision was also a fair implementation of the City's laws. While NYPD policy explicitly prohibits NYPD members from "[d]etaining an individual so that federal civil immigration agents can take that person into custody,"<sup>56</sup> even absent the civil-immigration nexus, the NYPD could have appropriately detained the fugitive for violating federal law, which criminalizes escapes from federal custody.<sup>57</sup>

The lieutenant also promptly reported his decision up the chain of command, as is required by Patrol Guide 212-126 and Operations Order No. 4. However, during his call to the NYPD radio dispatcher, the lieutenant failed to disclose that the federal request for assistance had an immigration nexus—namely that an agent from DHS had asked for assistance detaining someone pursuant to a final deportation order. The lieutenant's failure to disclose this nexus was arguably inconsistent with Patrol Guide 212-126, which required him to "immediately notify the Operations Unit of [his] decision *and include details of the circumstances.*" It bears noting, however, that

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<sup>56</sup> Operations Order No. 4 ¶ 6(b).

<sup>57</sup> Specifically, 18 U.S.C. § 751(a) states: "Whoever escapes or attempts to escape from the custody of the Attorney General . . . shall, . . . if the custody . . . is for . . . expulsion proceedings under the immigration laws, . . . be fined under this title or imprisoned not more than one year, or both." It is DOI's understanding that assisting in preventing a violation of 18 U.S.C. § 751(a) falls outside the City's restrictions on assistance with "immigration enforcement" because that term is defined to include enforcement of criminal laws in the Immigration and Nationality Act only if they "penalize[] a person's presence in, entry into, or reentry into the United States." Admin. Code § 10-178(a). Section 751(a) is not part of the Immigration and Nationality Act and it does not "penalize[] a person's presence in, entry into, or reentry into the United States."

the Operations Unit did ultimately receive notice of the event's immigration nexus and flagged it in an email to NYPD executives.

This incident demonstrates that NYPD officers may benefit from more training on when and how to escalate requests for assistance with civil immigration enforcement, as recommended in Recommendations #3 and #4. The responding lieutenant did not disclose the presence of a DHS agent or of a final deportation order in his call to other NYPD bureaus. As a result, several of the reports ultimately circulated by the NYPD did not mention that the federal agents' request of the NYPD included an immigration enforcement aspect.<sup>58</sup> For NYPD officials to comply with City law and NYPD policy, they must be made aware of any incident or assistance that has a civil immigration nexus — the absence of this information could jeopardize the NYPD's ability to act appropriately. That risk may be mitigated by giving officers training sufficient to ensure, to the extent possible, that the NYPD is made aware at all stages of the reporting chain of matters involving civil immigration.

## **VI. Compliance with Other Local Law Requirements**

In addition to restricting City employees and officers from assisting in civil immigration enforcement, local law imposes policy-adoption, recordkeeping, and reporting requirements on City agencies to ensure orderly and transparent implementation of the laws' substantive requirements. As part of this investigation, DOI has assessed the NYPD's compliance with those provisions of Local Law 59 of 2014, Local Law 228 of 2017, and Local Law 246 of 2017. As discussed in more detail below, the NYPD complies with Local Law 59, but complies with Local Law 228 and Local Law 246 only in part.

### **A. Local Law 59 of 2014: NYPD Annual Report on Civil Immigration Detainer Requests**

Local Law 59 requires that, by September 1 of every year, the NYPD post an annual report on its website summarizing information about the civil immigration detainer requests it received in the prior year.<sup>59</sup> That report must include: (1) the number of detainer requests received; (2) the number of individuals held in custody pursuant to such detainer requests beyond the time when the individuals would otherwise be released from custody; (3) the number of individuals transferred pursuant to such detainer requests; (4) the number of detainer requests that were not honored; and (5) the number of requests made by federal authorities about

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<sup>58</sup> To their credit, other units, like the Operations Unit, conveyed the immigration nexus to NYPD leadership.

<sup>59</sup> Admin. Code § 14-154(f).

individuals' incarceration status, release dates, court appearance dates, or other information, disaggregated along several metrics.<sup>60</sup>

The NYPD publishes the Local Law 59 report on its website.<sup>61</sup> The NYPD has published a report including the appropriate information for every year since Local Law 59 went into effect. According to those reports, the NYPD has not honored a civil immigration detainer since the reporting period ending in September 2016, but it provided information (such as incarceration status, release dates, etc.) to federal immigration authorities about individuals who had been convicted of violent or serious crimes on twenty-six occasions between 2017 and 2021. Having reviewed the NYPD's reports, DOI determined that the NYPD complies with Local Law 59.

B. Local Law 228 of 2017: City-wide Agency Reports on Requests for Assistance with Civil Immigration Enforcement

Local Law 228, which restricts the use of City resources to assist with civil immigration enforcement, also includes recordkeeping and reporting requirements:

Whenever any city officer or employee receives a request from a non-local law enforcement agency for the city to provide support or assistance intended to further immigration enforcement, such officer or employee's agency shall make a record relating to such request, including any response or actions taken in response.

An office of the mayor, or an agency the head of which is appointed by the mayor, shall be designated by the mayor to submit to the speaker of the council a quarterly report containing an anonymized compilation or summary of such requests and actions taken in response, disaggregated by the requesting non-local law enforcement agency and the agency receiving such a request; provided, however, disclosure of any such information shall not be required if: (i) such disclosure would interfere with law enforcement investigations or (ii) such disclosure is related to actions taken pursuant to clause (i) of subdivision e of this section and would compromise public safety. Such report shall not be required to include information contained in reports required pursuant to section 9-131, 9-205, or 14-154.<sup>62</sup>

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<sup>60</sup> *Id.* § 14-154(f)(1)-(5).

<sup>61</sup> See New York City Police Dep't, *Civil Immigration Detainers*, available at <https://www.nyc.gov/site/nypd/stats/reports-analysis/civil-immigration-detainers.page>.

<sup>62</sup> Admin. Code § 10-178(d).

Patrol Guide 212-126 sets out the NYPD's procedures for documenting requests for support intended to further immigration enforcement. Once action has been taken, the Operations Unit is required to "[r]ecord notifications and actions in a database that will be accessible for statistical analysis."<sup>63</sup> Since at least 2018, the NYPD logged these events in an incident reporting database with the tag "Immigration Assist/Support." Since 2025, the Operations Unit at the NYPD has also maintained a spreadsheet of all civil immigration detainees received.<sup>64</sup> The incident reporting database includes the date, time, and location of requests, as well as a brief "Incident Type," *i.e.*, "Assault" or "Migrant Arrest," and the tag "Immigration Assist/Support." However, DOI has concluded that the NYPD's reporting database complies with City law and policy only in part. It does not include the "response or actions taken in response," as required by Local Law 228,<sup>65</sup> nor the identity of the requesting agency, as required in guidance promulgated by the Mayor's Office in 2018.<sup>66</sup> These recordkeeping shortcomings should be addressed by the NYPD, as set forth below in Recommendation #5.

Furthermore, based on DOI's analysis, the NYPD's databases do not include all instances in which the NYPD was asked for immigration assistance from federal authorities. For example, in a report issued by the NYPD in 2021, the NYPD reported seven instances in which they provided information to federal immigration authorities from July 1, 2020 to June 30, 2021, but none of those instances appear in the NYPD's databases.<sup>67</sup> Indeed the database contains only thirty-three entries since 2018. The fugitive incident and the task force request incident, both discussed above, also do not appear in the databases. These omissions make clear that the NYPD is underreporting requests for immigration enforcement assistance in the databases that it has designated for recording those events.

The quarterly reports required by Local Law 228 are compiled by MOIA.<sup>68</sup> On December 30, 2024, MOIA issued guidance to City agencies on compliance with Local

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<sup>63</sup> Patrol Guide 212-126 ¶ 12.

<sup>64</sup> Civil immigration detainees fall outside of Local Law 228's recordkeeping and reporting requirements. *See* Admin. Code § 10-178(d) ("Such report shall not be required to include information contained in reports required pursuant to section 9-131.").

<sup>65</sup> Admin. Code § 10-178(d).

<sup>66</sup> *See* Fuleihan, *supra* note 15.

<sup>67</sup> *See* New York City Police Dep't, *Summary of Statistics on ICE Detainers July 1, 2020 to June 30, 2021* (last visited Oct. 14, 2025), available at [https://www.nyc.gov/assets/nypd/downloads/pdf/analysis\\_and\\_planning/civil\\_immigration\\_detainers/summary-civil-immigration-detainers-2020-2021.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/civil_immigration_detainers/summary-civil-immigration-detainers-2020-2021.pdf) (emphasis added).

<sup>68</sup> These reports can be located through the search function on the *Government Publications Portal* maintained by NYC Records & Information Services, available at <https://a860-gpp.nyc.gov/catalog>.



Law 228, including its recordkeeping and reporting requirements.<sup>69</sup> Agencies are directed to send reports to MOIA at LocalLaw228@moia.nyc.gov no later than ten days after the end of each fiscal quarter.<sup>70</sup> MOIA provides agencies with a template format to use for those reports, and MOIA consolidates agency responses into a single report for the City Council. Finally, MOIA directs City agencies to develop policies to implement Local Law 228, to the extent they have not done so already.<sup>71</sup>

MOIA's Local Law 228 reports from 2022 through the present reflect only one instance in which the NYPD was asked for assistance with civil immigration enforcement, apart from civil immigration detainers.<sup>72</sup> However, MOIA's reports reflect potential confusion about the City's Local Law 228 obligations. Until the end of 2024, each report filed by MOIA with New York City Records & Information Services included the description, "a report on civil immigration detainers received from federal immigration authorities and information on individuals held and transferred pursuant to civil immigration detainers," despite Local Law 228 explicitly exempting civil immigration detainers from its reporting ambit.<sup>73</sup> Since that time, MOIA's reports have been properly labeled as "quarterly report[s] on incidents involving non-local law enforcement's requests for assistance on immigration matters from New York City agencies, and the response of such agencies" on the New York City Records & Information Services webpage.

During the period from 2024 to the present, the NYPD only submitted information on civil immigration detainers to MOIA for its reports. As such, DOI has concluded that the NYPD's submissions to MOIA are not in compliance with Local Law 228. As noted above, the NYPD has collected *some* information about non-detainer requests for assistance with civil immigration assistance. For example, a database entry from February 10, 2025 reflects an "arrest" that the NYPD flagged with an "incident type" label of "immigration assist/support." The NYPD has since clarified that this "arrest" *did not* relate to civil immigration enforcement and was improperly coded by the Operations Unit. But that error only exemplifies the need for the NYPD to improve its recordkeeping. Moreover, the NYPD's recent clarification

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<sup>69</sup> Commissioner Manuel Castro, *Guidance for Agency Implementation of Administrative Code § 10-178*, MAYOR'S OFFICE OF IMMIGRANT AFFAIRS (Dec. 30, 2024), available at <https://www.politico.com/f/?id=00000194-90a0-dbde-a7d6-f5b34b5e0000>. This guidance is substantively similar to the guidance issued by the then-First Deputy Mayor in January of 2018.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> That instance, which took place in 2022, involved an NYPD employee who allowed a prosecutor with the New York County District Attorney's Office (DANY) to use an NYPD phone to contact ICE, after which an individual in DANY's custody was transferred to ICE's custody. It does not appear in the NYPD's database.

<sup>73</sup> See Admin. Code § 10-178(d) ("Such report shall not be required to include information contained in reports required pursuant to section 9-131, 9-205, or 14-154.").

does not explain why the NYPD did not report this entry (or others like it) to MOIA when MOIA's quarterly report was authored, as required by Local Law 228. The entry had been coded as an "immigration assist/support" event at the time, even if improperly. Instead, the NYPD reported information only on civil immigration detainees, which are exempted from Local Law 228's reporting ambit. Non-detainer events in the NYPD's databases were not reported to MOIA.

C. Local Law 246 of 2017: Agency Policies on Restricting Access of Law Enforcement Officers to City Property

Local Law 246, which restricts the access of law enforcement officers to City property, includes the following provision: "Any agency with jurisdiction over city property shall adopt guidelines or rules, as appropriate, to implement this section or, alternatively, the mayor or an office or agency designated by the mayor may adopt guidelines or rules applicable to multiple agencies, in furtherance of the efficient implementation of this section."<sup>74</sup> The law requires "any generalized guidelines or rules, including agency-wide guidelines or rules, regarding limited access to city property" to be "posted on a website maintained by or on behalf of the city."<sup>75</sup>

The Mayor's Office of Operations maintains a website including links to Local Law 246 (codified at New York City Administrative Code § 4-210) and citywide implementation guidance.<sup>76</sup> The guidance was promulgated by the Law Department and is "applicable to all agencies and meant to aid agencies' understanding and efficient implementation of Section 4-210."<sup>77</sup> The Law Department's guidelines include very few mandatory provisions, providing only that "agencies should limit access to any part of their property that is not normally open to all members of the public," and that agencies must "designate an individual who shall be responsible for the implementation of" § 4-210.<sup>78</sup> Otherwise, the Law Department guidelines

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<sup>74</sup> Admin. Code § 4-210(e).

<sup>75</sup> Admin. Code § 4-210(f).

<sup>76</sup> Mayor's Office of Operations, *Access to City Property*, available at <https://www.nyc.gov/site/operations/about/access-to-city-property.page>.

<sup>77</sup> New York City Law Dep't, *Guidelines on Access to City Property*, available at <https://www.nyc.gov/assets/operations/downloads/pdf/Guidelines-on-Access-to-City-Property.pdf>.

<sup>78</sup> *Id.* at 2.

encourage agencies to adopt their own agency-specific guidelines<sup>79</sup> and provide a “recommended sample policy” that agencies can follow.<sup>80</sup>

The Mayor’s Office of Operations website also includes the agency-specific policies for a variety of agencies, including DOI, the Taxi and Limousine Commission, the Department of Transportation, the Business Integrity Commission, the Department of Environmental Protection, the Department of Citywide Administrative Services, and the Mayor’s Office to End Domestic and Gender-Based Violence.<sup>81</sup> The website does not include an NYPD policy.

When asked about its Local Law 246 policy, the NYPD informed DOI that it had not promulgated a Local Law 246 policy, apart from general statements in Patrol Guide 121-126 and Operations Order No. 4 prohibiting the use of City property to assist in immigration enforcement. Local Law 246 requires more than a general policy statement; it requires guidelines sufficient to inform agency personnel when non-local law enforcement agencies may access City property, like when “access furthers the purpose or mission of a city agency.”<sup>82</sup> As such, DOI has concluded that the NYPD is not complying with Local Law 246. The NYPD informed DOI that it is now in the process of amending NYPD policy to track the requirements of § 4-210, as has been recommended below in Recommendation #7.

## VII. Findings and Recommendations

The NYPD’s policies seek to facilitate the flow of information between the NYPD and its federal partners for purpose of criminal investigations and also to prevent information-sharing or other NYPD assistance in civil immigration enforcement, as local law requires. DOI recognizes the difficulty of this task, particularly given the changing landscape of federal law enforcement priorities; during this investigation, DOI uncovered relatively few incidents in which the NYPD’s compliance with local law could be questioned. However, several instances discussed in this report highlight gaps in the agency’s current policies and practices that raise the risk of improper information sharing or assistance. DOI’s review also

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<sup>79</sup> See, e.g., *id.* at 1 (“General counsels at agencies that provide benefits or social services to the public are encouraged to craft their own guidelines . . .”); *id.* at 2 (“City agencies may restrict access to their premises via written policies and consistent practices.”); *id.* at 2 (“Agency general counsels may issue a policy informing agency employees when they should grant access to non-public areas of city property for specific routine interactions with governmental personal that further an agency’s purpose or mission.”).

<sup>80</sup> *Id.* at 3.

<sup>81</sup> Mayor’s Office of Operations, *supra* note 76.

<sup>82</sup> Admin. Code § 4-210(b)(5). As an example, DOI’s policy can be found on the Mayor’s Office of Operations’ website. See Michael B. Siller, *Guidance for DOI Implementation of Local Law 246 of 2017* (May 24, 2018), available at <https://www.nyc.gov/assets/operations/downloads/pdf/DOI-Policy-re-LL-246-5-24-2018.pdf>.

identified several ways in which the NYPD is only partially complying with the recordkeeping and reporting requirements mandated by local law.

DOI recognizes the challenge that NYPD personnel face in differentiating requests from federal authorities made in connection with criminal investigations from those made in connection with civil immigration matters. In the cases of both Ms. Kordia and Mr. Gutiérrez Flores, the NYPD's assistance to federal agents was used to further civil immigration purposes, even though it was not clear from the requests to which the NYPD was responding that the assistance would be used for civil immigration enforcement. DOI also recognizes that the NYPD cannot control the downstream usage of information shared with federal authorities in criminal investigations, nor can the NYPD be expected to investigate representations made by each of their federal law enforcement partners that assistance requested is for criminal enforcement, beyond determining that the request reasonably relates to a specific ongoing criminal enforcement matter. Nevertheless, this report issues several recommendations regarding how the NYPD can modify its policies and practices to better comply with the local laws restricting the use of City resources for immigration enforcement. Adoption of these recommendations would help ensure uniform procedures are implemented with respect to how the NYPD responds to requests from federal authorities and could mitigate the risk that information is unwittingly provided to federal authorities for civil immigration enforcement.

A. **Recommendation #1: The NYPD Should Amend its Policies to Require Enhanced Review of All Custody Transfers to Federal Agents, Not Only Transfers to "Federal Civil Immigration Agents."**

As set forth in Operations Order No. 4, NYPD members are required to escalate requests for custodial transfers to federal agents only when "federal civil immigration agents present a member of service with papers to take an individual from Department custody."<sup>83</sup> Mr. Gutiérrez Flores's case makes clear that even informal requests for custodial transfers from federal agents whose primary role is not civil immigration enforcement can nevertheless result in an individual being placed in immigration detention.

The limitation in Operations Order No. 4 that the NYPD only scrutinize custodial transfer requests presented "with papers" from "federal civil immigration agents" is unduly narrow in light of current federal practice, which has significantly expanded the group of agencies responsible for federal immigration enforcement. Furthermore, New York City Administrative Code § 14-154 sets forth conditions under which formal civil immigration detainers may be honored, but it applies equally to "any similar federal request for detention of a person suspected of violating

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<sup>83</sup> Operations Order No. 4 ¶ 14.

civil immigration law.”<sup>84</sup> To ensure officers comply with the law with respect to all federal requests for detention, NYPD policy should require officers to inquire into the basis for *all* requests for custodial transfers made by federal agents—not just formal, written requests from civil immigration agents—to determine whether those requests are a “similar federal request for detention of a person suspected of violating civil immigration law,” and to follow appropriate procedures if they are.<sup>85</sup>

The volume of requests for custodial transfers is likely limited, such that conducting a basic inquiry into their purpose would not be unduly burdensome to the NYPD. By adopting this change, the NYPD can mitigate the risk that they detain or transfer individuals into federal custody not knowing that these actions in fact are for purposes of civil immigration enforcement.

B. **Recommendation #2: The NYPD Should Update and Formalize its Procedure for Responding to Detainer Requests from Federal Agents into a Comprehensive Written Policy.**

At present, the only NYPD policy document addressing the restrictions on honoring detainers set forth in New York City Administrative Code § 14-154 is Operations Order No. 4, which has a discussion of detainers that reads in full:

Should federal civil immigration agents present a member of service with papers to take an individual from Department custody, the member of service will immediately contact the Operations Division and an executive in the member of service’s operational command. The Operations Division will notify the Legal Bureau. No individual is to be released from Department custody to civil immigration authorities without authorization from both an executive in the member of service’s operational command and a Legal Bureau executive.

This policy is inconsistent with the current practice that the NYPD explained to DOI, in which the Criminal Justice Bureau determines whether detainer requests will be honored rather than the Legal Bureau. Furthermore, the policy as written fails to provide enough information to give NYPD members practical guidance on how to process detainer requests from federal agents.

To provide clear guidance for NYPD personnel, the NYPD should adopt a standalone policy on detainer requests that addresses, at a minimum:

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<sup>84</sup> Admin. Code § 14-154(a)(1).

<sup>85</sup> DOI defers to the NYPD’s expertise in determining whether to follow a formal procedure for scrutinizing the nature of a request for a custodial transfer or a more informal procedure, like that required for other types of requests by the Chief of Detectives Memo (and like the NYPD followed in honoring the FBI’s request for custody over Mr. Gutierrez Flores).

1. What kinds of detention requests are subject to the policy (incorporating Recommendation #1, above, by ensuring that informal requests and requests from non-civil immigration agents are scrutinized);
2. What documentation and information should be collected to process a detainer request (i.e., a judicial warrant and proof of a conviction for a serious crime);
3. The appropriate NYPD division to which detainer requests should be directed; and
4. The standards against which decisions whether to honor detainers should be assessed.

By adopting a more detailed and comprehensive policy for processing detainer requests that could relate to civil immigration detentions, the NYPD can better ensure that cases are handled uniformly and avoid situations in which civil immigration detainers are honored unwittingly.

C. **Recommendation #3: The NYPD Should Improve Its Policies for Processing Requests for Assistance from Federal Agents by Providing Additional Guidance.**

The NYPD's policies for responding to requests for assistance from federal agents that may relate to civil immigration enforcement are currently located in four separate documents—Patrol Guide 212-126, Operations Order No. 4, the Chief of Detectives Memo, and the Deputy Commissioner Memo. These policies set a strong foundation for complying with local law, but they are missing several key elements. At a minimum, they should be amended in the following respects:

1. *Assessing Whether the Civil Immigration Policies Apply*: Patrol Guide 212-126 applies to requests “to support or assist in immigration enforcement,” and Operations Order No. 4 applies when an NYPD member “encounters federal agents engaged in civil immigration enforcement,” but neither policy provides sufficient guidance on how to identify whether requests or encounters further immigration enforcement.<sup>86</sup> Likewise, both the Chief of Detectives Memo and the Deputy Commissioner Memo set forth procedures for dealing with federal requests “unrelated” to joint investigations without setting forth how to determine whether a request is related to a task force

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<sup>86</sup> Operations Order No. 4 includes a non-exhaustive list of four examples of conduct that would constitute assistance with civil immigration enforcement. *See* Operations Order No. 4 ¶ 6. The NYPD should build on this foundation through additional guidance and training.

investigation. As the Row and Roosevelt Hotel operation incident and the federal fugitive incident highlight, officers often face complex or ambiguous situations where the nature of the request is unclear. While no policy can capture every possible scenario, more detailed guidance and additional training would assist officers in determining the incidents to which NYPD policies apply.

2. *Routing Requests for Information about Unknown Subjects:* Both the Chief of Detectives Memo and the Deputy Commissioner Memo clearly explain that federal requests for information about unknown subjects should be routed to appropriate TFOs. However, this requirement is not present in Patrol Guide 212-126 or Operations Order No. 4, which are more broadly applicable. Those policies should be amended to provide clear guidance to *all* members of service on where federal requests for information from unknown subjects should be routed, ideally in a single, generally applicable policy document.
3. *Documenting the Basis for Determining a Request Does Not Relate to Civil Immigration Enforcement:* Both the Chief of Detectives Memo and the Deputy Commissioner Memo require NYPD personnel to engage in a dialogue with federal officers seeking information about unknown subjects to determine whether the information will be used in furtherance of civil immigration purposes. Although both policies require NYPD personnel to document the federal request in an “external agency request form” if they conclude that the request should be honored, neither requires the personnel to document how they concluded the request relates to a criminal matter. The NYPD should require this information to be documented in its “external agency request form.” Doing so would help ensure compliance with NYPD policies both by ensuring that NYPD personnel make informed decisions when information is requested from federal agents and by facilitating oversight on those decisions.

By adopting these changes, the NYPD can help ensure that requests for information from federal law enforcement agencies are handled uniformly and can avoid situations in which information provided to federal agents is used for civil immigration purposes without NYPD’s knowledge and consent.

D. **Recommendation #4: The NYPD Should Provide Officers with Further Training on When and How to Report and Document Requests for Assistance from Federal Law Enforcement.**

Operations Order No. 4 and Patrol Guide 212-126 set out clear procedures to be followed when members of the NYPD receive a request for assistance with federal immigration enforcement. However, DOI's investigation revealed several instances in which NYPD members failed to follow those procedures, resulting in failures to convey to other members of the NYPD the immigration-related nature of certain federal requests and failures to document certain information in Department databases as NYPD policy and local law requires. For example, the Chief of Detectives failed to proactively inform the Legal Bureau of ICE's potential involvement in the Row and Roosevelt operation; the lieutenant involved in the fugitive incident did not disclose the immigration nexus to their colleagues when reporting the facts of the incident to them, resulting in inconsistent internal reporting as to whether the incident had an immigration nexus; and the task force officer who received a request from federal counterparts to put civil-immigration "alerts" on individuals did not report the request. As a result, the database that, per Patrol Guide 212-126, should capture information about non-detainer requests from federal immigration authorities, contains only thirty-three entries since 2018, which likely understates the number of such requests the NYPD has received.

To increase the effectiveness of NYPD's policies and procedures for responding to requests for assistance with civil immigration enforcement, and to avoid the lapses identified in this investigation, DOI recommends that the NYPD provide its members with further training on how to identify situations that trigger reporting obligations under Operations Order No. 4 or Patrol Guide 212-126. As part of that effort, the NYPD should work to increase the percentage of personnel who have certified that they have read Operations Order No. 4. As of June 2025, that number was at 42%. Although the NYPD explained that Operations Order No. 4 had been viewed by NYPD personnel at a rate in the 99th percentile of NYPD policies, increasing that number will bolster the agency's efforts to comply with the local law.

E. **Recommendation #5: The NYPD Should Improve Its Recordkeeping and Reporting Pursuant to Local Law 228.**

DOI's investigation of the NYPD's compliance with Local Law 228 revealed that the NYPD is not complying with the law's recordkeeping and reporting requirements in several respects.

As to recordkeeping, the NYPD's databases for tracking requests for assistance with civil immigration enforcement currently documents the date, time, and location of the requests and includes only a cursory description of the request, like "Migrant Arrest." Local Law 228 requires that the NYPD also track the "response or actions



taken in response” to the request.<sup>87</sup> Mayoral guidance requires the NYPD to note the federal agency that made the request.<sup>88</sup> The NYPD does not track this information and they should begin doing so to come into full compliance with local law and policy. Furthermore, additional information about the nature of the request—as little as a brief, one-sentence narrative—would greatly improve the quality of the data tracked by the NYPD. DOI recommends that the NYPD make these three changes to its database for recording requests for assistance with civil immigration enforcement.

As to reporting, the NYPD has for years reported only the number of civil immigration detainers it received to MOIA for MOIA’s quarterly reports to the City Council. It has not reported the events marked as “Immigration Assist/Support” in its own database, nor the events that were discussed above in this report. The reporting required by Local Law 228 includes non-detainer requests for assistance with civil immigration enforcement.<sup>89</sup> DOI recommends that the NYPD begin comprehensively reporting requests for assistance with civil immigration enforcement to MOIA for its quarterly reporting to help the City come into compliance with Local Law 228.

F. **Recommendation #6: The NYPD Should Conduct an Email Audit of NYPD Members Assigned to Federal Task Forces.**

The paucity of the non-detainer entries in the NYPD’s databases for tracking requests for assistance with immigration enforcement (and the fact that the databases do not include incidents like the HSI Violent Gang Task Force request described above) raises questions about whether the NYPD is aware of all such requests received by officers from federal officials for assistance with civil immigration enforcement and whether members are following relevant NYPD policies after receiving those requests. To better understand its own compliance with local laws, the NYPD should conduct a targeted email audit of NYPD members assigned to federal task forces to determine whether other requests have gone unreported and, if so, to remedy any noncompliance.

G. **Recommendation #7: The NYPD Should Adopt Guidelines Implementing Local Law 246.**

As noted above, Local Law 246 of 2017 requires City agencies to limit the access law enforcement agents have to non-public areas of City property except for

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<sup>87</sup> Admin. Code § 10-178(d).

<sup>88</sup> See Fuleihan, *supra* note 15.

<sup>89</sup> Indeed, detainer requests are exempted from Local Law 228’s reporting requirements, as they are covered under Local Law 59’s complimentary reporting requirements. See Admin. Code § 10-178(d) (“such report shall not be required to include information contained in reports required pursuant to section 9-131 . . .”).

specific purposes.<sup>90</sup> That law provides that “[a]ny agency with jurisdiction over city property shall adopt guidelines or rules, as appropriate, to implement this section or, alternatively, the mayor or an office or agency designated by the mayor may adopt guidelines or rules applicable to multiple agencies.”<sup>91</sup> Local Law 246 also provides that every agency must “designat[e] an individual . . . who shall be responsible for the implementation of this local law and any [implementing] guidelines or rules.”<sup>92</sup> The NYPD has not adopted guidelines implementing Local Law 246. It has not adopted the Law Department’s recommended policy.<sup>93</sup> And it has not designated an individual responsible for Local Law 246 compliance. The NYPD should promptly take these steps to come into compliance with Local Law 246. DOI raised this issue with the NYPD and the NYPD is currently working to come into compliance with this law.

### VIII. Conclusion

Local law sets clear restrictions on the manner in which the NYPD can cooperate with federal law enforcement on matters related to civil immigration enforcement. Although DOI believes that the NYPD has been working diligently to ensure that its policies for assisting federal law enforcement agencies comply with those local laws, in at least one recent case, NYPD resources were put to use to assist with civil immigration enforcement and there may be other examples that are still not known. As discussed above, the NYPD’s policies for complying with local law should be improved. This report makes several recommendations that the NYPD should implement to mitigate the risk that its officers assist federal law enforcement with civil immigration enforcement, even unknowingly.

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<sup>90</sup> Admin. Code § 4-210(b).

<sup>91</sup> *Id.* § 4-210(d); see also Michael B. Siller, *Guidance for DOI Implementation of Local Law 246 of 2017* (May 24, 2018), available at <https://www.nyc.gov/assets/operations/downloads/pdf/DOI-Policy-re-LL-246-5-24-2018.pdf>.

<sup>92</sup> *Id.*

<sup>93</sup> Mayor’s Office of Operations, *supra* note 76.

# Appendix A



## PATROL GUIDE

Section: Command Operations

Procedure No: 212-66

### CITY POLICY CONCERNING IDENTIFYING INFORMATION AND ACCESS TO CITY SERVICES

DATE ISSUED:

06/13/19

DATE EFFECTIVE:

06/13/19

REVISION NUMBER:

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#### PURPOSE

To ensure members of the service provide essential services to all residents, regardless of immigration status, and that members of the service not inquire about the immigration status of crime victims, witnesses, or others who require police assistance.

#### DEFINITIONS

**IDENTIFYING INFORMATION** - Any information obtained and maintained by, or on behalf of, New York City, which may be used on its own, or with other information, to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for, or receipt of, public assistance or City services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the Police Department, motor vehicle information or license plate number, biometrics (e.g., fingerprints, photographs, etc.), languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information (e.g., phone number, email address, etc.), information concerning social media accounts, date and/or time of release from custody of the Administration for Children's Services, Department of Correction, or Police Department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

**FOREIGN NATIONAL** - Any person who is not a citizen or national of the United States, regardless of immigration status or length of residency.

#### PROCEDURE

When providing services to any individual, regardless of actual or perceived immigration status:

#### MEMBER OF THE SERVICE

1. Provide services to all individuals when necessary, regardless of actual or perceived immigration status.

#### INQUIRIES REGARDING IMMIGRATION STATUS

#### MEMBER OF THE SERVICE

2. Do not inquire about immigration status for the purpose of establishing immigration status as an undocumented foreign national.
  - a. Inquire about an individual's immigration status only in order to investigate criminal activity.
3. Inquire about an individual's immigration status, if one of the exceptions permitting collection applies (see below listing under heading, "COLLECTION OF INFORMATION"), and such person's immigration status is necessary for determining a program, service, or benefit eligibility, or for the provision of City services, or such officer or employee is required by law to inquire about such person's immigration status.

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## COLLECTION OF INFORMATION

### MEMBER OF THE SERVICE

4. Collect identifying information only, as follows:
  - a. Such collection is in connection with the investigation of a crime that has been committed, or credible information about an attempted or impending crime (i.e., information necessary for preparing required Department forms/reports, etc.); or
  - b. Such collection is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent; or
  - c. Such collection has been pre-approved as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
  - d. Such collection has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
  - e. Such collection is required by law or treaty and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
  - f. Such collection furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau.

### NOTE

*It is incumbent upon the Department to maintain the trust and confidence of all who depend on the services of the Department for their safety. It continues to be the policy of the Department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach seeking assistance.*

## DISCLOSURE OF INFORMATION

### MEMBER OF THE SERVICE

5. Disclose identifying information only, as follows:
  - a. Such disclosure has been authorized in writing by the individual to whom such information pertains to, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
  - b. Such disclosure is required by law and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau or
  - c. Such disclosure furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
  - d. Such disclosure has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
  - e. Such disclosure has been designated as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
  - f. Such disclosure is in connection with an investigation of a crime that has been committed or credible information about an attempted or impending crime; or





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**MEMBER OF  
THE SERVICE  
(continued)**

- g. Such disclosure is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent.

**ADDITIONAL  
DATA**

*Members of the service are reminded that the steps found in P.G. 208-56, "Foreign Nationals" are mandatory and required by United States treaty obligations. Nothing in this procedure should limit or restrict the completion of the required inquiries regarding the nationality of arrestees and notifications to their country's embassy or consulate.*

*Any member of the service with a question related to the disclosure of identifying information under this section shall consult with the Legal Bureau.*

**RELATED  
PROCEDURES**

*Bias Motivated Incidents (P.G. 207-10)*

*Foreign Nationals (P.G. 208-56)*

*Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)*

*Requests to Provide City Resources for Immigration Enforcement (P.G. 122-126)*



# Appendix B



## PATROL GUIDE

Section: Command Operations

Procedure No: 212-126

### REQUESTS TO PROVIDE CITY RESOURCES FOR IMMIGRATION ENFORCEMENT

DATE EFFECTIVE:

07/09/25

LAST REVISION:

R.O. 59

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#### PURPOSE

To provide members of the service with guidelines when a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State Department of Motor Vehicles [DMV], etc.) to support or assist in immigration enforcement.

#### DEFINITIONS

CITY PROPERTY - Any real property leased or owned by the City that serves a City governmental purpose and over which the City has operational control.

CITY RESOURCES - Including, but not limited to, time spent by members of the service while on duty, use of City owned equipment, or use of City property.

IMMIGRATION ENFORCEMENT - The enforcement of any civil provision of the Immigration and Nationality Act and any provision of such law that penalizes a person's presence in, entry into, or reentry into the United States.

#### SCOPE

Members of the service may not use City resources to support or assist in immigration enforcement, except in certain circumstances, as described below.

#### PROCEDURE

When a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State DMV, etc.) to support or assist in immigration enforcement:

#### MEMBER OF THE SERVICE RECEIVING REQUEST OR MAKING PROPOSAL

1. Notify desk officer, command of occurrence.
2. Provide details of request, or proposed use, including:
  - a. Agency requesting assistance
  - b. Type of assistance requested or proposed
  - c. Reason for request or proposal.

#### DESK OFFICER, COMMAND OF OCCURRENCE

3. Notify Operations Unit.
4. Provide details of request or proposal.
5. Make Command Log entry with pertinent details.

#### OPERATIONS UNIT

6. Notify duty chief.
7. Provide details of request or proposal.

#### DUTY CHIEF

8. Confer with Legal Bureau regarding request or proposal.
9. Determine action to be taken after reviewing the grounds of the request or proposal, considering the need to ensure public safety.
10. Notify Operations Unit of action taken.



## PATROL GUIDE

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### **NOTE**

*In emergency, public safety related situations, the decision to support the non-local law enforcement agency will be made by the highest ranking uniformed member of the service at the scene, or in the absence of a supervisor, the senior uniformed member of the service at the scene. That member must immediately notify the Operations Unit of this decision and include details of the circumstances.*

*There is no emergency exception regarding DMV records. Criminal liability for disclosing these records still applies and is prohibited prior to consultation with the Legal Bureau.*

*Whenever a uniformed member of the service enforces a State or local criminal law at the scene of an immigration enforcement incident, the highest ranking uniformed member of the service at the scene must notify the Operations Unit regarding details of incident.*

### **OPERATIONS UNIT**

11. Notify desk officer, command of occurrence, of action taken or to be taken.
12. Record notifications and actions in a database that will be accessible for statistical analysis.

### **ADDITIONAL DATA**

*It is a class E felony under the Vehicle and Traffic Law (VTL), to use DMV records in furtherance of immigration enforcement, or to disclose such records to any non-local law enforcement agency that primarily conducts immigration enforcement. The only exception to the law is if DMV records are to be disclosed in connection with a cooperative agreement (e.g., a task force that is not primarily intended to further immigration enforcement). When a member of the service receives a request from a non-local law enforcement agency that primarily conducts immigration enforcement, and is a member of a taskforce or other cooperative agreement, the member of the service must ascertain the purpose for which the information is sought. Conferrals between the duty chief and the Legal Bureau will focus on whether such requests, and the production of records fall within the mission or scope of the taskforce or agreement.*

*Members of the services are reminded of Patrol Guide 212-66, "City Policy Concerning Identifying Information and Access to City Services" that affirms the City's policy of providing essential services to all residents regardless of immigration status.*

# Appendix C



## OPERATIONS ORDER

SUBJECT: <b>CIVIL IMMIGRATION ENFORCEMENT</b>	
DATE ISSUED:	NUMBER:
<b>01-18-25</b>	<b>4</b>

1. In various contexts, members of service may encounter federal agents engaged in civil immigration enforcement. Members of service may also interact with individuals potentially subject to civil immigration enforcement. This directive serves as a reminder of city and state law that govern these matters. It also provides operational guidance to members of service in such situations.

2. The core principle for all members of service is to keep in mind the distinction between criminal enforcement and civil immigration enforcement.

3. The Department investigates criminal activity without regard to a person's immigration status. The Department continues to work daily with federal law enforcement agencies in connection with a wide range of criminal investigations. In particular, the Department participates in task forces with a variety of federal law enforcement agencies investigating violations of federal criminal law.

4. The fact that a person is present in the United States without lawful authorization is a civil matter, not a crime. That person is subject to civil immigration enforcement by federal authorities, which may result in detention and deportation.

5. City law prohibits the use of city resources for "enforcement of any civil provision of the Immigration and Nationality Act and any provision of such law that penalizes a person's presence in, entry into, or reentry into the United States" Administrative Code § 10-178.

6. Accordingly, members of service are not permitted to engage in civil immigration enforcement, assist in any manner with civil immigration enforcement, or allow any Department resources to be used in connection with civil immigration enforcement. Prohibited actions include, but are not limited to:

- a. Contacting federal civil immigration authorities to let them know where an individual is located;
- b. Detaining an individual so that federal civil immigration agents can take that person into custody;
- c. Facilitating street closures to enable civil immigration enforcement;
- d. Allowing Department facilities to be utilized in connection with civil immigration enforcement.

7. At the same time, members of service will not take any action that will interfere with or impede civil immigration enforcement undertaken by federal authorities. If an individual is subject to civil immigration enforcement by federal agents and asserts that such enforcement is based in error or is impermissible, that individual has legal recourse through immigration proceedings and in the courts. The Department does not take a position on who is properly subject to civil immigration enforcement.

8. To the extent federal immigration authorities are engaged in a civil enforcement operation and encounter individuals who are blocking or otherwise obstructing their activity, the federal authorities alone will take enforcement action consistent with their own rules and procedures. Members of service will

not assist with that enforcement action unless the individuals are engaged in conduct that, separate and apart from obstructing civil immigration enforcement, poses an immediate threat to public safety.

9. Should a federal civil immigration officer come under physical attack, members of service will act to protect that officer as they would any other person.

10. When speaking with crime victims, witnesses, suspects, or persons subject to enforcement action, including arrest, members of service are not to inquire regarding that person's immigration status except in the rare situations where that status is relevant to the criminal investigation at issue.

11. If a uniformed member of service encounters federal agents engaged in civil immigration enforcement, the uniformed member of service will immediately notify the desk officer who will notify the Operations Division. The Operations Division will then notify the duty chief, who will confer with the Legal Bureau and notify the Operations Division. The Operations Division will then inform the desk officer concerned.

12. Absent exigent circumstances, a uniformed member of service who encounters federal agents engaged in civil immigration enforcement is not to take any action unless an order to do so is given by an executive member of the Department on scene. That executive must consult with a Legal Bureau executive unless exigent circumstances make such a consultation impracticable.

13. The Operations Division is to monitor ICAD for radio runs regarding civil immigration enforcement. In such a circumstance, the Operations Division is to immediately notify the applicable commanding officer or duty captain, a Patrol Borough executive, and the Legal Bureau. The Communications Section will dispatch a patrol supervisor to the relevant location.

14. Should federal civil immigration agents present a member of service with papers to take an individual from Department custody, the member of service will immediately contact the Operations Division and an executive in the member of service's operational command. The Operations Division will notify the Legal Bureau. No individual is to be released from Department custody to civil immigration authorities without authorization from both an executive in the member of service's operational command and a Legal Bureau executive.

15. There are a small number of federal criminal laws in the Immigration and Nationality Act that provide for a criminal penalty because of a person's unlawful entry or reentry into the United States. The rules set forth in this operations order regarding civil immigration enforcement apply equally to those criminal laws. Otherwise, this operations order has no application to criminal investigations or criminal law enforcement.

16. Commanding officers will ensure the contents of this Order are brought to the attention of members of their commands.

**BY DIRECTION OF THE POLICE COMMISSIONER**

**DISTRIBUTION**

**All Commands**

**OPERATIONS ORDER NO. 4**

# Appendix D



# CHIEF OF DETECTIVES MEMO



NUMBER: 1 of 2025

DATE: July 7, 2025

**SUBJECT: EXTERNAL REQUESTS FOR INFORMATION FROM FEDERAL LAW ENFORCEMENT AGENCIES**

**PURPOSE: Mandatory Procedure for Review and Documentation**

Members of the service assigned to the Real Time Crime Center are directed not to provide information directly to members of federal law enforcement agencies. A request for information from a federal law enforcement agency must be directed to an NYPD detective, who has been designated as a Task Force Officer (TFO) assigned to a federal criminal task force with that agency. In the event that a federal law enforcement agency contacts a member of the Real Time Crime Center requesting information, the member is to inform the agency of this policy and direct the agency to contact the appropriate task force. In the event that a federal employee making an inquiry does not have contact information for the appropriate task force, the number will be provided by Real Time Crime personnel.

When a TFO is contacted by a federal law enforcement agency regarding a request for information unrelated to an ongoing criminal investigation being conducted by the task force in which that TFO participates, the TFO must notify a supervising TFO. The supervising TFO will confer with the federal law enforcement agency regarding the request. Once the supervising TFO determines that the request is in connection with an active criminal investigation, the supervising TFO will contact the Real Time Crime Center on the federal law enforcement agency's behalf and request the information.

When a member of the Real Time Crime Center receives a call from a supervising TFO regarding a federal law enforcement agency's request for information, the member will complete a RTCC external agency request form documenting the inquiry. Additionally, the member will notify a supervisor before completing the request. The information will then be provided to the supervising TFO, who will forward the results of the inquiry to the requesting agency.

*Members of the Detective Bureau are reminded to adhere to the contents of Operations Order 4 of 2025.*

**FOR YOUR IMMEDIATE AND STRICT COMPLIANCE.**

Joseph E. Kenny  
Chief of Detectives

# Appendix E



# DEPUTY COMMISSIONER INTELLIGENCE AND COUNTERTERRORISM MEMO



NUMBER: 1 of 2025

DATE: July 7, 2025

**SUBJECT: EXTERNAL REQUESTS FOR INFORMATION FROM FEDERAL LAW ENFORCEMENT AGENCIES**

**PURPOSE: Mandatory Procedure for Review and Documentation**

Members of the service assigned to the Intelligence and Counterterrorism Bureau are directed to follow the following procedure when responding to requests for information from federal agencies that are unrelated to joint criminal or terrorism investigative work being conducted via federal task forces:

When Intelligence and Counterterrorism Bureau personnel are contacted by a federal law enforcement agency regarding a request for information that is unrelated to joint criminal or terrorism investigative work, they must notify a supervisor, who will confer with the external agency regarding the request. Once the supervisor determines that the request is in connection with an active criminal or terrorism investigation, personnel will complete an external agency request form documenting the inquiry, which will be retained in a centralized location by Intelligence and Counterterrorism Bureau leadership. The results of the inquiry will be passed to the requesting agency by the supervisor subsequent to conferral.

*Members of the Intelligence and Counterterrorism Bureau are reminded to adhere to the contents of Operations Order 4 of 2025.*

**FOR YOUR IMMEDIATE AND STRICT COMPLIANCE.**

Rebecca Weiner  
Deputy Commissioner