



**State of New York
Unified Court System
Office of the Chief Administrative Judge**

D I R E C T I V E

To: All Uniformed Personnel	Number: 1-2019 (Rev. from Memo issued 04/03/2019)
Subject: Protocol Governing Activities in Courthouses by Law Enforcement Agencies	Effective Date: April 17, 2019

1. It continues to be the policy of the Unified Court System (UCS) to permit law enforcement agencies to act in the pursuit of their official legal duties in New York State courthouses, provided that the conduct in no way disrupts or delays court operations or compromises public safety or court decorum.
2. The following protocol shall apply to representatives of law enforcement agencies who, while acting in their official capacity, enter a New York State courthouse to observe an individual or take an individual into custody but do not have a warrant issued by a judge of the Unified Court System authorizing them to do so:
 - Upon entry to a courthouse, law enforcement officials covered by this protocol shall identify themselves to uniformed UCS uniformed personnel and state their specific law enforcement purpose and the proposed enforcement action to be taken. Uniformed UCS personnel shall immediately transmit this information to an appropriate supervisor.
 - The uniformed supervisor shall inform the judge if a law enforcement agent covered by this protocol is present in the courthouse with the intent of arresting or otherwise taking into custody a party or other participant in a case before the judge. Email notification to the Department of Public Safety should be made as soon as possible.
 - Arrests by agents of U.S. Immigration and Customs Enforcement may be executed inside a New York State courthouse only pursuant to a judicial warrant or judicial order authorizing the arrest. A "judicial warrant" or "judicial order" is a warrant or order issued by a federal judge or federal magistrate judge. A UCS judge or court attorney shall review the warrant or order to confirm compliance with this requirement prior to any such arrest.
 - Absent leave of the court under extraordinary circumstances (e.g., extradition orders), no law enforcement action may be taken by a law enforcement agency in a courtroom.
 - UCS court security personnel shall file an Unusual Occurrence Report for each law enforcement action taken in a New York State courthouse by a law enforcement agency covered by this protocol. For purposes of this protocol, "law enforcement action" shall include observation of court proceedings by law enforcement agents acting in their official capacity.
 - UCS court security personnel remain responsible for ensuring public safety and decorum in the courthouse at all times. This policy and protocol is subject to modification based on changed circumstances.


Michael Magliano, Chief of Department
Revised 04/17/2019

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, April 18, 2019 10:47 AM
To: (b)(6);(b)(7)(C)
Subject: FW: NY Court arrests
Attachments: (b)(7)(E)
Importance: High

See the attached new NYS policy with regards to arrests in courthouses and the subsequent interpretation from OCC and the FOD. Read and heed.

From: (b)(6);(b)(7)(C)
Sent: Thursday, April 18, 2019 10:12 AM
To: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: NY Court arrests

FYI...

From: (b)(6);(b)(7)(C)
Sent: Thursday, April 18, 2019 10:06 AM
To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: FW: NY Court arrests

Good morning all,

As you can see from the guidance OCC below, we are all on the same page.

We can enter the courthouse to observe, we just have to announce ourselves upon entry. To make the arrest inside the courthouse, we will need a judicial warrant. However, we are good to make the arrest outside the courthouse with or without a judicial warrant.

(b)(5)

Please advise your staff that pursuant to the directive issued by the NY Court Administrator;

Upon entry please announce yourself to the court officer and your intent; to observe or if you have a judicial warrant to make an arrest inside the courthouse.

Do not make an arrest within the courthouse without a judicial warrant.

If you're entering the courthouse "on duty & conducting official business" you must present yourself to the court officer upon entry.

Also, if your officers have any questions and/or run into any concerns - please have them call their supervisor.

Please let me know if there are any questions.

Thank you, (b)(6);(

From: (b)(6);(b)(7)(C)

Sent: Thursday, April 18, 2019 9:19 AM

To: (b)(6);(b)(7)(C)

Subject: RE: NY Court arrests

Good morning (b)(6);

(b)(5);(b)(7)(E)

Thank you.

(b)(6);(b)(7)(C)

Chief Counsel
OPLA – New York
U.S. Immigration and Customs Enforcement
26 Federal Plaza, (b)(6);(b)(7)(C)

New York, NY 10278
(212) 264-(b)(6) or via SECTOR

"With honor and integrity, we will safeguard the American people, our homeland, and our values."

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From: (b)(6);(b)(7)(C)

Sent: Wednesday, April 17, 2019 4:40 PM

To: (b)(6);(b)(7)(C)

Subject: RE: NY Court arrests

(b)(6);(b)(7)(C)

Attached is the new policy from the NY Courts on court arrests.

(b)(6);(b)(7)(C)

Two legal questions – (b)(7)(E); (b)(5)

(b)(7)(E); (b)(5)

Thanks, (b)(6)

From: (b)(6);(b)(7)(C)

Sent: Wednesday, April 17, 2019 1:01 PM

To: (b)(6);(b)(7)(C)

Subject: NY Court arrests

Good afternoon (b)(6);(b)(7)(C)

FYI

(b)(5);(b)(7)(E)

Thanks, (b)(6);(b)(7)(C)