



DATE: 12/11/2014
TIME: 15:34:26
SER#: 12592188

FINEST MESSAGE

General Administrative Information

TO: ALL COMMANDS

RE: ADMINISTRATIVE WARRANTS ISSUED BY OR FOR IMMIGRATION AND CUSTOMS ENFORCEMENT

EARLIER THIS YEAR A NEW LAW WAS ENACTED WHICH AMENDS NYC ADMINISTRATIVE CODE SECTION 14-154, REGARDING DETAINERS ISSUED BY IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE). THE LAW LIMITS THE CIRCUMSTANCES UNDER WHICH THE NYPD WILL HONOR A REQUEST FROM ICE TO DETAIN A PERSON IN DEPARTMENT CUSTODY, PAST THE TIME THAT THE PERSON WOULD OTHERWISE HAVE BEEN RELEASED. THE NEW LAW TAKES EFFECT DECEMBER 14, 2014.

THE NEW LAW APPLIES ONLY TO DETAINERS ISSUED BY ICE. HOWEVER, THERE ARE OTHER INSTANCES IN WHICH ICE SEEKS PERSONS WHO MAY COME INTO CONTACT WITH LOCAL LAW ENFORCEMENT. SPECIFICALLY, ICE MAY ENTER ADMINISTRATIVE WARRANTS FOR ARREST OR REMOVAL, BASED ON IMMIGRATION VIOLATIONS, INTO THE NATIONAL CRIME INFORMATION CENTER (NCIC) DATABASE. THESE ADMINISTRATIVE WARRANTS MAY BE ISSUED BY ICE ITSELF, OR BY A FEDERAL IMMIGRATION JUDGE, AND IN EITHER CASE THEY MAY RESULT IN A "HIT" WHEN A MEMBER OF THE SERVICE CONDUCTS A WARRANT CHECK IN THE COURSE OF ISSUING A SUMMONS, PURSUANT TO PG 209-25.

IN THE SPIRIT OF THE NEW LAW, EFFECTIVE DECEMBER 14, 2014, ADMINISTRATIVE WARRANTS ISSUED BY ICE OR BY A FEDERAL IMMIGRATION JUDGE, SOLELY IN CONNECTION WITH AN IMMIGRATION VIOLATION, WILL NOT BE HONORED.

MEMBERS OF THE SERVICE WHO ARE INFORMED THAT A WARRANT CHECK HAS RESULTED IN A "HIT" WILL ADHERE TO THE PROVISIONS OF PG 209-25, "PROCESSING WARRANTS CHECKS OVER CITYWIDE I AND II RADIO," AND BRING THE SUBJECT INDIVIDUAL TO THE COMMAND FACILITY FOR FURTHER INVESTIGATION OF THE WARRANT "HIT." WHERE THE WARRANT "HIT" IS IN FACT AN ADMINISTRATIVE WARRANT ISSUED BY ICE OR BY A FEDERAL IMMIGRATION JUDGE, SOLELY IN CONNECTION WITH AN IMMIGRATION VIOLATION, SUCH WARRANT WILL NOT BE HONORED, AND THE INDIVIDUAL WILL BE ISSUED THE SUMMONS AND RELEASED, IF OTHERWISE APPROPRIATE.

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ANY QUESTIONS REGARDING THIS CHANGE IN POLICY SHOULD BE DIRECTED TO THE LEGAL BUREAU AT (646) 610-5400.

TO BE READ AT TEN (10) CONSECUTIVE ROLL CALLS AND POSTED IN A CONSPICUOUS LOCATION AT THE COMMAND.

AUTHORITY: DEPUTY COMMISSIONER, LEGAL MATTERS
OPER: LT. CORBETT