

## Guidance for Principals on Non-Local Law Enforcement Actions at NYCPS Schools, Including Immigration Enforcement Actions

This document provides guidance on the general procedures to follow if law enforcement officials, including officers from the Federal Bureau of Investigation ("FBI") or Immigration and Customs Enforcement ("ICE") (collectively, "non-local law enforcement officers"), request access to NYCPS school facilities, students, or student records. This guidance does not apply to actions by the New York City Police Department ("NYPD"), whose actions in schools, as set forth below, are governed by other documents and policies. **If a non-local law enforcement officer seeks access to your school, you must contact your Senior Field Counsel ("SFC") for further instructions pursuant to the process at the end of this guidance.**

Access to schools will only be provided where required by law, and only after consultation with SFC.

### Law Regarding Access to School Facilities

The New York City Police Department ("NYPD") is charged with security of NYC public schools and is authorized to access school facilities based on a Memorandum of Understanding between NYCPS and the NYPD and Chancellor's regulations. NYPD officers and School Safety Agents are guided by longstanding NYPD policies regarding police action in schools.

Non-local law enforcement officers, including ICE officers, may only obtain access to school facilities or students in school under one of the following circumstances: with consent; with proper warrants; or under exigent circumstances.

#### **1. Consent**

**NYCPS does not consent to non-local law enforcement accessing school facilities in any circumstances, and principals and other school personnel may not give consent.**

#### **2. Proper Warrants**

Whether a warrant authorizes a non-local law enforcement officer, including an ICE officer, to take a specific action, such as conducting a search or arrest, depends on the scope of the warrant and whether it was issued by a judge or was administratively issued. NYCPS, consistent with the rule of law, must honor valid judicial warrants, but it is difficult for an untrained person to determine whether a warrant has been validly issued by a judge. Thus, it is vitally important to obtain a copy of the warrant and contact the SFC before allowing any access pursuant to a warrant. If a non-local law enforcement officer, including an ICE officer, presents a warrant of any type, **provide the warrant to the SFC and await further instructions.**

#### **3. Exigent Circumstances**

In the extremely unlikely event that exigent circumstances, such as imminent risk of death or physical harm, exist or may exist, **call the SFC and the NYPD. Never engage in a physical or verbal altercation with a law enforcement officer.**

### Requests for Student Records

If any law enforcement officer, including an ICE officer, seeks access to student records, provide a copy of any subpoena or court order provided by the law enforcement officer to your SFC, and do not take action until you

receive instruction from the SFC.

**General Process- If a Non-Local Law Enforcement Officer, Including an ICE Officer, Comes to Your School for Any Reason:**

**1. Get Information**

1. the name and badge/ID number of the officer
2. the phone number of the officer's supervisor
3. the purpose of the visit

**2. Escalate to Legal**

1. Obtain any documentation from the officer, such as a subpoena, search warrant, or arrest warrant.
2. Advise the officer that prior to responding to the officer's request, you must notify and obtain guidance from counsel, and that the officer must wait outside the school building during that process.
3. Contact your Senior Field Counsel (SFC) and provide him or her with the details and documentation obtained from the officer. Do not take action until you obtain instructions from the SFC.

**3. Wait for further instruction.**

1. If the SFC advises you against providing access or information to the officer:
  - Inform the officer that you have been told that you cannot comply with the request and ask him or her to leave the school area;
  - After the officer has left, notify the student's parent and the superintendent.
  - If the officer fails to comply with your instructions, do not physically attempt to interfere with any enforcement action. NYCPS employees should not put themselves in physical danger under any circumstances. Notify the SFC, and have the school safety agent contact the NYPD Precinct or School Safety Division.
2. If the SFC advises you to comply with the officer's request, consult with the SFC about when to contact the student's parent or guardian regarding the request.
  - Complete an Online Occurrence Reporting System (OORS) report using code N24, unless the request is only for information through a subpoena/court order.
  - For a subpoena or court order for information and/or records, inform the officer that the subpoena/court order has been forwarded to the appropriate NYCPS offices for review.

**Applicability of Chancellor's Regulations**

These guidelines supplement existing Chancellor's regulations. If a non-local law enforcement officer, including an ICE officer, conducts an arrest, follow the procedures in Section III(C) of Chancellor's Regulation A-412. If a nonlocal law enforcement officer, including an ICE officer, requests confidential information, the procedures and policies outlined in Chancellor's Regulation A-820 also apply