

New Rochelle Public Library Policy for Immigration Authority and Law Enforcement Visits to the Library and Requests for Documents

New Rochelle Public Library	Version adopted: January 31, 2025
Officer Responsible for Compliance: Director	Revision history: NONE

The New Rochelle Public Library seeks to be a welcoming and safe destination for every resident of our diverse city and the Library is committed to evolving its facilities, programs, and services to meet the needs of New Rochelle residents. Our library is a hub of community activity - where locals come to read, learn, socialize, and engage in civic activity.

The New Rochelle Public Library’s mission is the bedrock of our Library. Our library is a community resource that seeks to improve the life of every resident in our city. It is dedicated to encouraging learning in all stages of life, to protecting intellectual freedom and to providing fair and equal access to information and we are guided by the commitment to our shared values.

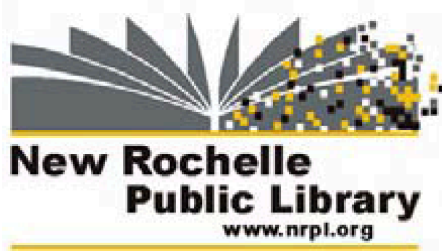
Our Shared Values

The New Rochelle Public Library will fulfill this mission by embracing the following values:

- ▶ Build community by creating connections among New Rochelle’s diverse populations and neighborhoods
- ▶ Provide accessible, comfortable, inspiring, and well-maintained facilities where everyone feels welcome
- ▶ Invest in the technology required to create digitally literate citizens
- ▶ Offer a great library experience aided by friendly, knowledgeable, and well-trained staff
 - ▶ Promote the literacy, learning, and civic engagement necessary for a vibrant and healthy democracy
- ▶ Serve every segment of our community¹

¹ New Rochelle Public Library, “New Rochelle Public Library Strategic Plan 2022-2026” (New Rochelle, 2021) 6

The purpose of this policy is to address the issue of potential immigration authority visits, and requests for documents and to set forth procedures to follow if such a visit occurs.



POLICY

The New Rochelle Public Library is an institution engaged in robust and consistent scholastic, cultural and education-related activities and events. It is the policy of the New Rochelle Public

Library to serve library users without regard to immigration status, and to respond to any inquiry or visit from Immigration & Customs Enforcement ("ICE",) Homeland Security, and other federal agencies as it would to any other visit from law enforcement. To ensure compliance with this policy, the library shall adhere to the below procedures when addressing requests from or the presence of ICE ("ICE Agents",) Homeland Security, and other federal agencies in the Library.

U.S. Immigration and Customs Enforcement (ICE) is a law enforcement agency that must operate in accordance with the Constitution, the Bill of Rights, and the laws of the United States. [8 U.S. Code § 1357](#) defines the powers of immigration officers and employees.

PROCEDURE FOR LIBRARY EMPLOYEES

IN ALL CASES OUTLINED BELOW:

1. Inform the officer that the Library Director and/or legal counsel or appointed person in charge in case of the Director's absence, is the individual authorized to respond to requests for records and information, and that library policy requires you to refer the officer to the specified person under the policy.
2. The library employee in charge (defined as the Library Director or appointed person in charge in case of the Director's absence) should ask the ICE Agent/other law enforcement officer for his or her name(s), badge number, and contact information. Record the information that appears on the identity card. If possible, verify the information with the local FBI office or the police department. Ask a colleague to be present during the interview with the officer. One person should take notes that may be useful if a record of the encounter is needed in the future.

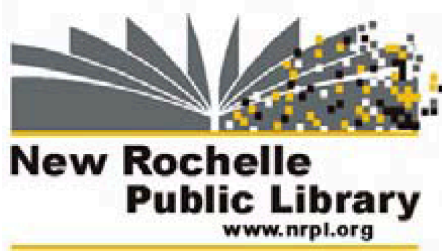
A. ICE AGENTS/OTHER LAW ENFORCEMENT OFFICER VISITING THE PUBLIC AREAS OF THE NEW ROCHELLE PUBLIC LIBRARY, MAIN LIBRARY AND HUGUENOT CHILDREN'S LIBRARY:

"Public Areas" Defined: These areas include any areas within the two library buildings that the public is able to access, as well as the outdoor spaces on library properties.

2

ICE agents may enter places open to the public and question persons present in public places and conduct inquiries in accordance with their statutory powers under [8 U.S. Code § 1357](#).

How to Proceed: In the event that ICE Agents/other law enforcement officer enter the library and remain in the public areas, library employees will not impede their access to public areas or interfere with the visit unless ICE Agents/other law enforcement officer are disruptive as defined by applicable conduct rules of the Library, the person in charge



(defined as the Library Director or appointed person in charge in case of the Director's absence) may request that disruptive behavior be discontinued.

B. ICE AGENTS/OTHER LAW ENFORCEMENT OFFICER IN NON-PUBLIC AREAS OF THE THE NEW ROCHELLE PUBLIC LIBRARY, MAIN LIBRARY AND HUGUENOT CHILDREN'S LIBRARY:

"Non-Public Areas" Defined: These areas include but are not limited to staff offices, any area behind the circulation desk, custodial areas, staff areas and offices, Friends' book storage, maintenance areas, storage closets and other areas. The general public may not enter these non-public areas without permission.

How to Proceed: In the event that ICE Agents/other law enforcement officer enter the library and wish to access a non-public area, the library employee in charge (defined as the Library Director or appointed person in charge in case of the Director's absence) should follow these steps:

1. Ask whether the agent(s) has a subpoena, court order, or duly executed signifier of statutory authority. This is required by law to search in non-public areas.
2. If they do not have a subpoena, court order, or duly executed signifier of statutory authority, explain politely they do not have consent to enter the nonpublic area of the facility without a confirmed, written authority.
3. *If the ICE Agent tells you that he or she has a subpoena, court order, or duly executed signifier of statutory authority, ask to see it and ask to make a copy and file the copy along with an incident report.*

Library employees will not attempt to determine whether the subpoena, court order, or duly executed signifier of statutory authority is valid; however, whenever possible, such documents should be reviewed by the library's lawyer before non-public areas are accessed.

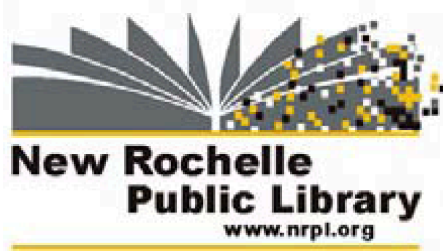
C. REQUEST FOR VOLUNTARY ASSISTANCE OR WARRANTLESS ACCESS TO DOCUMENTS OR CUSTOMER INFORMATION (the officer does *not* present a subpoena or court order):

When the ICE Agent/other law enforcement officer visits the Library, he or she may be seeking an individual, but he or she may also ask for documentation that includes library user information.

3

"Library User Information" Defined: "Library user Information" includes a user's name, contact information, library card number, program participation, demographic information, records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, the use of audio- visual materials, films or records, and library security camera footage. This can be written information or information provided in a conversation, or information in another format. Library user information also includes whether the person is in the building at the time of the visit.

How to Proceed: In the event that ICE agents/other law enforcement officers enter the



library and wish to access an individual's information, the library employee in charge (defined as the Library Director or appointed person in charge in case of the Director's absence) should follow these steps:

1. Ask whether the agent(s) has a subpoena, court order, or duly executed signifier of statutory authority authorizing the library to provide access to the individual's records. 2. Refer to the New Rochelle Public Library's Policy on Confidentiality of Library Records and/or New York Civil Practice Laws and Rules Section 4509.

"Library records, which contain names or other personally identifying details regarding the users of the New Rochelle Public Library, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, and reference queries shall be confidential and shall not be disclosed except to the extent necessary for the proper operation of the library. Such records shall not be made available except upon request or consent of the user, or as may be authorized pursuant to such process, order or subpoena of an agency of state, federal or local government relating to civil, criminal, or administrative discovery procedures or legislative investigative power."

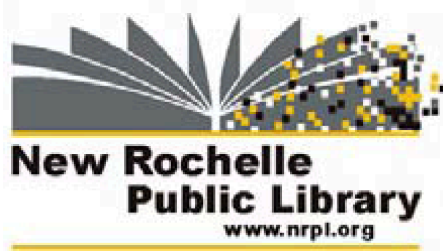
3. Without a court order, neither the FBI nor local law enforcement has authority to compel cooperation with an investigation or require answers to questions, other than the name and address of the person speaking to the agent or officer. If the officer persists, explain that, as good citizens and in conformity with professional ethics, First Amendment freedoms, and state law, the library staff will not respond to informal requests for confidential information in the absence of a court order.
4. If the officer claims that an emergency or other circumstance requires the Library to turn over records or provide information without a court order, call the Library's legal counsel and ask for assistance*
5. If the officer employs force to take possession of library records or other library property, do not obstruct the search in any way. Keep a written record describing the incident. Ask any witnesses to the incident to prepare a written record of the interaction between the officer and library employees or volunteers.

ICE agents can employ two different types of warrants in the course of their duties. One type of warrant is issued pursuant to the Immigration and Nationality Act (INA) and is signed or issued by an ICE official or agent. These are called "administrative warrants." Because they are not

4

reviewed or issued by a court of law, administrative warrants do not authorize ICE agents to enter residences or non-public areas of a business without express consent.

ICE may also pursue *court-issued* subpoenas or warrants that are issued by a judge or neutral magistrate. Such warrants have the same force and effect as any other court-issued warrant.



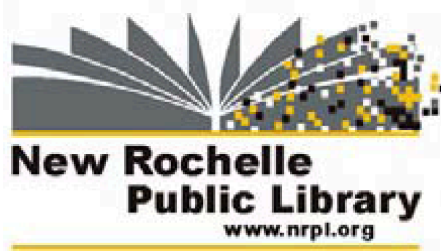
D. REQUEST FOR ACCESS TO DOCUMENTS OR CUSTOMER INFORMATION WITH THE OFFICER PRESENTING A SUBPOENA OR SIMILAR REQUEST FOR RECORDS:

How to Proceed: In the event that law enforcement officers enter the library and wish to access an individual's information, presenting a subpoena or similar request for records, the library employee in charge (defined as the Library Director or appointed person in charge in case of the Director's absence) should follow these steps:

1. Accept the subpoena. Inform the officer that the Library's legal counsel responds to subpoenas on behalf of the Library. A subpoena does not require an immediate response from the Library.
2. Turn the subpoena over to the Library's legal counsel.
3. The Library Director or appointed person in charge will work with the Library's legal counsel to respond appropriately to the subpoena. Examine the subpoena for any legal defect, including the manner in which it was served on the library, the breadth of its request, its form, or an insufficient showing of good cause made to a court. If a defect exists, legal counsel will advise on the best method to resist the subpoena.
4. Through legal counsel, insist that any defect be cured before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents. If there does not appear to be good cause for the subpoena, or if it seems too broad or intrusive, ask your attorney to file a motion with the issuing court to quash the subpoena in its entirety. Require that the agent, officer, or party requesting the information submit a new subpoena in good form and without defects.
5. If a decision is made to comply with the subpoena after consulting with legal counsel, review the information that may be produced in response to the subpoena before releasing the information. Follow the subpoena strictly and do not provide any information that is not specifically requested in it.
6. If disclosure is required, ask the court to enter a protective order (drafted by the Library's counsel) keeping the information confidential and limiting its use to the particular case. Ask that access be restricted to those persons working directly on the case.

IF THE LAW ENFORCEMENT OFFICER PRESENTS A SEARCH WARRANT:

1. Immediately ask the Library's legal counsel to provide advice and assistance.
2. Unlike a subpoena, a search warrant may be executed immediately. Ask to have Library counsel present before the search begins in order to allow Library counsel an opportunity to examine the warrant and to ensure that the search conforms to the terms of the warrant.
3. If the officer refuses to delay the search, read the warrant and any attached documentation. Verify that it is signed by a judge; is issued by a local, state, or federal court in your state or county; and is current and has not expired. If you

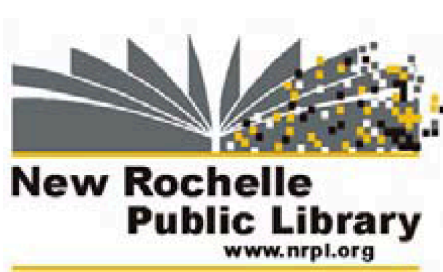


have questions about the validity of the warrant, call the issuing court to verify the validity of the warrant or order.

4. Identify the items or records specified in the warrant. If the officer will not wait for legal counsel to arrive, you may assist the officer in locating the items or records identified in the search warrant in order to prevent review of other users' records or items not named in the warrant.
5. Do not agree to any additional searches, or volunteer information about the items or records in the warrant. Do not sign any documents on behalf of the Library without the advice of the Library's legal counsel.
6. Record and keep an inventory of the records or items seized from the Library. Ask if it is possible to provide copies to the officers or to make copies for the Library's own records.
7. Do not obstruct the search in any way.
8. If the law enforcement officials are unwilling to cooperate with you, simply step aside and do not interfere with the officer. Continue your attempts to notify legal counsel, and make every effort to keep a written record of the incident. Ask any witnesses to keep a written record of the interaction between law enforcement officials and library employees and volunteers.
9. Request that the officer sign an inventory receipt for the materials with a specific list of all materials seized.
10. Provide all notes and records to the Library's legal counsel. If a library worker is required to respond to a search warrant in the absence of the library director or a designated alternate, all materials should be turned over to the library director for coordination with legal counsel.

E. IF AN AGENT FOR THE FEDERAL BUREAU OF INVESTIGATION PRESENTS AN ORDER AND INFORMS THE LIBRARY EMPLOYEE THAT THE ORDER IS ISSUED AS PART OF A TERRORISM OR ESPIONAGE INVESTIGATION AND IS SUBJECT TO A "NONDISCLOSURE ORDER" OR "GAG ORDER (FISA COURT ORDERS OR NATIONAL SECURITY LETTERS):

1. Ask the Library's legal counsel for assistance.
2. Read the order and any attached documentation. If it provides a period of time to respond to the order, respond to the order in the same manner as a subpoena. Except for legal counsel, do not inform other library staff or any other person about the order until authorized to do so by the Library's legal counsel.
3. If the order requires the immediate surrender of records or other items, respond to the order in the same manner as a search warrant. Ask the agent if he will delay the search until the Library's legal counsel arrives.
4. If required to turn over records or other items at once, do not notify any library staff except for legal counsel and those staff members necessary for the production of the requested records or other items. (For example, it may be necessary to ask a member of the information technology staff to assist with the production of electronic or computer records.) Instruct all staff members who assist in responding to the order that, with the exception of legal counsel, they



cannot inform other library employees or any other person about the order unless authorized to do so by the Library's legal counsel.

F. REMOVAL OF NEW ROCHELLE PUBLIC LIBRARY USER BY ICE AGENTS

Removal Defined: This is a situation in which an ICE agent(s) makes contact with a library user and tries to detain and/or leave the Library's facility with the individual(s) against their will or by force.

How to Proceed: In the event that an ICE agent(s) has detained an individual in the library and is leaving with the individual, the employee in charge (defined as the Library Director or appointed person in charge in case of the Director's absence) should follow these steps:

1. Do not assist the individual(s) in escaping or hiding, including using a backdoor or other staff- only exit.
2. Do not make a false statement to the ICE agent(s).
3. Do write a detailed incident report and file it with your library. If any behavior or concern by staff or other community member(s) occurred, discuss with appropriate leadership before finalizing the report.

* In some cases, especially those involving missing persons, law enforcement may ask you to voluntarily provide records immediately and give you the impression that it's not possible to obtain a court order. It is important to remember that requiring a court order is neither unusual nor burdensome. Law enforcement officers have access to judges even after normal business hours. You can extend cooperation by preserving the desired records (or by keeping a computer turned on and making sure no one uses it) while the officer seeks a court order.

There is a limited legal exception to the warrant requirement when "exigent circumstances" exist. If members of law enforcement believe an emergency truly exists, that there is inadequate time to obtain a warrant, and that they have probable cause for seizure of records, they may simply take custody of the records over the library's objection. In this case, you should not interfere, but you should also indicate that you are not granting permission. This is necessary so that the law enforcement officials and not the library will bear responsibility and any legal risks associated with the decision to proceed without a warrant. A number of states make provision for exigent circumstances in the state's library confidentiality statute. If so, precisely follow the law's requirements.

Adopted by the NRPL Board of Trustees on January 31, 2025