



## **Protocol Regarding Immigration Enforcement Actions in the Library**

Updated: January 15, 2025

Brooklyn Public Library is committed to our diverse communities and staff, who are at the heart of all we do. We strive to ensure that our work, practices, and services are embedded in an antiracist, diverse, equitable, and inclusive framework. It is one of our values that we welcome and serve everyone.

Consistent with our mission and values, the Library provides services to customers without regard to immigration status. Library employees will not inquire about a patron's immigration status. Patrons do not need to reveal their immigration status to obtain a library card or to receive any library services.

The Library does not to allow agents or employees of law enforcement agencies – including U.S. Immigration and Customs Enforcement (ICE) – to access records, information, or non-public areas of the Library's buildings unless this is required by a valid judicial warrant or subpoena. Areas open to the public are open to immigration agents, and they may enter without a warrant. In doing so, ICE agents must observe the same rules as any member of the public.

### **Staff guidance for law enforcement visits to BPL buildings**

Below is some guidance from the Library's General Counsel for how to respond in the event a law enforcement agency such as ICE visits the Library.

***You are legally allowed to and should contact the Library's General Counsel before responding to law enforcement questions or requests.*** This is true even if the agents insist that their request or question is urgent: the Library is entitled to have its counsel present for interactions with law enforcement officers.

Law enforcement access to Library spaces depends on whether a particular space is a public area of the Library or not.

#### **A. Access to Public Areas of the Library**

*Public Areas Defined:*

In most branches these areas include reading rooms, stacks, bathrooms, reference desk, any computer lab or program room during sessions completely open to the public (not part of a program).

*How to Proceed:*

In the event ICE agents enter the branch and remain in the public areas, allow them to walk around freely in all public areas. Please do not attempt to impede their access to public areas or interfere with their access to public areas.

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## **B. Access to Non-Public Areas of the Library**

*Non-Public Areas Defined:*

In most branches these areas include staff rooms, program rooms and classrooms during any class that requires registration to attend, and custodial areas.

*How to Proceed:*

If ICE agents enter the branch and try to access or state that they wish to access a non-public area, including because they are looking for someone, the staff person in charge should immediately **call the General Counsel's office for assistance**

- General counsel, Chloe Wasserman: 718-230-2776; email [cwasserman@bklynlibrary.org](mailto:cwasserman@bklynlibrary.org) if no response.

In the event that the General Counsel is not available, call any of the numbers below:

- Central Security Console, 718-230-2124 (Best place to call; staffed 24/7)
- Chief Librarian's office, 718-230-2745, 646-640-7025, email [nhiggins@bklynlibrary.org](mailto:nhiggins@bklynlibrary.org)
- President & CEO's office, 718-230-2494
- Director of Public Safety, 718-230-2488, 347-533-3170
- Director of Neighborhood Services: 718-230-2095
- Central Library Director, 718-230-2750
- Central Library, Assistant Director, 718-230-2742
- Your Regional Librarian:
  - Crown Heights Region: 718-773-1180 Ext. 30187
  - Flatbush Region: 718-856-0813 Ext. 38187
  - Kings Highway Region: 718-375-3037 Ext. 45187
  - New Lots Region: 718-649-0311 Ext. 52187
  - New Utrecht Region: 718-236-4086 Ext. 51187

- Park Slope Region: 718-832-1853 Ext. 53187

If possible, we will walk you through how to respond to law enforcement's requests. So you know what to expect, we'll likely work together to do the following:

- **Ask the ICE agents for their names and contact information.** This can be done by asking for a business card, or name and badge number.
- **Ask whether the agents have a judicial warrant or court order.** This is required to search in non-public areas.
  - If they do not have a judicial warrant or court order, explain politely that **they do not have consent to enter** the non-public areas of the Library without a valid judicial warrant.
  - If they say that they have a judicial warrant or court order, ask to see it and ask to make a **copy**. Scan and **email** to the General Counsel.
  - The Library's General Counsel will review the warrant to ensure that it is valid, meaning:
    - the warrant is **signed** by a judge or magistrate,
    - the warrant **describes** BPL's building as the place to be searched,
    - the warrant has the **correct date** and was issued **within the past 14 days**, and
    - the search **does not exceed** the scope of the items authorized to be searched.
  - If a warrant provided is not valid or does not meet the stated requirements, the Library will not consent to entry. Again, we will explain politely that we do not consent to the search.

*Important guidelines:*

- **Please do not respond to requests by law enforcement by yourself.** Our general counsel and contacts listed are trained to respond, and we are here to help. *Explain to the agents that branch staff members do not have the authority to grant access to non-public spaces at BPL.* Use the General Counsel's office as the reason, particularly if the situation feels awkward. While we need to comply with the law, the Library does not have to voluntarily open itself up to law enforcement.
- **Urgency and requests for help**
  - Even if the agents claim that there are urgent circumstances, the Library is still allowed to consult its lawyers before giving the agents to access nonpublic spaces.

- The agents may phrase their request as a polite question or ask if you would “be willing to help them out” by letting them into nonpublic areas “just to look around.” This does not change the fact they are asking for access to constitutionally protected information or areas.
- We will all move as quickly as we can if law enforcement indicates that there is urgency. However, there should always be time to contact the General Counsel’s office before acting.

- **Warrants**

- If the law requires a warrant to access information, we want to make sure that law enforcement has complied with that requirement. It can be very hard to determine whether a warrant is valid, even for lawyers. This is why it’s valuable to get a **copy** of the warrant or court order.
- Law enforcement agents might claim they do not need a warrant because there is some kind of emergency (for example, they may say that someone is in danger, someone is evading them, etc.).<sup>1</sup>
  - The fact that ICE has cause to believe someone is in the country illegally is *not* by itself an emergency situation and does not excuse the warrant requirement.<sup>2</sup>
  - The General Counsel’s office will need to evaluate the claimed emergency before granting access.
- Even if law enforcement agents show you a document that *appears* to be a warrant, it might not be constitutionally sufficient to authorize a search.
  - Specifically, “**administrative warrants**” are documents signed by an immigration officer and not a judge. Although they do have some limited uses, *they are not enough to allow ICE agents into non-public areas of the branch.*

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<sup>1</sup> While this can be true in certain situations, there is a complicated legal analysis around whether emergency circumstances mean that agents do not need to have a warrant.

<sup>2</sup> In fact, illegal entry into the U.S. is not a criminal offense, it is a civil offense). *Arizona v. United States*, 567 U.S. 387, 407 (2012) (“[I]t is not a crime for a removable alien to remain present in the United States.”).

## C. Access to Library Records

### *What Might Happen:*

When ICE agents come to the Library, they may ask for records, including customer information. ICE agents may also call the Library to ask for this information.

### *Documents and Customer Information Defined:*

Customer information includes patron's name, contact information, program participation, type of material being used, and demographic information. This can be written information or information provided in a conversation. Customer information also includes what a customer looks like or whether they are in the building at that time of the visit.

### *How to Proceed:*

If ICE agents request access to records or documents regarding BPL's patrons or staff, as stated above, please immediately call the Library's General Counsel, Chloe Wasserman, for assistance. If you cannot reach the General Counsel, please contact another contact listed above.

Like requests for access to non-public Library spaces, requests for access to BPL's records and documents must be authorized by a court order, warrant, or subpoena. In response to a request for documents, we will likely work together to:

- **Ask if the agents have a warrant or subpoena.**
  - If they do not have a warrant or subpoena, it is unlikely that we will provide them with any information.
  - If agents report that they have a subpoena for documents, do not give them documents until the General Counsel's office has reviewed the subpoena.
  - If the General Counsel is unavailable, the subpoena should be sent to Department of Public Safety (DPS), who will know how to proceed.
  - Any valid subpoena will identify with particularity the documents sought.
  - We will not need to provide the documents immediately as the subpoena will allow for time to gather documents.
  - If the agents have a warrant to search for documents, it will likely require the production of the documents immediately. We will still review the warrant, determine if it is valid, and what we need to do to comply.

### *Important guidelines:*

Like requests for access to non-public spaces, law enforcement officers might try to phrase their request as a polite request for assistance or they might try to make it seem like it is urgent for you to immediately give them some piece of information.

**Please do not answer questions or disclose patron information** – including questions about whether a particular person (staff person or patron) is currently in the branch or if you have ever seen someone from a photo. Instead, state that you are not authorized to answer questions, and, again, you can state that you’ve been instructed to contact the General Counsel’s office first.

It is important that the Library makes sure it does not reveal customer information to law enforcement without a valid warrant or a subpoena. The Library has a privacy policy that protects customer information.<sup>3</sup>

*A note on ID NYC:*

As you know, the Library hosts the City’s IDNYC program. This program may be a particular target for ICE enforcement actions. While IDNYC uses Library facilities, according to our agreement with the City for the program, the Library does *not* have access to IDNYC’s records. IDNYC is not a Library program, and records requests for IDNYC need to go to the City. If a law enforcement agent is asking Library staff for IDNYC records, you should still contact the General Counsel’s office.

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## **D. Removal of Patrons by ICE**

*Removal Defined:*

This is a situation in which ICE agents make contact with a customer in the Library and try to detain them or leave the Library with the customer against their will/forcibly.

*How to Proceed:*

- If you wish, you may advise the customer that they have the right to **remain silent**.
- If you wish, you may **record** any interactions with the agents, but you must announce that you are doing so. Staff should remain a reasonable distance from such incidents so as not to interfere.
- If you wish, you may inform the customer that if they are engaged in questioning by immigration agents, they can ask the agents whether they are free to go. If the agent says yes, they are free to leave. If the agent says the person is not free to go, they should explain that they would like the opportunity to **consult with an attorney** and otherwise remain silent.

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<sup>3</sup> Even beyond that, under New York Law (CPLR 4509), the Library cannot disclose any customer information except with the explicit permission of the customer in question or when disclosure is required by judicial order or subpoena specifically requiring the release of the information.

- You may **not** direct customers **not to answer** questions.
- You may **not** assist customers in **escaping or hiding**, including using a backdoor or other staff-only exit.
- You may **not** make a **false statement** to the agents.

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## E. Reporting Requirement

### *How to Proceed:*

ICE activity at Brooklyn Public Library should be viewed as an incident that must be reported. Staff members with knowledge of the visit should create the incident report **as soon as possible** after the agents have left the building. The best person to complete the incident report is a supervisor. You can also contact DPS for assistance in completing the incident report. Make sure that the incident report includes the following information:

- Type of agents (e.g. whether they are NYPD, ICE agent);
- Names and badge numbers of agents if you got them;
- Any information that the agents requested; and
- Who at BPL you consulted with in handling the matter.

### References:

<http://www.nylpi.org/wp-content/uploads/2017/07/FINAL-2017-Nonprofits-Guidance-Regarding-Immigration-Enforcement.pdf>

<https://www.immigrantdefenseproject.org/ttt-materials/>

<https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>

[NYC Executive Order No. 41: City-wide Privacy Policy an Amendment of Executive Order No. 34 Relation to the City Policy Concerning Immigrant Access to City Services. September 17, 2003](#)

[NYC Executive Order No. 34: City Policy Concerning Immigrant Access to City Services. May 13, 2003.](#)