Office of the New York State
Attorney General

Letitia James
Attorney General

November 6, 2026

**Re: Guidance on Immigration Detention Contracts**

Dear Sheriffs and County Leaders:

I write from the Office of the New York State Attorney General with regard to new provisions of state law that were enacted on May 27, 2026. Among other provisions, the legislature passed the "Local Cops, Local Crimes Act," which amends the Executive Law by adding a new Section 170-k.

That section prohibits local governments as well as law enforcement agencies, correctional facilities, local correctional facilities, juvenile detention facilities, and certain facilities for youth, which your county or agency may operate, from housing or detaining individuals for federal civil immigration violations. We provide the following summary of the legislation for your awareness, and to aid in your compliance by the relevant deadline, **November 25, 2026.**

First, the new law prohibits any local government, law enforcement agency,[1] correctional facility, local correctional facility, juvenile detention facility, or facility for youth placed with or committed to the office of children and family services from entering into, modifying, renewing, remaining in, or extending "any contract, intergovernmental service agreement, or any other formal or informal agreement to house or detain individuals for federal civil immigration violations, including, but not limited to, agreements entered into pursuant to 8 U.S.C. § 1103(a) or § 1231(g)." N.Y. Exec. L. § 170-k(2)(a). The law expressly provides that it does not preclude contracts or agreements by "any federal law enforcement agency for the provision of detention space for individuals subject to pending federal criminal charges; provided, however, that no such agreement may provide for detention space to house or detain individuals solely for federal civil immigration violations." *Id.* § 170-k(2)(b)(iii). The law also shall not be construed "to prohibit a local government, law enforcement agency, correctional facility, or local correctional facility from complying with any state or federal court order or judicial warrant, or any other action as required by law." *Id.* § 170-k(6).

[1] "Law enforcement agency" means the New York state police and any law enforcement agency or department of any municipality, any police district, or any agency, department, commission, authority or public benefit corporation of the state of New York employing a police officer as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law or peace officer as that term is defined in section 2.10 of the criminal procedure law, except for the port authority of New York and New Jersey." N.Y. Exec. L. § 170-k(1)(a).

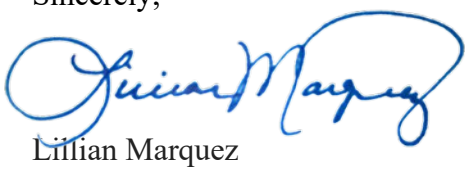
Second, the new law directs any agency that has a prohibited detention agreement to "exercise any applicable termination provision contained in any [such] agreement" within three months after the effective date of the law, or November 25, 2026. N.Y. Exec. L. § 170-k(7)(b). After that date, "any such agreement shall be deemed not consistent with state law, void, and unenforceable." *Id.*

Therefore, where a contract or agreement with a federal agency authorizes the housing or detention of individuals for both criminal and civil offenses, the statute requires your agency to terminate that portion of the agreement that permits the housing or detention of individuals for federal *civil* immigration violations by November 25, 2026, subject to only narrow exceptions. *See id.* § 170-k(2)(b).

If your agency has or had an agreement that includes provisions for civil immigration detention, and you have taken steps to comply with the requirements of the Local Cops, Local Crimes Act, we welcome information regarding such compliance. Similarly, if your agency does not have such an agreement and is therefore already in compliance, we welcome that information as well. Providing this information voluntarily on or before the effective date will aid in meeting our duty to ensure compliance with the law.

If you have questions about the foregoing, have questions about or need assistance with your compliance with the new laws, or want to discuss this letter, please reach out to: Immigrant.Trust@ag.ny.gov. We stand ready to support and assist your office with your efforts to comply.

Sincerely,



Lillian Marquez
Bureau Chief
Office of Immigrant Trust