

WHAT TO DO DURING AN ENFORCEMENT ACTION

If any agents or employees from ICE or other law enforcement agencies attempt to enter the facility's buildings or facilities, staff should follow this protocol:

1) Staff should document the name/contact information of the ICE agents seeking access to the facility. This can be done by asking for a business card, or name and badge number.

- **Say: “Officer; please give me your name, badge number and provide me with any warrant you have with you today. And are you with the Police or ICE?”**

2) Facility staff should inform ICE agents that they do NOT have consent to enter the non-public areas of the facility without a valid judicial warrant. For example, staff can say any of the following:

- **“I’m sorry, but this is private property, and we do not consent to your searching our facility without a warrant signed by a judge.”**
- **“I’m sorry but you are not authorized by a warrant to search [requested area] and it is our policy not to allow searches without proper warrants.”**
- **“Since you do not have a warrant, it is our policy that you are not allowed to enter non-public areas of the facility.”**
- **“Please do not search [areas not listed in the warrant] because they are not identified in the warrant.**

3) If ICE agents claim to have a warrant to enter the facility/building, reception staff should ask for a copy of the warrant, ask agents to wait at a specified location, and immediately contact a supervisor for assistance. However, if the agents have a warrant signed by a judge or magistrate, they do not have to wait to enter the area identified in the warrant. They **do** have to show that they have a warrant.

4) Do not answer questions posed by the officer and direct them to speak to the designated administrator or supervisor. Ask agents to wait at a specified location until a designated administrator or supervisor can assist.

5) If the ICE agents have a warrant, a supervisor should review the judicial warrant to ensure that:

- it is signed by a judge or magistrate;
- it describes the facility’s building as the place to be searched, or names the person to be arrested;
- it has the correct date and was issued within the past 14 days; and
- the search does not exceed the scope of the warrant.

Administrative warrants (warrants signed by an immigration officer instead of a judicial officer) do not require facilities to provide ICE access to non-public areas of the facility.

6) Where ICE agents have a valid judicial search warrant, staff should provide access only to the areas specified in the warrant.

7) If ICE agents do not have a judicial warrant, staff should ask the agents to not enter any nonpublic areas until the staff contacts counsel, and staff may ask the agents to leave the premises. For example, staff could say, **“Since you do not have a warrant, it is our policy that you are not allowed to enter non-public areas of the facility.”**

Beware: ICE agents sometimes wear uniforms that say “Police,” even though they are not police officers. Staff may ask whether those seeking entry are police or ICE agents. But the Police also need a warrant to enter non-public areas, unless it is a police emergency (someone is in danger, someone has called 911 seeking assistance, or the Police are in hot pursuit of a criminal). Staff should also be aware that ICE agents may say things to gain entry without a warrant.

For example: “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.”

8) If the officers do not have a warrant, the designated supervisor should say, **“I do not want to answer any questions, please leave your contact information. Thank you.”**

9) Staff should inform supervisors about ICE presence in or around the building as soon as possible. Supervisors should immediately contact legal counsel.

10) Staff and supervisors **can advise clients that they have the right to: remain silent, decline to answer questions** from officers, and request to **call an attorney**.

11) Staff and supervisors cannot tell clients not to respond to questions from ICE. Instead, they can remind them that, **“they have a right to remain silent.”** Staff may not legally help clients escape or hide. Doing so could violate the law and subject staff members to criminal charges, including obstruction of justice or aiding and abetting a crime.

12) Staff may videotape or record any interactions with the agents, but they must announce that they are doing so. Staff should keep a reasonable distance from the officers and their actions to avoid interfering.

13) Staff and clients should know (or be informed) that if they are questioned by immigration agents, they can ask the agents if 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, the staff/client should explain that they would like the opportunity to consult an attorney and otherwise remain silent.

14) If any arrests are made, ask for the names of individuals arrested and where they are going to be held. If no names are provided, create a list of who is missing. This will be essential and family members may be seeking this information.

15) Code Blue Shelters and warming centers, providing emergency shelter and supportive services during Code Blue activations should collaborate with local police to ensure individuals receive transportation or assistance to protect their health during harsh conditions. However, depending on the location, local police may share information with ICE. For that reason, staff engaged in such efforts should follow a Data Minimization policy by not sharing any information regarding immigration status.