

MV 4A PROJECT BUSINESS TOOLKIT

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Fourth Amendment of the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

FOURTH AMENDMENT (UNREASONABLE SEARCH AND SEIZURE) TOOLKIT FOR BUSINESSES

This guide is general information. It is *not* legal advice. It is not tailored to your situation. Talk to a lawyer for advice and/or legal services.

Overview:

This toolkit is a compilation of the [National Workplace Guide: Fourth Amendment Workplaces](#) ("Workplace Guide"/Siembra NC) and [Indivisible's Signs of Solidarity Campaign](#) ("Solidarity Campaign"). Fourth Amendment campaigns support businesses in providing a safe place to work and help the community be a safe place to live. Both are jeopardized by continued threats of ICE, Border Patrol and other federal agencies' detentions and forced deportations, unconstitutional search and seizure, and federal overreach and/or violation of constitutional rights. These threats affect businesses and communities and many communities across the country are implementing Fourth Amendment strategies to assert their rights and protect themselves.

Why become an MV 4A Business?

- ✓ Free trainings and resources – being prepared can help keep employees safe
- ✓ Peace of mind for your employees -- everyone is scared, so being proactive and providing your team with concrete steps and action plans provides security
- ✓ Forming a coalition with your neighboring businesses -- Better connection with your neighboring businesses can help protect all of you
- ✓ Receive a LUCE verified “ICE on island” alert

The best protection is to train and prepare employees.

Fourth Amendment Protections in the Workplace

The Fourth Amendment requires all law enforcement agents, from any agency, to demonstrate a valid search or arrest warrant signed by a judge (a judicial warrant) that shows the specific name and address of the person under investigation, before being granted entry to a private area of any residence or establishment.

Fourth Amendment Workplaces know how to protect themselves and their employees from unreasonable and/or unconstitutional search and seizure. All are trained on:

- How to interact with Federal agents.
- How to safeguard employees in the event of unconstitutional entry by federal agents.
- How to avoid revealing private information about employees

Please read the [National Workplace Guide: Fourth Amendment Workplaces](#) ("Workplace Guide") and [Indivisible's Signs of Solidarity Campaign](#) ("Solidarity Campaign") for more information.

5 Steps to be an MV 4A Workplace:

Step 1: [Sign up](#) to be an MV 4A Workplace and Read the MV 4A Business Toolkit

Step 2: Create a 4A protocol for your business ([sample here](#)) and train employees

Step 3: Create private and/or employee only space using (free) provided signage

Step 4: Post a sign in the front entrance (provided for free) welcoming everyone and stating you know your Fourth Amendment rights

Step 5: Learn what a [signed judicial warrant](#) looks like and [know your rights](#)

What 4A Businesses do:

- Post MV 4A Workplace posters (*Send an email to MV4AProject@proton.me with the subject line “Posters Request”, provide your contact information including address, and we will drop them off to you*)
- Watch the online training video or attend an MV 4A Business training and then host all-staff training(s) as needed
- Create a federal agent engagement protocol (See [this sample protocol/guide](#))
- Create protocols/policies for keeping applicable doors closed and locked
- Install private area signage, and add locks on doors [when possible] separating public and private areas or entry/exit doors
- Install doors to create durable separation between public and private areas
- Invite other businesses to join you in being a 4A workplace

Why Federal Agents May Come to Your Workplace:

Federal agents seeking to make immigration arrests may come to your workplace for three reasons:

1. A “raid” or operation to detain employees or patrons at random
2. A “targeted operation” to detain specific people
3. A Form I-9 audit. Form I-9 confirms a worker’s identity and authorization to work in the U.S.

“Raids” and “targeted operations” are most common, and are often indistinguishable from each other. Federal agents sometimes pretend to be looking for a specific person, but ultimately detain many workers.

Preventing Unconstitutional Entry:

(Excerpted from [Workplace Guide](#) with additional sources cited.)

Review “Private” and “Public” Areas

- Anyone – including federal agents – can enter public areas of your business without permission. Review public areas within the workplace and explore if they can be made private by installing a door lock, intercom, and door code or requiring an employee to open the door for potential visitors.
- For private areas, review how federal agents may access them from existing public areas [including entrances that go outside].

Use a door lock protocol

- If interior doors that lock already exist separating public from private areas, establish a protocol requiring them to be locked during the hours when an entry door is open.
- Install doors and locks. Where possible, install new interior doors or install locks on existing doors separating public and private areas.

Review workplace alert protocols

- Institute a way to let all employees present know when federal agents are attempting entry. [Example: "All staff, stay calm and follow our federal agent protocols." Sample statement from [4A Workplace Protocol](#).]
- Employees should lock any interior or exterior doors to prevent unconstitutional entry and give staff time to review any warrants that are presented.
- Employees should not run to the exits as ICE agents can say that those running are likely violating immigration laws.

If Federal Agents Enter:

See [this sample protocol/guide](#).

What does a judicial warrant need to be actionable?

- The correct company name and address
- A proper signature by a judge and a date
- A time frame within which the search must be conducted
- A description of the premises to be searched and a list of items or people to be seized
- [See sample here](#)

Know Your Rights:

Note: Businesses are encouraged to participate in a "Know Your Rights" Training for more details. This guide is general information provided by the [Workplace Guide](#). It is not legal advice. It is not tailored to your situation. Talk to a lawyer for advice and/or legal services.

- **Right to remain silent.** You do not have to share information with federal agents about which staff are present, their immigration status or country of origin. You do not have to disclose any information – as with **any** law enforcement agency, you have the right to remain silent.
- **Right to restrict access.** Employees can say they are prohibited from granting entry until the arrival of a designated staff point person or consultation with legal counsel. You have the right to refuse access to private areas and to refuse requests to open locked doors.
- **Right to decline a search.** You can review any warrants they provide, but no matter what, you do **not** have to consent to a search.
- **Right to request counsel.** You can decline to answer questions and state that company policy is for legal counsel to review any warrants before access is granted.
- **Right to record.** You have the right to record any interactions with federal agents and to release surveillance footage later.
- **Right to inform.** You have the right to alert all present to the presence of federal agents, and to broadcast information about how staff and patrons can protect their Fourth Amendment rights (such as by repeating, “You do not have to answer their questions, you do not have to reveal your country of origin, you do not have to show them ID...”)

Legal Jeopardy:

The following actions could put you at legal risk:

- Physically blocking agents
- Giving false information
- Helping someone flee
- Refusing entry after the presentation of a signed judicial warrant (see above)

Resources:

Visit MV4AProject.org for an updated list of resources and trainings.

Contact Us:

MV4AProject@proton.me