

SAMPLE FOURTH AMENDMENT WORKPLACE PROTOCOL

This handout 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.

The information on these pages is sourced from “Defend & Recruit” and by “Make North Carolina Work”.

You do not have to comply with unlawful requests from federal agents.

IF FEDERAL AGENTS ARE AT THE DOOR (but not inside):

- Immediately lock any business door, start filming and do not allow them to come inside the premises.
- Do not share anything about any employees.
- Ask to see a JUDICIAL warrant. An ADMINISTRATIVE warrant does not allow Federal Immigration to enter a building.
- Call the LUCE hotline at 617-370-5023 to let them know federal agents are present.

IF FEDERAL AGENT(S) ENTER...

- Clearly state they are forbidden from accessing private areas without a judicial warrant: "You do not have my permission to enter."
- Lock any interior doors separating public and private areas
- Alert all present that a law enforcement agency is attempting to enter the premises: "All staff: Please stay calm and follow our Fourth Amendment Workplace Protocol."
- Film the interaction. Ask agents to identify themselves: "What agency are you with? Can you show me an ID?"
- Ask if they have a warrant: "Please show me the warrant." If no warrant state "You do not have my permission to enter."
- If they produce a warrant, review it.
- Do NOT help agents sort people by their immigration status or the country they are from.
- DO loudly inform everyone they do not have to answer any questions or show identification.

Warrants:

If a judicial warrant is presented...

- A judicial warrant will be signed by a judge and should say “U.S. District Court” at the top, not “I-200” or “Department of Homeland Security”.
- If you have in-house counsel, say you will need to consult with them before agents can enter.
- If you decide to grant entry, watch agents to see if they’re complying with what’s written in the warrant. If agents are searching areas not listed, object to those searches by voicing your objection and noting it.

If an administrative warrant (I-200) is presented...

- You do NOT have to say if that employee is working that day or not
- You do NOT have to take the agent to the employee named on the warrant (even if they’re at work at the time).

WORKPLACE READINESS CHECK

- Are signs posted marking PRIVATE areas and stating we do not consent to searches?
- Do we have a point person trained to handle federal agent interactions?
- Can public access areas be secured or monitored? Lock any side doors at all times to make sure Federal Agents can’t enter.
- Is the Fourth Amendment Workplace Protocol clear and posted in an accessible space for all staff to follow?
- How will staff be alerted quickly if agents enter?

The following choices could put you in legal jeopardy:

- Physically blocking agents
- Giving false information
- Helping someone flee
- Refusing entry after a valid judicial warrant is presented (must include correct address, signed by a judge, with a clear timeframe and scope)