

Preparing for ICE Campus Enforcement Efforts

NOCCCD Protocol

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NOCCCD

Three Reasons an Immigration Officer (ICE Agent) May Visit Your Place of Work or Campus

- 1) They are conducting an I-9 Investigation and are there to serve a Notice of Inspection
- 2) They are conducting a work place raid investigating an employer
- 3) They are looking for a specific person(s) or information about a person. They may have an arrest warrant or search warrant related to an investigation. The warrant may be an administrative warrant or a judicial warrant
OR
Just being nosey, looking for trouble, or trying to instill fear



Access to Public Areas

(includes access to files, computers, etc.)

- ❖ Anyone – including ICE agents – can enter *public* areas of your campus without permission. This includes dining areas, parking lots, lobbies or waiting areas.
- ❖ Being in a public area does NOT give ICE the authority to **stop, question, or arrest** just anyone.
- ❖ No one can enter a *private* area of a campus or building without permission or a **judicial warrant**.
- ❖ Do NOT allow ICE agents to enter private areas of the campus. *“I am not authorized to give you permission to enter. Please wait and I will contact Campus Safety.”*
- ❖ Do NOT interact with ICE agents. If ICE agents have questions or requests, say, *“Please wait a moment while I contact someone who can help you.”*
- ❖ Immediately contact Campus Safety & the President’s/Provost’s Office.

TIP: To show that some areas are private, mark them with a “Private” sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.

Access to Public Areas cont.

- ❖ Immigration agents can enter a private area ONLY if they have your permission or a *judicial warrant*.
- ❖ If ICE agents try to enter a private area, let them know that the area is private and that they are not permitted to enter without a judicial warrant. Ask if they have one.
- ❖ If ICE agents tell you that they have a judicial warrant, ask for a copy and read it. Confirm the address is correct and it has a judge's signature and immediately contact Campus Safety and the President's/Provost's office. Also send a copy of the warrant to Vice Chancellor Ramos in Human Resources.
- ❖ ICE agents may try to use an *administrative warrant* to enter. However, an administrative warrant does NOT allow agents to enter private areas without your permission. Administrative warrants say "Department of Homeland Security" and are on Forms I-200 or I-205.

UNITED STATES DISTRICT COURT

for the
Eastern District of California

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No.
)
 540 Oak Avenue)
 Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
 SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*
 SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* for _____ days *(not to exceed 30)*.

until, the facts justifying, the later specific date of _____.

Date and time issued: 4-25-2011
9:10:00 AM


 Judge's signature

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
 Printed name and title

Judicial
 Warrant
 Signed by
 a Judge

Judicial Warrant Signed by a Judge

- ❖ If ICE agents do not have a valid judicial warrant, you have the right to refuse them entry.
- ❖ If a search warrant is presented, check to make sure the information is correct and it is still valid.
- ❖ Valid judicial search warrants allow ICE to enter the non-public areas of the campus. Officers must stay within the parameters of the warrant. For example, if the warrant states they are searching for a grown adult they may not search file drawers.
- ❖ If it does not appear valid, you may refuse ICE entry. If they enter anyway you should continue to refuse consent, document their actions, but don't obstruct their entry. You should immediately contact campus safety and the President's Office.

FINS #: 1150253900

File No. [REDACTED]
Event No: P001606000346
Date: September 1, 2016

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

[REDACTED] (Full name of alien)
an alien who entered the United States at or near [REDACTED] (Port) on [REDACTED] (Date)
[REDACTED] is within the country in violation of the immigration laws and is

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

[Signature]
(Signature of Designated Immigration Officer)
JOHN KOHLMAN
(Print name of Designated Immigration Officer)
SDDO
(Title)

Certificate of Service

Served by me at Portland, OR on September 28, 2016 at 06:20 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

[Signature]
ANDREW JOHNSON
(Signature of officer serving warrant)
Deportation Officer
(Title of officer serving warrant)

Administrative Warrant

Administrative Warrant

- ❖ ICE warrants (*Form I-200* and *I-205*) are administrative documents that identify an individual suspected of being subject to deportation and authorize designated immigration agents to take the identified person into custody.
- ❖ These documents are not reviewed or issued by a court or judicial officer.
- ❖ These warrants do not give ICE the authority to enter the non-public areas of the campus. You may deny ICE access to these areas unless a judicial warrant is presented.

<https://www.nbcnews.com/news/latino/man-stopped-ice-uses-know-your-rights-training-prevents-immigrants-n988026>

What if ICE Presents an Arrest Warrant?

Administrative *arrest* warrants do allow ICE agents to arrest a person who is reasonably suspected of being undocumented.

Arrest warrants, however, do not give ICE or other LEO's the right to enter private areas to make an arrest.

- They would have to wait until the person enters a public area to make an arrest, or they would have to obtain a judicial *search warrant*.

Stanislaus County Superior Court
State of California

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
vs.)
KENNETH JAMES WARD)
1072903)
Defendant.)

FELONY
WARRANT OF ARREST
P.C. Secs. 814, 1427, 840
MPD 04-26675

COPY

COUNTY OF STANISLAUS:
THE PEOPLE OF THE STATE OF CALIFORNIA:

To any Peace Officer of said State:
Complainant upon oath having been this day made before me, RICARDO CORDOVA,
a Judge of the Stanislaus County Superior Court, said County and State, by Det. Dodge Hendon, Modesto Police Department,
that the crime of:

I. Violation of §422, California Penal Code, Felony
II. Violation of §422, California Penal Code, Felony

has been committed in the County of Stanislaus, and accusing Kenneth James Ward thereof,
YOU ARE THEREFORE COMMANDED herewith to arrest the above-named Defendant and bring the Defendant before me herewith at my office in said Judicial District or in case of my absence or inability to act before the nearest and most accessible magistrate in this county.

The within named defendant may be admitted to bail in the sum of FIFTY THOUSAND
(50,000) Dollars.

WITNESS, my hand this 18TH day of MARCH, 20 04, and I direct that this warrant may be served at any hour of the night.

RICARDO CORDOVA
Judge of the Stanislaus County Superior Court
State of California

NOCCCD Protocol for Immigration Related Requests

1. Staff shall inform the Campus Safety Office and the Office of the President/Provost of the presence of ICE or other persons pursuing immigration related investigations on our campuses.
2. If a warrant, subpoena, or court order is presented, Campus Safety or the President's/Provost's Office should also notify the Vice Chancellor of Human Resources. When the warrant or subpoena is clearly not enforceable, Campus Safety or the President's/Provost's Office shall deny the access or information requested.
3. When the validity of a warrant or subpoena is unclear it is necessary to first obtain legal advice from our District's Counsel which will be done by the Office of the President or HR.

NOCCCD Protocol Cont.

4. In any instance where the request involves conducting an I9 audit or request for employee information refer the officer to the Vice Chancellor for Human Resources.
5. If ICE or other immigration officers are found walking or parked on campus, staff should contact Campus Safety and the President's/Provost's office to notify them of their presence. Campus Safety Officers should approach them, provide them with a copy of Board Resolution No. 16/17-18 (https://www.nocccd.edu/files/resolution-no-16-17-18-support-for-students-and-privacy-of-student-records-2017-03-14_30616.pdf), and inquire into their reason for being on campus. In all instances Campus Safety or an administrator should accompany ICE or other immigration officers until they leave.

General Tips

1. Do NOT volunteer documentation or information to ICE agents. If ICE agents have questions or requests, ask if they have a warrant or subpoena, then say, “Please wait a moment while I contact someone who can help you.” Then contact campus safety and/or the president’s/provost’s office. Identify a space for them to wait and stay with them.
2. Be sure to tell them this is the district protocol that everyone must follow.
3. Be sure to ask for their business card, or name, title, and contact information.
4. Any student or employee approached by ICE has the right to remain silent!
5. Be proactive, if you see ICE on campus
 - Approach them as soon as possible for the safety and security of the student body
 - Inquire about the nature of their visit
 - Someone should stay with them until they leave

If a Police Officer or an Immigration Agent Comes to An Individual's Home

They DO NOT have to open the door unless a search warrant or arrest warrant is presented. You may speak with them through the window or through a closed door. Ask them to slip the warrant under the door.

If it is an arrest warrant, the document must have:

- the name of the person to be arrested (look for dates)
- the correct address of the individual
- a Judge's signature

If it is a search warrant, it must have:

- the address of the place to be searched and scope (look for dates)
- a Judge's signature

If an Individual is Arrested or Detained

Contact an Immigration Attorney as soon as possible

Give the following information to your family:

- a) Case number – Booking number
- b) Immigration number (It starts with the letter A# and is followed by 8 or 9 digits)
- c) Letters or notices you have received from Immigration

They do not have to disclose their immigration status or their place of birth even if asked.

Resources

- U.S. Citizenship and Immigration Services www.uscis.gov 1 (800) 375-5283
- U.S. Immigration Law Group, LLP 1913 E. 17th Street Suite 204 Santa Ana, CA 92705 (714) 494-4545 Lisa@usilg.net
- Maria de La Luz Hernandez Direct Number: (714) 351-1078 Orange Executive Tower 1100 West Town and Country Road Suite 1250 Orange, CA 92868 (954) 840-0453 luzlaw.mh@gmail.com
- Public Interest Law Center, 601 Civic Center Drive West, Santa Ana CA. 92701 (714) 541-1010 info@publiclawcenter.org
- Catholic Charities of Orange County, 1800 E. 17th Street Santa Ana, CA 92705 (714) 347-9610 <http://www.ccoc.org>