LAYC Policy Regarding Immigration Enforcement

11/13/2018
LAYC Policy on Immigration Raids

This policy statement explains what you should do in the event of an immigration raid at a LAYC worksite. An immigration raid occurs when agents or employees of Immigration and Customs Enforcement ("ICE"), U.S. Department of Homeland Security or Customs and Border Protection ("Agents") come to a LAYC worksite without warning to conduct an investigation of LAYC or with the intention of finding a particular individuals. While they are on LAYC property, the Agents may try to question, detain, and arrest employees, clients or others who are present. These Agents may claim to be "Police" or "Federal Agents," and they may carry guns or be accompanied by local police. Any information, statements and/or documents gathered by the Agents during a raid can be used against LAYC, its staff, volunteers and clients at a later date.

It is LAYC policy:

● to fully comply with state and federal law;

● to take steps to the greatest extent possible under the law to protect our staff, our volunteers, our clients and their information when they use our facilities and services;

● not to allow Agents to access our facilities, records or information unless required by law or valid state/federal court warrant. Such warrant must be signed by a judge or magistrate within the past fourteen (14) days granting Agents access to search for the listed items on such warrant; and

● to assign responsibility for compliance with these policies only to designated employees: a First Contact Staff (defined below), a Designated Point Person (defined below) or a member of the Senior Management team in the Designated Point Person’s absence. No other employees are authorized to engage with Agents for the purpose of responding to requests or questions or to permit access to any Agent to non-public areas of LAYC or to LAYC records or information.

This policy applies to the following LAYC sites listed below (the “LAYC Sites”):

a) Kaplan Building: 1419 Columbia Road, NW, Washington, DC 20009 ("Kaplan Building")
b) DC Safe Housing Drop-in Center: 3045 15th Street NW, Washington, DC 20009 ("DC Safe Housing Center")
c) MMYC Silver Spring: 8700 Georgia Avenue, Suite 500, Silver Spring, MD 20010 ("MMYC Silver Spring")
d) MMYC Riverdale: 6200 Sheridan Street, Riverdale, MD 20737 ("MMYC Riverdale")
e) Housing units and offices: Connecticut Avenue, Kennedy Street, Washington, DC and all other current or future LAYC sites ("Other Sites")

At the LAYC Sites, LAYC designates and uses specific areas as public spaces ("Public Areas") and reserves and utilizes all other areas as non-public areas ("Non-Public Areas"). Public Areas at the LAYC Sites are listed below:

a) Kaplan Building: Entrance area bench before the metal detector
b) DC Safe Housing Center: Outdoor front porch space
c) MMYC Silver Spring: Main lobby before the security/reception desk
d) MMYC Riverdale: Main hallway before reaching the first offices of the Riverdale staff

1 Note to LAYC: Discuss placing “Public” and “Private” signs at the LAYC Sites.
e) Other Sites: Outside front doors at the buzzers

This policy statement and the attached guidelines will be circulated to LAYC staff for their review and compliance. Copies of these documents will also be available at the LAYC Sites to serve as reference for LAYC staff, volunteers and clients.

**General Guidelines for LAYC Staff:**

1. Except for First Contact Person and the Designated Point Person, no LAYC staff or volunteer should speak to the Agents, or answer any questions of the Agents or help the Agents in any way. LAYC staff and volunteers have the right to remain silent and to ask to talk to a lawyer.

2. Agents are allowed to enter Public Areas without permission, but they need a properly executed, state/federal warrant signed by a judge in order to enter Non-Public Areas.

3. LAYC staff, volunteers and clients have no obligation to hand over IDs or other papers to Agents. LAYC staff, volunteers and clients are cautioned not to provide any falsified documents to the Agents.

4. If at any point during an immigration raid LAYC staff, volunteers or clients believe that they cannot leave the site, they should ask the Agents if they are free to go. If the Agent says yes, they are free to leave. If the Agent says they are not free to go, they should say they want to speak with an attorney and they should otherwise stay silent.

5. LAYC staff and volunteers should not take any action during an immigration raid to hide or conceal any person, or aid in their escape from the LAYC Site.

6. LAYC staff and volunteers should not lie to the Agents at any time or provide false or misleading statements to the Agents, including denying the presence of specific, named individuals.

7. LAYC staff and volunteers should not run away from the Agents or instruct the clients to run away from the Agents.

8. LAYC staff and volunteers should not comply with an Agent’s demand that they sign any document without first speaking with an immigration attorney.
What should reception staff do if Agents arrive?

If Agents should attempt to enter a LAYC Site, reception staff and volunteers will follow this protocol:

1. Reception staff, or if the LAYC Site does not have reception staff, the staff or volunteer that first encounters the Agents (“First Contact Person”), will inform Agents that he/she is not authorized to permit entry to the LAYC Site or answer any questions, and that he/she must contact a supervisor.

   **No staff or volunteer, including First Contact Person, should answer questions posed by Agents. In particular, they should not answer questions about whether a particular person (staff or client) is currently in the building.**

   Staff should say, “I can’t give you permission to enter, and I can’t answer any questions without my supervisor’s permission. You must speak with my employer.” Staff will not interact with the Agents any further. If the Agent continues to question or interact with the staff, staff should say nothing or should re-affirm, “You are not allowed to enter. Talk to my employer.”

2. First Contact Person will immediately contact the designated point person for responding to Agents’ presence at LAYC Site (the “Designated Point Person”). The names and phone numbers for the Designated Point Persons are listed below:

   a. **Kaplan Building**
      
      Mike Leon, Director of Community Wellness, 202-744-4079
      
      **Back-up:** Shayna Scholnick, Director of Promotor Pathway, 202-276-9193, Kynai Johnson, Director of Education and Workforce, 202-276-2729

   b. **DC Safe Housing Center**
      
      Aldo Hurtado, Director of Housing, 202-280-5430
      
      **Back-up:** Jessica Yepez, Deputy Director of Housing, 202-494-3001

   c. **MMYC Silver Spring**
      
      Jacob Newman, Managing Director for Montgomery County, 401-487-8996
      
      **Back-up:** Adam Angel, Program Manager, 443-604-0725, Kelsey Norton, Steps to Success Program Manager, 240-317-9332

   d. **MMYC Riverdale**
      
      Sandra Shephard, Managing Director for Prince George’s County, 202-903-4671
      
      **Back-up:** Alyson Moore, Educational Programs Manager, 703-895-9264, Kristen Patterson, Prince George’s County Workforce Manager, 240-603-6699

   e. **Other Sites**
      
      Supervisor on-site.

   If the Designated Point Person is not available, First Contact Person will call a member of the Senior Management team that is present at the LAYC Site (see names and phone numbers below).²

3. First Contact Person will next call the Kaplan Building to alert a member of the Senior Management team of the Agents’ presence. The names and phone numbers for the members of the Senior Management Team are listed below:

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² Note: If a member from the Senior Management team is not present at the LAYC Site, then First Contact Person will call the Kaplan Building to speak to a member from the Senior Management team.
Senior Management Team at the Kaplan Building:

a. Chief Operating Officer, Patricia Bravo, 202-905-1304
b. Chief Development Officer, Pedro Rivera, 305-951-2230
c. Chief Administrative and Financial Officer, Humphrey Mensah, 202-319-2284
d. President & CEO, Lupi Quinteros-Grady, 301-908-4517
e. or contact Marta Alvarez at 202-319-2258 to locate Senior Management team.

The Senior Management team member should alert LAYC’s legal counsel.

4. First Contact Person will escort Agents to wait at the specified Public Area at the LAYC Site until the Designated Point Person has arrived. First Contact Person should encourage any staff or clients who are present in the Public Areas to calmly and slowly go into the Non-Public Areas.

5. At this point, First Contact Person and any other staff and volunteers should cease from any communication or interaction with the Agents. First Contact Person should continue to monitor the Agents without interfering.

6. Following the encounter with Agents, First Contact Person, the responding Senior Management team member, and any other witnesses who made observations or visual/audio recordings should gather details into a summary report using Appendix A to document as much detail as possible.

What should the Designated Point Person Do if Agents Arrive?

1. Upon receiving notice that Agents are at the LAYC Site, the Designated Point Person will go to the designated Public Area and inform the Agents that they do not have consent to enter the LAYC Site or facility unless the Agents can produce and provide a valid judicial warrant. The Designated Point Person should say, “I am the employer. You cannot go to other areas of this workplace without my permission.”

2. If the Agents claim to have a warrant, the Designated Point Person will ask for a copy of the warrant for review. The Designated Point Person should say, “LAYC has private areas. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?”

3. The Designated Point Person will review the warrant to ensure it satisfies the requirements set forth below:
   a. it is signed by a state/federal court judicial officer (judge or magistrate);
   b. it describes that specific LAYC Site as the place to be searched;
   c. it has the correct date and has not expired (was issued within the past 14 days); and
   d. the Agent’s search does not exceed the scope of the search authorized by the terms of the warrant.
What should the Designated Point Person Do if Agents Arrive? (con’t)

The Designated Point Person should not permit access if the Agent presents an administrative warrant. Administrative arrest or removal warrants are signed by an immigration officer and will say “Department of Homeland Security” (rather than signed by a state/federal court judge or magistrate). They are usually on Forms I-200 or I-205. These warrants do not grant authority for Agents to enter non-public areas of the LAYC Site. See Appendix B for an example of a valid judicial warrant that requires LAYC to provide access to the Agents. See Appendix C for an example of an ICE administrative warrant.

4. The Designated Point Person should make a copy of the warrant for LAYC’s records. The Designated Point Person should also send a copy of the warrant to a member of the Senior Management team so it can be reviewed by LAYC’s counsel.

5. If the warrant does not satisfy the requirements set forth above, the Designated Point Person may refuse access to the Non-Public Areas and ask the Agents to leave. If the warrant is valid and satisfies the requirements set forth above, the Agents should be allowed to conduct their search as set forth on the warrant. The Designated Point Person should make sure that the Agents are acting within the confines of the warrant and limit the Agents’ access per the warrants’ scope. If the warrant specifically names a person, the Designated Point Person does not have to help the Agents locate the person or aid the Agents in any way.

6. The Designated Point Person should document the names and contact information of the Agents seeking access to the LAYC Site. This can be done by asking for a business card or asking the Agents directly for their names, badge numbers and other identifying information.

7. If the Agents arrest any staff, volunteers or clients, the Designated Point Person should ask the Agents where they are being taken and take note of the location.

8. Following the encounter with Agents, First Contact Person, the responding Senior Management team member, and any other witnesses who made observations or visual/audio recordings should gather details into a summary report using Appendix A to document as much detail as possible.

What should everyone else do if the Agents arrive?

1. Staff and volunteers should stay calm. Staff and volunteers should not run to exit the LAYC Site; doing so will enable the Agents to claim that people who are running are likely violating immigration laws and will make the situation worse.

2. Staff and volunteers should not answer questions posed by Agents. In particular, they should not answer questions about whether a particular person (staff or client) is currently at the LAYC Site.

3. If possible, staff or volunteers who are not interacting with the Agents should record any interactions with the Agents, by making observations or using video/audio. Staff should announce and make obvious that they are making a recording if video or audio recording is used. Staff should stay a reasonable distance (several feet) from the Agents so as not to interfere.
What should everyone else do if the Agents arrive? (con’t)

4. Staff should advise any clients who are nearby that they have the right to stay silent and do not have to answer any questions posed by the Agents. Staff should be careful, however, not to direct clients to stay silent because doing so may be interpreted as interference.

5. Staff and volunteers should not sign any document without first speaking to an immigration attorney, and they should advise (not direct) any clients to do the same.

6. If possible, clients should be moved to the Private Areas until the situation has been resolved. Staff and volunteers should not take any action to hide or conceal any person, or aid in their escape from the LAYC Site.

7. Staff should inform clients that if they are engaged in questioning by Agents, they can ask the Agent 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, they should explain that they would like to speak with an attorney and they should otherwise stay silent.

8. Following the encounter with Agents, First Contact Person, the responding Senior Management team member, and any other witnesses who made observations or visual/audio recordings should gather details into a summary report using Appendix A to document as much detail as possible.

What if Agents request access to LAYC’s records or files?

If any Agents request access to records or documents regarding LAYC’s staff or clients, LAYC staff will follow this protocol:

1. The First Contact Person will follow the protocol outlined above for contacting the Designated Point Person, and then will contact a member of the Senior Management team.

2. The Designated Point Person will inform the Agents that LAYC’s policy is not to release information without the consent of the staff or client, unless disclosure is required by state/federal judicial order or subpoena specifically requiring the release of the information, or otherwise required by law.

3. If Agents claim to have such warrant or subpoena, the Designated Point Person will request a copy of the warrant or subpoena, ask for the Agents’ contact information, and consult with a member of the Senior Management Team, following the same protocol outlined above.

4. Typically such authorized request for documents will include a period of time by which LAYC will need to provide the documents, and therefore the requested documents do not need to be produced immediately. The Designated Point Person should tell the Agents that LAYC will consult with its counsel regarding the request.

5. If the Agents seize any documents, the Designated Point Person or LAYC staff should take note of what documents are taken and ask if copies can be made before the documents are taken.

6. Following the encounter with Agents, First Contact Person, the responding Senior Management team member, and any other witnesses who made observations or visual/audio recordings should gather details into a summary report using Appendix A to document as much detail as possible.
Appendix A
Summary Report Key Points

- Date of raid?
- Time action began and ended?
- How many Agents?
- What agency conducted the action (i.e., ICE, CBP, local police or state police)?
- Names and/or badge numbers of the Agents. If you did not get names, please describe the Agents using physical descriptors.
- What did the Agents’ uniforms (if anything) say?
- Why did the Agents say they were there?
- Who was the First Contact Person?
- Who was the Designated Point Person?
- Did anyone else speak to the Agents? If so, who, and what did they say?
- Was a member of the Senior Management team called? If so, who?
- Did you ask to see a warrant?
  - Did the Agents present a warrant?
  - If not, did you deny them consent to enter? What did you say?
  - How did the Agents react if you denied them consent to enter?
  - Was the warrant an administrative warrant, signed by an immigration official?
  - If it was an administrative warrant, did you tell the Agents that LAYC has a policy of denying access to Non-Public Areas in the absence of a judicial warrant? What did you say?
  - How did the Agents react if you denied them consent to enter based on an administrative warrant?
- Did the Agents present a judicial warrant, signed by a judge?
  - If so, please describe the warrant and attached a copy to your report.
  - What was the date of the warrant?
  - What items or persons were the subjects of the search?
  - What areas were identified to be searched?
  - Which judge signed the warrant?
  - Did you allow the Agents entry based on a judicial warrant?
  - If so, did you or another staff member accompany them on their search? Who?
  - Did the Agents stay within the areas they were authorized to search by the warrant? If not, what other areas did they enter? Did they look in closed closets, cabinets, or drawers? Did they ask permission first?
- Did they keep anyone from moving around freely? Who?
- Did they arrest anyone? Who?
- Did they seize any items? What?
- Did they take pictures of documents? If so, whose? How did they get the documents?
- Did they take fingerprints? If so, whose?
- Were there children present? If so, whose? How many?
- Did the Agents yell at anyone? Who? Why? Which Agents (if known)?
- Did the Agents have guns drawn or were they touching their weapons?
- Is there anything else to add about the enforcement action?
Appendix B
Example of Proper Warrant for Access to Non-Public Areas

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT
for the

United States of America

v.

\[\text{Case No.}\]

\[\text{Defendant}\]

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested), who is accused of an offense or violation based on the following document filed with the court:

☑️ Indictment ☑️ Superseding Indictment ☑️ Information ☑️ Superseding Information ☑️ Complaint
☑️ Probation Violation Petition ☑️ Superseded Release Violation Petition ☑️ Violation Notice ☑️ Order of the Court

This offense is briefly described as follows:

Date: ____________________________________________

Issuing officer’s signature

City and state: ____________________________________

Printed name and title

Return

This warrant was received on (date) , and the person was arrested on (date) at (city and state) .

Date: __________________________________________

Arresting officer’s signature

Printed name and title
Appendix C
Example of Improper Warrant for Access to Non-Public Areas

US. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: __________________________
Date: __________________________

To any officer of the United States Immigration and Naturalization Service:

______________________________
(Full name of alien)

who entered the United States at ___________________ on _____________________
(Place of entry) (date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a district director or a district director’s designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act (Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the
Attorney General under the laws of the United States and by his or her direction, command you
to take into custody and remove from the United States the above-named alien, pursuant to law,
at the expense of the appropriation. “Salaries and Expenses Immigration and Naturalization
Service 2002,” including the expense of an attendant if necessary.

______________________________
(Signature of INS officer)

______________________________
(name of INS officer)

(Date and office location)

Form I-205 (Rev. 4-1-97)