



BALLARD SPAHR ANDREWS & INGERSOLL, LLP

M E M O R A N D U M

From: Julie A. Pace
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Re: Procedures & Processes for Government Agency Visits (ICE, OSHA, City or State Police, Sheriff, Border Patrol, Department of Economic Security, Department of Labor, etc.)

A. **If Approached By Government Officer:** If a government officer (ICE, OSHA, Police, Border Patrol, Department of Economic Security, etc.) approaches you and requests information on the Company or a Company employee:

1. Direct the officer to the supervisor, on-site manager, or company's attorney and allow that person to deal with the officer directly. Politely state:

I am sure that the Company will cooperate. However, I am not the person to provide you that information. Let me get my supervisor or our lawyer who can work with you.

2. If there is no supervisor available or the officer will not wait to allow you to get a supervisor, the supervisor or you could follow the steps outlined below:
3. The supervisor should restate:

I am sure the Company will cooperate. However, I am not the person to handle your request. Let me get some information and get the person who should handle this for you.

4. Ask the officer his or her name (or look for his name badge on his shirt, if any);
5. Ask the officer what agency/department he or she is with (local police, sheriff, DPS, ICE, Border Patrol, Dept. of Economic Security, etc.) or look for any insignia on uniform, etc.
6. Ask for a business card. If the officer does not have one, write down the information that he or she provides, such as name, agency, badge number, etc.;

7. If the officer is in “plain clothes” ask if you could see his official identification (to ferret out imposters or bounty hunters, etc.);
 8. Try to determine why the officer is there, what he or she wants, and if he or she is looking for someone in particular. If the officer requests information about a specific individual, tell the officer that you are not authorized to provide that information, but you are happy to contact someone who can handle the request.
 9. If the officer states that he has a subpoena or warrant, ask for a copy so that you may review it and also consider sending it to the company’s lawyer to review;
 10. Contact the Company’s designated contact person immediately so that they may communicate with the officer directly by cell phone or in person.
- B. **ICE: 3 Day Notice for Documents:** If ICE shows up to review I-9’s, they are supposed to provide a three day written notice. Do not waive the three days. Do not voluntarily give ICE anything. Contact the Company’s designated contact person _____ immediately so that they may communicate with the officer directly by cell phone
- C. **If Agent Has Warrant for the Arrest of an Individual:** If the agent has a warrant for an employee’s arrest, do NOT interfere with the officer, or you may be arrested for obstruction, etc. Allow the police to arrest the employee but, notify the Company’s designated contact person _____ immediately so they can handle the incident.
- D. **If Agent Has Search Warrant or Subpoena for Records:** If a government officer has a search warrant or subpoena for records, contact your supervisor and the Company’s designated contact person _____ immediately. A supervisor or manager should:
1. Ask for and KEEP a copy of the search warrant or subpoena;
 2. Comply with the warrant or subpoena;
 3. Attempt to maintain a list or log of documents, records or other things taken away by law enforcement;
 4. If asked by law enforcement if they may take certain documents, records or other things, reply as follows, “only if it is covered by the search warrant.” Refrain from providing consent to the removal of documents, records or things not covered in the search warrant;
 5. Do not argue, resist or get into a confrontation with law enforcement;
 6. Contact the Company’s designated contact person _____ immediately so that they may communicate with the officer directly in person or by phone.

E. **If Agent Requests SSNs, I-9 forms, or Documents:** If law enforcement requests the names and Social Security Numbers of employees, requests copies of Company or employee records or files, or requests to review their I-9 forms, you should:

1. Politely state:

I am not the individual authorized to handle such a request, but I would be willing to contact my supervisor. Let me get some information from you and get the person who should handle this.

Then follow the steps outlined in Section A above.

2. Resist pressure from the agent to consent to provide documents or records even if they threaten to return with a search warrant or subpoena. Tell the agent that you do not have authority to provide the documents, but that you believe the company will cooperate and you will get the appropriate person who can communicate with them.
3. Contact the Company's designated contact person _____ immediately so that they may communicate with the officer directly in person or by phone.

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