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*Date:* January 24, 2025  
*To:* Department Heads  
*From:* Thomas L. Geiger, County Counsel   
*Re:* **Guide for Interactions with U.S. Immigration and Customs Enforcement (ICE) Agents**

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Attached to this memo is a one-page guide on how to respond if a County employee encounters a U.S. Immigration and Customs Enforcement (ICE) agent during work or on County property. ICE agents are most frequently responsible for federal immigration law enforcement, but other federal agencies may also attempt to enforce immigration laws. The attached guide refers to ICE, but the guide also applies to any other federal agencies attempting to enforce immigration laws.

County employees should immediately notify appropriate staff designated by their department (for example, a departmental supervisor) if ICE agents contact employees while they are performing their official duties, or if employees become aware that ICE agents are seeking to obtain County records or to come onto County property. Employees or their departmental supervisors should also immediately contact the County Counsel's Office.

Also attached to this memo are sample documents that ICE agents may show County employees when on County property.

If you have any questions about the attached guide, please contact the County Counsel's Office.

cc: Board of Supervisors

Attachments

## GUIDE FOR INTERACTIONS WITH ICE AGENTS

*The following guide addresses how to respond if you encounter a U.S. Immigration and Customs Enforcement (ICE) agent during work or on County property. If you have any questions, please contact the County Counsel's Office.*

### 1. Immediately notify a departmental supervisor and the County Counsel's Office.

### 2. Ask if ICE has a warrant

- No warrant: You are *not* required to provide ICE access to non-public areas to arrest or search. You are *not* required to give ICE any information. You may ask ICE to leave.
- If ICE presents a warrant: Go to Step 3.
- If ICE presents a subpoena or Notice to Appear: Go to Step 4.

### 3. If ICE shows you a warrant:

- Is it a judicial warrant?
  - A judicial warrant is issued by a "U.S. District Judge" or "U.S. Magistrate Judge" from "U.S. District Court."
  - You are required to comply with a judicial warrant and must allow ICE to search.
- Is it an administrative warrant?
  - An administrative warrant is issued by the "Department of Homeland Security," an "Immigration Judge," or an "Immigration Officer."
  - You are *not* required to provide access to non-public areas to arrest or search. You are *not* required to give ICE any information. You may ask ICE to leave.

### 4. If ICE shows you a subpoena or Notice to Appear:

- ICE Subpoenas
  - This is a document requesting that the County turn over documents or evidence.
  - You do *not* need to provide documents on the spot and are *not* required to give ICE consent to search.
  - Provide the subpoena to your departmental supervisor and the County Counsel's Office.
- Notice to Appear ("NTA")
  - This is a document notifying a person of removal proceedings.
  - You are *not* required to provide access to non-public areas to arrest or search. You are *not* required to give ICE any information. You may ask ICE to leave.

### 5. If ICE shows you a court order:

- Provide the court order to your departmental supervisor and the County Counsel's Office for review.

### 6. If ICE demands access after you tell them you do not consent:

- Do *not* physically interfere with ICE.
- You may say: "I do not consent. But because I have no other choice at this time, I will not interfere with your order."
- Document ICE's actions if safe to do so.

# ATTACHMENT A.1 - EXAMPLE JUDICIAL WARRANT

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

)  
)  
)  
)  
)  
)

Case No.

### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

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 \_\_\_\_\_ District of \_\_\_\_\_  
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good 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)

☐ Pursuant to 18 U.S.C. § 3103a(b), 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: \_\_\_\_\_

\_\_\_\_\_  
Judge's signature

City and state: \_\_\_\_\_

\_\_\_\_\_  
Printed name and title

# ATTACHMENT A.2 - EXAMPLE JUDICIAL WARRANT

AO 442 (Rev. 11/11) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the

United States of America

v.

Case No.

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    ☐ Supervised 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

## ATTACHMENT B.1 - EXAMPLE ADMINISTRATIVE WARRANT

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. \_\_\_\_\_

Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

# ATTACHMENT B.2 - EXAMPLE ADMINISTRATIVE WARRANT

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

## WARRANT OF REMOVAL/DEPORTATION

File No: \_\_\_\_\_

Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

\_\_\_\_\_  
(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 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:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security 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:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)



# ATTACHMENT C.1 - EXAMPLE SUBPOENA

1. To (Name, Address, City, State, Zip Code)	<b>DEPARTMENT OF HOMELAND SECURITY</b> <b>IMMIGRATION ENFORCEMENT</b> <b>SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
<div style="display: flex; justify-content: space-between;"> <span>(Title of Proceeding)</span> <span>(File Number, if Applicable)</span> </div>	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)
(Printed Name)
(Title)
(Date)

## EXAMPLE C.2 - EXAMPLE SUBPOENA

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

### UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*

)  
)  
) Civil Action No.  
)  
)  
)

#### SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

\_\_\_\_\_  
*(Name of person to whom this subpoena is directed)*

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* \_\_\_\_\_, who issues or requests this subpoena, are:

#### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



# ATTACHMENT D - EXAMPLE NOTICE TO APPEAR

U.S. Department of Homeland Security

## Notice to Appear

### In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: \_\_\_\_\_

FINS: \_\_\_\_\_

File No: \_\_\_\_\_

DOB: \_\_\_\_\_

Event No: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Respondent: \_\_\_\_\_ currently residing at: \_\_\_\_\_

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

(Complete Address of Immigration Court, including Room Number, if any)

on \_\_\_\_\_ at \_\_\_\_\_ to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: \_\_\_\_\_

(City and State)

See reverse for important information