

WHAT TO DO IF YOU ENCOUNTER NON-UCSF LAW ENFORCEMENT OFFICIALS WHILE WORKING AT ANY UCSF HEALTH HOSPITAL, CLINIC, OR OTHER FACILITY

* Each institution has its own policies and protocols. If you are working at a UCSF affiliate site, including the VA, ZSFGH, or facilities operated by other parties, their policies will apply but please ALSO inform the AOC.

KEY THINGS TO REMEMBER

1. **Remain calm.** Tell the agents that it is University policy to cooperate with legal requests from law enforcement.
2. Show the law enforcement official to a **conference room, preferably away from any immediate patient care area**, and inform them that you must contact your manager or house supervisor and University counsel for assistance and that you will do that right away.
3. Politely ask that they **wait until your manager and University counsel are present** before continuing with their duties.
4. Immediately **contact your manager and University counsel** and inform them that law enforcement agents are on the premises.
5. While waiting, **ask for and review each official's badge/identification and write down** the information (you may not copy a badge or ID without consent) and also ask for business cards from all persons.
6. If you receive pushback, explain to the official that **you are not obstructing their process** but need to contact your manager and University counsel for assistance.
7. Once they have been notified, the **manager or house supervisor will contact the Administrator on Call (AOC)**. The AOC, in turn, will contact the UCSF Chief of Police, the Vice Chancellor for Communications, and the Office of Legal Affairs.

WHAT NOT TO DO

1. **Never put yourself or others in physical danger.**
2. **Never obstruct law enforcement activity.**
3. **Never provide false information to law enforcement officials.**
4. **Never tell a person you know to be undocumented to run from, hide from, or lie to immigration officials.**
5. **Never tell faculty, staff, or trainees that they are prohibited from speaking with immigration officers.**

BACKGROUND

1. **UCSF Police Officers are UCSF employees and are authorized to enter any UCSF facility in the course and scope of performing their responsibilities consistent with University and UCSF PD policies.**
2. **UCSF does not have authority to prohibit federal or state law enforcement officials, including immigration enforcement personnel, from coming on campus or entering public areas of health facilities to enforce federal or state law.**
3. **UCSF may prohibit federal or state law enforcement officials, including immigration enforcement personnel, from entering non-public areas of health facilities, *unless* those officials have a judicial warrant (see below) or are responding to an imminent and serious risk to health or safety that requires their immediate response.** Examples of non-public areas include areas where clinical services are being provided (such as exam rooms, procedure rooms, and inpatient rooms), areas requiring keycard access or sign-in, faculty offices, private student housing common areas, kitchens and food prep areas, physical plant operations, and other areas that are designated as private or restricted by signage or by security personnel. Likewise, UC students may prohibit federal or state officials, including immigration enforcement personnel, from entering students' private living spaces, unless the officer has a judicial warrant or is responding to an imminent and serious risk to health or safety that requires their immediate response.
4. **The University does not release patient information to third parties for law enforcement purposes except as required or expressly authorized by law.** Law enforcement officials may access protected health information without a patient's written authorization only in limited circumstances, consistent with [UCSF MC Policy 3.06.05](#).
5. **[California law prohibits](#) the University and other public employers from giving consent to immigration enforcement agents to enter or search non-public areas of University facilities.** This law prohibits any person acting on behalf of the University, such as faculty, staff, or trainees, from voluntarily agreeing to a search of private areas of University facilities.

DETAILED INSTRUCTIONS

The following instructions apply to any instance where law enforcement officials, other than UCSF Police Officers, enter UCSF facilities.

1. Initial Interaction and Notifications

- a. UCSF faculty, staff, and trainees:
 - Be polite and tell the agents that it is UC policy to cooperate with legal requests from law enforcement.
 - Show the law enforcement official to a conference room, preferably away from any immediate patient care area, and inform them that you must contact your manager and University counsel for assistance and that you will do that right away.
 - Ask that they wait until your manager and University counsel are present before continuing with their duties.
 - Immediately contact your manager and University counsel and inform them that law enforcement agents are on the premises.
 - While waiting, ask for and review each official's badge/identification and write down the information (you may not copy a badge or ID without consent) and also ask for business cards from all persons.
 - If you receive pushback, calmly explain to the official that you are not obstructing their process but need to contact your manager and University counsel for assistance.
- b. Faculty/Staff/Trainees: Notify Manager or House Supervisor
- c. Manager/Supervisor: Notify Administrator on Call (AOC)
- d. AOC: Notify the UCSF PD Chief of Police, the Vice Chancellor for Communications, and the Chief Counsel, UCSF Health

2. Ask: "Do you have a warrant, subpoena, or order?"

- a. No warrant: If they indicate that they do not have a warrant, you are *not* required to provide the official with access to any non-public area and you do *not* have authority to consent to a search of non-public areas. Employees and patients are *not* required to answer questions or to submit to an interview. Employees also may ask the official to leave, unless the official is in a public area.
- b. Warrant: If the official says that they have a warrant, go to Step 3.

- c. Subpoena or Notice to Appear (“NTA”) or other official document: If the official says that they do not have a warrant but says that they have another official document, typically a subpoena, a civil investigative demand, a notice to appear, or a notice of removal, go to Step 4.

3. Review the Warrant (and make a copy if possible or document the details):

There are 2 types of warrants: **Judicial Warrants** and **Administrative Warrants**, and it is important to be able to distinguish them.

- a. Judicial Warrant: [Sample AO-093 \(Search/Seizure\)](#) or [Sample AO-442 \(Arrest\)](#)

- A judicial warrant is issued and signed by a federal judge or magistrate.
- A judicial warrant authorizes a search, a seizure, or an arrest. The University must comply with a judicial warrant and must allow the official to conduct the search or make the arrest described in the warrant.
- Ask to see and to make a copy of the warrant and all attachments. If the documents are not provided to you, ask for the reason.
- The AOC, with University counsel, should review the warrant carefully. A warrant will describe the areas that can be searched and the items or persons that can be seized or arrested.
- The AOC should confirm with law enforcement the areas that the warrant indicates may be searched and what items, if any, may be taken. If there is a disagreement with law enforcement on the scope, the AOC should indicate that difference to law enforcement and state that you do not consent to any search of those disputed areas or seizure of those disputed items.
- The AOC should ask to accompany (or to have a designee accompany) the law enforcement agents to direct them to the areas described in the warrant. The agents do not have to agree to do that. If they do allow it, staff should, to the extent possible and without interfering, take extensive notes regarding places searched, persons questioned, questions asked, statements made, and time involved in each part of the search. If law enforcement does not agree to allow someone to accompany them, staff still should record as much of the activity as possible, including by using smart phone cameras in areas where video recording is not prohibited.
- Officials with a judicial warrant must conduct their activities *consistent with the scope of the warrant and may not exceed the limits of the warrant* – if the AOC believes the official is entering areas, seizing items, or searching for individuals not specified in the warrant, or will do so, they should politely object and also immediately notify University counsel.
- A judicial warrant does not give the government authority to compel an interview with employees. Employees and patients may, but are not required to, speak to law enforcement officers or answer questions.

- If law enforcement insists on speaking to employees, ask that University counsel be present during questioning. Do not prohibit employees from speaking to law enforcement.
 - Ask to make copies, if possible, of any documents seized during a search before they are removed and ask for a written inventory listing everything that was seized.
- b. U.S. Department of Homeland Security (DHS) Administrative Warrant:
[Sample I-200](#) or [Sample I-205](#)
- An administrative warrant is issued by the Department of Homeland Security, an Immigration Judge, or an Immigration Officer.
 - An administrative warrant does *not* authorize immigration officials to enter non-public areas to conduct a search or make an arrest.
 - You are *not* required to provide access to non-public areas to search or make an arrest and you do *not* have authority to consent to a search of non-public areas.
 - An administrative warrant does not give the government authority to demand an interview with employees or patients.
 - If law enforcement insists on speaking to employees, ask that University counsel be present during questioning. Do not prohibit employees from speaking to law enforcement.
 - You may ask the official to leave, unless they are in a public area.

4. Review the Subpoena, Notice to Appear, or Other Document:

- a. Subpoena: [Sample I-138 \(Immigration Enforcement Subpoena\)](#) or [Sample AO 89B \(Judicial Subpoena\)](#)

This is a document requesting that UCSF or a UCSF department or unit turn over documents or evidence. You do *not* need to provide documents on the spot and are *not* required to provide access to non-public areas to search or make an arrest and you do *not* have authority to consent to a search. Provide copies of the subpoena to the AOC and to the Office of Legal Affairs.

- b. DHS Notice to Appear: [Sample I-862 \(Notice to Appear\)](#)

This notifies a person of removal proceedings. You are *not* required to provide access to non-public areas to arrest and search and you do *not* have authority to consent to a search. You are *not* required to give the official any information. You may ask the official to leave, unless they are in a public area.

c. Other Official Documents:

Other official documents including summons, complaints, civil investigative demands, and subpoenas issued by regulatory or law enforcement agencies are sometimes delivered or served in person. Process servers should not be provided access to any non-public area, and you are not authorized to accept service on behalf of the University, UCSF Health, or any individual UCSF employee. For more information, refer to the [UCSF Health Risk Management](#) website.

5. If the official does not have a judicial warrant and requests access to non-public areas, you must tell them that you do not consent to a search or seizure. If the official still demands access after you tell them you do not consent:

- a. Do *not* physically interfere with the official.
- b. You may say, “I do not consent. But because I have no other choice at this time, I will not interfere with your order.”
- c. Document the official’s actions when safe to do so.

Additional Resources

[University of California Policy on Responding to Immigration Enforcement Issues Involving Patients in UC Health Facilities](#)

[University of California Frequently Asked Questions for University Employees About Possible Federal Immigration Enforcement Actions on University Property](#)

[California Attorney General’s Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues](#)

[UCSFMC Policy 3.06.03 Incident Reporting](#)

[UCSFMC Policy 3.06.05 Law Enforcement Agency Access to Patients](#)

[UCSFMC Policy 6.04.10 Patient Rights and Responsibilities](#)

Legal Resources for Patients and Families: *The following information is provided for information purposes only. UC cannot provide legal advice to our patients nor endorse or validate third-party materials.*

- [California Attorney General Consumer Alert – Know Your Rights](#)
- [Immigrant Legal Resource Center – Know Your Rights](#)
- [National Immigration Legal Services Directory](#)
- [“Red Cards”](#) – Patient Information Translated to 18 Languages