

FEDERAL IMMIGRATION SWEEPS IN SAN FRANCISCO

Below are best practices to help you handle situations where federal agents, such as ICE, DHS, or DEA, may visit a commercial building in search of individuals or access to non-public areas, including specific office suites. Please note that this is general information, and you should contact your legal counsel for specific questions or advice regarding your rights and responsibilities.

Legal Requirements for Unannounced Access to Private Areas:

- Federal agents can enter areas open to the public without special permission.
- To access private or non-public areas (e.g., specific office suites), they must have either:
 1. A judicial warrant signed by a federal judge specifying the area to be searched, or an administrative warrant that must have an employee's name on it; OR
 2. Consent from the tenant (or owner, if there is no tenant).

Recommended Actions When Agents Arrive:

If federal agents request access to non-public areas, building staff should:

- Building staff should remain calm and maintain professionalism.
- Alert building management immediately.
- Ask to see a warrant.
- Inspect the warrant to ensure it specifies the areas they intend to enter.
- Clearly communicate that the building owner does not consent to any search not authorized by a valid warrant.
- If the space is a Tenant suite, contact the relevant tenant to determine their position, if applicable.
- Make a note of the names and badge number of the agents or officers. Recognize that may be an intimidating situation.
- Accompany the agents at all times. At no time should agents be able to wander and speak to employees without you present.

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Best Practices for Building Owners and Property Managers:

To ensure proper handling of such situations while protecting the legal rights of all parties, we recommend the following measures:

1. Develop a Written Plan

- Create a comprehensive plan for handling visits from ICE or other law enforcement agents.
- Include protocols for public and non-public areas, and mark private areas clearly as “private.”

2. Designate and Train Authorized Personnel

- Assign an authorized individual to engage with law enforcement, review warrants, and liaise with legal counsel.
- Train all staff, including subcontractors (e.g., cleaning, security personnel), on how to respond appropriately.

3. Establish Front Desk and Security Protocols

- Train front desk staff and security officers to avoid granting consent to access non-public areas.
- Instruct staff to contact the designated individual or management immediately upon an agent’s arrival
- In addition, If the search is to be made where third party vendor employees are working, contact the vendor’s designated representative.

4. Documentation

- Document all interactions with law enforcement, including obtaining the name, agency, badge number, and contact information of the lead agent and their supervisor.

5. Review and Understand Warrants and Subpoenas

- Ensure authorized staff know how to examine warrants for validity (e.g., judge’s signature, time frame, scope).
- Understand that a subpoena does not authorize entry into private areas or compel an interview.

6. Handling Specific Individual Requests

- If ICE requests a specific individual, staff should not lie or hide the person. If there is a valid arrest warrant, the individual should be asked to meet agents in a public area.

Preparation is critical to ensure compliance with legal requirements while protecting the rights of building owners, tenants, and staff. BOMA encourages you to work with your legal counsel to develop and implement a tailored protocol for your property.

Legal Disclaimer: The information provided above is for general informational purposes only and does not constitute legal advice. You should consult with your legal counsel to address any specific concerns or circumstances.