

TO BE USED ONLY UPON ADOPTION BY DISTRICT ADMINISTRATION

[Local Educational Agency Name]
Immigration Officer Incident Report

The sample form is based upon the “Model Policy on Responding to Requests for Access to School Grounds for Immigration-Enforcement Purposes” from the California Attorney General’s Office. Please note that the incidents described below may occur out of the order presented. To ensure all necessary information has been captured, this form should be completed by the school site administrator or their administrative designee while evaluating the officer’s request.

To access a Microsoft Word version of this form, email communications@sdcoe.net.

Date of Request:		Time:	
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1. Notify [superintendent or designee] of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from [superintendent or designee].
3. Ask to see, and make a copy of or note, the following information:

Officer’s Name:			
Badge/ID Number:		Agency:	
Supervisor’s Name:		Phone:	

4. Ask the officer for his/her reason for being on school grounds and document it.

a. Did the officer declare that exigent circumstances exist and demand immediate access to the campus?	Yes <input type="checkbox"/>	<ul style="list-style-type: none"> Comply with the officer’s orders. Immediately contact [superintendent’s office or designee]. If possible, work with the officer to limit exposure to children. Complete the remainder of the form immediately after the officer leaves the campus.
	No <input type="checkbox"/>	Complete this form before responding to the officer’s request.

b. What did the officer say? Use the officer’s words to the best of your recollection.

5. If the officer has not asserted that exigent circumstances are present, ask the officer to produce any documentation that authorizes school access.

- a. Make and retain a copy of the authorization and any paperwork presented by the officer.
- b. Use the following table to indicate the authorization type provided by the officer, and follow the actions listed for that type.

Authorization Type		Action
<input type="checkbox"/> Federal Court Warrants Issued by a U.S. District Court Judge or Magistrate Judge based on a finding of probable cause: 1. <u>Federal Search-and-Seizure Warrant</u> : Allows an officer to conduct a search authorized by the warrant. 2. <u>Federal Arrest Warrant</u> : Allows an officer to arrest the individual named in the warrant.	Is the federal warrant signed by a judge? Yes <input type="checkbox"/> →	Comply with the warrant. <ul style="list-style-type: none"> If feasible, consult with [the superintendent, designee, or the district's legal counsel] before providing the officer access to the person or materials specified in the warrant. If possible, work with the officer to limit exposure to children who do not need to be directly involved.
	No <input type="checkbox"/> →	
<input type="checkbox"/> ICE Administrative "Warrant" This type of warrant is issued by the immigration officer and does NOT confer any special power to compel school employees to cooperate or authorize access to the non-public areas of school grounds or school records. →		Inform the officer that you cannot consent to any request without first consulting with the local educational agency's legal counsel or [superintendent or designee]. <ul style="list-style-type: none"> Provide the officer with the contact information for [superintendent or designee]. Walk the officer off campus.
<input type="checkbox"/> Administrative Subpoena An administrative subpoena is issued by an immigration officer to request the production of documents or other evidence. →		
<input type="checkbox"/> Federal Judicial Subpoena Issued by a federal judge or judicial magistrate to request the production of documents or other evidence. →		
<input type="checkbox"/> Court Order A court order can be issued by a judge for a variety of purposes. →		
<input type="checkbox"/> None of the Above The officer did not present any of the documents described above. →		

Record the following information immediately after the officer has left the campus.

6. What was your response to the officer's request?

7. List the names of all school personnel who communicated with the officer.

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8. Describe any further actions taken by the officer while on campus.

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9. Sign and date this form.

Signature	
Print Name	
Date	

10. Maintain a copy of this form, and all paperwork collected from the officer in a confidential file in the principal's office and forward a copy to **[insert instructions]**.

[District or Site] Follow-Up

Action Taken	Completed By	Date
1. Consultation with district legal counsel. Attach notes or written guidance to this record.		
2. Unless prohibited, provide parents/guardians with appropriate notice and a description of the immigration officer's request, and any documents issued by the immigration-enforcement officer.		
3. Staff directed to make the following response. <input type="checkbox"/> Comply with request. <input type="checkbox"/> Send notice denying request.		
4. Report made to the governing board regarding the immigration officer's requests and actions, and the district's response(s).		

5. E-mail sent to the Bureau of Children’s Justice in the California Department of Justice, at immigration@doj.ca.gov , regarding the attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.		
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Additional Information

Public vs. Non-Public Areas: Law enforcement officers, including immigration officers, may access the public areas of a school.

- Public areas are areas of the school where the public can enter without authorization. School parking lots and areas that are not fenced or that allow unmonitored access are generally considered public areas.
- Non-public areas of the school are the areas that cannot be entered without the express authorization of school officials. These areas generally include the interior or school buildings, and fenced areas of the school campus.

Exigent Circumstances: Officers are not required to justify the assertion that exigent circumstances are present to school personnel. If an officer declares that exigent circumstances are present, document their statement and comply with their orders. If you are not certain that the officer has declared that exigent circumstances are present, ask, “Are you declaring that exigent circumstances exist?”

Parent Notification: School employees shall immediately notify the student’s parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access followed a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

Requests for Permission to Access the Campus: An immigration officer may ask for permission, or “consent,” to access non-public areas of the school, even without a judicial warrant giving the officer the power to do so. School site employees are not authorized to provide consent to access non-public areas of the school, or to provide information on employees of the district, students or their families, except as described on pages 1 and 2.

Requests for Directory Information: Student information, including directory information, shall not be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

Officer Acting in Excess of Their Authority: District employees are prohibited from attempting to physically impede an officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, personnel shall document the officer’s actions while on campus. After the encounter with the officer, personnel shall promptly take written notes of all interactions with the officer. The notes shall include:

- A completed copy of the Immigration Officer Request Form
- Copies of all documents presented by the officer