

Policy on Healthcare Facility and Staff Interaction with Law Enforcement

1. Unified Approach to Interactions with Law Enforcement.

Staff at our healthcare facilities must follow the procedures outlined in this policy for interactions with law enforcement, including local police, Immigration and Customs Enforcement (ICE), and other federal agencies. It is important to be consistent in our actions as we interact with law enforcement while managing the flow of information and minimizing disruption to patient care.

2. Internal Communication Plan

To manage the flow of information and minimize disruptions to patient care, staff will notify one of the authorized representative(s) when law enforcement is present in the healthcare setting. The authorized representative(s) will act as the liaison between the law enforcement agency and the organization. The representative(s) will be knowledgeable about legal rights and responsibilities of the organization and serve as the point of contact with law enforcement until legal counsel is consulted.

3. Staff Training and Preparedness

- Employees will be trained to handle law enforcement interactions without inadvertently giving consent.
- Practice drills, similar to fire drills, will be conducted to prepare staff for possible encounters with law enforcement agencies including Immigration and Customs Enforcement (ICE).
- All staff will need to understand their rights and responsibilities in such situations.

4. Contact Legal Counsel Immediately. Healthcare facilities must contact their legal team as soon as possible when law enforcement arrives to provide guidance on the situation and ensure compliance with legal obligations. Staff at the worksite will contact the authorized representative(s). The authorized representative(s) will contact legal counsel.

5. Limiting Cooperation Without a Warrant

- Under the 5th Amendment, staff and patients have the right to remain silent.
- Employees are not obligated to answer questions, hand over documents, or cooperate without a ***judicial warrant***.
- If presented with a warrant, the authorized representative(s) should verify its validity, including:
 - Signature by a judge or magistrate
 - Proper address and time period
 - Clear description of the scope of the search
- **Types of Documents and Compliance:**
 - *Judicial warrant*: Compliance is required within its scope.
 - *Administrative warrant* (Forms I-200 or I-205): No obligation to comply.
 - *Subpoena from a judge*: Can be challenged; if not challenged, compliance is required.
 - *Administrative subpoena*: No obligation to comply.
- If an administrative warrant is presented, staff do not have to disclose patient status or location.

6. Protecting Patient Privacy

- Patient privacy includes immigration status.
- Immigration status will not be recorded in Electronic Medical Records (EMR) unless required by the respective state law. If, per state law, the immigration status is recorded, the judicial warrant must specifically require disclosure of this information.
- Law enforcement including ICE agents can inspect anything in "plain view" in public areas, including visible documents and *overheard* conversations.
- Staff will cover documents at all times and ensure confidential conversations remain private.

7. Defining Private Areas

- Law enforcement, including ICE agents, may access public areas such as waiting rooms and parking lots.
- Private areas are defined as areas that are only accessible to patients and necessary personnel such as exam rooms, treatment areas, or bathrooms.
- Law enforcement, including ICE agents, should not be allowed entry into private spaces without a **judicial warrant**.
- Staff will guide patients and families away from public areas to designated private spaces.
- Employees will direct law enforcement to authorized representative(s) when access is requested.

8. Documentation of Law Enforcement Encounters

- Employees should document details of interactions, including:
 - Names and badge numbers of law enforcement officers and/or ICE agents
 - Business cards or contact information of officers and/or agents
 - Number of officers/agents present and their actions
 - Whether local law enforcement was involved
 - Any instances where officers/agents overstepped legal boundaries
 - The location where detained employees or patients are taken
- If a judicial warrant is executed, staff will monitor compliance with its terms.

9. Supporting and Reassuring Patients

- Patients will be reassured that their healthcare information is protected.
- When necessary, patients will be moved to private areas and informed of their safety.
- Staff will communicate calmly and professionally to ease patient anxiety.

10. Maintaining Professionalism

- Employees will remain calm and professional during interactions with law enforcement.
- Staff should not flee or be confrontational with law enforcement officers or ICE agents.
- Following these guidelines helps ensure compliance with legal requirements while maintaining patient care and trust.

This policy ensures that employees are prepared to handle law enforcement interactions while prioritizing patient care and rights.