What to do if ICE (Immigration and Customs Enforcement) Comes Knocking

Compliance has heard from several McLaren employees asking what they should do if ICE comes to the facility looking for undocumented immigrants. With the change in the political landscape and the renewed focus on undocumented immigrants, this is a timely question. Thankfully, McLaren has a policy in place that helps to guide our actions. **MHC_CC0104 Responding to Government Official Visits – Search Warrants and Subpoenas**, gives us guidance and should steer our actions if a government agency comes to the hospital with a search warrant or subpoena looking for undocumented immigrants.

A **search warrant** is a written document giving legal authorization to specific law enforcement officers to search a specified area and to seize specific material. A **subpoena** is an official written demand for testimony or the disclosure of documents or other information.

Please see the steps as outlined below if ICE comes to the hospital.

1. **Cooperate with the agents and ask them to wait while you contact Leadership**. Do not answer questions or direct the agents to another area within the facility. The highest-ranking employee within the department should act as the contact person until one of the individuals identified below arrives. Immediately contact the following individuals:
    a. The subsidiary Compliance Officer;
    b. The President/CEO or Administrator on Call. The subsidiary Compliance Officer and/or the CEO ("Compliance Representative") will contact legal counsel on behalf of MHC or the involved subsidiary organization;
    c. The MHC Corporate Vice President of Compliance (Dan Gillett);
    d. The MHC Corporate Vice President of Insurance/Risk Management (Matthew Ajluni).

2. In the event a **search warrant** is issued, the subsidiary Compliance Representative will ask to see the search warrant, identification from the agent in charge of executing the search warrant, and the affidavit of probable cause (information submitted to the court in order to obtain the warrant), if available. Do not attempt to photocopy the credentials of an agent; it is a violation of federal law.

    The subsidiary Compliance Representative will review and copy the search warrant for review. They will also determine the specific areas or locations covered, ensure that it is not expired, and ensure that it is being executed during the hours indicated on the document. Agents will be limited to the areas listed in the search warrant.

3. In the event a **subpoena** is issued, the Compliance Representative will direct the issuer to any individual named in the subpoena or to the person occupying a named position (e.g. Director of Nursing). No other information or discussion should be offered to the government representative. No one should submit to any form of questioning or interviewing at the time a subpoena is served, until direction is received from legal counsel.
    a. Whoever accepts the service of the subpoena should note all information provided by the investigators. Once the subpoena has been served, no further action should be taken until direction is received from legal counsel.

b. The subpoena must immediately be delivered to appropriate senior management who must then notify legal counsel of the receipt of the subpoena and any information obtained from investigators.
c. Legal counsel must be immediately notified if the subpoena is a "forthwith" subpoena commanding an immediate appearance of delivery of document and records to a federal grand jury.

It is McLaren's policy to cooperate fully with the agents. It is absolutely critical that no employees interfere with the agents in any way during their search or prevent them from accessing anything listed in the search warrant. To do so could constitute obstruction of justice. Let the agents know that you are aiding them only to comply with the warrant and to minimize disruption to the hospital.

Contact your local Compliance Officer if you have any questions regarding how to respond to a visit from ICE agents.