

Internal Procedures for Responding to Immigrations and Customs Enforcement (ICE) on Library grounds



Introduction: The Gail Borden Public Library is a welcoming space for all staff and members of our community. We welcome everyone at the Library, and we're committed to respecting the privacy of our customers.

Gail Borden Library cannot assist or collaborate with federal immigration enforcement authorities, including U.S. ICE agents, in any way, unless we are legally obligated to provide information in compliance with a valid court order or as otherwise required by law. Interactions with ICE officers on Library grounds or in buildings are handled like other law enforcement interactions.

Purpose: The purpose of this Procedure is to provide guidelines for Gail Borden Public Library District (Library) staff and patrons to respond to unannounced visits to Library facilities by U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security Investigations (HSI), or another federal immigration authority. This procedure ensures compliance with applicable laws while protecting the rights of Library staff and patrons.

Scope: These procedures apply to all Library officials, employees, volunteers, and contractors who may interact with ICE agents during an unannounced visit.

Please know that the safety and well-being of our staff remain our highest priority. We hear your concerns and are here to support you. If any situation (including the presence of law enforcement) makes you feel uncomfortable, you have the immediate option to step away to a staff-only space until the situation is resolved.

We recognize that other local entities such as school districts and community colleges may operate under different policies or procedures. The Gail Borden Public Library looks to the American Library Association (ALA), Illinois Library Association (ILA), and our legal counsel to gather accurate information and guidance that applies specifically to public libraries, staff and visitors.

Can ICE come into the Library?

Yes. ICE agents are authorized to enter publicly accessible areas of the Library. However, ICE is prohibited from entering private or restricted areas of the Library without a court order or other valid legal process.

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If an employee or volunteer sees or hears of ICE activity on Library property, what should they do?

- **Immediately notify Security** (10-25 on the radio or call office extension 4021).
- Call the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) **1-855-435-7693**.
- Stay calm and professional. Do not volunteer information to federal agents.
- Let agents know that you are not authorized to access or disseminate confidential information. If federal immigration enforcement agents request documents or answers to questions, let them know that you will immediately contact an authorized person to assist them.
- Request that agents remain in public spaces.
- Legally, you cannot obstruct or impede agents' business on the premises.
- Staff may record the interaction.

What is ICE allowed and not allowed to do in a public space (such as the Library)?

According to the ACLU Illinois guidance given to us via ILA officials, if ICE were to enter the Library:

ICE May NOT*:

Enter private areas of the Library including Staff Only areas, behind enclosed checkout counters, or within locked areas.

Seize Library property.

Inspect or seize Library records.

**Without valid legal documentation and approval from Library's legal counsel.*

ICE May:

- Enter public areas.

- Ask anyone questions (people have the right to not answer, per the Fifth Amendment).

- Make arrests (if they have a valid arrest warrant).

For more information on 8 USC 1357: "Powers of immigration officers and employees" click [here](#).

Security Services Department Procedures

If you are notified ICE is in the building –

- Confirm ICE presence
- Immediately call 911
- Call the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) **1-855-435-7693**.
If staff haven't already called.
- Contact Designated Supervisory Personnel (see below).
- Identify yourself to ICE agents and inform them that you are the best contact person for questions.
- Ask for the official's name, badge number, agency affiliation, and the purpose of their visit. Elgin Police Department Officers may also do this when they arrive.
- Document all details of the interaction including date, time, location and details of the visit; You may record the entire interaction.
- Follow the agent(s) throughout the building.
- You may ask agents to remove masks.
- Do not provide any documents, access to records, property, or access to Staff Only – non-public areas until guidance is received from the Library's legal counsel.

If the agent has a search warrant, court order, or subpoena –

- **It is the role of the Library's legal counsel and not the role of staff members to review any documentation federal agents provide to the Library.**
- Designated Supervisory Personnel will contact the library's attorney for guidance.
- Make photocopies of all documentation provided by federal agents, and transcribe any relevant information provided by federal agents (e.g. their name, badge number, business card, purpose and scope of visit, etc.), which will be sent to the attorney to ensure its validity and scope and assist the library with complying.
- *Submit an Incident Report* within 24 hours to the Library's Designated Supervisory Personnel including all information of the visit, and copies of any documentation provided by federal agents.

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If the agent does not have a search warrant, court order, or subpoena –

- Designated Supervisory Personnel will contact the library's attorney for guidance.
- Document all details of the interaction including date, time, location and details of the visit. You may record the entire interaction.
- *Submit an Incident Report* within 24 hours to the Library's Designated Supervisory Personnel including all information of the visit, and copies of any documentation provided by federal agents.

Ensure That Staff and Patrons Understand Their Rights –

- Federal immigration agents cannot enter "Staff Only" areas of Library facilities without a valid court order or warrant. The validity and scope of documentation provided by federal agents must be solely determined by the Library's designated supervisory staff members and the Library's legal counsel.
- Staff and patrons have a right to remain silent (do not have to answer questions or provide information).
- Staff and patrons are not required to disclose their immigration status.
- Important links and resources are available on the Library's website [here](#).
- 1-855-435-7693 - Family Support Network and Hotline [Illinois Coalition for Immigrant & Refugee Rights \(ICIRR\)](#)

Federal Agent Requests for Records of Information

- If agent makes a verbal request for information or records, summarize the request and immediately notify the Library's designated supervisory personnel and legal counsel.
- In no event should staff immediately disclose physical records or information (including I-9s or E-Verify information), or provide verbal information responsive to federal agent requests, without first notifying the Library's designated supervisory personnel and legal counsel.
- Regarding confidential Library staff or patrons records, the Library will require federal agents to present a valid court order, warrant, subpoena, or other documentation authorizing access to confidential records.
- Regarding non-confidential Library records, the Library will direct federal agents to submit a request for records pursuant to the Illinois Freedom of Information Act, or other applicable law.

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Review and Follow-Up

- The Library's Designated Supervisory Personnel and legal counsel will promptly review the incident and determine any necessary actions.
- If necessary, the Library's designated supervisory personnel and legal counsel will communicate updates to staff and affected individuals while ensuring confidentiality.

Designated Supervisory Personnel (contact information is included in security procedures only)

The CEO will handle all requests to search for library records pursuant to a search warrant. In the CEO's absence, the individuals in the following order will handle the search warrant. In any event, the CEO should be contacted.

Chief Executive Officer, Carole Medal, Ext. 4699

Chief Operating Officer, Facilities Management, David Considine, Ext. 5989

Chief Operating Officer, Library Services, Sara Sabo, Ext. 5984

Director of Security, John Johnson Ext. 6794

Ancel Glink Attorney, Britt Isaly

Types of documents ICE typically use to carry out different types of enforcement actions

These are some of the most common documents that an ICE agent may give to staff. The list below helps you better understand what action the ICE agent is trying to accomplish.

- Federal Court Warrant
 - If ICE has an **arrest warrant**, the warrant must describe who ICE is looking for and the locations ICE can enter to find the individual. It does not allow ICE to meander through all private areas of your organization to find the individual, even if it is an employee they are looking for.
 - If ICE has a **search warrant**, the warrant must describe what ICE is looking for and the locations ICE can enter to find the items. It does not allow ICE to meander through all private areas of your organization to find the items.

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- Federal Court Order
 - Carole Medal will immediately share this document with the library's attorney to determine the appropriate response.
- Federal Judicial Subpoena
 - This document lists records that the library must turn over by a specific date.
- ICE Administrative Warrants, also called "civil immigration warrants"
 - This document authorizes ICE agents to arrest or detain the individual listed on the document.
 - If an administrative warrant is produced, which usually has an employee or employees' names on it, you are not required to produce the employee or even answer any questions regarding the employee.
- Notice to Appear (NTA)
 - This is a notice that someone is required to appear in court on a specific date. ICE would be looking for a specific person (possibly an employee or patron).
- Administrative Subpoena
 - A document issued by an immigration enforcement officer, not a court or judicial officer, that requests the production of documents or other evidence.

What Information is the library required to provide ICE if it requests patron records? This guidance comes from Ancel Glink Attorney, Julie Tappendorf.

Illinois public libraries are bound by the provisions of the Library Records Confidentiality Act ("LRCA"). Under the LRCA, all registration and circulation records of a library are confidential information and may not be published or made available to the public. 75 ILCS 70/1.

However, there are two exceptions under the LRCA when a library is allowed to release patron registration and circulation information: (1) when required to do so under a court order; and

(2) when a law enforcement officer represents that it is impractical to secure a court order because of an emergency where there is probable cause to believe that there is an imminent danger of physical harm.

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Remember:

Do Not Answer Questions Without Legal Representation. Staff should refrain from answering any questions or providing any information without consulting legal counsel.

- If agents ask for staff or patron information, refer them to legal counsel or the designated supervisory staff member(s).
- Do not confirm or deny the presence of specific individuals.

Direct All Requests for Records to Legal Counsel.

- Do not provide employment or patron records without a formal review by legal counsel.
- If presented with any warrants, orders, or subpoenas, direct agents to the Library's legal counsel.

Protecting Staff and Patron Rights

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