



FOURTH AMENDMENT TOOLKIT FOR ORGANIZATIONS

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The Trump administration is prioritizing the mass deportation and incarceration of immigrants over the coming years. While advocates and organizations must remain zealously committed in their work to defend immigrant communities, they must also ensure that they protect themselves from the threat of retaliation from both state and federal actors.

On January 28, 2025, the Center for Human Rights and Constitutional Law (the Center) held a training on 4th Amendment Rights for Organizations to help empower advocates and organizations that support and work alongside immigrants so they can better protect themselves throughout the fight ahead. By shoring up best practices and preparation for interactions with immigration and/or law enforcement, organizations can help protect their missions, members, and their vital work. Informed by the training, the Center developed the toolkit below to help advocates and organizations stay prepared and informed.

This toolkit outlines essential definitions that you and your organization can learn from to protect yourself if you encounter immigration officials at your office or workplace. This toolkit includes actionable items to help execute your organization's protection plan. A list of additional resources is provided at the bottom to help you understand your organization's rights and responsibilities with immigration enforcement.

This toolkit is intended as a starting point to provide general information useful to mission-driven 501(c)(3) nonprofit and grassroots organizations; it does not provide legal advice.



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What is the Fourth Amendment?

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Constitution, 4th Amendment

Why is the Fourth Amendment Important?

The Fourth Amendment protects individuals and organizations from unlawful searches and seizures by government officials.

Fourth Amendment Rights' Definitions

- Search
 - Physical trespass on "persons, houses, papers and effects"
 - Invasion of a reasonable expectation of privacy
- Seizure
 - Physical restraint
 - Show of authority under which a reasonable person would believe they are not free to leave

Public v. Non-public Areas

The burden the government must meet to search your organization's property is impacted by whether the area is public or private.

- Non-Public Areas - A non-public area is a place that's not open to everyone, but rather is restricted to a certain group of people. Non-public areas are not visible from public areas.
- Examples include:
 - Private office, clearly marked, and inaccessible to visitors

Tips for Designating Non-Public Areas:

- Place signs around your workplace or office that indicate a private area
- Private areas should be clearly marked with signs such as "No Entry Without Authorization" or "Restricted Area: Employees Only"
- Public Areas - A place or area that is open and accessible to the general public.
- Examples include:
 - Reception or waiting area
 - Building Lobby



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When can government officials search or seize property without a warrant?

Government officials can generally search your private property when:

- Permission is granted;
- In emergencies;
- Pursuant to an arrest; and,
- When the property at issue is in plain view.

Plain View Doctrine

- “Plain view doctrine is a rule of criminal procedure which allows an officer to seize evidence of a crime without a warrant when the evidence is clearly visible. This doctrine acts as an exception to the Fourth Amendment’s right to be free from searches without a warrant.”
 - Also referred to as the clear-view doctrine or plain sight rule.

When do government officials need a warrant to search or seize property?

Government officials need a warrant to search or seize property when the anticipated search or seizure would infringe upon a reasonable expectation of privacy that the owner(s) of the property have exhibited.

There are generally two types of warrants used by government officials:

Judicial Warrants

If an officer has a judicial warrant, ask to see it and review it carefully. The warrant will list where officers are allowed to search and what can be seized. You have the right to object if officers (1) go into non-public locations where they do not have permission to search or (2) seize items not on the warrant or found in non-public areas where they do not have permission to search. Judicial warrants must have a judge’s signature, and they expire 14 days after they were issued.

What to look for:

- Who issued the document?
 - The name of a state or federal court should be located at the top of the document
 - If the signature is by an immigration judge, it is not a judicial warrant
- Does it authorize a search of the facility? What does it authorize?
- Has it expired? Have more than 14 days elapsed since it was signed?



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Administrative Warrants

Administrative warrants are not court orders. An administrative warrant will be signed by an immigration officer(s) rather than a judge. These do not give officials the right to enter your workplace. These can be used in public to detain and arrest the person named in the warrant. Immigration and Customs Enforcement (ICE) officers often make use of administrative warrants.

What to look for:

- Who issued the document?
 - Issued by a federal agency, such as the U.S. Department of Homeland Security, and signed by an immigration officer or immigration judge
 - May have “U.S. Department of Homeland Security” at the top
- Does it authorize a search of the facility? What does it authorize?
 - **DOES NOT** authorize search of non-public areas
 - Can refuse the officer entry to search premises or seek to obtain evidence
- Has it expired? Check if there is a date by which the warrant must be executed.

Enforcement in Public “Sensitive Locations”

- Previously Recognized “Sensitive Areas”
 - Schools/childcare locations & places where children gather
 - Medical/healthcare facilities
 - Places of worship
 - Social services establishments
 - Places for religious or civil ceremonies or observances (funerals, gravesides, weddings)
- Federal Law & Policy
 - Federal law does not prohibit immigration enforcement in “sensitive locations”
 - Trump Admin has revoked Biden-era policy that prohibited arrests by enforcement officers at “sensitive locations” (Jan. 21, 2025 DHS Directive)



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Resources:

- NILC's [Know Your Rights Under the U.S. Constitution – No Matter Who Is President](#)
- NILC's [Warrants & Subpoenas: What to Look Out for and How to Respond](#)
- Public Counsel's [FAQs on Nonprofit and Small Business Rights with Respect to Immigration Enforcement \(ICE\)](#)
- ILRC's [Immigration Preparedness Toolkit](#)
- NILC's [A Guide for Employers: What to Do if Immigration Comes to Your Workplace](#)
- Innovation Lab's [Safeguarding Organizations: A Toolkit to Strengthen Security and Defend Against Retaliation](#)
- ILRC "Red Card" [Samples](#)
- ICWC's ["Blue Card" Sample \(Quick Guide for Staff\)](#)
- California DOJ - [Guidance and Model Policies to Assist K-12 Schools](#)
- California DOJ - [Quick Reference for School Officials](#)
- Center for Law and Social Policy - [Guide to Creating "Safe Space" Policies for Early Childhood Programs](#)
- California DOJ - [Guidance and Model Policies for Public Institutions](#)

