

IN SERVICE OF OUR GLOBAL BUSINESS COMMUNITY

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A READINESS AND MANAGEMENT PLAYBOOK FOR RESTAURANT OWNERS AND EMPLOYEES AT RISK OF UNCONSTITUTIONAL SEARCH

CREATED BY THE GREATER TULSA AREA HISPANIC/LATINX AFFAIRS COMMISSION
WITH SUPPORT FROM THE CITY OF TULSA'S DEPARTMENT FOR RESILIENCE AND EQUITY



WHAT'S INSIDE

- Training information for 4th Amendment Workplace program
- Discussion guide for managers and business owners
- Checklist for ensuring your business and team members are prepared in the event of an unexpected visit by law enforcement
- Starter list of additional resources to learn more

A Letter From the Commission

Dear neighbor,

We at the Greater Tulsa Area Hispanic/Latinx Affairs Commission, a Title V Commission under the City of Tulsa's Department of Resilience and Equity, have been actively monitoring the growing concern for unconstitutional activity surrounding our immigrant communities. In service of our local business community, we would like to bring visibility to an out-of-state advocacy organization, Siembra NC. Siembra NC designs and delivers educational tools and training to help businesses feel more empowered, if, and when an unconstitutional search and seizure happens at your place of business. Through this partnership, we are encouraging Tulsa's customer-facing businesses to consider signing up as a 4th Amendment Workplace (4AW). This is a critical moment to help our immigrant community members, often the backbone of our city's food and tourism scene, feel safe and supported.

We've printed the aforementioned resources for your convenience, and more are available when registering for a free virtual training through the 4AW program. Regardless of whether you see your employees potentially impacted or not, everyone can play a meaningful part in protecting our neighbors and upholding the human rights we have all been given. While embracing these tools is purely optional, the Commission plans to follow up with a short survey within 90 days to see if this toolkit and learning opportunity made any impact on your business operations.

Thank you for your time and your consideration. Please note that while materials have been created with the support of legal representatives and organizations such as the National Immigration Law Center, this is not meant to be interpreted as legal advice specific to your business, nor to be considered an official government document from the City of Tulsa. For legal help, we recommend consulting existing legal counsel or resources provided later in this guide.

For questions and suggestions, please feel free to email the Commission at resilient@cityoftulsa.org.

Sincerely,

Jackiez Gonzalez

Chair, Greater Tulsa Area Hispanic/Latinx Affairs Commission

FREE VIRTUAL TRAINING PROGRAM

4th Amendment Workplaces: Know your rights. Protect your workforce.

Our friends at Siembra NC, through their Defend and Recruit network, have put together a comprehensive list of resources and trainings for restaurants and customer-facing businesses. Every month, people come together, creating a community to defend each other.

Download the Workplace Defense Toolkit and sign up for a free training here:



HOW IT WORKS:

- ✓ **Register and download the full-length toolkit** to be ready if and when an incident happens.
- ✓ **Complete free 90-minute train-the-trainer program for managers or staff.**
- ✓ **Turn your business into a safe zone**, supporting your team and customers.

Management Questions for Discussion

Here are some suggested areas to consider when ensuring you, your staff, and your business environment are ready in the event of an unexpected search.

Review workplace alert protocols.

- Have we determined who will be the primary and secondary point of contact during an attempted search?
- How will we inform all employees present that federal agents are attempting entry without causing panic or confusion?
- Do we have a clear process for communicating with customers or others on site?
- Are employees aware of immediate protocols in case of attempted entry? (Employees should be aware to lock doors, how to review any potential warrants being presented, and not to flee to any exit, as agents can use that as causal evidence for any immigration violations).

Review legal and compliance considerations.

- Have we consulted legal counsel to ensure protocols comply with local, state, and federal laws?
- Are we aware of the legal rights of employees?
- Do we understand the difference between a constitutional and an unconstitutional search?

Review employee safety and well-being considerations.

- What actions can we take to minimize stress and fear for our workers during a high-pressure event?
- How can we foster a culture of trust so employees feel safe to report concerns or issues related to immigration enforcement?
- Do we have emergency contacts for staff members? Are they up to date?
- How will we support employees who may be personally affected, such as those questioned or detained?
- Do we have a process for offering legal support or counseling for affected employees after an unconstitutional search attempt?
- What community-based resources can we offer employees in need of additional support or legal advice?

Review training and education considerations.

- Do we have people readily accessible to support training team members about unconstitutional search or attempted entry?
- How often do we want to dedicate time to training team members on protocols?

- How do we ensure team members across levels have the knowledge they need to respond appropriately?
- What additional resources (ie. handouts, videos, 4AW training) can we provide to reinforce worker rights?
- What partnerships do we have with local immigrant advocacy groups or workers' rights organizations
- What partnerships might we consider building?

Review documentation and technology considerations.

- Who will be responsible for documenting the events of a raid or attempted visit in real time? What should the individual or individuals do once the incident is over?
- Consider establishing a protocol for live documentation. Will you post on social media in order to alert the public?
- What technology do we have to ensure the safety of employees and customers during an attempted visit? Are they in good working condition? Do security cameras cover most or all of our business areas? Do they have both audio and video?
- Does our team have steps for reviewing our response to an attempted visit in order to assess what went well and what needs improvement?

Review public relations and crisis communication considerations.

- How will we manage media inquiries post-incident?
- Do we have pre-drafted statements or a designated spokesperson?

Review contingency planning considerations.

- What are possible contingencies if the incident escalates, such as employee detentions, workplace closures or inspired protests?
- If we manage multiple trucks or locations, how will the team handle multiple investigations at once?
- Do we have a backup plan if key people are unavailable during an incident?

Management Checklist: Creating a safe business environment

Here's some recommended approaches for keeping your employees safe from unwarranted or unlawful encounters.

Review public and private spaces.

- Federal agents CAN enter public areas of your business without permission. These may include a dining area, parking lot, lobby, or waiting area. They CANNOT enter spaces marked "Private" without business approval or an approved warrant signed by a judge.
- For each public area, ask: Would it be possible to make this area private? Do we want to consider installing a door lock, intercom, door code, or require an employee to open the door for potential visitors?
- For each private area, ask: How might a federal agent access this area from a public area? How can we make sure the private areas remain private?

Use proper signage.

- Signs that clearly signal public or private spaces should be visible in the event of a search. While they may not prevent unconstitutional activity from taking place, it is important that there is clear evidence of unconstitutional activity if agents choose to ignore signage.
- Consider placing posters at entrances that clearly state an unwillingness to comply with illegal search. (There are some examples in the official 4AW Toolkit, which you can download online for free).

Establish a door protocol.

- If interior doors that lock already exist between private employee areas and public areas, consider establishing a new protocol requiring doors to be locked during the hours when a public entry door is open.
- If you do not have doors that lock, install locks on existing doors to separate public and private areas. If you do not have doors separating private areas from public areas, consider installing doors.

What To Do If/When Federal Agents Enter Your Place Of Work

Here's some guidance to help you be well informed before, during, and after an incident.

(Managers: Consider posting or distributing to teams)

BEFORE AN INCIDENT

- Review any workplace protocols and resources provided to you by management. Ask questions if you have them.
- Be aware of designated point people in case of an incident. (This may change depending on the day/who is on site.)
- Ensure fellow colleagues are informed of protocols in place and opportunities for additional resources and trainings (like [4thworkplace.org](https://www.4thworkplace.org)).

DURING AN INCIDENT

- If an agent enters your workplace, stay calm and do not run. Start recording if you can.**
 - You can say they are prohibited from entry until the arrival of a designated point of contact. If agents enter by force, do not interfere or resist.
 - Inform the designated point person to support in verifying any warrants they may have.
 - You have the right to refuse access to private areas and to refuse requests to open locked doors.
 - You have the right to record any interactions with federal agents as long as you are not interfering with what they are doing. If it is safe to do so, take notes about officers' names or badge numbers.
 - You have the right to alert customers and staff that they can protect their Fourth Amendment rights, such as broadcasting messages on repeat such as "You do not have to answer any questions if asked, you do not have to reveal your country of origin, you do not have to show them ID, you do not have to consent to a search of your phone or your belongings".

- Follow prescribed protocols from management closely. Any delays or unintentional mistakes could have legal implications for you, your colleagues, or your workplace.**
 - Only the designated point of contact should engage with the federal agents. You have a right to remain silent. You do not have to share information with federal agents about which staff are present, their immigration status, or their country of origin. No one needs to show time cards, IDs, etc.
 - Unless you have a role as a workplace point of contact, remain in designated private areas until directed by the manager on duty.

- For designated points of contact:**
 - You can review warrants if they are provided to you, but you do not have to consent to a search of the entire workplace. Warrants must be signed by a judge and have the person of interest's name on them in order to require compliance.
 - You can decline to answer questions and state that company policy is for legal counsel to review any warrants before compliance.

- For designated points of contact:**
 - Save any business surveillance.
 - Write or record these things after they leave:
 - How many agents were present?
 - Any useful descriptions (how agents were dressed, types of vehicles, overall approach)?
 - Any potential instances of worker mistreatment or violation of rights? Work with management to thoughtfully complete next steps if any workers were arrested (consult full 4AW Toolkit or legal counsel for additional guidance).

AFTER AN INCIDENT

PLEASE NOTE - THE FOLLOWING ACTIONS COULD PUT YOU IN LEGAL JEOPARDY:

- Providing false information/lying about an individual's whereabouts.
- Helping employees run away/exit the workplace.
- Refusing entry to private areas IF the warrant meets explicit criteria (verified by the manager or designated point person and/or legal counsel).
- Physically impeding the passage of federal agents (even if unconstitutional, this can impact and harm individuals most impacted).

NATIONAL RESOURCES FOR BUSINESSES AND EMPLOYEES

ACLU

<https://www.aclu-wi.org/en/know-your-rights/immigrants-rights>

National Immigration Legal Services Directory

<https://www.immigrationadvocates.org/legaldirectory/>

Workplace Toolkit: Raids

<https://www.ufcwunitedlatinos.org/immigration/afl-cio-workplace-toolkit>

A Guide for Employers: What to Do if Immigration Comes to Your Workplace

<https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>

DOWNLOAD THIS RESOURCE OR FIND ONLINE - RESOURCES MAY BE UPDATED:

