

SAMPLE POLICY: Managing ICE Interactions in Emergency Departments

Purpose: To establish clear procedures for responding to ICE agents in a manner that prioritizes patient safety, respects legal obligations, and maintains the hospital's commitment to equitable care.

Scope: This policy applies to all employees, medical staff, contractors, and volunteers at the hospital.

Policy Statement

- The hospital is a safe space for all patients seeking medical care, regardless of immigration status.
- ICE agents are not allowed access to patient areas or information without a valid judicial warrant.
- All staff are expected to prioritize patient care and privacy in every situation.

PROCEDURES

I. ICE Arrival at the Hospital

A. Initial Interaction

- ICE agents must identify themselves and state the purpose of their visit.¹
- Staff should request identification and any supporting documentation, such as a warrant.

B. Notification

- Immediately notify the designated Point of Contact (POC), such as the hospital administrator or legal counsel.⁶
- Security personnel should be informed and positioned to monitor the situation without escalating tensions.

C. Verification of Warrant

- Determine if the warrant is judicial (signed by a judge) or administrative (issued by ICE). Judicial warrants allow access under specific conditions, while administrative warrants do not grant access to private areas.³

II. Patient Privacy and Safety

A. Access to Patients

- ICE agents may not interview, detain, or remove patients without a valid judicial warrant.
- Do not allow ICE agents to access restricted areas such as patient rooms or operating areas.

B. HIPAA Compliance

- Never disclose patient information without a valid judicial warrant or explicit patient consent.²
- Ensure that medical records do not document immigration status unless medically relevant.³

C. Informing Patients

- If ICE agents request to interview or detain a patient, inform the patient (if medically appropriate) and explain their rights:
 - The right to remain silent.
 - The option to decline speaking to ICE agents without an attorney present.⁵
 - Offer the patient contact information for legal aid organizations specializing in immigration law.⁷

D. Training and Education

- Provide comprehensive training for staff on the hospital's policy, including:
 - Recognizing valid warrants.
 - HIPAA compliance.
 - De-escalation techniques when interacting with law enforcement.⁶
- Conduct annual policy refreshers and simulate scenarios to reinforce procedures.

III. Documentation

- Record the details of any ICE interaction, including:
 - Names and badge numbers of agents.
 - Date, time, and reason for the visit.
 - Actions taken by staff and outcomes.⁶
- Submit the documentation to the POC and legal counsel for review.

References

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