

Step-by-Step Guide to Verify the Validity of a Judicial Warrant

January 2025 - Rev. Minna Bothwell

OVERVIEW & PURPOSE

If ICE or Homeland Security agents present a warrant, follow these steps to confirm its authenticity before granting access:

Before proceeding with these steps, contact Pastor _____ immediately to determine the appropriate course of action, including identifying who will contact legal counsel.

1. Ask to See the Warrant

1. Politely request the warrant and ensure you have it in hand to review.
2. Do not allow entry or consent to a search until you verify its validity.
 - a. *“This is private property, we need to verify this warrant with legal counsel before granting entry.”*
3. Do not allow entry for any reason until you are sure the warrant meets all legal requirements.
 - i. *As a citizen, you have the legal right to verify a warrant before allowing law enforcement, including ICE or Homeland Security, to enter private property. This right is protected under the Fourth Amendment to the United States Constitution, which safeguards against unreasonable searches and seizures. You are allowed to take a reasonable amount of time to do so.*

2. Contact Legal Counsel

1. Immediately share a copy of the warrant with your legal team or an immigration attorney.
2. They can confirm whether the warrant is valid and provide guidance on how to

proceed.

3. If legal counsel is unavailable, proceed with the next steps while continuing efforts to establish contact with legal counsel.

3. Verify That It's a Judicial Warrant

1. Check the title at the top of the document. A valid judicial warrant will typically say, "United States District Court" or a similar judicial authority.

Federal vs. State Warrants

- a. Federal Warrants: Typically more uniform and issued by U.S. District Courts.
 - b. State Warrants: Issued by state or local courts and may reflect regional legal practices.
2. **Administrative warrants**, such as Form I-200 or I-205, are issued by ICE and do not grant the right to enter private property without consent. These documents are not sufficient for entry.
 3. **UPDATE 1/28/25 -** ICE warrants are not judicial warrants. ICE may show up with "arrest warrants" for clients. It may be useful to know that these are administrative warrants, NOT judicial warrants. They cannot be used to justify entry into a home/private property, but of course that does not preclude enforcement in public places. If ICE says they have a warrant for your client, see if they will show it to you and let you take a copy. Try to confirm that the name is actually your client's and the form is properly completed. This requires legal counsel.

4. Confirm the Signature

1. Look for the signature of a judge or magistrate. A valid judicial warrant must be signed and dated by a federal or state judge.
 - a. <https://www.iowacourts.gov/iowa-courts/district-court/judicial-district-5/judges-and-magistrates>
 - b. <https://www.iasd.uscourts.gov/judges>
2. Warrants signed by ICE agents or other administrative personnel are not valid for entry onto private property.

5. Ensure the Warrant is Specific

1. Verify that the warrant includes:
 - a. The correct name of the property (e.g., the name of your church).
 - b. The exact address where enforcement is authorized.
2. If the name or address does not match your church, the warrant is invalid for your property.

6. Check for a Description of the Search

1. A judicial warrant must specify the purpose of the search (e.g., specific individuals, documents, or property).
2. If the warrant is overly broad or vague, it may not be enforceable.

7. Take a Copy of the Warrant

1. Request a copy of the warrant for your records.
2. If they refuse to provide a copy, document this refusal and do not permit entry until you can verify the warrant through other means.

8. Politely Delay Until Verification

1. Again, if there is any doubt about the warrant's validity, inform the agents: *"This is private property we need to verify this warrant with legal counsel before granting entry."*
2. Do not physically obstruct entry, but calmly and firmly maintain your position.
3. If possible, safely take video, recording, or photos of the interaction.