



Federal Agents at the Door: Practical Tips for the New Enforcement Environment

Tuesday, July 15, 2025

PIERCE ATWOOD 

Overview

Current state of play – why enforcement might visit you

General advice

Agents on site

Document demands and spotting fakes

Taking video

De-escalation and safety considerations

Current State of Play

PIERCE ATWOOD 

Immigration


- Sensitive area protections revoked.
- Multiple federal agencies have been “deputized” for immigration purposes – law enforcement there for other reasons may also engage in immigration-related enforcement activities – activities for which they are not trained.
- Some local police have agreed to participate in immigration-related activities.
- There are daily quotas they are trying to meet – they are looking for low-hanging fruit, and wider nets as target numbers missed.
- Targeting of “sanctuary jurisdictions” and New England is already a priority
- Arrests of individuals who believe they are in lawful status.
- Individuals arrested (often without warrants) for perception of “protection” or “hiding” of immigrants.

Enforcement

- Executive Order 14288 directs federal resources to promote aggressive policing tactics and further militarize local law enforcement agencies and provides greater protections for law enforcement officers accused of misconduct.
- Federal law enforcement, including the DEA, is discontinuing the use of body cameras.
- Federal law enforcement agencies broadening definitions of “exigent circumstances” allowing warrantless entry/warrantless arrest (not yet tested in court).

May 19, 2025

MEMORANDUM FOR OFFICE OF THE ASSOCIATE ATTORNEY GENERAL
CIVIL DIVISION
CIVIL RIGHTS DIVISION
CRIMINAL DIVISION
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
ALL UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL 
SUBJECT: Civil Rights Fraud Initiative

Under Attorney General Bondi's leadership, "[t]he Department of Justice is committed to enforcing federal civil rights laws and ensuring equal protection under the law." Attorney General Memorandum, *Ending Illegal DEI and DEIA Discrimination and Preferences* (Feb. 5, 2025). One of the most effective ways to accomplish this objective is through vigorous enforcement of the False Claims Act, 31 U.S.C. § 3729 et seq., against those who defraud the United States by taking its money while knowingly violating civil rights laws.

The False Claims Act is the Justice Department's primary weapon against government fraud, waste, and abuse. Liability results in treble damages and significant penalties. It is implicated when a federal contractor or recipient of federal funds knowingly violates civil rights laws—including but not limited to Title IV, Title VI, and Title IX, of the Civil Rights Act of 1964—and falsely certifies compliance with such laws. Accordingly, a university that accepts federal funds could violate the False Claims Act when it encourages antisemitism, refuses to protect Jewish students, allows men to intrude into women's bathrooms, or requires women to compete against men in athletic competitions. Colleges and universities cannot accept federal funds while discriminating against their students.

The False Claims Act is also implicated whenever federal-funding recipients or contractors certify compliance with civil rights laws while knowingly engaging in racist preferences, mandates, policies, programs, and activities, including through diversity, equity, and inclusion (DEI) programs that assign benefits or burdens on race, ethnicity, or national origin. While racial discrimination has always been illegal, the prohibition on such policies became clear after the Supreme Court stated that "[e]liminating racial discrimination means eliminating all of it." *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 205 (2023).

Memorandum from the Deputy Attorney General
Subject: Civil Rights Fraud Initiative

Page 2

President Trump reinforced that principle in Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, 90 Fed. Reg. 8633 (Jan. 21, 2025), explaining that racist policies "violate the text and spirit of our long-standing Federal civil-rights laws." Nevertheless, many corporations and schools continue to adhere to racist policies and preferences—albeit camouflaged with cosmetic changes that disguise their discriminatory nature.

The federal government should not subsidize unlawful discrimination. To that end, I am standing up the Civil Rights Fraud Initiative. This Initiative will utilize the False Claims Act to investigate and, as appropriate, pursue claims against any recipient of federal funds that knowingly violates federal civil rights laws. This Initiative will be co-led by the Civil Division's Fraud Section, which enforces the False Claims Act, and the Civil Rights Division, which enforces civil rights laws. Each division will identify a team of attorneys to aggressively pursue this work together. Each of the 93 United States Attorney's Offices will identify an Assistant United States Attorney to advance these efforts.

To ensure a comprehensive approach, the Civil Fraud Section and the Civil Rights Division will engage in regular coordination meetings and share relevant information about potential violations. The Civil Fraud Section and the Civil Rights Division will also engage with the Criminal Division, as well as with other federal agencies that enforce civil rights requirements for federal funding recipients, including the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Labor. The Civil Fraud Section and the Civil Rights Division will also establish partnerships with state attorneys general and local law enforcement to share information and coordinate enforcement actions.

The Department recognizes that it alone cannot identify every instance of civil rights fraud. Congress likewise has recognized as much and, as a result, has authorized private parties to protect the public interest by filing lawsuits and litigating claims under the False Claims Act—and, if successful, sharing in any monetary recovery. See 31 U.S.C. § 3730. The Department strongly encourages these lawsuits. The Department also encourages anyone with knowledge of discrimination by federal-funding recipients to report that information to the appropriate federal authorities so that the Department may consider the information and take any appropriate action. Please visit <https://www.justice.gov/civil/report-fraud> for more information.

"Civil Rights Fraud Initiative"

The False Claims Act (FCA)

- Allows for the filing of a private action, which can then turn civil or criminal, with the filer receiving part of the fine – *anyone can file a claim*, so there will be “activists” out there potentially wholly unrelated to your organization – but any FCA case can turn criminal.
- Provides for treble damages.
- Complaints can be kept sealed for months before you are aware of them.
- Can be initiated with a letter requesting “voluntary cooperation” (Harvard/Columbia), civil subpoena, grand jury subpoena – or **search warrant**.
- Contempt/obstruction of justice apply for failure to respond or failure to be “cooperative” as defined by the Department of Justice; other mechanisms (such as the Harvard loss of SEVIS authorization) being used to force compliance.

Impersonation of Law Enforcement

Middlesex Sheriff's Office warns of uptick in law enforcement impersonation scam calls

On July 14, 2025, in Latest News, by The Somerville Times

US sees spate of arrests of civilians impersonating Ice officers

Experts say trend of agents detaining people while masking and wearing plainclothes increases risk

THE LEDE

THE MINNESOTA
SHOOTINGS AND THE
DANGEROUS TREND OF
IMPERSONATING LAW
ENFORCEMENT

A new political era has arrived, in which the expectation and the fear of political violence are endemic.

By Benjamin Wallace-Wells
June 17, 2025

Florida law enforcement agencies warn of rise in scams, callers impersonating officers

≡ CNN US Crime + Justice

⦿ Watch 🔊

Multiple ICE impersonation arrests made during nationwide immigration crackdown

General Advice

PIERCE ATWOOD 

General Advice

- **Have a plan/script in advance, and make sure your space is demarcated.**
- Try to keep everyone calm. Keep in mind this is terrifying, especially if the agents are in tactical gear/heavily armed. You may want to tell the person dealing with agents to take a moment and take deep breaths.
- Try to de-escalate with law enforcement, especially if the agent is getting aggressive. (“No one is trying to get in your way. Everyone’s just really scared right now.”)
- Always advise against anything that could be perceived as obstruction –telling other people to leave/run, destroying documentation, hiding people.
- Advise the employee to do what they can to make a record of the incident by taking notes in the moment or writing down everything as soon as possible after.
- Don’t forget to take notes yourself, of both what the employee/law enforcement say and what you advised! Bring in someone else to take notes if you can (e.g. use speakerphone and have a colleague take notes).

Rule of Thumb

Do not consent, do not impede.

- Advise them not to consent to requests to search, enter a non- public area, or interview – and blame to blame the lawyers (“I am not authorized to consent to a request to search/enter. Only our lawyers can do that.”)
- *But*, never advise them to physically impede or provoke law enforcement

Agents on Site

PIERCE ATWOOD 

Authorities

- You cannot prevent an agent from entering a space accessible to the general public. Ensure that there are clear demarcations of non-public areas.
- Unless they have a search warrant, do not let them into non-public areas. Agents can use anything in “plain view” as a predicate for a search.
- If they have no warrant (arrest or search) and insist on entering, ask them what circumstances justify the entry.
- If they are in a location open to the public, agents can remain and observe if they want to do so – consider what activity they might observe, even if they do not appear to be close enough to hear.
- Do not make any sudden movements or reach anywhere (e.g. into a drawer) without telling the agent what you are doing – keep hands in view while interacting with them.
- If you are not present on site - the employee should advise that only an authorized employee can talk to them - ask if the agent will get on the phone with you (or outside counsel).

Which Agency?

Ask to see the lead agent's badge if they haven't already shown it, and to take note of the name and badge number

Immigration:

- Immigration and Customs Enforcement (ICE)
- Customs and Border Protection (CBP) - **watch for Border Patrol**
- Homeland Security Investigations (HSI)

Other:

- Some local police departments
- Federal Bureau of Investigations (FBI)
- Offices of the Inspectors General
- U.S. Marshals
- Bureau of Alcohol, Tobacco, and Firearms (ATF)
- Drug Enforcement Agency (DEA)
- Internal Revenue Service (IRS)

What if they won't identify themselves?

Insignia

Customs and Border Protection/Border Patrol Agent

Uniform patch:



Badge:



Federal Bureau of Investigation

Uniform:



Badge:



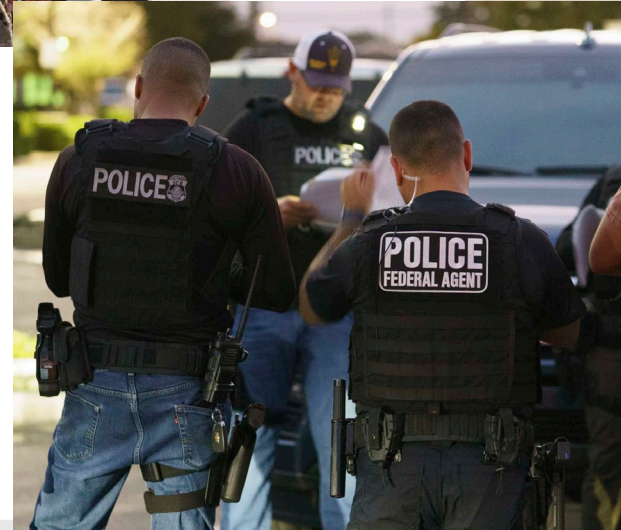
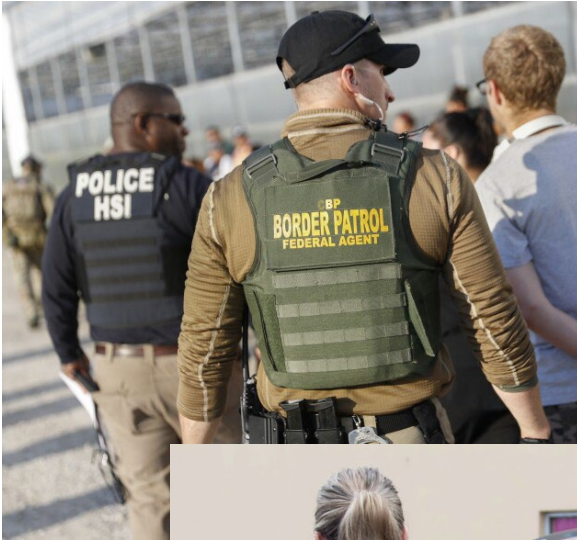
Drug Enforcement Agency



U.S. Marshals



Tactical gear often says “POLICE” on it – that does not mean they are police:



How Many?

Likely not urgent:

- Single/pair of agents in uniform or plainclothes (likely a document demand or interview)

Likely urgent:

- Pair of agents in tactical gear – probably an arrest
- More than two agents in uniform or plainclothes – probably a search warrant (especially if they're wearing windbreakers with their agency on the back in yellow)
- More than two agents in body armor/swat gear – probably a sweep, raid, or search

Single agent in tactical gear – something is up

Categories

Urgent:

- Search warrants
- Detainer/arrest warrants

Kind of urgent:

- On-site audits/inspections
- Grand jury subpoenas

Not urgent:

- Administrative subpoenas
- Civil subpoenas

Immediate Actions

PIERCE ATWOOD 

Interviews

If the agent is asking more than basic questions of the employee, state that they are not permitted to speak on behalf of the organization (or that they are not authorized to provide employee/customer information).

If they ask for identification, provide it.

If they persist in asking questions, state that they will not discuss company business without a lawyer present. Ask for a business card and say that the lawyers will be in touch.

If they are attempting to interview you as counsel, assert your right to counsel as well. Take their card and say that criminal counsel will be in touch, or provide contact information for counsel and advise that questions should be addressed to them.

Warrants

- **Prepare the worksite**
 - › Designate a specific public area where the employee will take the agents.
 - › Shortest pathway where the agents will see the smallest number of additional staff.
 - › Demarcate private and public areas via signs.
 - › Curtains or other barriers to obstruct line of sight into private areas.
- **Consider to whom representation may be provided by company and related conflicts**
 - › Owners
 - › Employees

Search Warrants

Agency: US District Court

Header: Search and Seizure Warrant

To: Any law enforcement officer

Signed by: federal judge

This authorizes search of the
***described premises or device
only***

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for _____ days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

Search Warrants - Response

Call counsel immediately

Validity of the warrant

- Instruct the employee to scan/fax you the warrant as soon as possible or email you photos (try to keep them from texting it to you – they should be able to text to your email address if they can't email from their phone). Once you have the warrant, read the description of the property to be searched carefully and do what you can to ensure the parameters are not exceeded (especially on multi-building campuses, or if the warrant is limited to a particular person's office).
- If it is before 6am or after 10pm, ensure that the box permitting that is checked. If not, they will need to wait until 6am.
- If so, check if it is signed and if the date on the warrant was within the last two weeks.
- **If it is, let the agents in (including unlocking any areas that are locked if they are described in the warrant).**

The search

- Advise the employee not to interfere with the search, but to take notes.
- If the agents instruct the employee or anyone else to turn off site cameras, they should politely say they are not permitted/able to do so. If law enforcement insists, ask to speak to the agent. (Consider locking video so employees cannot shut it off.)
- Ensure that the agents provide an inventory when the search is finished. Note if anything was damaged during the search.

Question

Should you go to the site if you are not there already?

Probably not.

- If you observe the search, you become a witness to the search, which can impede giving legal advice.
- *However*, if it authorizes only limited access, it may be worth becoming a witness to ensure you can limit them to the areas identified in the warrant and to minimize the intrusion on others' privacy.
- If you become a witness, consider getting external counsel on the phone.

Consider stepping outside the area where the search is being conducted to discuss the warrant with the agents if necessary.

If they want to search without a warrant

- Do NOT consent to the search.
- Ask them what grounds they have for a warrantless search.
- Ask if they will talk to criminal counsel and get criminal counsel on the phone.
- If they insist that they have the authority, even if they will not state what it is, do NOT impede their search.
- Take notes.
- Ask for an inventory.

Detainer Warrants

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)
on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)
notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-205 (Rev. 09/16)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States, and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

ICE Form I-205 (8/07)

Page 1 of 2

Detainer Warrants

Agency – Homeland Security

Header – “Warrant for Arrest of **Alien**”

To: “Any **immigration** officer”

Signed by: **Immigration Officer**

This document **DOES NOT** authorize a search *except* as incident to arrest (in the immediate vicinity or “grab area”)

This document **DOES NOT** authorize entry into non-public areas – however, some immigration agents are now saying that it does

Detainer Warrants - Response

If you want to minimize disruption, the safest response is to call the individual listed on the warrant to the public area if it is possible to do so. If the individual is already in a public area, point them out to the agents. If you do not do so, they may camp out in your lobby or insist they have the right to enter.

If the employee says the agents insist on entering a non-public area after being asked to wait while the individual is called, tell the employee to ask the agent if they will talk to the lawyers. If not, *do not impede the agents*.

Ask what grounds they have to enter a non-public area to effect the arrest. If they do not provide grounds, advise them that the company does not consent to entry into but that no one will interfere.

If the individual(s) is (are) arrested, ask where they are being taken. The agent may refuse to answer, but ask. Do not give the individual legal advice, but ask the detainee there is anyone they want you to call.

Arrest Warrants

Case 1:25-cr-00020-SDN Document 7 Filed 02/14/25 Page 1 of 1 PageID #: 14

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Maine

United States of America
v.

DAVID HARMON

Defendant

Case No. 1:25-cr-00020-SDN

CORRECTED ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) David Harmon

who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

POSSESSION OF A FIREARM BY PROHIBITED PERSON 18:922(g)(1) AND 924(e).

(1)

POSSESSION OF AN UNREGISTERED NATIONAL FIREARMS ACT WEAPON 26:5861(d), 5841, 5845(a), 5871

(2)

Date and time issued: 10:02 am, Feb 14 2025

City and state: Bangor, ME

John C. Nivison, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

Arrest Warrants

Arrest warrants must be:

- Issued by a district court and signed by a magistrate or district court judge (almost always magistrate judge)
- Will state the form of charge (the check boxes)
- Will state the offenses
 - › Title 8 – immigration
 - › Title 18 – criminal offenses generally
 - › Title 21 – drug offenses

It is highly unlikely that there will be an arrest warrant - there are fake warrants out there, so be careful if it's an arrest warrant. There should be *no reference* to money or bond to be posted on the face of the warrant. If there is, it's fake – call counsel or the local police.

Arrest Warrants - Response

What they should do: Call the individual listed on the warrant to the public area. If the individual is already in a public area, point them out to the agents. Direct the agent to the designated waiting area.

If the employee says the agents insist on entering a non-public area after being asked to wait while the individual is called, let them back into the non-public area and walk them to the individual via a route that minimizes interaction with other individuals in the non-public area (and be thoughtful about what may be in “plain view”).

Arrest Warrants - Response

- If the individual(s) is (are) arrested, ask where they are being taken. The agent may refuse to answer, but ask.
- Arrest warrants DO NOT authorize a search *except* as incident to arrest (in the immediate vicinity or “grab area”).
- If you are able, ask the individual if there is someone they want you to call.
- Remember – you represent the company, not that individual. Resist the urge to give them legal advice in the moment (due to conflict issues) unless they are an employee – in which case, limit your advice to assert their right to counsel.

Tactics Used by Agents

- “Can I just get a glass of water/use the bathroom?”
- “I only have a couple of questions, it will only take a minute.”
- “Can you just tell me if they are here?”
- “I already know the answer, I just want you to confirm.”
- “It’s okay, we’re authorized.”
- “I don’t know why you’re being so difficult, this is all routine.”
- “This is off the record.”
- “We’re going to have to shut the whole place down.”

Document Demands

PIERCE ATWOOD 

Audits/Inspections/Voluntary Requests

- On agency letterhead
- Signed by agent/auditor
- For ICE audits, you have three days

Response:

- Can be a cover for an investigation – treat it that way!
- Do not waive the notice period.
- Contact counsel specific to the issue – what your rights are and how much time you have vary significantly

Administrative Subpoenas

- Will say the name of the agency rather than a court
- Signed by an officer
- Have an agency seal

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding) (File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)

DHS Form I-138 (6/08)

Civil Subpoenas

- Will be from a court
- Signed by the clerk or authorized attorney
- Usually do not have a seal

UNITED STATES DISTRICT COURT
for the
[]

[]
Plaintiff
V.
[]
Defendant

Civil Action No. []

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: []
(Name of person to whom this subpoena is directed)

☐ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:
[]

Place: [] Date and Time: []

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: [] Date and Time: []

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: []

CLERK OF COURT OR []
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* [], who issues or requests this subpoena, are:
[]

Notice to the person who issues or requests this subpoena
If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Response

- Administrative/civil subpoenas do not require an immediate response – usually they are not served in person, but it happens occasionally.
- If the subpoena is properly addressed to the company accept the document and advise that the lawyers will be in touch.
- If it is addressed to a person, advise that you cannot accept service on that person's behalf.
- Check that it is signed and addressed properly.

UNITED STATES DISTRICT COURT
for the
Northern District of Florida

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: City of Panama City Beach
Custodian of Records
17007 Panama City Beach Pkwy
Panama City Beach, FL 32413

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Courthouse
111 North Adams Street
Tallahassee, FL 32301

Date and Time:

09/08/2020 9:00 am

You must also bring with you the following documents, electronically stored information, or objects *(blank if not applicable)*:

Please see the attachment.

In lieu of personal appearance, please forward all requested documentation, along with a certification of authentication of the records as described in the attachment to:

Grand Jury Subpoenas

Grand Jury Subpoenas

- Will be from a court
- Signed by a clerk, but will also have the name of an Assistant United States Attorney or Trial Attorney on them
- They all say they are for testimony, but usually will have a list of documents (in which case they aren't actually looking for testimony)
- When you receive it, check that it is signed and addressed properly.
- Check if it *requests* or *requires* confidentiality – this may be stated on the face of the subpoena, or it may include an attached order.
- Call criminal counsel.

Do not discuss the subpoena with anyone who does not need to know about it

Taking Video

PIERCE ATWOOD 

If Bystanders Start Taking Video

- When lawfully present in a public space, individuals have the right to photograph or video anything in plain view – including the police or federal agents.
- But, the person taking video cannot interfere with them.
- In a non-public area, the premises' rules govern – what are your rules? Do you need to post them?
- Be aware of potential escalation if people are taking video. Do not get involved if there is an argument in a public area between the agents and someone filming.
- Consider that there may be people present who do not want to be filmed.
- Law enforcement may not confiscate or demand to view video – including from on-site security cameras - without a warrant.

Final Thoughts

PIERCE ATWOOD 

Preparing for On-Site Enforcement

DO NOT

- “Buzz” them in (if your entire building is non-public, go to the door)
- Talk to them alone
- Argue
- Physically resist or impede officers
- Glare at the officers, roll your eyes, or make snide remarks
- Run
- Agree to interview (ask for a lawyer)
- Touch the dogs
- **Consent to search**

DO

- Refer to script and request identification
- Note the ID and badge number
- Check the documents. If warrant, check for a signature and that the address is correct
- Keep your hands in view
- Present any requested documentation (e.g. driver’s license, work authorization)
- Take notes (record if you can) - create a record of the encounter after the fact if you can’t in the moment
- Try to stay calm
- **Call the lawyers**

The highest priority is safety. Keeping things calm during the interaction is the best option for everyone.

Do not argue in the moment. Do your best to remain polite but firm.

If they overstep the line or do not have authority, fight that fight in a courtroom.



Questions?

Kate Hamann

khamann@pierceatwood.com

PH | 202.530.6409 / 202.308.6947

