

POLICY FOR RESPONSE TO LAW ENFORCEMENT ACTIVITY¹

Purpose and Scope

It is critically important that there be a clear and consistent policy that is followed among the various entities that occupy Esperanza branded facilities in dealing with requests from federal, state and/or local law enforcement personnel, including but not limited to, U.S. Department of Homeland Security Immigration and Custom Enforcement (ICE) officers. Esperanza is committed to complying with the law while providing its clients and students with a safe environment in which to access services and learn.

Statement of Policy

As Esperanza often has access to private information of its clients and students, Esperanza will take every effort to protect the privacy rights of those clients and students. Therefore, Esperanza will not release information or allow access to its facilities to law enforcement personnel without a judicial warrant, subpoena, and/or court order, or as may otherwise be required by law.

Additionally, Federal laws, including but not limited to FERPA, offer additional privacy rights to students that may impose additional requirements on the release of information from confidential student records. Esperanza will not release information from confidential student records, without permission from a student or parent or guardian of a student, to law enforcement officials without a judicial warrant, subpoena, court order, or as may otherwise be required by law.

Esperanza staff, including security personnel, are not law enforcement officials. Therefore, no staff or security will become actively involved in a law enforcement action in Esperanza facilities.

¹ For purposes of this policy, the term Esperanza shall collectively refer to Nueva Esperanza, Inc., Esperanza Immigration Legal Services, Nueva Esperanza Housing and Economic Development, Artistas y Musicos Latino Americanos, Esperanza Academy Charter School, Esperanza Cyber Charter School, Esperanza College of Eastern University, 199 Hunting Park, and 4530 Corporation.

Procedures

The primary responsibility for enforcing the law rests with the federal, state and local law enforcement personnel. Esperanza staff, including security, is committed to providing safety services that create a secure environment for clients and students. Therefore:

1. Esperanza staff should not release information or provide access to its facilities to law enforcement personnel without a judicial warrant, subpoena, court order, or as may otherwise be required by law.
2. When Esperanza staff is approached by any law enforcement personnel requesting information or access to facilities for official action, the staff person should immediately refer the law enforcement official to his or her supervisor.
3. Once contacted, the supervisor in charge should advise the law enforcement personnel that access must be authorized by Esperanza's General Counsel. The supervisor should then immediately contact Esperanza's Senior Vice President and General Counsel to determine the validity of any documentation presented.
4. Esperanza staff shall not participate in any law enforcement action.
5. When the law enforcement action involves a request for the release of information related to or access to a minor student, no information or access should be provided regarding the student unless and until the parents or guardians of the student have been notified and consent is obtained.
6. This policy is to be applied in conjunction with any existing visitor's policy in place for the particular institution.