

SUGGESTED GUIDELINES

on the Occasion of Law Enforcement Appearing at a Church

1. If a law enforcement agent comes onto church property, the pastor (or his designee) must immediately be notified, and the agent should be escorted to a room or area that is private.
2. The pastor (or his designee) should introduce himself to the agent and ask the agent for the purpose of his/her visit.
3. The pastor (or his designee) should assure the agent that it is the intention of the church to comply with the law.
4. The pastor (or his designee) should ask if he/she is an agent and to see the agent's card. If one is not available, he should write down the agent's name and identification number, as well as a contact telephone number.
5. If the agent has a warrant or a subpoena, the pastor (or his designee) should ask to make a copy. After receiving information about the purpose of the visit and obtaining copies of any documents the agent has pertaining to the occasion of the visit, the pastor (or his designee) should contact the church attorney or the attorney of the LCMS district in which the church resides, _____, at his/her cell number: _____.
Note: An administrative warrant does not give law enforcement the right to enter the non-public areas of the church, such as offices, unless invited. A judicial warrant signed by a judge or magistrate is required. The warrant must be examined to be sure it designates the church by address.
6. The pastor (or his designee) should then inform the agent that the pastor (or his designee) must contact the church attorney or the LCMS district's attorney, per this guideline (feel free to share this guideline).
7. From there, the church attorney or the LCMS district's attorney should discuss with the pastor (or his designee) how to proceed with the agent.
8. In all matters, including matters of immigration, both minors and adults have the right to remain silent and not to answer the law enforcement agent's questions; they also have the right to counsel (but not at government expense).
9. Generally, if a warrant or subpoena is signed by a judge or magistrate, the church must comply. This will need to be determined by the church attorney or the LCMS district's attorney.
10. If there is an informal request for information that is not in the form of a document signed by a judge, the church attorney or the LCMS district's attorney will likely advise that the church is not in a position to provide information about a congregant without proper documentation, which would include an order from a judge or magistrate.
11. Remember to be calm and respectful.

