KNOW YOUR RIGHTS

POLICE & ICE INTERACTIONS

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Section I: Introduction
The Role of ICE:

Immigration and Customs Enforcement (ICE)

- Federal law enforcement agency
- Under the U.S. Department of Homeland Security
- In charge of enforcing U.S. federal criminal and civil laws concerning border control, customs, trade, and immigration.
The Role of the Police

- Local (municipal, county, tribal, and regional police)
- State (highway police)
- Federal
- Police are responsible for maintaining public order and safety, enforcing the law, and preventing, detecting, and investigating criminal activities.
Intersection of Police and ICE: Crimmigration

• “Crimmigration” law describes the convergence of two distinct bodies of law:
  • criminal law and procedure with immigration law and procedure

• 1980-1990 Crimmigration
  • Non-citizens with criminal charges also faced possible immigration penalties as well.
  • The Illegal Immigration Reform and Immigrant Responsibility Act of 1986, 1996
What could they look like?

Police

ICE
What could they look like?
Illinois Way Forward Act:

Unless presented with a federal criminal warrant, or otherwise required by federal law, a law enforcement agency or official may not:

(1) participate, support, or assist in any capacity with an immigration agent's enforcement operations,

(2) give any immigration agent access, including by telephone, to any individual who is in that agency’s custody;

(3) transfer any person into an immigration agent’s custody;

(4) permit immigration agents use of agency facilities or equipment, including any agency electronic databases not available to the public.
Section II: Approached in Public
Stopped in Public by ICE
You have the right to remain silent.

- If you wish to exercise that right, say so out loud. “I am exercising my right to remain silent”
- “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

5th amendment
Stopped in Public by ICE

- You do not have to consent to a search of yourself or your belongings
  - “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

4th amendment
Stopped in Public by ICE

• You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.
What to do if: Stopped in Public by ICE

1. Remain as calm as possible.
2. Don’t run, resist, or obstruct the officers.
3. Do not lie or give false documents.
4. You can use your right to remain silent and not answer any questions.
   If you want, you can give them your name, but you don’t have to. Not talking or giving your name leads to more suspicion and they might try to intimidate you or find something to be able to require you give your name/ID.
What to do if: Stopped in Public by ICE

5. Ask them if you can go
   o If they say yes, you can walk away
   o If they say no, then you have been stopped officially.

6. Once stopped asked them why you are being stopped.
   o They need to have a reason to stop you

7. If they can’t produce a reason, or their reason is faulty, assert your rights to be left alone and leave.
   o If they refuse to let you go and can’t produce a reason, don’t run or resist.

8. Assert your right to remain silent and let them know you want to speak to a lawyer.
Stopped in Public by Police
What to do if: Stopped in Public by Police

Note:
The burden of de-escalation does not fall on private citizens — it falls on police officers. However, you cannot assume officers will behave in a way that protects your safety or that they will respect your rights even after you assert them.
What to do if: Stopped in Public by Police

1. Remain as calm as possible.
2. Don’t run, resist, or obstruct the officers.
3. Do not lie or give false documents.
4. Keep your hands where the police can see them.
5. You can use your right to remain silent and not answer any questions.
6. If you want, you can give them your name, but you don’t have to
   - Not talking or giving your name leads to more suspicion and they might try to intimidate you or find something to be able to require you give your name/ID.
What to do if: Stopped in Public by ICE:

7. Ask them if you can go
   - If they say yes, you can walk away
   - If they say no, then you have been stopped officially.

8. Once stopped asked them why you are being stopped.
   - They need to have a reason to stop you
   - They might say “suspicion of criminality”

9. If they can’t produce a reason, or their reason is faulty, assert your rights to be left alone and leave.
   - If they refuse to let you go and can’t produce a reason, ask to speak to their supervisor.
   - Usually, a supervisor is more informed about these issues and can tell their officers to leave.
Click here for the video
Pulled Over by the Police
Your Rights: Pulled Over by the Police

- You have the right to remain silent.
  - Both drivers and passengers have the right to remain silent.
  - If you’re a passenger, you can ask if you’re free to leave. If yes, you may silently leave.
- You do not have to consent to a search of yourself or your belongings.
- You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.
What to do if: Pulled Over by the Police

1. Remain as calm as possible.
2. Stop the car in a safe place as quickly as possible.
   - Don’t run, resist, or obstruct the officers.
   - “Safe Place”: in view of others/public, in a lit area
3. Turn off the car, turn on the internal light, open the window part way, and place your hands on the wheel.
4. Avoid making sudden movements and keep your hands where the officer can see them.
5. Upon request, show police your driver’s license, registration, and proof of insurance.
   - Being pulled over is different then being stopped in public.
   - But they still need a reason to stop you. However, in this case, you have to show ID and give them your name.
What to do if: Pulled Over by the Police

6. You can use your right to remain silent and not answer any questions.
   - Not talking or giving your name might lead to more suspicion and they might try to intimidate you.

7. Ask them if you can go
   - If they say yes, you can drive away.
   - If they say no, then remain calm.
What to do if: Pulled Over by the Police

8. Ask them why you are being stopped.
   - They need to have a reason to stop you
   - They might say “suspicion of criminality”
9. If they can’t produce a reason, or their reason is faulty, assert your right under the 4th amendment and say you wish to leave.
   - If they refuse to let you go and can’t produce a reason, ask to speak to their supervisor.
   - Usually, a supervisor is more informed about these issues and can tell their officers to leave.
Know Your Rights Video by ACLU

Click here for the video
Section III: Approached at Home
ICE is at my Home
Your Rights: ICE is at my Home

- You have the right to remain silent, even if ICE agent has a warrant.
  - 5th amendment
- In your own home, you have the right to ignore ICE at your door.
  - If you live in an apartment your landlord cannot open the door for them.
- You do not have to let ICE into your home even if they have a warrant (removal/deportation, Form I-205).
  - 4th amendment
- In order for the warrant to be valid it needs to be signed by a judge and have your accurate name.
What to do if: ICE is at my Home

1. Stay calm, don’t panic.
2. Don’t open the door.
   - ICE interprets this as an invitation to come in
   - Once inside they can search and question everyone inside.
3. You can choose to ignore ICE at your door however,
4. Sometimes ICE will address themselves as police so verify who they are first
   - Verify that they are an immigration agent by asking them to show you a badge or identification through the window or peephole.
5. Establish a reason for their visit.
   - Ask the immigration agents and what they are there for.
What to do if: ICE is at my Home

6. If they are seeking a person. Ask if they have a warrant signed by a judge.
   - If they say they do, ask them to slide it under the door or hold it up to a window so you can inspect it.
   - Make sure the name and address are correct.
   - Make sure it has been signed by a judge.

7. If the warrant is valid and the person they are looking for is there, you can decide to have that person stop outside.
   - This can prevent them from questioning and detaining others in the home.
   - But you don’t have to. Remember in your own home you can ignore ICE.

8. If the warrant is NOT valid you can tell them it’s not valid and therefore, they don’t have the right to detain them.

9. You don’t have to tell the ICE agents where the person is, where they work or where to find them.

10. If agents force their way in, do not resist. If you wish to exercise your rights, state: “I do not consent to your entry or to your search of these premises. I am exercising my right to remain silent. I wish to speak with a lawyer as soon as possible.”

11. Don’t produce any false documents. Don’t sign anything without speaking with a lawyer first.
Click here for the video
Protecting Immigrant’s Rights:

Click here for the video
Valid Warrant:
Know Your Rights Cards!

You have constitutional rights:

- **DO NOT OPEN THE DOOR** if an immigration agent is knocking. If you are inside of your house, show the card through the window or slide it under the door.

- **DO NOT ANSWER ANY QUESTIONS** from an immigration agent if they try to talk to you. You have the right to remain silent.

- **DO NOT SIGN ANYTHING** without first speaking to a lawyer. You have the right to speak with a lawyer.

- If you are outside of your house, **SHOW THIS CARD TO THE AGENT**. Ask the agent if you are free to leave and if they say you can, leave calmly.

Red Card Spanish: [https://www.ilrc.org/sites/default/files/resources.ilrc-red_card_template-spanish-v2.pdf](https://www.ilrc.org/sites/default/files/resources.ilrc-red_card_template-spanish-v2.pdf)

Police are at my Home
Your Rights: Police are at my Home

- You do not have to consent to a search of yourself or your belongings
- You have the right to remain silent, even if the police has a warrant.
  - 5th amendment
What to do if: Police are at my Home

1. Don’t invite the officer into your house. Talk with the officers through the door and ask them to show you identification.

2. You do not have to let them in unless they can show you a warrant signed by a judge that lists your address as a place to be searched or that has your name on it as the subject of an arrest warrant.
   · However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.
What to do if: Police are at my Home

3. Ask the officer to slip the warrant under the door or hold it up to the window so you can read it.
   - A search warrant allows police to enter the address listed on the warrant, but officers can only search the areas and for the items listed.
   - An arrest warrant has the name of the person to be arrested.

4. Even if officers have a warrant, you have the right to remain silent.
   - You should not answer questions or speak to the officers while they are in your house conducting their search.
   - Stand silently and observe what they do, where they go, and what they take. Write down everything you observed as soon as you can.
What To Do If You’re Stopped By The Police

Think carefully about your words, movement, body language, and emotions.
Don’t get into an argument with the police. Remember, anything you say or do can be used against you.

Keep your hands where the police can see them. Don’t run. Don’t touch any police officer. Don’t resist even if you believe you are innocent. Don’t complain on the scene or tell the police they’re wrong or that you’re going to file a complaint. Do not make any statements regarding the incident. Ask for a lawyer immediately upon your arrest. Remember officers’ badge & patrol car numbers. Write down everything you remember ASAP. Try to find witnesses & their names & phone numbers. If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first. If you feel your rights have been violated, file a written complaint with police department’s internal affairs division or civilian complaint board, or call the ACLU hotline. 1-877-6-PROFILE.

What To Do If You’re Stopped By The Police

Produced by the American Civil Liberties Union. ARREST THE RACISM. Tell us about your race- or ethnic-based traffic or pedestrian stop. Call 1-877-6-PROFILE or go to aclu.org/profiling

Section IV: Detained or Arrested
If Detained by ICE
What to do if detained by ICE:

- Remember your rights:
  - Right to remain silent
  - Right to not consent to searches
- Do not resist arrest. They could add charges to you and complicate your case even further.
- Say you wish to remain silent
  - You don’t answer any questions or give any explanations or excuses.
  - Don’t say anything, sign anything or make any decisions without a lawyer.
  - Don’t lie or show false documents.
What to do if detained by ICE:

Try to notify your family, friends, and support system of your detainment.

- ICIRR Family Support Networks Hotline
  - 1-855-435-7693
  - Offered in English, Spanish, Korean and Polish
  - https://www.icirr.org/fsn

- USCIS Locator
  - Online Detainee Locator System
  - A#, Country of Birth, Full Name and Date of Birth
  - https://locator.ice.gov/odls/#/index
What to do if detained by ICE:

- Obtain an attorney as fast as possible.
  - You have the right to fight your removal order
  - Midwest Immigration Bond Fund can help you pay your bond if you can’t
  - https://www.mibfc.org/
If Arrested by the Police
What to do if arrested by Police:

- Remember your rights:
  - Right to remain silent
  - Right to not consent to searches
  - Right to have a court-appointed attorney
  - Illinois Way Forward Act
- Do not resist arrest or try to flee even if you believe the arrest is unfair.
  - Follow the officers’ commands.
  - You could be charged with resisting arrest and/ or attempting to flee.
What to do if arrested by Police:

- Say you wish to remain silent and ask for a lawyer immediately.
  - Don’t answer any questions or give any explanations or excuses.
  - If you can’t pay for a lawyer, you have the right to a free one.
  - Don’t say anything, sign anything or make any decisions without a lawyer.
- You have the right to make a local phone call.
  - The police cannot listen if you call a lawyer.
  - They can and often will listen to a call made to anyone else.
- Ask an attorney about your options about posting bail/bond.
  - The Chicago Community Bond Fund can help you pay your bond if you can’t
Section V: If Rights Are Violated
If your rights are violated
If you believe your rights were violated:

- Write down everything you remember:
  - officers’ badges and patrol car numbers,
  - the agency from the officers
  - any and all information
  - Get contact information for witnesses.

- If you’re injured, seek medical attention immediately
  - Take photographs of your injuries
  - Keep medical records from any and all medical visits from those injuries

- File a written complaint with the agency’s internal affairs division or civilian complaint board.
  - In most cases, you can file a complaint anonymously if you wish.
If you witness violations
If you believe you’re witnessing police abuse or brutality:

- Stand at a safe distance and, if possible, use your phone to record video of what is happening.
  - As long as you do not interfere with what the officers are doing and do not stand close enough to obstruct their movements, you have the right to observe and record events that are plainly visible in public spaces.
- Do not try to hide the fact that you are recording.
  - Police officers do not have a reasonable expectation of privacy when performing their jobs.
If you believe you’re witnessing police abuse or brutality:

- Police officers may not confiscate or demand to view your photographs or video without a warrant, and they may not delete your photographs or video under any circumstances.
- If an officer orders you to stop recording or orders you to hand over your phone, you should politely but firmly tell the officer that you do not consent to doing so, and remind the officer that taking photographs or video is your right under the First Amendment.
- Be aware that some officers may arrest you for refusing to comply even though their orders are illegal. The arrest would be unlawful, but you will need to weigh the personal risks of arrest (including the risk that officer may search you upon arrest) against the value of continuing to record.
If you believe you’re witnessing police abuse or brutality:

- Whether or not you are able to record everything, make sure to write down everything you remember.
  -including officers’ badge and patrol car numbers, which agency the officers were from, how many officers were present and what their names were, any use of weapons (including less-lethal weapons such as Tasers or batons), and any injuries suffered by the person stopped.
- If you are able to speak to the person stopped by police after the police leave, they may find your contact information helpful in case they decide to file a complaint or pursue a lawsuit against the officers.
Section VI: Safety Planning
Preparedness Plan

1. Create a preparedness plan based on your individual self/family needs
2. Discuss details with family members (kids included)
3. Let other trusted people know too (just in case)
Preparedness Plan

1. Gather all important documents (birth certificates, IDs, passports etc) and place them in a secured space.
2. Create a childcare plan (or a petcare plan)
3. Consulate an attorney and/or have a list of potential attorneys
4. If possible, save up for legal, court and bond fees
Additional Resources
Additional Resources: Know Your Rights

**Immigrant Legal Resource Center:**

**National Lawyers Guild-Law Enforcement:**
Additional Resources: Know Your Rights

Immigration Legal Services (ICIRR Agency List)- Free or Low Cost
https://www.icirr.org/_files/ugd/9781a6_4053c0f1a3854a02985ee787dad2e29d.pdf
https://www.icirr.org/_files/ugd/9781a6_1e95f4cf8344fae8d5e07f51b3c1c76.pdf

Immigration Legal Services (ICIRR Agency List)- Private Attorneys
https://www.icirr.org/_files/ugd/9781a6_b3ad1caedd0541bb89f3868294e4b536.pdf
QUESTIONS?

Contact Chicago Appleseed:
ChicagoAppleseed.org
THANK YOU!

This is not legal advice. Chicago Appleseed Center for Fair Courts does policy and advocacy, but no direct legal representation.