



**KNOW YOUR RIGHTS**

# POLICE & ICE INTERACTIONS

Ivy Hernandez Delgado  
Alfred Schweitzer Fellow,  
Chicago Appleseed Center for Fair Courts



# **CONTENT:**

- **Section I: Introduction**
  - ICE and Police
  - Illinois Way Forward Act
- **Section II: Approached in Public**
  - ICE Stopped Me in Public
  - Police Stopped Me in
  - Police Pulled Me Over
- **Section III: Approached at Home**
  - ICE is at My Door
  - Police is at My Door
- **Section IV: Arrested or Detained**
  - If Arrested by police
  - If detained by ICE
- **Section V: If Rights Are Violated**
  - If your rights are violated
  - If you witness violations
- **Section VI: Safety Planning**

# **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

# 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."

# 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.”

4<sup>th</sup> 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
  - If they say yes, you can walk away
  - If they say no, then you have been stopped officially.
6. Once stopped asked them why you are being stopped.
  - 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.
  - 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 than 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 4<sup>th</sup> 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.



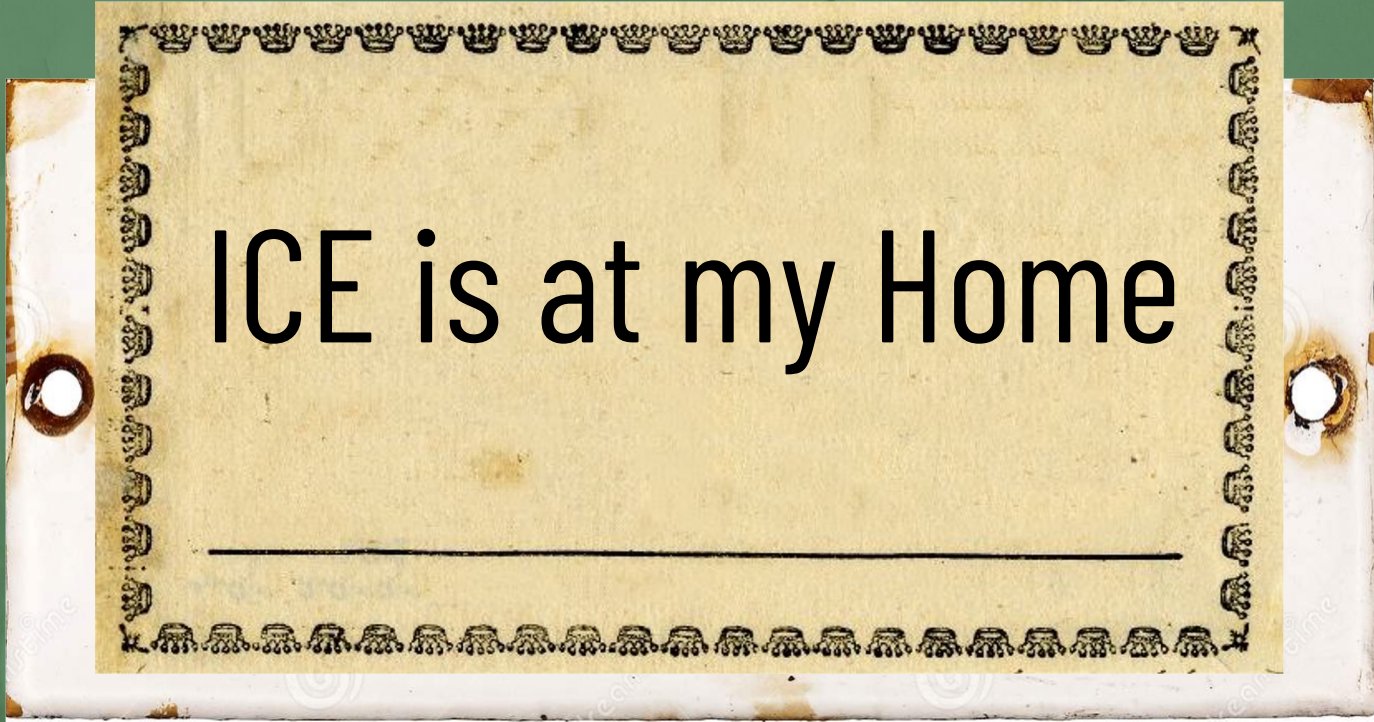
# Know Your Rights Video by ACLU

[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.
  - 5<sup>th</sup> 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).
  - 4<sup>th</sup> 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
  - 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:

## From Department of Homeland Security

**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)

**Signed by Immigration Officer**

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location) on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service), and the contents of this 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-206 (Rev. 05/14)

## From a specific US District Court

WD-51 (Rev. 1/10) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of California

Is the Matter of the Search of \_\_\_\_\_  
*(Briefly describe the property to be searched or identify the person by name and address)* Case No. **14MJ0396**

**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 \_\_\_\_\_ Southern District of \_\_\_\_\_ California.  
*(Identify the person or describe the property to be searched and give its location.)*  
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be searched.)*  
See Attachment B-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before February 14, 2014  
*(not to exceed 30 days)*

in the daytime 6:00 a.m. to 10 p.m.  at any time in the day or night or I find reasonable 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 Hon. David H. Barlick  
*(Name)*

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)*  (omit), the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: 1/2/2014 5:14 \_\_\_\_\_  
*(Judge's signature)*

City and state: San Diego, California \_\_\_\_\_  
Hon. David H. Barlick, U.S. Magistrate Judge  
*(Printed name and title)*

**Signed by a Federal Judge**

# 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.



[www.RedCardOrders.com](http://www.RedCardOrders.com)

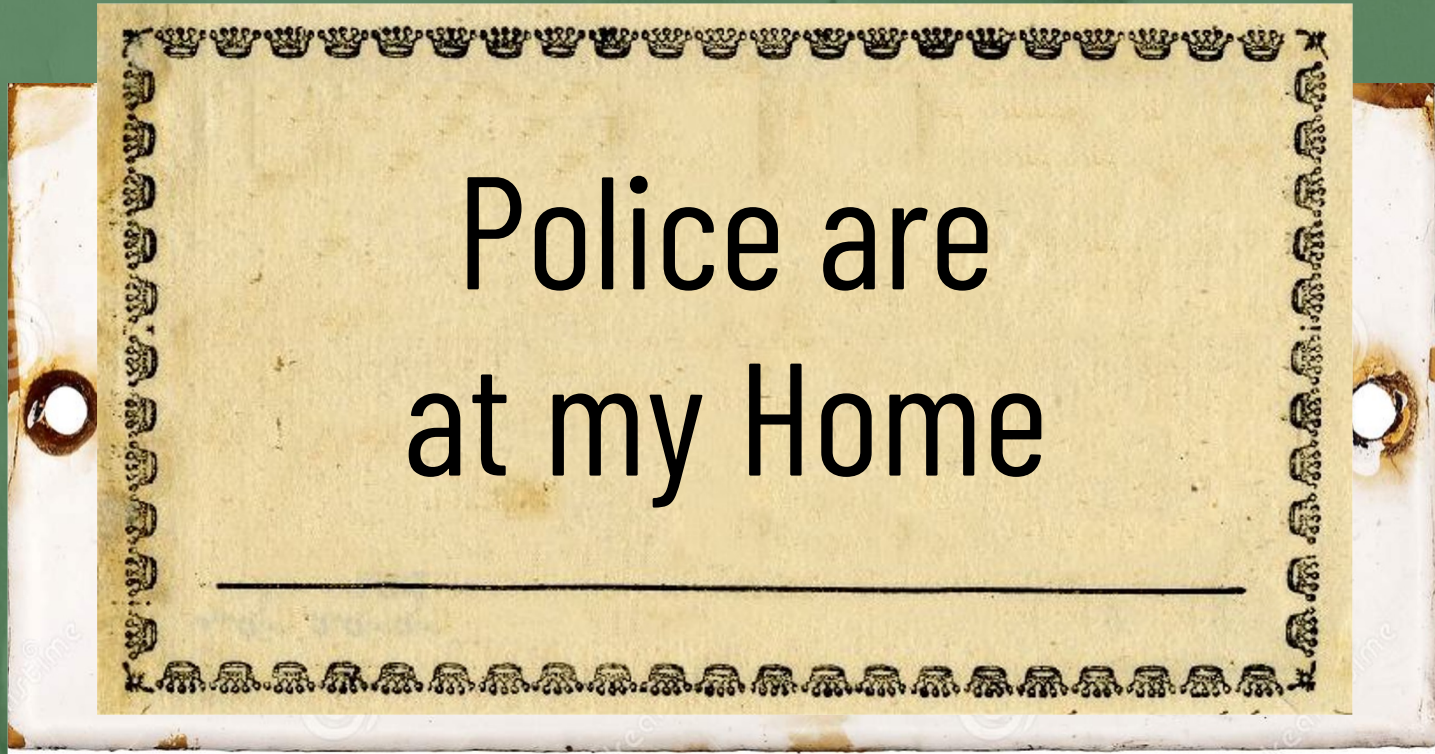
## Usted tiene derechos constitucionales.

- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO LA PUERTA.
- NO CONTESTE NINGUN PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si esta en el trabajo, pregunte al agente si esta libre para salir y si el agente dice que si, váyase. usted tiene derecho de hablar con un abogado.

ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

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)

Red Card English: [https://www.ilrc.org/sites/default/files/documents/red\\_card-self\\_srv-english.pdf](https://www.ilrc.org/sites/default/files/documents/red_card-self_srv-english.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.
  - 5<sup>th</sup> 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.



# ACLU Know Your Rights Police Card:

4. Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge on the next court day after arrest.
5. Do not make any decisions in your case until you have talked with a lawyer.

## IN YOUR HOME

1. If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
2. 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.
3. If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities – especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment. If your rights are violated, don't try to deal with the situation at the scene. You can talk to a lawyer afterwards, or file a complaint with the Internal Affairs or Civilian Complaint Board.

**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](http://aclu.org/profiling)**

## What To Do If You're Stopped By The Police

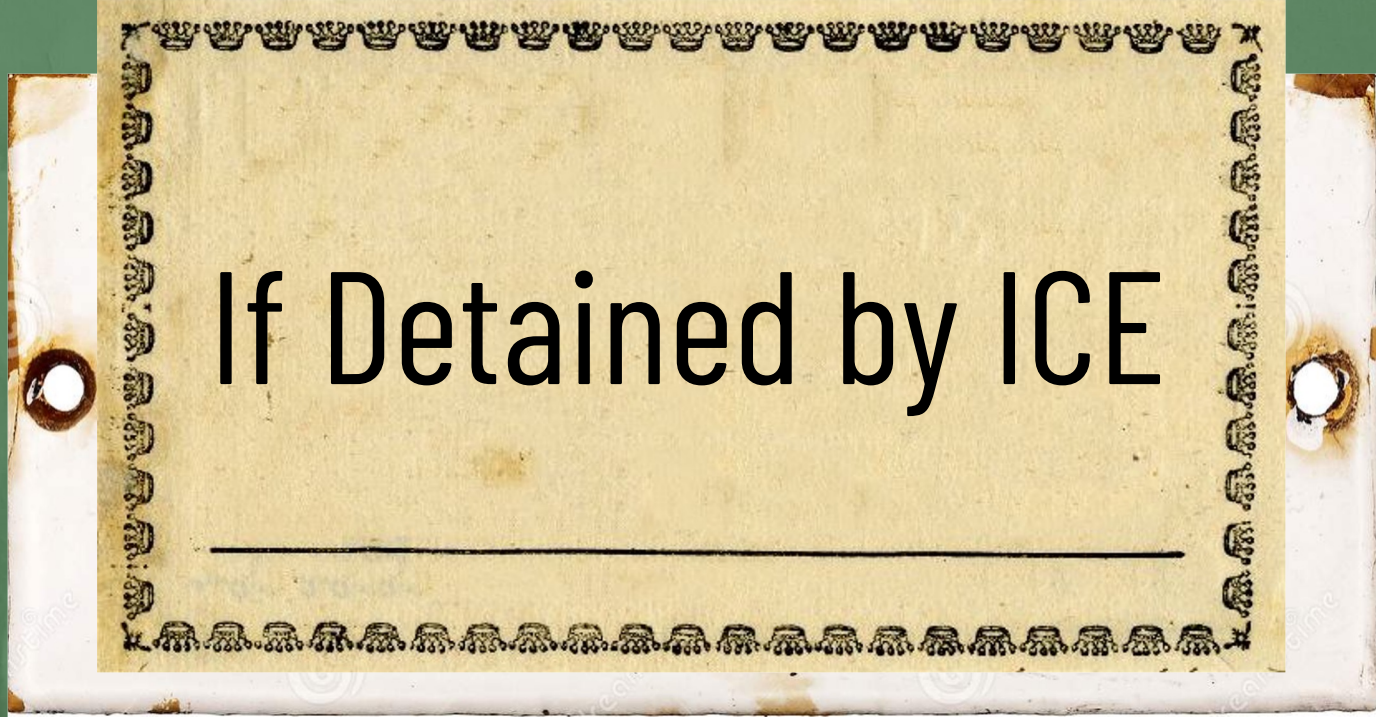
**Think carefully** about your words, movement, body language, and emotions.  
**Don't get into an argument** with the police. Remember, **anything you say or do** can be used against you.  
**Keep your hands** where the police can see them.  
**Don't run. Don't touch** any police officer.  
**Don't 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**.

**KEEP THIS CARD HANDY!  
IF YOU HAVE A POLICE ENCOUNTER,  
YOU CAN PROTECT YOURSELF.**





# **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 detention.

- 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.

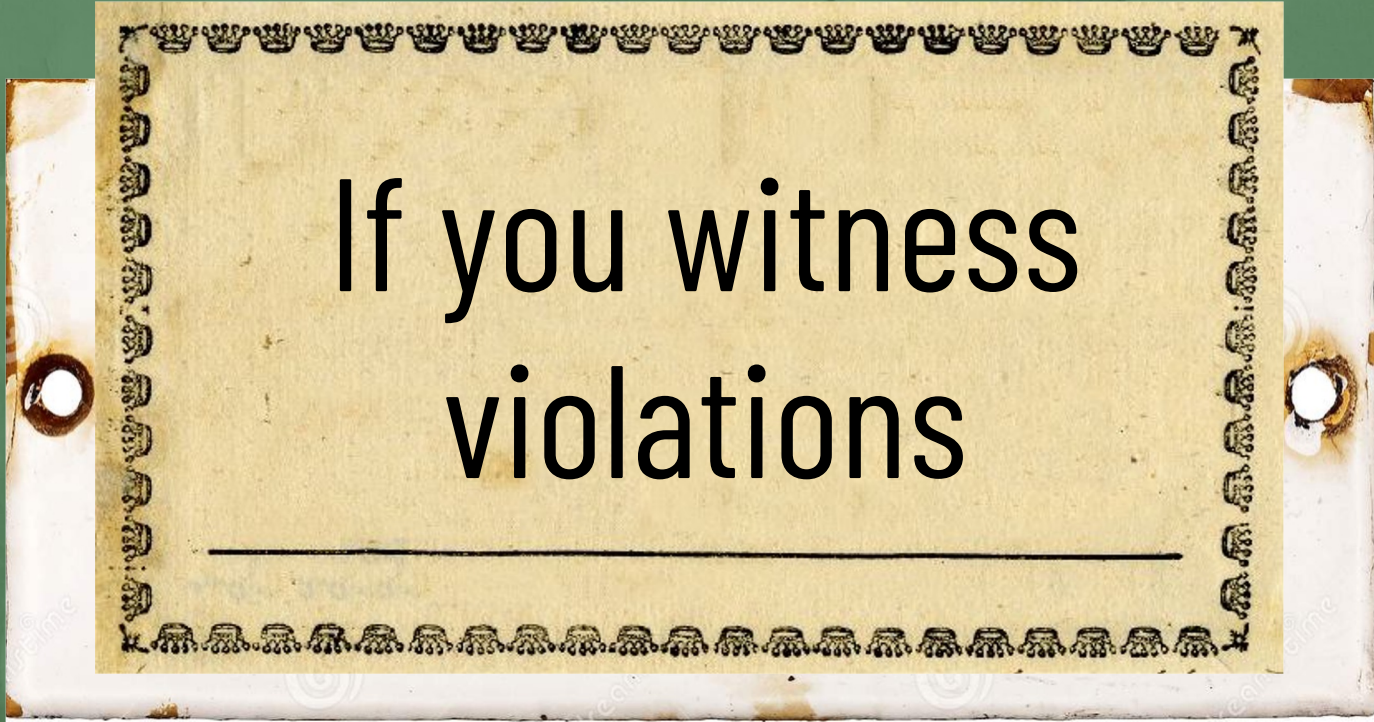
If you're injured, seek medical attention immediately

- 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.

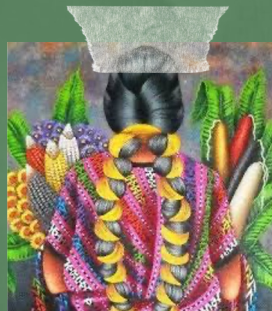
Do not try to hide the fact that you are recording.

- 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**

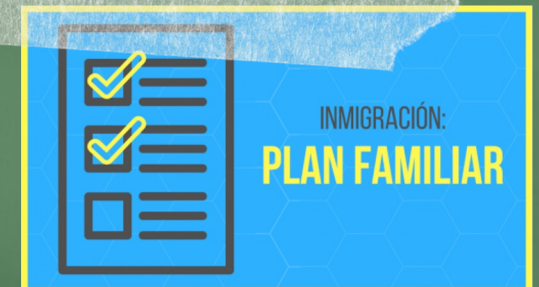
# Preparedness Plan

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. Consult 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:**

Español- [https://www.ilrc.org/sites/default/files/resources/spanish\\_kyr\\_two\\_pager\\_v2.pdf](https://www.ilrc.org/sites/default/files/resources/spanish_kyr_two_pager_v2.pdf)

English- [https://www.ilrc.org/sites/default/files/resources/kyr\\_two\\_pager\\_v2.pdf](https://www.ilrc.org/sites/default/files/resources/kyr_two_pager_v2.pdf)

## **National Lawyers Guild-Law Enforcement:**

Español- <https://www.nlg.org/wp-content/uploads/2016/04/kyrpamphlet-SPANISH-Final-2015-NIP.pdf>

English- <https://www.nlg.org/wp-content/uploads/2016/04/kyrpamphlet-Eng-May-2015-FINAL.pdf>

# *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_4053c0f1a3854a02985ee787dad2e29d.pdf)

[https://www.icirr.org/\\_files/ugd/9781a6\\_1e95f4cfd8344fae8d5e07f51b3c1c76.pdf](https://www.icirr.org/_files/ugd/9781a6_1e95f4cfd8344fae8d5e07f51b3c1c76.pdf)

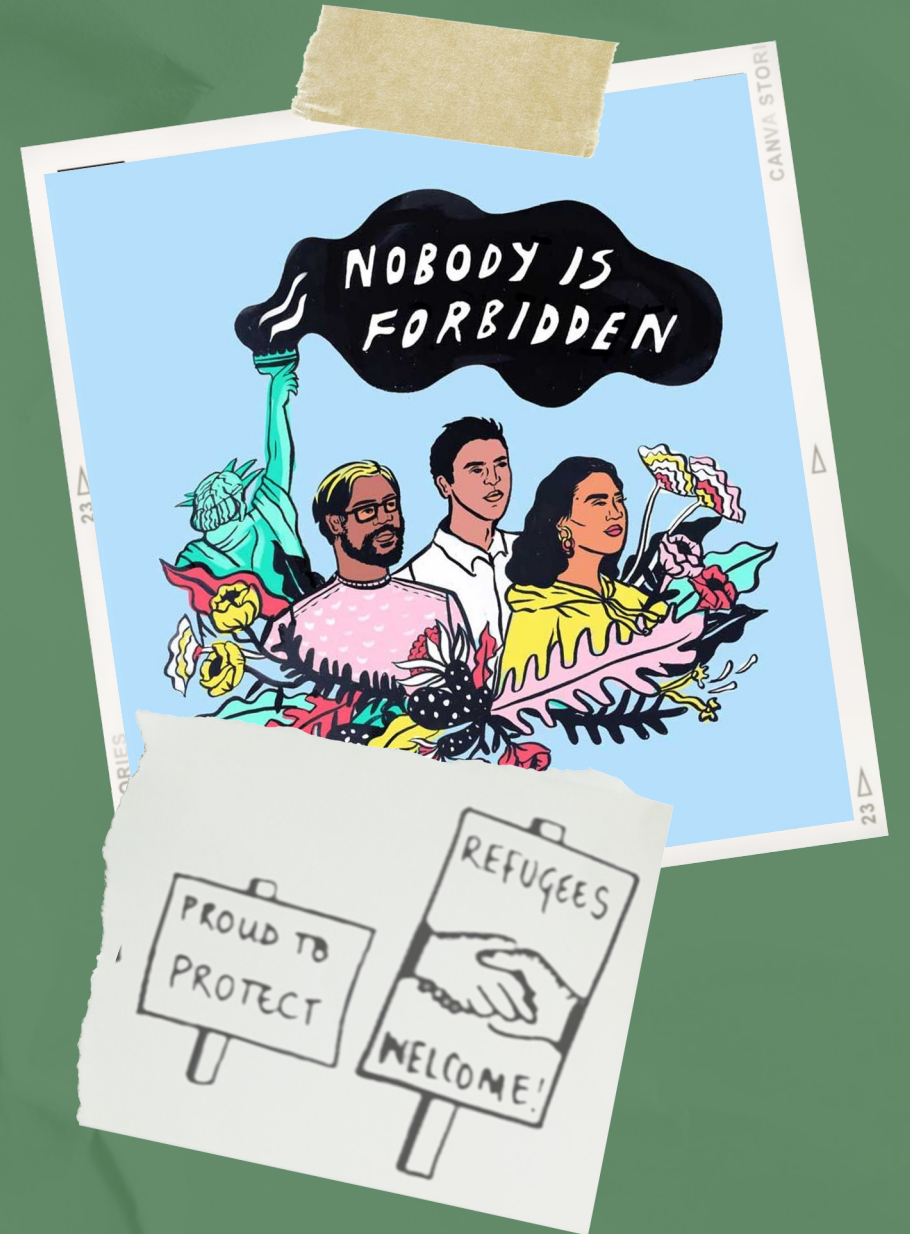
## **Immigration Legal Services (ICIRR Agency List)- Private Attorneys**

[https://www.icirr.org/\\_files/ugd/9781a6\\_b3ad1caedd0541bb89f3868294e4b536.pdf](https://www.icirr.org/_files/ugd/9781a6_b3ad1caedd0541bb89f3868294e4b536.pdf)

# QUESTIONS?

Contact Chicago Appleseed:

[ChicagoAppleseed.org](http://ChicagoAppleseed.org)





# THANK YOU!