



Police and ICE Interactions

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You have rights under the Constitution!

These rights mean that in any police interaction, you do NOT:

- Have to answer questions without your attorney present;
- Have to agree to turn over any object you possess without being presented with a valid warrant;
- Have to sign any confession to any crime they allege you have committed;
- Have to allow the police to enter your home without a valid warrant being presented.



What Do These Rights Mean In Practice?

Are There Exceptions?

There are certain times when the police may search your person or ask you for information without your consent. These include:

- Terry Stops:
 - Under Terry v. Ohio (1968), a police officer with “**reasonable suspicion**” that you have just committed or are about to commit a crime may briefly detain you and search your physical person (including pockets) for weapons;
- Identification:
 - Police may ask at any point where they have “reasonable suspicion” that you are involved in criminal activity, to produce your ID or inform them of your name and address.

Terry Stops, AKA Pat Downs



- These are **brief** stops during which police question you about a crime and perform a limited search
- To do these, police must have **reasonable suspicion** that you are in possession of a weapon; or **reasonable suspicion** that you are about to commit a crime
 - *Example:* “You matched the description of someone who just committed a crime.”
- Pat Downs - these happen **during** a Terry Stop. This should only be checking for weapons with fingertips on the outside of clothing. Not in pockets, under shirts, etc.

What To Do If A Police Officer Conducts A Terry Stop

If a police officer informs you that they are going to frisk you, **DO:**

- State politely but firmly that you do NOT consent to a search. They may search you anyways BUT vocally assert your rights against being searched
- Record the interaction if you are able. If you are with others who are being stopped, record their interactions and encourage them to record too
- Ask if you are being detained or if you are free to leave.

If a police officer informs you that they are going to frisk you, **DON'T:**

- Answer ANY questions or consent to a search of anything else around you, such as your car, your home, etc.;
- Unlock your phone or other electronic devices for the police to review. If they ask for its contents, politely inform them that you will not unlock the phone without a warrant



What Do I Do If I Am Stopped By Police On The Street?

Be Polite!

- Police interactions are stressful and uncomfortable. Your fear and anger over being stopped is completely understandable!
- Unfortunately, the police have the power in these interactions. Being polite in your interaction may be the difference between being detained and being released.

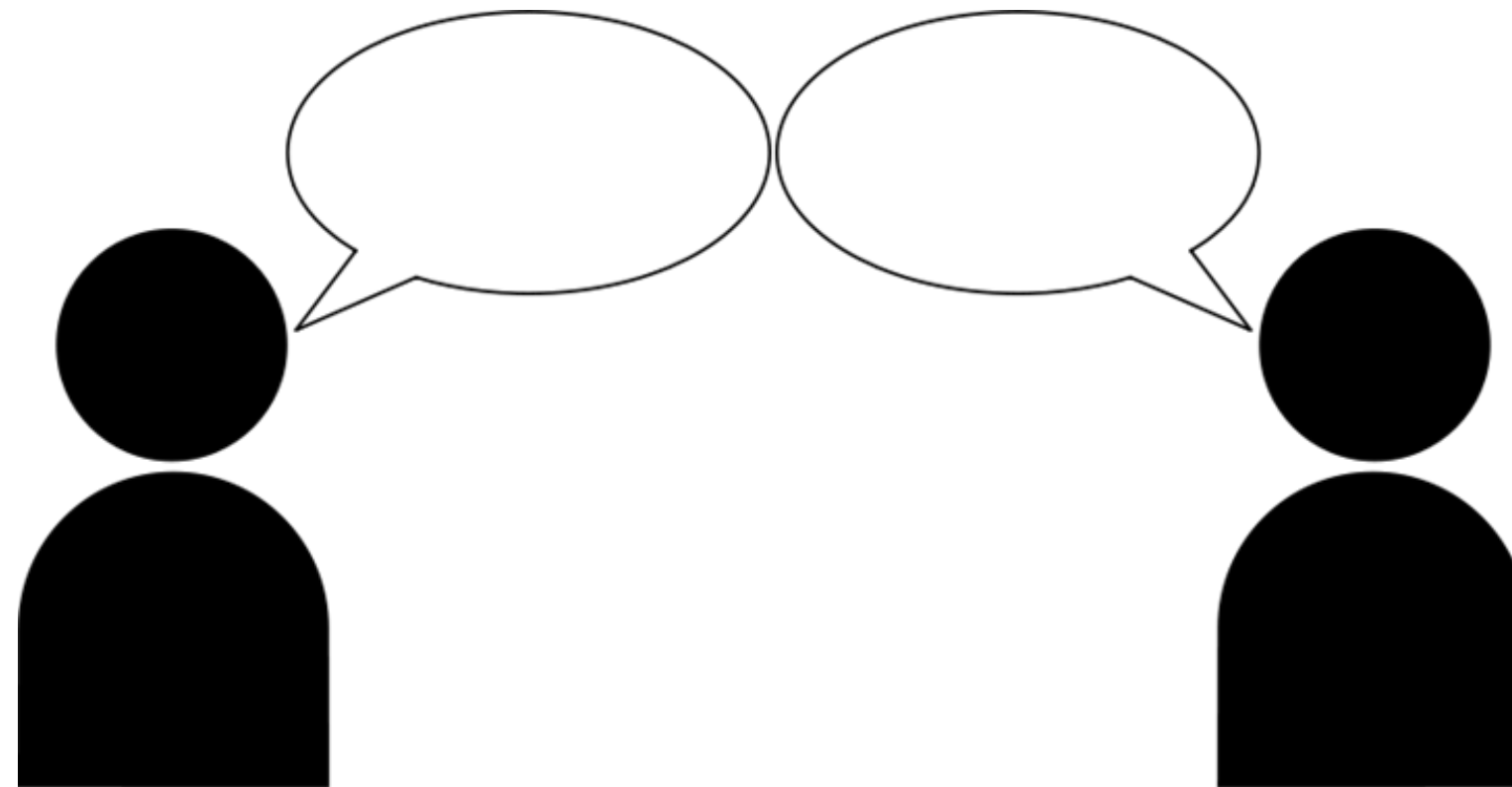
Say Nothing!!!

- Politely inform the officer that you will not speak until an attorney is present.
- Request an attorney immediately.
- If a police officer continues to question you, politely inform them that you will NOT answer questions without the presence of your attorney.

What Do I Say To Police?

If a police officer approaches or detains you, you can say the following:

- “Officer, am I being detained?”
- “Officer, am I under arrest?”
- “Officer, am I free to leave?”
- If the officer detains you or states that you are not free to leave, do NOT answer ANY other questions (with the exception of identification, should you choose to do so) WITHOUT AN ATTORNEY PRESENT!



Do I Need to Give Police my ID?

You can be Required to Identify yourself ONLY IF THE POLICE REASONABLY SUSPECT YOU ARE COMMITTING OR DID COMMIT A CRIME AND:

- You are in a Public Space
- Police believe you are part of the crime AND
- Police tell you they are police.

This will come up again in ICE interactions.



What Happens if I am Arrested?

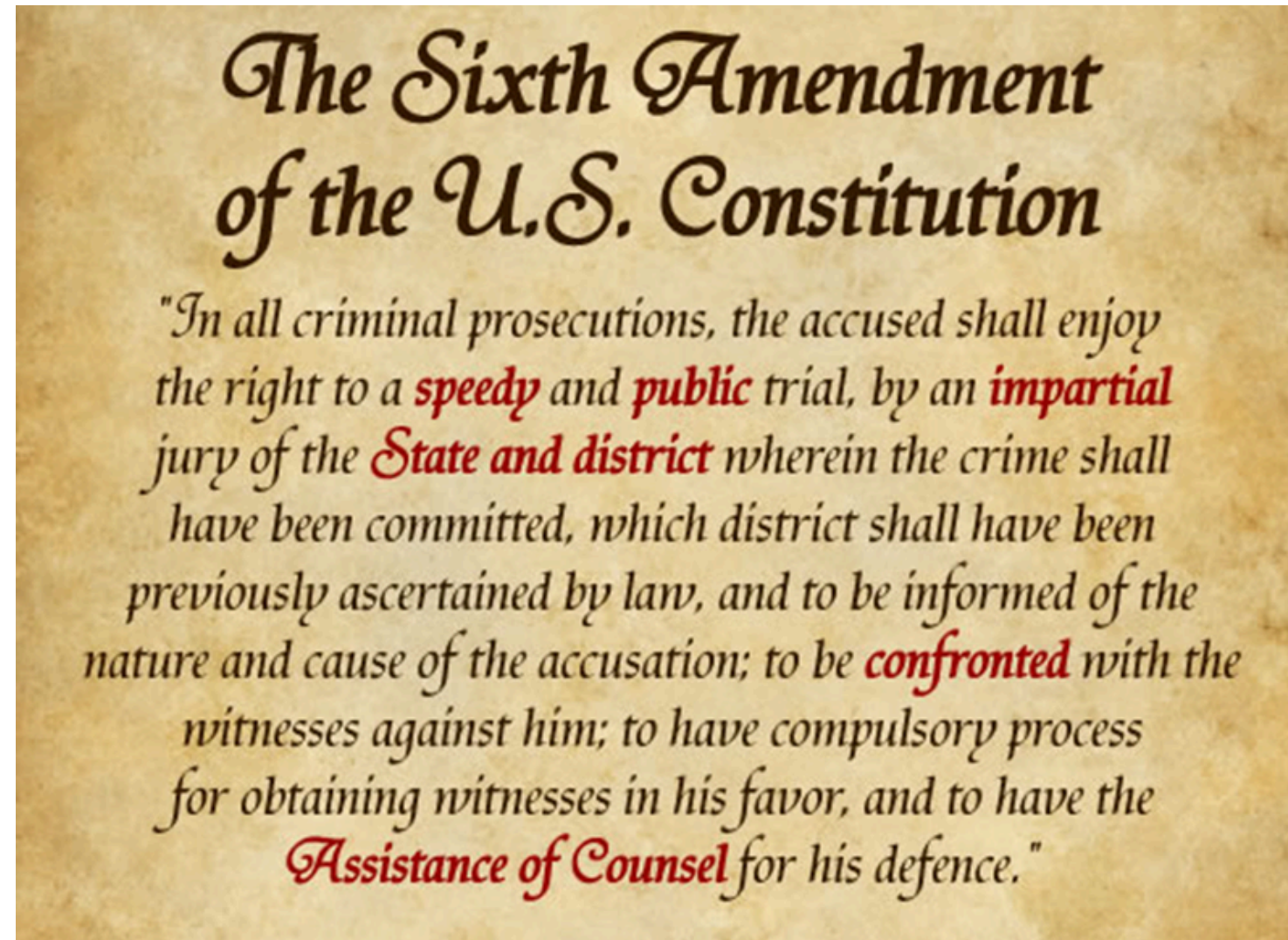
MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to an attorney.
4. If you cannot afford an attorney, one will be provided for you.
5. If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.

WAIVER

Do you understand the rights I have just read to you?
With these rights in mind, do you wish to speak to me?

How Do You Avoid Incriminating Yourself?



All you should say to an officer if arrested is:

"I WANT MY LAWYER", "I INVOKE MY RIGHT TO REMAIN SILENT" & THEN REMAIN SILENT

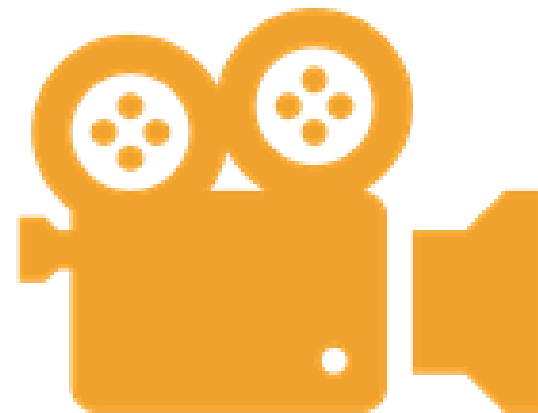
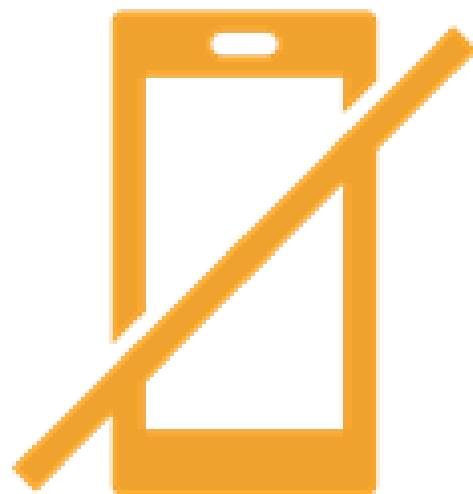
EXCEPTIONS AND THINGS TO CONSIDER

You can be ordered to unlock your phone if you use Face or Fingerprint (Can't be forced to give unlock code)

Video Recording is permitted in Illinois (Do not Interfere)

You may be Required to Give Driver's License and proof of insurance for lawful traffic stop

Police WILL use any statements you make against you





What Legal Resources Are Available If I Am Detained?

Legal Aid groups that may be able to send you a lawyer while detained by police:

- First Defense Legal Aid – (800) 529-7374
- Cabrini Green Legal Aid – (312) 738-2452
- The Office of the Cook County Public Defender Police Station Attorney Line - 844-817-4448

Who might ask me about my immigration status?



What are my Rights if Approached by ICE or Customs & Border Protection?

You have a variety of constitutionally protected rights when approached by ANY law enforcement agency, including:

- The right to remain silent when questioned.
- The right to refuse entry to a home (or refuse to leave the home) without a valid warrant presented, that is signed by a judge, instead of an ICE warrant, which are often only signed by ICE agents.
- The right to speak to your attorney.
- The right to present valid, legal documentation or paperwork that show you are a lawful permanent resident, have a visa, or are an American citizen.

What do I do if ICE or Customs & Border Protection Knocks on my Door?

Remember to remain calm and:

- Stay silent. Do NOT answer questions presented by any agency or officer. Teach your children that they should do the same.
- Do NOT leave your home or admit officers to it unless they have a warrant SIGNED BY A JUDGE. You may ask that they slide a warrant under the door or through the mail slot, but do NOT open the door to take it or take their word that they have one.
- Teach your children not to answer the door for ANYONE they do not know intimately well.
- Contact your local immigrant's rights attorneys or your personal attorney, but do NOT discuss your situation if ICE or CBF are able to hear you.

What do I do if ICE or CBP Approaches me in the Street?

Remember to remain calm and:

- Again, stay silent. Do NOT answer questions presented by any agency or officer. Teach your children that they should do the same.
- Keep your hands where they are easily visible to avoid escalation of the confrontation.
- Do NOT sign anything presented to you that you do not understand or agree to go with agents voluntarily. You always have a right to know if officers are detaining you, but do not speak further.
- If you have valid, legal documentation showing visa, lawful permanent residency, or citizenship status, you may present it, but do NOT discuss your status or any other matter any further with the officers.



Can I Lie to Federal Officers?

No – ESPECIALLY NOT to any FEDERAL law enforcement.

While it is not generally illegal to lie to local police in Illinois, lying to ANY federal agents can carry legal penalties, and even for those with lawful status. Convictions of such offenses can affect a person's ability to readjust their status, or could trigger revocation.

IT IS ALWAYS BEST TO REMAIN SILENT AND ASK FOR AN ATTORNEY WHEN IN THE PRESENCE OF LAW ENFORCEMENT OF ANY KIND!



Have a Safety Plan!

- Share A-numbers with loved ones – if someone is detained, they can be looked up on <https://locator.ice.gov/odls/>
- Identify your emergency contacts and memorize their phone number
- Designate someone you trust to pick up your children from school or daycare
- Consider naming a short-term guardian for your children in the event you are detained or deported
- Gather personal documents such as birth certificates, immigration documents, and medical documents



Legal Resources

There are many organizations offering direct legal representation for undocumented people in many different aspects of immigration law or even general advice, including:

- The Legal Aid Society of Metropolitan Family Services voice message line: (312) 986-4105.
- The Illinois Coalition for Immigrant and Refugee Rights or ICIRR: 1-855-HELP-MY-FAMILY (1-855-435-7693)
- The National Immigrant Justice Center detained line: (773) 672-6599, or collect at (312) 583-9721.

Many of these will be able to offer representation or referrals if needed!



Questions?