

## Know Your Rights

### 1st Amendment: Right to Record

- You have the constitutional right to record ICE agents performing their duties in public spaces
- You can take photos, videos, and written notes from public vantage points

### 4th Amendment: Protection from Unreasonable Search & Seizure

- You cannot be detained without reasonable suspicion of criminal activity
- You are generally not required to provide ID or answer questions simply for observing unless the officer has a reasonable suspicion
- You have the right to remain in public spaces and cannot be removed solely for observing
- “Kavanaugh Stops”: ICE can stop and briefly detain individuals based on perceived ethnicity, language, or occupation combined with other factors

### 5th Amendment: Right to Remain Silent

- You are not required to share personal information (place of birth, immigration status, etc.) unless lawfully detained
- You can invoke this right at any time during an interaction
- How to invoke: "I'm invoking my 5th Amendment right to remain silent. Am I free to go?"

Immigration and Customs Enforcement (ICE) was created in 2003 under the Homeland Security Act of 2002. ICE enforces immigration law and has broad law enforcement authority under multiple federal statutes.



### What is a Legal Observer?

Legal Observers are the “eyes and ears” of the legal team. They create documentation during events which can later be used in defense cases, public statements, and litigation which aims to hold law enforcement agencies accountable for the actions of their officers.

LEGAL OBSERVERS ARE NOT PROTESTERS

Immigrant Rights Clinic

# LEGAL OBSERVER RIGHTS



This guide is for educational purposes only and does not constitute legal advice.



## Responsibilities of Legal Observers

### What You MUST Do

- Maintain a safe distance that allows observation without creating hazards
- Respect reasonable perimeter boundaries established by agents
- Do NOT physically interfere with operations or touch agents/equipment
- Do NOT trespass on private property
- Be non-confrontational, you are documenting, not protesting

### What Is NOT Interference

- Standing at a reasonable distance and recording
- Asking for badge numbers
- Informing people of their rights from a distance

### During Observation

- Stay aware of your surroundings and potential dangers
- Coordinate with other legal observers
- Follow safety instructions

## What & How to Document

- Use your phone
- Set up your phone with a passcode (not facial identification or fingerprint)
- Date, time, and exact location
- Badge numbers and number of agents present
- Vehicle descriptions and license plates
- Agent behavior, statements, and treatment of individuals
- Whether individuals are informed of their rights
- Use of force, restraints, or weapons
- Whether agents identify themselves and their agency
- Duration of stops
- Whether agents accept documentation of legal status

## Remember

Do what you are comfortable with. If you are nervous about being a legal observer there are numerous other ways to assist your community including by donating to legal funds/aid organizations, sharing information, etc.

## Contact Us

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