UDC LAW

Know Your Rights:
Law Enforcement Encounters in DC

*For educational purposes only, this is not legal advice

Asst. Prof. Emily Cassometus
UDC David A. Clarke School of Law

UDC LAW

OVERVIEW

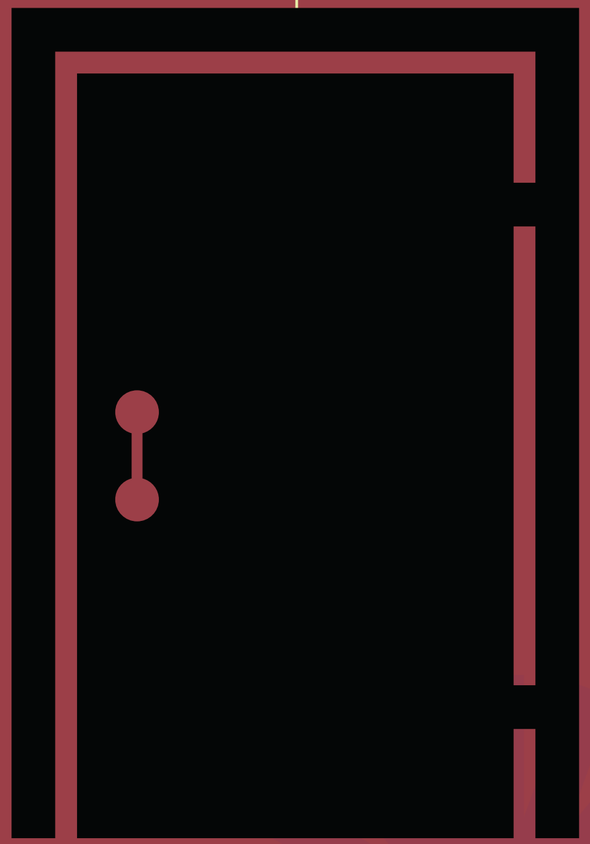
What if law enforcement knocks on my door?

What if law enforcement stops me in a public area?

What if it looks like someone else needs help?

UDC LAW

WHAT IF LAW ENFORCEMENT KNOCKS ON MY DOOR?



Ask: Do you have a warrant?

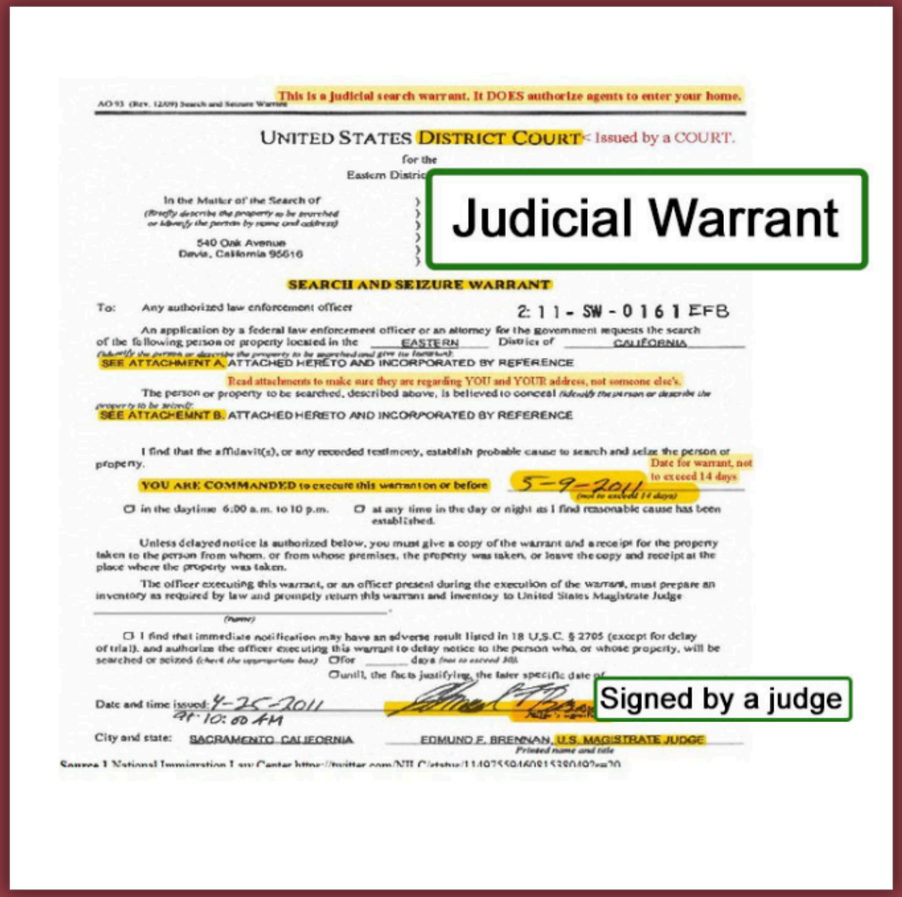


Check the details



UDC LAW

IMMIGRATION EXAMPLES



This is a judicial search warrant. It DOES authorize agents to enter your home.

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT < Issued by a COURT.

for the

Eastern District

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

540 Oak Avenue
Davis, California 95616

Judicial Warrant

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2:11-SW-0161 EFB

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 EASTERN District of CALIFORNIA
(identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):*
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

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

Date for warrant, not to exceed 14 days

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 *(not to exceed 14 days)*

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as 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

(name)

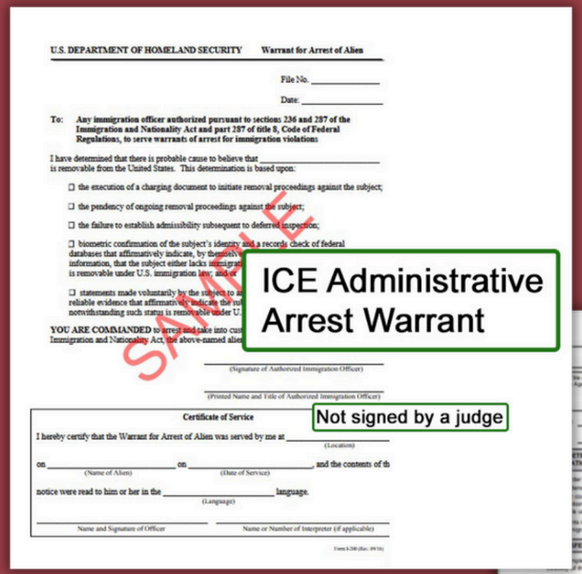
☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* ☐ for ____ days *(not to exceed 30)*
☐ until, the facts justifying, the later specific date of

Date and time issued: 4-25-2011 @ 10:00 AM

Signed by a judge

City and state: SACRAMENTO, CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

Source 1 National Immigration Law Center https://twitter.com/NILCstatus/114975504601538048?s=20



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 [illegible] reliable evidence that affirmatively indicate the [illegible] notwithstanding such status is removable under U.S. [illegible]

ICE Administrative Arrest Warrant

YOU ARE COMMANDED to arrest and take into cust[illegible] Immigration and Nationality Act, the above-named alien.

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

SAMPLE

Certificate of Service

Not signed by a judge

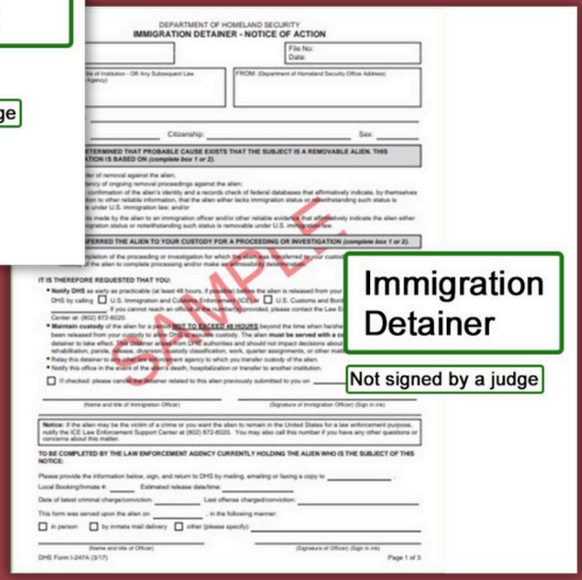
I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of th[illegible] 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-200 (Rev. 09/16)



DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

File No:
Date:

[illegible] Institution - OR Any Subsequent Law Agency)

FROM: (Department of Homeland Security Office Address)

_____ Citizenship: _____ Sex: _____

[illegible] DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS [illegible]TION IS BASED ON *(complete box 1 or 2)*.

[illegible] of removal against the alien;

[illegible]ncy of ongoing removal proceedings against the alien;

[illegible] confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves [illegible]tion to other reliable information, that the alien either lacks immigration status or notwithstanding such status is [illegible] under U.S. immigration law; and/or

[illegible]s made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either [illegible]igration status or notwithstanding such status is removable under U.S. immigration law.

[illegible]FERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEDING OR INVESTIGATION *(complete box 1 or 2)*.

[illegible]pletion of the proceeding or investigation for which the alien was transferred to your custo[illegible] of the alien to complete processing and/or make arrangements for removal.

Immigration Detainer

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your [illegible] DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Bord[illegible] _____. If you cannot reach an official at the number provided, please contact the Law E[illegible] Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she[illegible] been released from your custody to allow DHS to assume custody. The alien **must be served with a c[illegible]** detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about [illegible] rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other mat[illegible]
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked, please cancel the detainer related to this alien previously submitted to you on _____

_____ (Name and title of Immigration Officer) _____ (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

_____ (Name and title of Officer) _____ (Signature of Officer) (Sign in ink)

DHS Form I-247A (3/17) Page 1 of 3

SAMPLE

Not signed by a judge

UDC LAW

WHAT IF LAW ENFORCEMENT STOPS ME IN A PUBLIC AREA?

1 2 3 4 5

UDC LAW

1

AM I FREE TO GO?



YES

NO



UDC LAW

2

I DO NOT CONSENT TO A SEARCH



UDC LAW

3

AM I UNDER ARREST?

YES



NO



UDC LAW

4

I WANT TO SPEAK TO A LAWYER NOW



UDC LAW

5

I WISH TO REMAIN SILENT



UDC LAW

DO I HAVE TO SHARE ID WHEN ASKED?

DRIVING



NOT DRIVING



IMMIGRATION



UDC LAW

WHAT IF IT LOOKS LIKE SOMEONE NEEDS HELP?



CAN YOU COMMUNICATE WITH THEM?

UDC LAW

WHAT IF IT LOOKS LIKE SOMEONE NEEDS HELP?



If law enforcement is already present

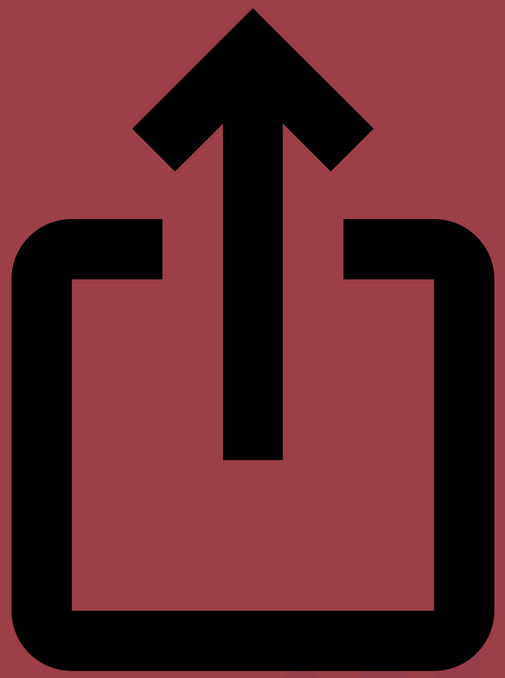






UDC LAW

WHAT IF IT LOOKS LIKE SOMEONE NEEDS HELP?



SHARE VIDEO AND OTHER INFORMATION

UDC LAW



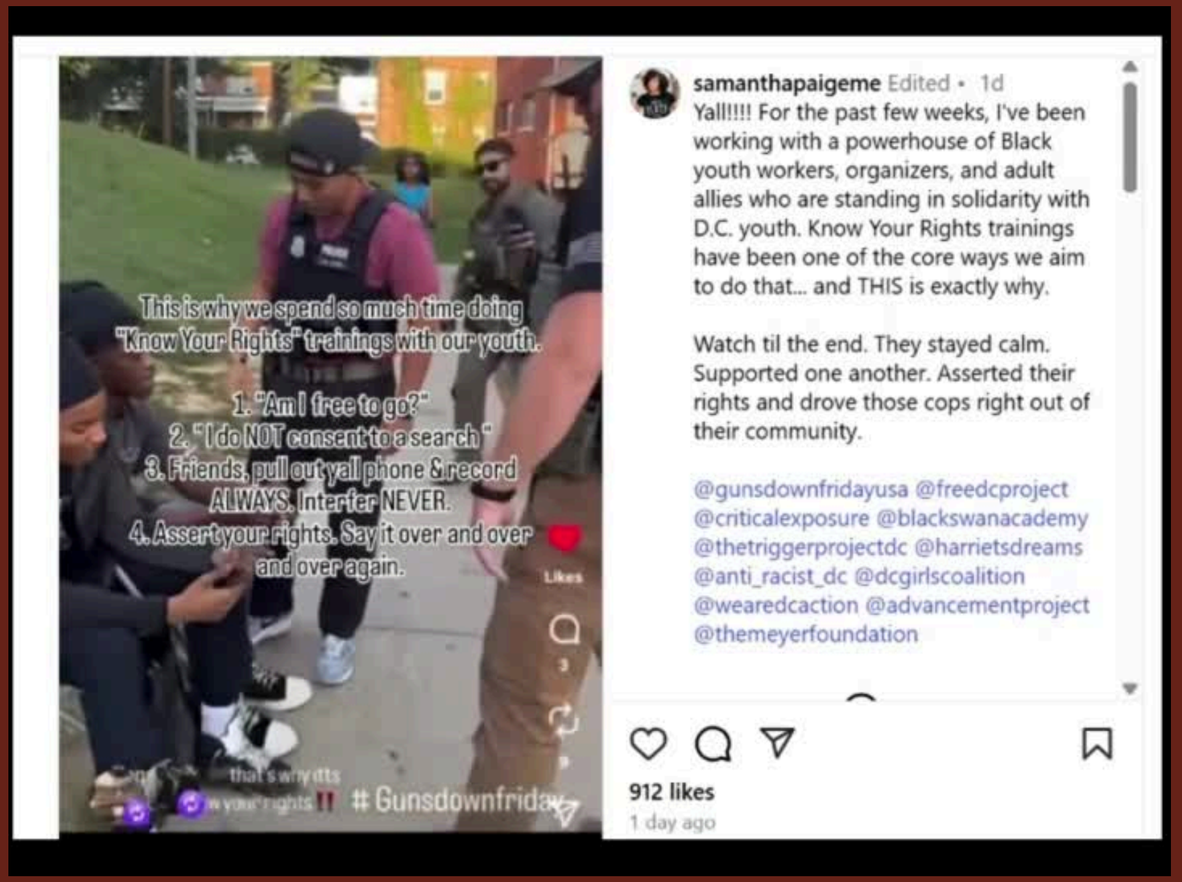
ONGOING ICE ACTIVITY

202-335-1183

ALL OTHER LAW ENFORCEMENT ACTIVITY

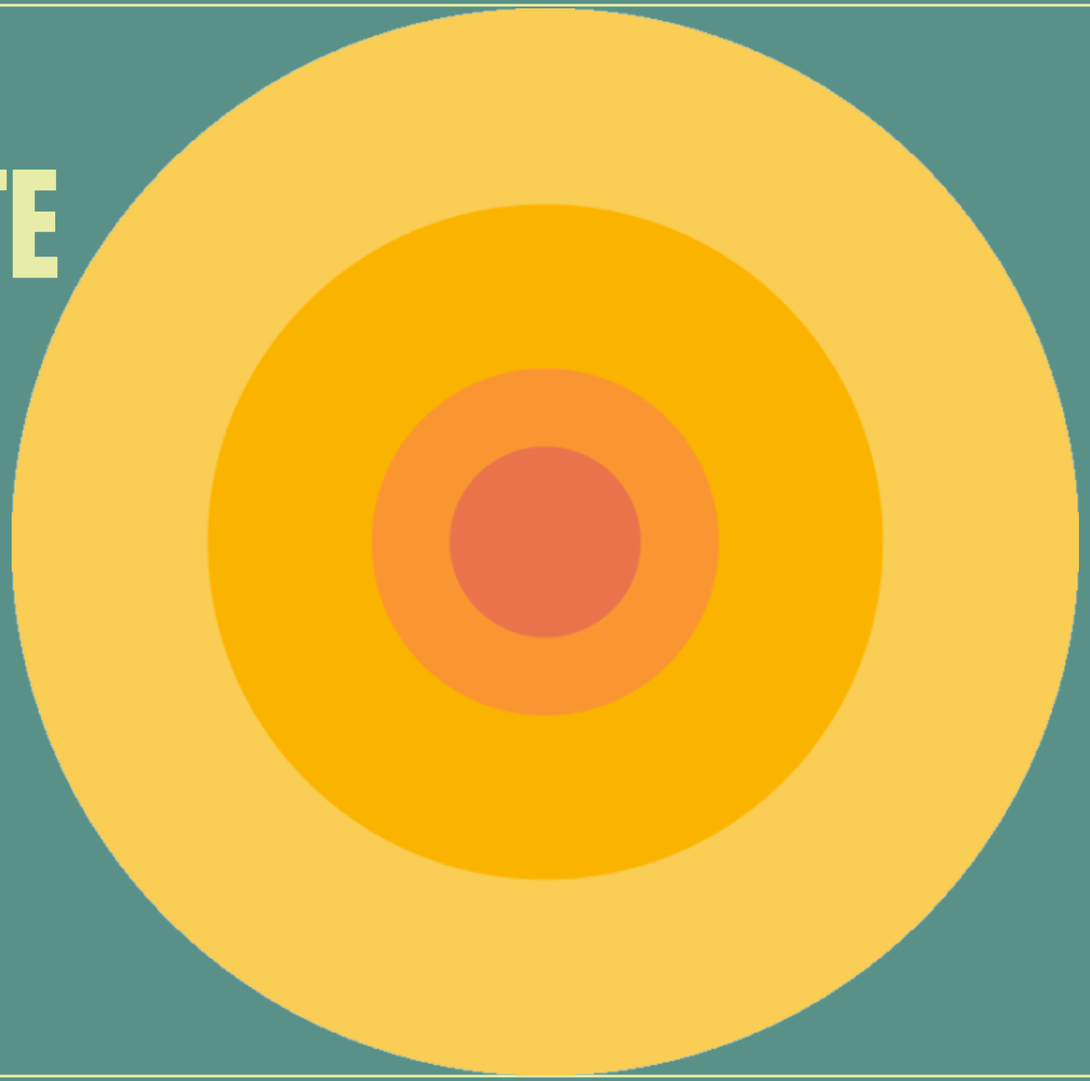
REPORT@FILMTHEPOLICEDC.ORG

FILM THE POLICE DC


This is why we spend so much time doing
"Know Your Rights" trainings with our youth.
1. "Am I free to go?"
2. "I do NOT consent to a search."
3. Friends, pull out yall phone & record
ALWAYS. Interfer NEVER.
4. Assert your rights. Say it over and over
and over again.
Likes
Gunsdownfriday
samanthapaigeme Edited • 1d
Yall!!!! For the past few weeks, I've been working with a powerhouse of Black youth workers, organizers, and adult allies who are standing in solidarity with D.C. youth. Know Your Rights trainings have been one of the core ways we aim to do that... and THIS is exactly why.
Watch til the end. They stayed calm. Supported one another. Asserted their rights and drove those cops right out of their community.
@gunsdownfridayusa @freedcproject @criticalexposure @blackswanacademy @thetriggerprojectdc @harrietsdreams @anti_racist_dc @dcgirlscoalition @wearedcaction @advancementproject @themeyerfoundation
912 likes
1 day ago

UDC LAW

DE-ESCALATE



UDC LAW

MEMBERS OF SELF DETERMINATION FOR D.C. DUMP TEA CRATES INTO THE POTOMAC RIVER



DC PUBLIC LIBRARY, THE PEOPLE'S ARCHIVE, WASHINGTON STAR PHOTOGRAPH COLLECTION
APRIL 15, 1973

UDC LAW

Q&A

FREE LEGAL RESOURCES

ACLU District of Columbia

- HTTPS://ACTION.ACLU.ORG/LEGAL-INTAKE/DC-LEGAL-INTAKE
- INTAKE@ACLUDC.ORG
- 202-601-4269

WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS

- HTTPS://WWW.WASHLAW.ORG/WHO-WE-SERVE/GET-LEGAL-HELP/
- 202-319-1000

UDC LAW

REQUEST THIS TRAINING FOR YOUR COMMUNITY

BIT.LY/UDC-KYR

CASE SENSITIVE