GOVERNOR
GAVIN NEWSOM

Know Your Rights

You Have the Right to Observe, Record & Document. Stay Calm.

- ➔ You can legally **observe, record, and document** immigration arrests that happen in public spaces.
- ➔ **Staying calm** helps protect your safety and the safety of the person being detained. Verbally attacking or physically approaching federal agents can escalate the situation and put everyone at risk. The federal government may pursue criminal charges against anyone who **interferes with or obstructs** a federal officer.
- ➔ Even if you believe the arrest is unlawful, you should not resist or physically intervene. Calmly and verbally assert your rights.

What To Do if You Witness an Immigration Arrest:

What You CAN Do:	What NOT to Do:
✅ Record from a safe distance.	❌ Don't ask about immigration status, country of origin, or personal details like address or employer.
✅ Ask the individual being detained for their name and contact information, if it's safe.	❌ Don't get physically close or confront agents. That could be considered interference.
✅ Ask if they need help with property left at the scene.	❌ Don't attempt to block the arrest.
✅ After the arrest, contact your local rapid response network to report the incident and share any documentation.	

How to Recognize Federal Immigration Agents:

- ➔ Agents may wear tactical gear, plain clothes, or clothing identifying them as part of ICE, ERO, Border Patrol, or other federal agencies.
- ➔ They may refer to themselves as "police," but are operating under federal authority.

Frequently Asked Questions:

To Be Continually Updated

What are my rights as a witness or bystander to immigration arrests?

- ➔ You may **observe, record or document** a public arrest.
- ➔ These incidents can be very stressful and emotional, but **maintaining and promoting calm** is important for your safety and the safety of the person being detained.
- ➔ Verbally berating and approaching federal agents can put **you and the person being detained at risk.**
- ➔ The federal government has committed to pursuing federal **criminal charges** against individuals who may interfere with or obstruct federal law enforcement officers.
- ➔ Even if you believe your rights are being violated, don't argue, resist or obstruct the officer. You can **verbally assert your rights** in a calm and clear manner.
- ➔ **Violence is never the answer**, and assaulting a federal agent or obstructing an arrest is a crime.
- ➔ If you believe your rights were violated, you may contact qualified legal counsel and organizations such as the ***ACLU***.

What can I do when I see an immigration arrest happening?

- ➔ You can calmly record the arrest from a safe distance and ask for the detainee's name and a phone number to call.
- ➔ You can ask the individual being detained if they **need help** caring for personal property left behind at the arrest site.
- ➔ Remember, **keep a safe distance.** Federal agents may not respect your right to record and allege interference. Keeping a safe distance helps you stay safe and document the arrest.
- ➔ Following the arrest, you can contact a local rapid response network to report the incident and share information, photos, and videos about it. (add link)
- ➔ **Do NOT** ask for country of birth, birthdate, immigration status or immigration history.
- ➔ **Do NOT** ask for home address or place of work.

How do I know if it is federal agents who are arresting me or my loved ones?

- ➔ Federal agents typically wear different clothing and gear that may indicate which agency they belong to. Sometimes they may be in plain clothes or tactical gear. They may also identify themselves as police.
- ➔ Federal agents have the legal authority to arrest people they suspect are in the country unlawfully. Even if you believe your rights are being violated, **don't argue, resist or obstruct the officer.** You cannot impede them even if you disagree or are upset about someone being detained. **You can verbally assert your rights.**

Interfering could increase the potential for negative consequences to you and the person they are detaining for immigration reasons.

- View: *Information about your rights during an arrest*
- Stay Calm. Don't run, resist or obstruct. That can have negative consequences for you.

➔ If you believe someone is being kidnapped and not being arrested by federal agents, **you should call local police.**

Don't immigration agents need warrants to arrest someone?

➔ Immigration agents **do not need a warrant** signed by a judge to arrest an individual for immigration violations. However, there is a standard they must meet to arrest people without a warrant, and they may be held accountable by a judge for violating the law when making an arrest. You, as a bystander, **cannot interfere** even if you believe it's an unlawful arrest.

- **Do not** try to block federal agents.
- Instead, **keep a safe distance and document what occurred**, which may help the person detained with their case and may help hold agents accountable under the law.
- VIDEO: *Filming an ICE Arrest the Right Way Matters*

➔ **Immigration agents need a warrant signed by a judge to enter non-public areas on private property or to obtain documents stored in non-public areas.** You, as a bystander, **cannot interfere** even if you believe it's an unlawful arrest or search.

- Immigration agents may seek entry into a non-public area at a business even without a warrant signed by a judge.
- If you own or control the space, you can say that it is a non-public area and that you do not consent to their entry.
- **Don't try to block or obstruct immigration agents.** It can put your safety at risk.
- Instead, **document what occurred** from a safe distance.

Are bounty hunters working with the federal government to make arrests?

➔ The DHS has stated publicly that the federal government **does not** contract with bounty hunters for immigration enforcement.

➔ ICE is working with several other federal government agencies to make immigration arrests, including Border Patrol, the Drug Enforcement Administration, the FBI and more. Sometimes, ICE may also bring agents from other states.

➔ In California, bounty hunters are known as bail fugitive recovery agents. They are required to be trained, licensed and insured. They are hired by bail bond companies to locate and apprehend defendants who have failed to appear in criminal court after being released on bail.

What do I do if immigration agents detain me?

- **Don't Lie or Give False Documents.**
- You have the right to say **you wish to remain silent and ask for a lawyer** immediately. You don't need to give any explanations or excuses.
- You have the right to talk with a lawyer before saying anything or signing anything.
  - If ICE detains you, you have the right to consult with a lawyer, but the government is not required to pay for a lawyer for you. You can ask for a list of free or low-cost alternatives.
- If ICE has detained you, you have the right to contact your consulate or have an officer inform the consulate of your detention, who may have protection services to support your legal rights.

How else can I help Californians affected by immigration arrests?

- You can support **local organizations** that provide immigration legal services to individuals detained, as well as organizations that **support families affected by detentions and deportations.**
  - Visit: ***www.immigrationlawhelp.org/***

Stay Prepared.

- Prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication.
- Keep a copy of your immigration documents with someone you trust.
- If you have one, remember your immigration number ("A" number) and give it to your family. An A number is provided to noncitizen immigrants by immigration officials. It will help family members ***locate you.***
- Consult an immigration attorney and have a signed ***G-28 form*** if you are concerned about being arrested.

For information regarding immigration arrests at a workplace, more information is available here:

- ***Joint Guidance for Employers from California Labor Commissioner and California Attorney General***
- ***Information for Small Businesses***, See June Webinar: Immigration Compliance for Small Businesses

---