

Know Your Rights: Documenting and Recording ICE

The contents of this presentation are intended for educational purposes only and should not be misconstrued as legal advice



Your Rights When Documenting

- You have a right to photograph or film anything plainly visible in public, including law enforcement, so long as you are not trespassing or violating a lawful order.
- Make sure to not physically interfere with an officer.
- On private property, the owner can set rules about photography or video.



Your Rights When Documenting

- Without a warrant, law enforcement may not confiscate or demand to view the contents of your digital device nor may they delete your data.



Limitations of Constitutional Protections

- The First Amendment does not protect civil disobedience, even if your motivation is law enforcement accountability or sharing law enforcement abuses with the public.
- You can still be subject to punishment for breaking otherwise valid laws.



Risks When Documenting

- Some law enforcement officials react harshly to those who record their activities, including by threatening and making arrests, or worse.



Reducing Risks

- **Top priority: safety and de-escalation**
- Maintain distance
- Avoid sudden movements and remain calm
- Don't record while driving
- Film openly and keep your hands visible
- Follow instructions from law enforcement, even if you believe they are unlawful
 - Verbalize your compliance:
 - "We're backing up"
 - "We're moving to the sidewalk"
- Never physically resist or obstruct



Alerting Others of Law Enforcement

- The use of whistles to alert others to nearby law enforcement activity may be useful to draw attention to abuses of power and signal others to begin documenting or recording, but this choice comes with risks.
- Communication – through various forms – to alert others to lawfully record or document enforcement operations is protected First Amendment activity, so long as it does not interfere with law enforcement operations.



Alerting Others of Law Enforcement

- Ordinary rules prohibiting obstruction, physical interference, and creation of safety hazards always apply, as well as any local noise ordinances.
- You will need to make an informed decision about this activity considering your own personal safety and risks.



Best Practices When Recording

- Capture details and context
- Make a copy on another device
- Do not edit the original
- Share the footage with the impacted individual's loved ones and/or their attorney



What to Document ("SALUTE")

- **Size** ("four officers, two cars")
- **Actions** ("questioning bystanders")
- **Location** ("Cedar Ave and 47th Street")
- **Uniform** ("plain clothes with flak jacket marked DHS")
- **Time & Date** ("8:10am, 2/17/26")
- **Equipment & Weapons** ("all officers are carrying pistols, one is carrying a large launcher")



- **Size**
- **Actions**
- **Location**
- **Uniform**
- **Time & Date**
- **Equipment**

Put the SALUTE in the chat!



Photo credit: Sebastián Hidalgo/Block Club Chicago

Protest Safety Planning

- Create a safety plan
 - Find a protest buddy with similar risk tolerance
 - Decide on your emergency contact
 - Identify exit and meeting points
 - Identify event organizers and safety leads
- Use permanent marker to write important phone numbers on your body



What to Do if Stopped or Arrested

- Always remain calm and never physically resist a law enforcement officer.
- Law enforcement cannot lawfully detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.
 - If you are stopped, ask the officer if you are free to leave. If the answer is yes, calmly walk away.
 - You can ask for officers' names and badge numbers, as well as who to call if there are follow-up questions. If possible, write these down, along with any other relevant observations.
- If you're not under arrest, a law enforcement officer needs a warrant to confiscate your device or to view its contents without your consent. If you are arrested, an officer may take your phone but still needs a warrant to search its contents. The government may never lawfully delete your photographs or videos under any circumstances.
- **If you are arrested, you may exercise your right to remain silent and ask for a lawyer — no matter your citizenship or immigration status.**



What to Do If You Believe Your Rights Have Been Violated

- Even if your rights have been violated, documenting what occurred will be critical to challenging the violation of your constitutionally protected rights in court.
- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- Get contact information for witnesses and ask for any documentation or recordings they might have.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board. You can also reach out to your local ACLU affiliate.



Were your rights violated by ICE or federal forces? We want to hear from you.

- The **ACLU of Ohio** is working to protect all who call Ohio home.
- If you:
 - Have lawful immigration status: U.S. citizen, lawful permanent resident, active TPS, or unexpired visa without an order of removal;
 - Have been detained or arrested in Ohio by DHS/ICE/CBP; And were later released – either because you were let go, or a court ordered your release
 - We want to speak with you! Text **614-347-9488**, email contact@acluohio.org, or fill out our web intake form here: <https://action.aclu.org/legal-intake/ohio-legal-intake>.
 - Please let us know a little bit about what happened and share the best way to get in touch with you.

Not in Ohio? Find your local affiliate by visiting [ACLU.ORG/AFFILIATES](https://www.aclu.org/affiliates)

