

# Know Your Rights

Kristin Greer Love, ACLU of New Mexico Senior Civil Liberties Attorney

**ACLU**  
New Mexico

# **Agenda**

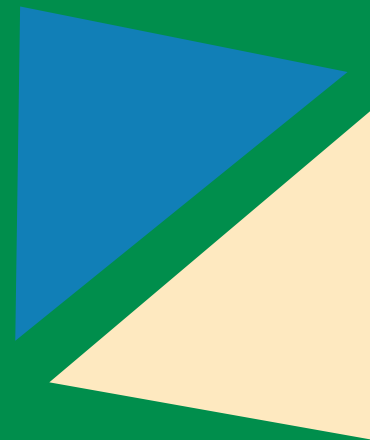
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Community Agreements and  
Acknowledgements

Know Your Rights in police encounters

Know Your Rights in ICE encounters

Know Your Rights while protesting





# **Community Agreements & Acknowledgments**

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**We will respect each other by actively listening and assuming good intentions. We will also acknowledge and address impact and power dynamics.**



**We will use “I”  
statements, keep an  
open mind, and  
prepare to learn  
from each other and  
be surprised.**

—



# Acknowledgments



**This know-your-rights presentation addresses sensitive topics that may be challenging or triggering for some or all.**

**The ACLU of New Mexico is committed to advocating for fair treatment and accountability, while challenging and dismantling systems of oppression and discrimination to achieve true liberation for all.**

# **First Principles**

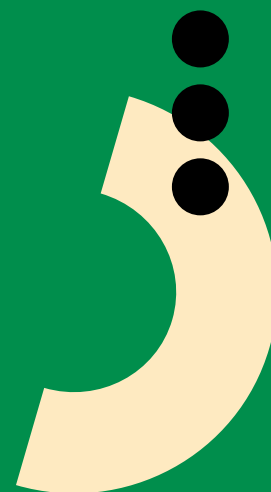
**Safety**

**Preparedness**

**Harm Reduction**



# **Know Your Rights in Police Encounters: Traffic Stops**



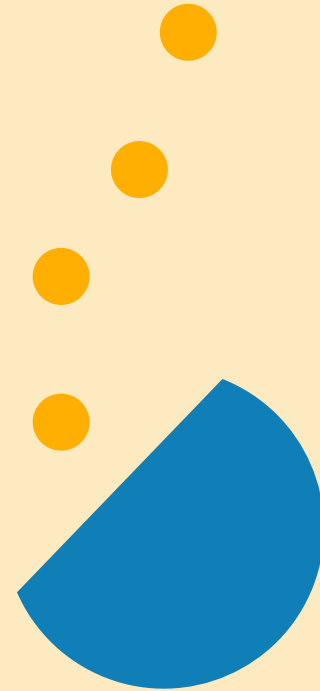
# **Know Your Rights in Police Encounters: Traffic Stops**

## **Drivers**

License,  
Registration,  
Insurance,  
Safety Tips

## **Passengers**

Safety Tips



# **Know Your Rights in Police Encounters: Traffic Stops**

## **Am I free to leave?**



## **Know Your Rights in Police Encounters: Traffic Stops**

**I do not consent to a  
search. \***

**\* Warrants, consent, or warrantless search in  
exigent circumstances**



**Know Your Rights in Police  
Encounters: Traffic Stops**

**I want to speak to an  
attorney.**

**I am exercising my right  
to remain silent.**



**True or false?**

**When I am driving a car in New Mexico, I always need to have my valid license, registration, and insurance.**



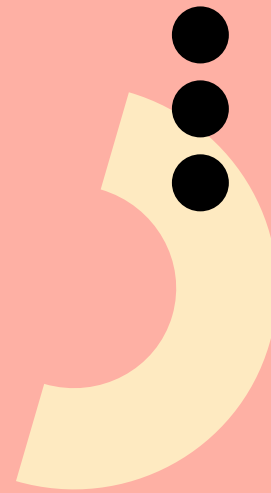
**True or false?**

**When I am driving a car in  
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**True or false?**

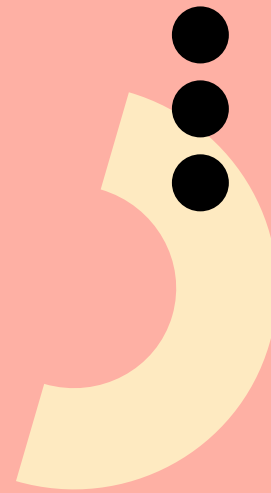
**If I don't consent to a search,  
police can't search my car.**



True or false?

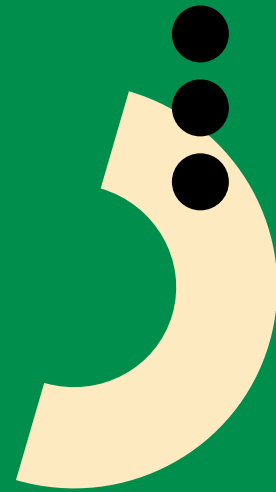
**If I don't consent to a search,  
police can't search my car.**

**Don't consent. Even without  
your consent, police *may still*  
*search* your car. You can fight  
them in court.**



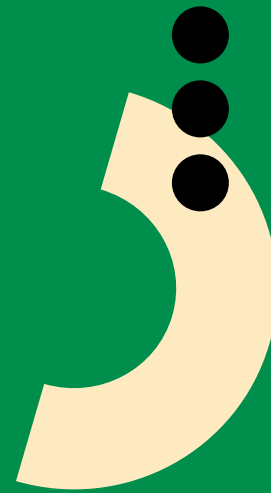
## **True or false?**

**If I am a passenger in the car and the driver is being detained, but the police tell me I am free to go, I should exit the car and walk away slowly.**



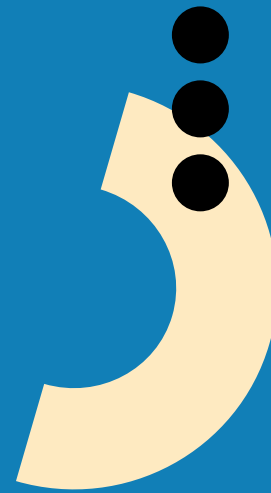
**True or false?**

**If I am a passenger in the car and the driver is being detained, but the police tell me I am free to go, I should exit the car and walk away slowly.**



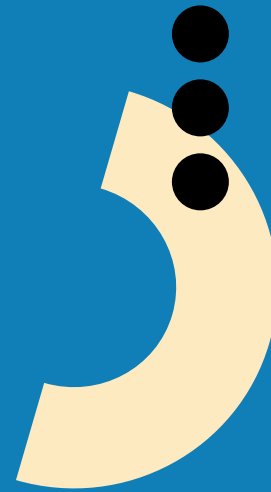
**True or false?**

**Police lie.**

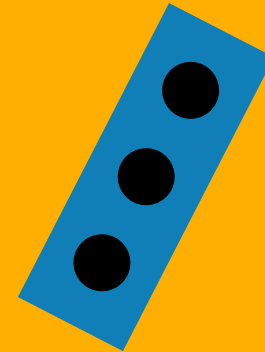


**True or false?**

**Police lie. They do!**



# **Know Your Rights in Police Encounters: Stops in Public**





**If you are stopped by  
police on the street  
or in public ...**

You have rights.



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## **Know Your Rights in Police Encounters: Stops in Public**

**I do not consent to a search. Police can pat you down if they believe you have a weapon.**

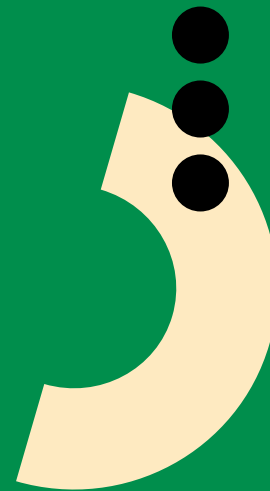
**Know Your Rights in Police  
Encounters: Stops in Public**

**I want to speak to an  
attorney.**

**I am exercising my right  
to remain silent.**

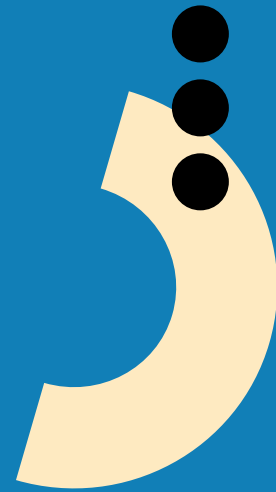


**Another game of  
true or false.**



**True or false?**

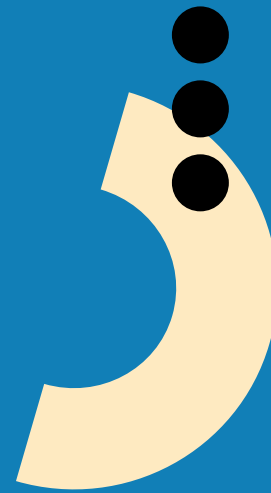
**If you don't consent to a search, police can't pat you down.**



**True or false?**

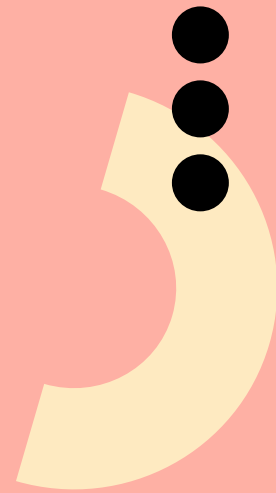
**If you don't consent to a search, police can't pat you down.**

**They can pat you down if they believe you have a weapon.**



**True or false?**

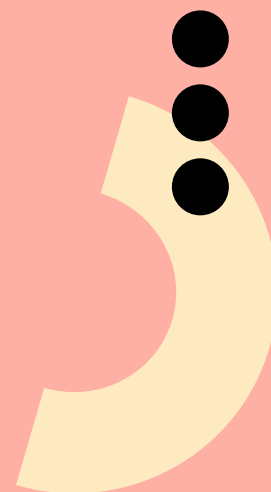
**A police officer stops you outside your work and says, “hey, I just have a few questions. You’re not in trouble or anything.” You should assume they’re lying.**



**True or false?**

**A police officer stops you outside your work and says, “hey, I just have a few questions. You’re not in trouble or anything.” You should assume they’re lying.**

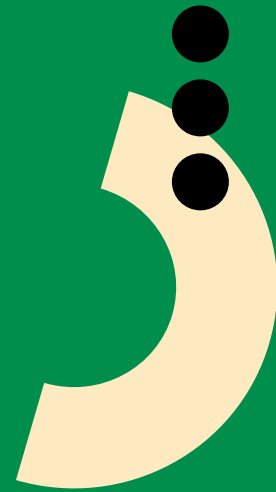
**The police lie! ALL THE TIME.**



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## **True or false?**

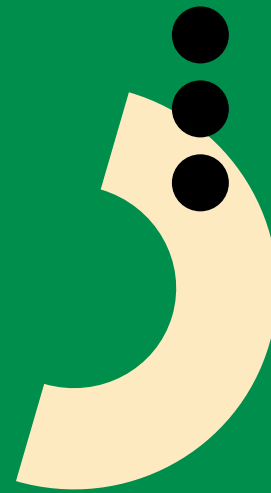
**Sarita, a visitor from Guadalajara, is stopped by the Sunland Park Police. She can exercise her right to remain silent.**



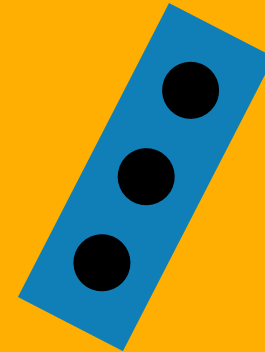
**True or false?**

**Sarita, a visitor from Guadalajara, is stopped by the Sunland Park Police. She can exercise her right to remain silent.**

**Remember: Everyone has rights – no matter their immigration status.**



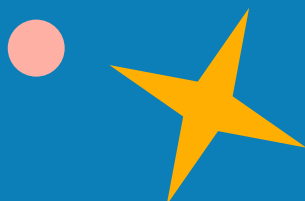
# **Know Your Rights in Police Encounters: Questions**



# **Know Your Rights: ICE Encounters**



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# **If ICE comes to your home ...**

**Do not open the door.**

**Only open the door if the agent has a valid warrant signed by a judge.**

**Otherwise, say, I do not consent to your entry.**



## Judicial Warrant vs. Administrative Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of California

In the Matter of the Search of  
(thoroughly describe the property to be searched  
or identify the person by name and address)  
[Redacted]  
Davis, California 95616

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer **211-SW-0161EFB**

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  
(thoroughly describe the person or property to be searched and give its location)  
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to contain (thoroughly describe the  
property to be searched)  
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.

**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 or record 60;  
until, the facts justifying the later specific date of \_\_\_\_\_

Date and time issued: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

EDMUND P. BRENNAN U.S. MAGISTRATE JUDGE  
(Signature and title)

**DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Immigration and Customs Enforcement**  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien) \_\_\_\_\_  
who entered the United States at \_\_\_\_\_ (Place of entry) ON \_\_\_\_\_ (Date of entry)

subject to removal/deportation from the United States based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings  
☐ a designated official  
☐ the Board of Immigration Appeals  
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

**THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT**

(Signature of immigration officer) \_\_\_\_\_  
(Title of immigration officer) \_\_\_\_\_


**Note: only the person, property, & areas specified may be searched**

**Is this the right address?**

**Is it still current?**

**Is it actually signed by a judge?**

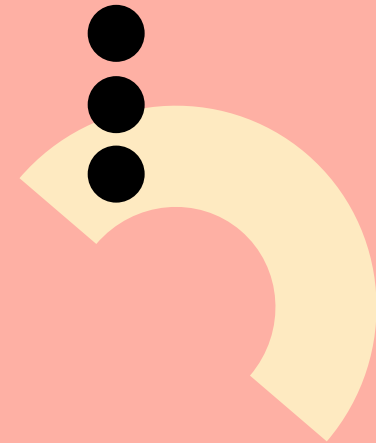
**IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT**



# If ICE comes to your workplace ...

**ICE can visit public areas of a workplace without a judicial warrant.**

**You can keep working.**



# **If ICE approaches you in a public area of your workplace ...**

**You have the right to remain silent.**

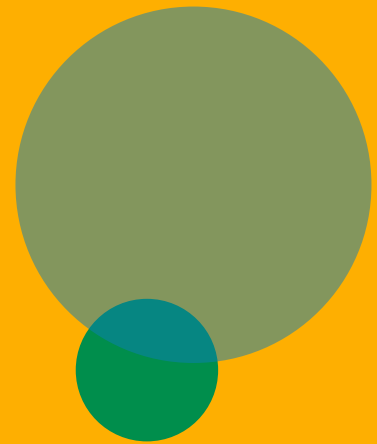
**Ask: Am I free to leave? If yes,  
calmly walk away. If not, say, “I  
want to speak with an attorney. I’m  
exercising my right to remain  
silent.”**



# **If ICE stops you on the street...**

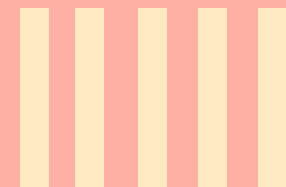
**Ask: Am I free to leave?**

**If yes, calmly walk away. If not, say, “I want to speak with an attorney. I’m exercising my right to remain silent.”**



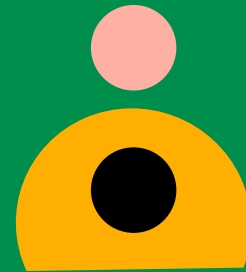
**If ICE tries to search you  
or your belongings ...**

**Say, “I don’t consent to this search.”**



# Things to avoid when interacting with ICE ...

- Don't tell ICE your country of origin.**
- Don't present an ID/driver's license unless you are pulled over by driving.**
- Don't sign anything.**
- Don't carry false documents.**
- Don't lie.**
- Don't resist, obstruct, or fight.**

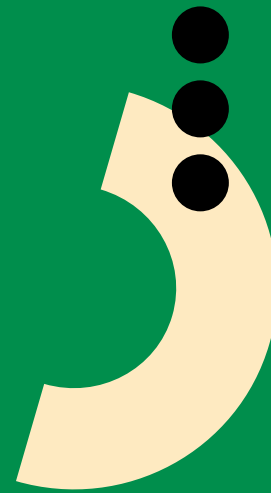


**Another game of  
true or false.**



**True or false?**

**If ICE shows up at your home, you always have to let them in.**



**True or false?**

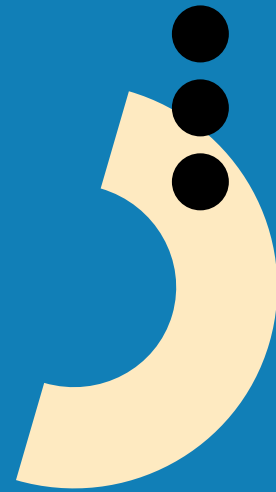
**If ICE shows up at your home, you always have to let them in.**

**Only if they have a valid judicial warrant signed by a judge ...**



**True or false?**

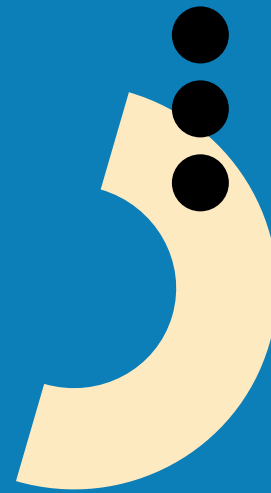
**If ICE asks you where you were born, you have to tell them.**



**True or false?**

**If ICE asks you where you were born, you have to tell them.**

**Say: I want to see an attorney. I'm exercising my right to remain silent.**



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**True or false?**

**ICE agents can lie.**



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**True or false?**

**ICE agents can lie.**

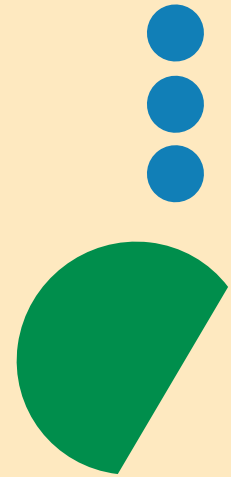
**Unfortunately, they can! ICE, police,  
and other law enforcement agents *often*  
lie.**





# **Know Your Rights: ICE Encounters -- Questions**

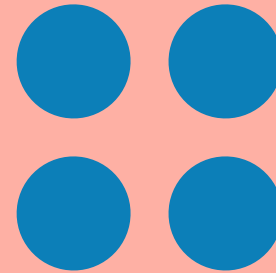
# **Know Your Rights while Protesting**



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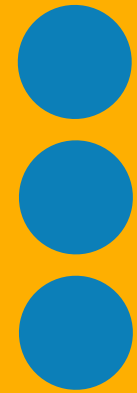
# **What are our rights while protesting?**

**The U.S. and New Mexico Constitutions protect the right to free speech and expression – no matter how offensive its content**



# **What are our rights while protesting?**

Free speech protects most of what we say.



# **What are our rights while protesting?**

Protected speech includes things like: A shirt with “Fuck the Draft.” Chanting political slogans. Booing.



# Can the government restrict protests?

Yes – time, place, and manner



# Does the right to free speech protect *all* speech?

The U.S. Constitution does not protect targeted, discriminatory harassment; incitement to violence; or true threats.



# What is civil disobedience?

Occupying government buildings, blocking traffic, or engaging in other unlawful activities.

Civil disobedience is not protected by the U.S. Constitution. That means you can be arrested if you engage in it. But sometimes that's the point.



# **What can we do to reduce harm if the police show up at a protest?**

Prepare yourself. Take a deep breath.

If it escalates: “Am I being detained?”

If yes, “I am exercising my right to remain silent. I want to speak to a lawyer.”



# What can we do to reduce harm if we're arrested?

Remember: police lie. Don't trust anything they say.

Immediately say, "I'm exercising my right to remain silent. I want a lawyer now. \*"

\*It may take days or weeks to see a lawyer. Stay silent.



**Remember: You can film  
and photograph police  
operating outdoors in  
public.**



## **If you are arrested ...**

Do not resist arrest—even if you believe the arrest is unfair.

Follow officers' commands—even if they are rude or unjust.



## **If you are arrested ...**

If you can't afford a lawyer, you have the right to be provided with one for free.

Don't say anything, sign anything, or make decisions without a lawyer.

You have the right to make a local phone call.

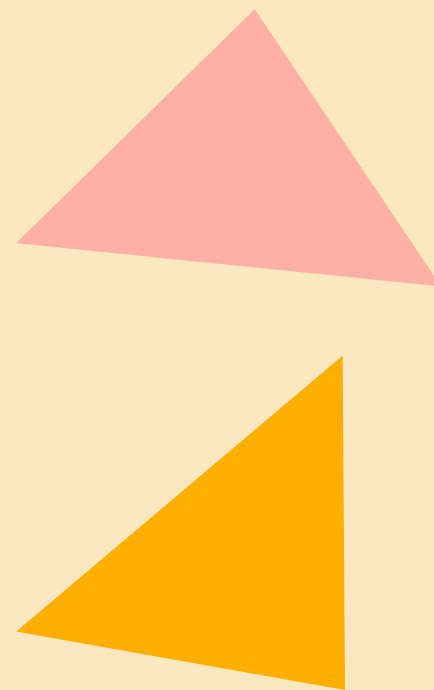


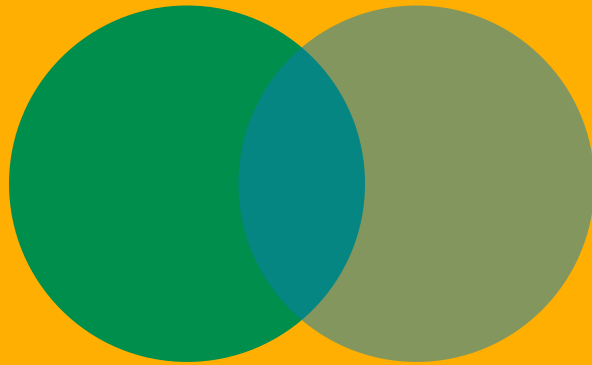
**Cassian Andor (he/him), a resident of Ferrix City—a city in New Mexico—is organizing a protest to demand affordable housing.**

**Cassian has experienced the housing crisis firsthand. Last year, his landlord Luthen Rael raised his rent from \$1,200 to \$1,600. Plus, Luthen didn't return Cassian's security deposit. Like Luthen needs the extra cash!**

**Now, Cassian stays on a couch at his mom's apartment.**

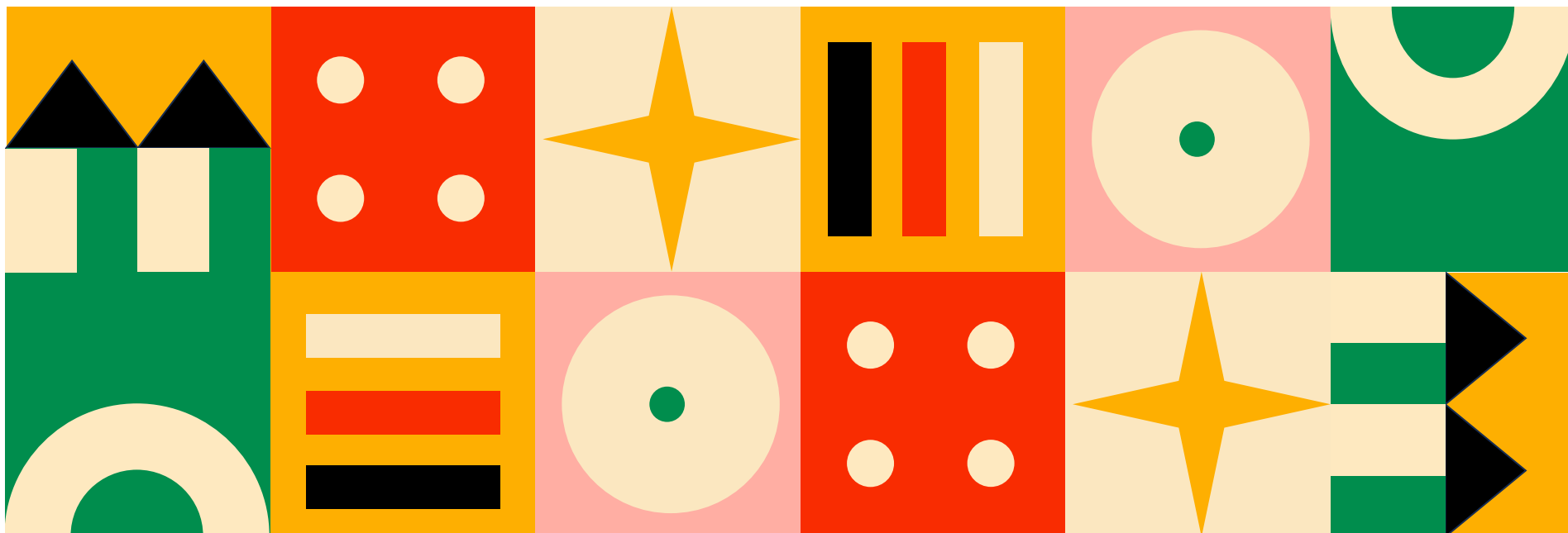
**Before the day of the protest, Cassian, Bix, and other community members gather to give a know your rights workshop. What are the most important things that people should know about safely protesting? What should they know about interacting with the police or ICE?**





# Questions?

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# Thank you!

Kristin Greer Love, ACLU of New Mexico Senior Civil Liberties Attorney

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