

ICE and Cop Watch: Information for People Without US Citizenship

Introduction: This flyer accompanies the “We Are Watching” guide. It goes deeper into the risks of Cop and ICE Watching for those who are not US citizens. These materials and the trainings we offer provide important information about your rights and best practices for documenting law enforcement. We want you to share this knowledge with the people in your lives and make informed decisions about how to best protect our communities.

Documenting New York Police Department (NYPD) and Immigration and Customs Enforcement (ICE) officers is legal and constitutionally protected. (Please keep in mind: Cop/ICE Watch is about documenting, not interrupting, law enforcement activity. Intervening in law enforcement activity is NOT legal and is likely to result in serious charges and consequences.) However, Cop/ICE Watch comes with risks, as officers often do not want to be watched or recorded. If you are not a US citizen – especially if you are undocumented and/or have a criminal record – practicing ICE or Cop Watch comes with additional risks and possible outcomes.

Whether you’re ICE/Cop Watching or not, it’s important to know whether you may be eligible for protection from deportation or if your past criminal convictions might put you at greater risk. If you’re unsure, speak with an immigration attorney as soon as possible. You can call 1-800-354-0365 to request a free immigration consultation through New York City’s ActionNYC program.

Cop Watch

While it is illegal for the NYPD to arrest you in retaliation for Cop Watching, and it is uncommon for it to happen, it can happen. Whether you’re a citizen or not, it’s important to learn best practices to minimize the possibility of arrest as much as possible!

If the NYPD stops you while you’re Cop Watching and is considering issuing a summons instead of making a physical arrest, they might check for warrants. If you have an order for removal (aka deportation order), this could come up in the warrant check and NYPD might arrest you.

Regardless of immigration status, if you are arrested by the NYPD, your fingerprints, place of birth (if the NYPD knows it), and address are automatically shared with the Department of Homeland Security (DHS), which includes ICE. (Be aware: You do not have to say your place of birth if the NYPD asks for it.)

- If you are undocumented, your fingerprints might put you on ICE’s radar. While it is much more likely that you will become a target of ICE if you have a past criminal conviction, open criminal charges, and/or an order for removal, since Trump took office the targets of ICE have become broader and less clear.
- ICE could use the information that was automatically shared from your arrest to come to your home.
- If you face criminal charges as a result of the arrest, ICE might go to criminal court to try to arrest you before or after your court hearing.
- If you have a green card or another type of lawful status or protection from deportation (like DACA, TPS, or asylum), criminal convictions can put your immigration status at risk. If you are arrested, let your criminal defense lawyer know your immigration status. It is their responsibility to advise you on any immigration consequences you may face as a result of how your criminal charges are resolved.

If you have questions or concerns about the potential immigration consequences of interaction with the NYPD, contact the Immigrant Defense Project hotline: (212) 725-6422.



ICE Watch

When ICE agents make an arrest, they may ask witnesses for their immigration documents and/or to fingerprint them. Witnesses have a right to say no. However, there have been reports of ICE agents using force during their arrests and exerting pressure on witnesses to give them enough information to arrest them. If you are certain you have valid immigration status and any past criminal convictions you may have do not put at risk, choosing to share your documentation may be the best course of action.

If you witness an ICE raid, report it to the Immigration Defense Project hotline: (212) 725-6422 or info@immdefense.org.

What Can I Do if I Feel I Cannot ICE or Cop Watch?

There are still ways you can support!

- Ask others you're with or who are in the area who don't have the same vulnerabilities as you to document.
- Instead of pulling out your phone, you can watch, discretely, from a safe distance and later write down what you witnessed.
- During or after the incident, call a trusted organization that works on these issues. Some organizations in NYC that you can call are:
 - Justice Committee (English, Spanish, Korean): 347.752.8070
 - Adhikaar (English, Nepali): 718.937.1117
 - Damayan (English, Tagalog): 212.564.6057
 - Desis Rising Up and Moving (Bangla, Hindi/Urdu, Nepali): 718.205.3036
 - Jews for Racial and Economic Justice (English, French, Hebrew, Spanish): 212.647.8966

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