

Filming Immigration and Customs Officials (ICE)



Filming encounters with Immigration and Customs Enforcement (ICE) can expose human rights abuses, deter violence, substantiate reports and serve as evidence. But if the footage isn't captured safely and ethically, there can be unintended harm to both the person being filmed and the person filming. Your first priority should be to do no harm. Exposing someone's identity could put them at greater risk. Filming could be unsafe for you and lead to arrest. Always assess the risks before you hit "record" and consider other ways to respond if filming is unsafe (e.g. alert support networks and/or write down details after the incident).

Know Your Rights

- **It is legal** to film ICE and local law enforcement in public in the United States, as long as you don't interfere. Make sure you are filming visibly.
- If they tell you to stop, you don't have to, but you **must comply** with orders like "back up," or you could face arrest.
- There are only limited situations where authorities **can seize your phone**, but be aware that they may do it legally or illegally.
- Be aware that **ICE may lie** in the course of a raid, and may identify themselves as police, not ICE.



American Civil Liberties Union:
http://bit.ly/ACLU_Right2Record
http://bit.ly/ACLU_KYR_Immigrants

Immigrant Defense Project:
<https://www.immigrantdefenseproject.org/ice-home-and-community-arrests/>

Be Safe

- **Avoid fingerprint ID to lock your phone.** Use a passcode instead. Law enforcement can't force you to give up your passcode without a warrant or court order, but they can ask or coerce you to unlock your phone with your fingerprint.
- **Have a legal support number and/or a trusted contact's info handy.** Consider writing it on your arm in permanent marker. Even better, memorize it.
- **Encrypt your phone, regularly back it up, and delete sensitive data** like images of or contact information for anyone at risk of deportation or arrest.
- **Clean up, delete or disable your social media profile**, especially if you are familiar with activists or people targeted for deportation, or their family members.
- **Be aware that ICE agents and police care mainly about their safety, not yours.** Moving quickly or suddenly to get a phone or reaching into your pocket could escalate the situation.



Film the Details

- Get wide, medium and close up shots to show the full scene. If possible, film key details such as law enforcement badges, license plates, weapons, and communications between officers. Document any other agencies working alongside ICE.
- Stay focused on law enforcement activity instead of civilians. Make targets and/or protesters harder to identify by filming very wide shots and or filming people's feet or backs.
- Make it easier for investigators, journalists, and lawyers to verify your video by filming street signs, buildings and landmarks. If filming inside or outside someone's home, don't expose details of their living situation without consent. Doing so could put other members of their family at risk.

Narration

- **Let the video speak for itself.** If violence occurs, stay calm and quiet. Lawyers and investigators will need to hear what's happening.
- If adding narration won't interfere with the situation, give your viewers context through **factual and unbiased commentary** such as location, number of officers, etc. This can be done at the beginning and ending of a video.
- Anything said or learned during the arrest is admissible in court against the victim, the filmer/sharer should be careful to not allege anything in their film or posts about the person's country of origin, immigration status, criminal history etc.

Share Ethically

- This is top priority for filming immigration-related events. We know the Department of Homeland Security (DHS) surveils social media and uses facial recognition to track people.
- Think before you share or start livestreaming, and determine if you need to protect anyone's identity including your own.
- Be aware of what information your device or sharing platform is collecting in relation to your video. For example, if you have GPS turned on, you are gathering GPS coordinates with your images. These details have the potential to trace footage back to the person who filmed. This is especially important if you decide to upload to the Internet or share with a legal organization.

Livestreaming

- Livestreaming can expose people's identities and other sensitive information far more easily than recorded video, but sharing any videos online –live or not– is risky.
- Phones can default to sharing your location. Be aware what location details you are sharing.
- Consider streaming to a trusted set of viewers, such as an attorney or trained legal observers on a private channel (be aware that the channel may not be safe from government surveillance).
- It can be helpful to describe what is happening and recap what has happened through factual commentary. Work with a partner to keep an eye on what's happening in the periphery and to check viewers' comments and questions.
- Sites like Facebook and Periscope let you save the video on their platform, but others delete the video after a set time period. If you think your video contains evidentiary content, it's good to download and preserve a copy on your secure devices. Learn how: <http://bit.ly/PreservingLiveVideo>



PRESERVE YOUR MEDIA

Save the original file in a safe place. Never delete the original file or change the filename. If you do edit, do it from a copy.

Get more filming tips Library.witness.org

