

Show me your papers? Not in Iowa. You may have heard about SB 1070 – the Arizona law that requires *state* police to question a person about his or her immigration status, and verify that information with the federal government, if they suspect the person is in the country without documentation of lawful immigration status. It’s important for you to know that **Iowa has no “show me your papers” law.** That means Iowa state and local police should not be engaging in that practice.

IF THE POLICE OR IMMIGRATION AGENTS COME TO YOUR HOME: You do not have to let them in unless they have certain kinds of warrants.

Ask the officer to slip the warrant under the door or hold it up to the window so you can inspect it. A search warrant allows police to enter the address listed on the warrant, but officers can only search the areas and for the items listed. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside. A *warrant of removal/deportation (ICE warrant)* does not allow officers to enter a home without consent.

Even if officers have a warrant, you have the right to remain silent. If you choose to speak to the officers, **step outside and close the door.**

IF YOU ARE CONTACTED BY THE FBI:

If an FBI agent comes to your home or workplace, **you do not have to answer any questions.** Tell the agent you want to **speak to a lawyer first.** If you are asked to meet with the FBI agents for an interview, **you have the right to say you do not want to be interviewed.** If you agree to an interview, **have a lawyer present. You do not have to answer any questions** you feel uncomfortable answering, and can say that you will only answer questions on a specific topic.

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IF YOU ARE ARRESTED BY POLICE OR SHERIFFS:

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

Say you wish to remain silent and ask for a lawyer immediately. Don’t give any explanations or excuses. **If you can’t pay for a lawyer, you have the right to a free one.** If police ask for your consent to search your belongings, including your phone, you are not required to give consent. If you consent to a search, it could be used against you later.

You have the right to call a lawyer, a member of your family, or both. The initial call will probably occur in the presence of the police, but your attorney must be allowed to see and consult with you in private at the jail or other place where you are being held. Officers might not tell you about your right to call your attorney and family member, so you should affirmatively and clearly ask to make these calls. At the jail, officers may ask you to sign a form that you have made all the calls you wish to make. **Do not say anything, sign anything, or make any decisions without a lawyer.**

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.

Special considerations for non-citizens:

- Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.
- Don’t discuss your immigration status with anyone but your lawyer.
- While you are in jail, an immigration agent may visit you. Do not answer questions or sign anything before talking to a lawyer.
- Read all papers fully. If you do not understand or cannot read the papers, tell the officer you need an interpreter.

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IF YOU ARE TAKEN INTO IMMIGRATION (OR “ICE”) CUSTODY:

If you are taken into immigration custody, you have the right to a lawyer, but the government does not have to provide one for you. If you do not have a lawyer, ask for a list of free or low-cost legal services. You have the right to contact your consulate or have an officer inform the consulate of your arrest.

Tell the ICE agent you wish to remain silent. Do not discuss your immigration status with anyone but your lawyer. **Do not sign anything,** such as voluntary departure or stipulated removal, without talking to a lawyer. If you sign, you may be giving up your opportunity to try to stay in the U.S. **Remember your immigration number (“A”) number and give it to your family.** It will help family members locate you. **Keep a copy of your immigration documents with someone you trust.**

IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED:

Remember: police misconduct cannot be challenged on the street. Don’t physically resist officers or threaten to file a complaint.

Write down everything you remember (including officer’s badge and patrol car numbers, which agency the officers were from, and any other details). Get contact information from witnesses. If you are injured, take photographs of your injuries (but seek medical attention first).

File a written complaint with the agency’s internal affairs division or civilian complaint board and keep a copy. In most cases, you can file a complaint anonymously if you wish.

This information is not intended as legal advice.

Produced by the American Civil Liberties Union and ACLU of Iowa April 2017.

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WHAT TO DO IF YOU'RE STOPPED BY Police, Immigration Agents, or the FBI

IOWA

YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your phone, your car or your home.
- You have the right to ask if you are free to leave. If you are not under arrest, you have the right to calmly leave.
- You have the right to a lawyer if you are arrested. Ask for one immediately.
- You have the right not to be racially profiled by the police.
- You have the right not to say anything about your immigration status.

YOUR RESPONSIBILITIES

- Do stay calm and be polite.
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Do prepare yourself and your family in case you are arrested.
- Do remember the details of your encounter.

ACLU of Iowa's Legal Program
Reach us at legal.program@aclu-ia.org
or write us at 505 5th Ave, #901,
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IF YOU ARE STOPPED FOR QUESTIONING:

Stay calm. Don't run. Don't argue, resist, or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where police can see them.

Ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud.

In Iowa, there is no law requiring you to give your name if you are asked to identify yourself during a temporary stop. But police do not always follow the law, and refusing to give your name may make them suspicious, so use your judgment.

If you fear that your name may be incriminating, you can claim the right to remain silent, and if you are arrested, this may help you later. Do not give a false or fictitious name.

You do not have to consent to a search of yourself or your belongings. But police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

Do not lie about your citizenship status or provide fake documents.

We rely on the police to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin, or religion. This card provides tips for interacting with police and understanding your rights in Iowa. Note that laws of other states may vary. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

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IF YOU ARE STOPPED IN YOUR CAR:

Stop the car in a safe place as quickly as possible. Turn off the car, turn on the interior light, and keep your hands where police can see them at all times.

Upon request, **show police your driver's license, registration, and proof of insurance.**

If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.

Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS:

You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents, or any other officials. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. (Separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists, and business travelers.)

If you are not a U.S. citizen and a federal immigration (ICE) agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent.

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