

# KNOW YOUR RIGHTS WITH IMMIGRATION AND CUSTOMS ENFORCEMENT(ICE)

## INSTRUCT YOUR CHILD TO DO THE FOLLOWING

### If youth encounters ICE agents in public:

- Before saying anything, always ask "Am I free to go?"
- If the answer is "yes," walk away.
- If the answer is "no," do not answer any questions and ask for a lawyer.

### If an ICE agent knocks on your door:

- Do not open the door unless the agent has a warrant signed by a judge (not an ICE agent).
- CALMLY ask the agent to slip the warrant under the door if they say they have one.

### If youth are arrested by ICE agents:

- Ask to speak to a lawyer.
- Do not answer questions.
- Do not sign anything without a lawyer.
- Do not lie or show fake documents.

### Useful resources

- Asian Law Caucus: (415)896-1701
- Legal Services for Children: (415) 863-3762
- S.F. Public Defender's Office:(415)753-7601
- S.F. Immigrant Legal & Education Network (SLILEN) Raid Rapid Response number: (415) 200-1548 <http://sfilen.org/resources/sf-rapid-response-network/>.

## WHAT IF A YOUTH DOESN'T SPEAK ENGLISH

- They have the right to talk with the police in their own language.
- They can ask to speak with a bilingual officer or an interpreter if they are not comfortable speaking English.

## FOR THEIR SAFETY

### INSTRUCT YOUTH TO DO THE FOLLOWING

#### • KEEP YOUR HANDS VISIBLE

- Failure to do so may lead an officer to think that you have a weapon.
- If you are in a car, DO NOT reach for anything without first informing and asking the officer.

#### • FOLLOW DIRECTIONS

- DO NOT *RUN*.
- DO NOT *MAKE SUDDEN MOVEMENTS* WITHOUT GETTING THE OFFICER'S PERMISSION.
- NEVER *HIT OR PUSH* AN OFFICER.

#### • STAY CALM

- Remaining calm will help you recall the details of your encounter with the police later on (such as officer or witness description, officer badge number).
- Remembering these details is extremely helpful if you feel that your rights have been violated and want to file a complaint.

Failure to follow an officer's directions can lead to your arrest or endanger your own safety. This is not the time to challenge the officer. Later on, you can file a complaint about your interaction with the Department of Police Accountability (DPA). The DPA is an independent city agency that will investigate your complaint.



The Department of Police Accountability (DPA)  
25 Van Ness Ave. Ste. 700 San Francisco, CA 94102  
Tel: (415) 241 - 7711 | Fax: (415) 241 - 7733  
TTY: (415) 241 - 7770  
Website: <http://sfgov.org/dpa/>  
Twitter: @SF\_DPA

# KNOW YOUR RIGHTS FOR YOUTH IN SAN FRANCISCO

## A GUIDE FOR YOUTH AND PARENTS



Image Copyright Permissions Obtained by the SF Youth Commission

For JUVENILES (individuals under 18 years of age) detained, arrested, or taken into custody, the SFPD is required to follow Department General Order 7.01. This brochure highlights important rights youth have and the actions youth are advised to take during an encounter with police.

You can read SFPD's DGO 7.01 at  
<http://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/14752-DGO7.01.pdf>

## WHAT IF YOUTH ARE STOPPED ON THE STREET

There are two types of encounters with the police-- **CONSENSUAL CONTACT & DETENTION**--depending on if the police officer suspects that a youth is involved in a crime.

### CONSENSUAL CONTACT

A consensual contact is an encounter with a police officer where youth are **FREE TO LEAVE** at any time.

#### INSTRUCT YOUTH TO DO THE FOLLOWING

First, always ask the officer **"Am I free to go?"**

- If the answer is "yes", walk away.
- If the answer is "no", your encounter with the police officer is a **detention**.

### DETENTION

If an officer believes youth are involved in criminal activity, youth can be temporarily "detained" while the officer investigates. **Youth are not free to leave during a detention**. If the officer cannot confirm her/his suspicion, the youth will be released.

**Detentions are typically short and should last only a few minutes.**

Police do not need to give youth Miranda rights during a detention. Answering questions during a detention may help youth get released sooner. However, what youth say during a detention may be used against them.

### PAT SEARCH

If police suspect youth are armed or dangerous, they may:

- pat down clothing
- search for a weapon

**SFPD DGO 7.01 REQUIRES that youth be searched by an officer of the same gender.**

If youth are about to be searched by an officer of the opposite gender, instruct them to calmly say "I would like to be searched by an officer of my gender."

## WHAT HAPPENS IF YOUTH ARE ARRESTED

In general, SFPD should take youth to the Community Assessment and Referral Center (CARC) or the Juvenile Justice Center. SFPD should not take youth to a police station unless there is an emergency.

- Youth have the right to make two phone calls to reach a parent, a guardian, and/or a lawyer within **1 hour** of custody.
- Before formal questioning, police must inform youth of their Miranda Rights and provide a youth consultation with legal counsel. Police may question a youth only when they give up their Miranda Rights. Youth can choose not to be questioned or to be questioned with an attorney present.
- SFPD's DGO 7.01 requires officers to inform youth that a parent/ legal guardian can be present during an interrogation. **Youth must request their parent's presence.**

## BYSTANDER RIGHTS

*\*San Francisco Police Department provides the following bystander rights through DGO 5.07*

As a bystander, you have the right to

- Observe stops, detentions, arrests
- Overhear conversations
- Ask questions
- Record (video or audio) contacts involving officers

## AFTER AN ARREST, WHAT IF A POLICE OFFICER WANTS TO QUESTION YOUR CHILD

**Effective 2019, if you are 17 years or younger, and in custody, San Francisco ordinance requires that youth consult with legal counsel before the waiver of any Miranda rights. This consultation with legal counsel may not be waived. The ordinance also requires SFPD to allow youth 17 years or younger to have a parent, legal guardian, or responsible adult present during custodial interrogation.**

Miranda Rights protect you during police questioning. Police are required to tell you: **"You have the right to remain silent, anything you say can be used against you. You have the right to have an attorney present during any police interrogation, and the right to an attorney free of charge if you cannot afford one."**

The San Francisco Public Defender's Office has an attorney for youth available 24/7. Ask the police to call (415)-583-2773.

California Welfare and Institutions Code § 625.6 requires that youth 15 years or younger talk to an attorney before police questioning.

- It is always recommended to request an attorney.
- Tell the police **"I DO NOT WAIVE MY MIRANDA RIGHTS. I WANT TO REMAIN SILENT AND I WANT AN ATTORNEY."**

## CONSENT

If the youth provides consent, the police can search property without suspicion.

**When police ask "do you mind if I search you/ your car/ your home," they are requesting your consent.**

Anything an officer finds during a consensual search can be used against youth. If you don't want to give consent, **CALMLY** say **"I do not consent to a search."**