

# EXHIBIT 13

# ICE

# Fourth Amendment Refresher Training

**Office of the Principal Legal Advisor  
Revised January 2020**

Attorney Work Product/For Review Only/Not For Distribution  
2021-ICLI-00017 1127



U.S. Immigration  
and Customs  
Enforcement

## Impact of Fourth Amendment Violations on ICE Operations

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## The Fourth Amendment

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*The right of the people*  
TO BE SECURE IN THEIR PERSONS,  
HOUSES, PAPERS, AND EFFECTS,  
AGAINST UNREASONABLE SEARCHES  
AND SEIZURES, SHALL NOT BE VIOLATED,  
AND NO WARRANTS SHALL ISSUE,  
BUT UPON PROBABLE CAUSE,  
SUPPORTED BY OATH OR AFFIRMATION,  
AND PARTICULARLY DESCRIBING THE  
PLACE TO BE SEARCHED, AND THE  
PERSONS OR THINGS TO BE SEIZED.



## Motions to Suppress

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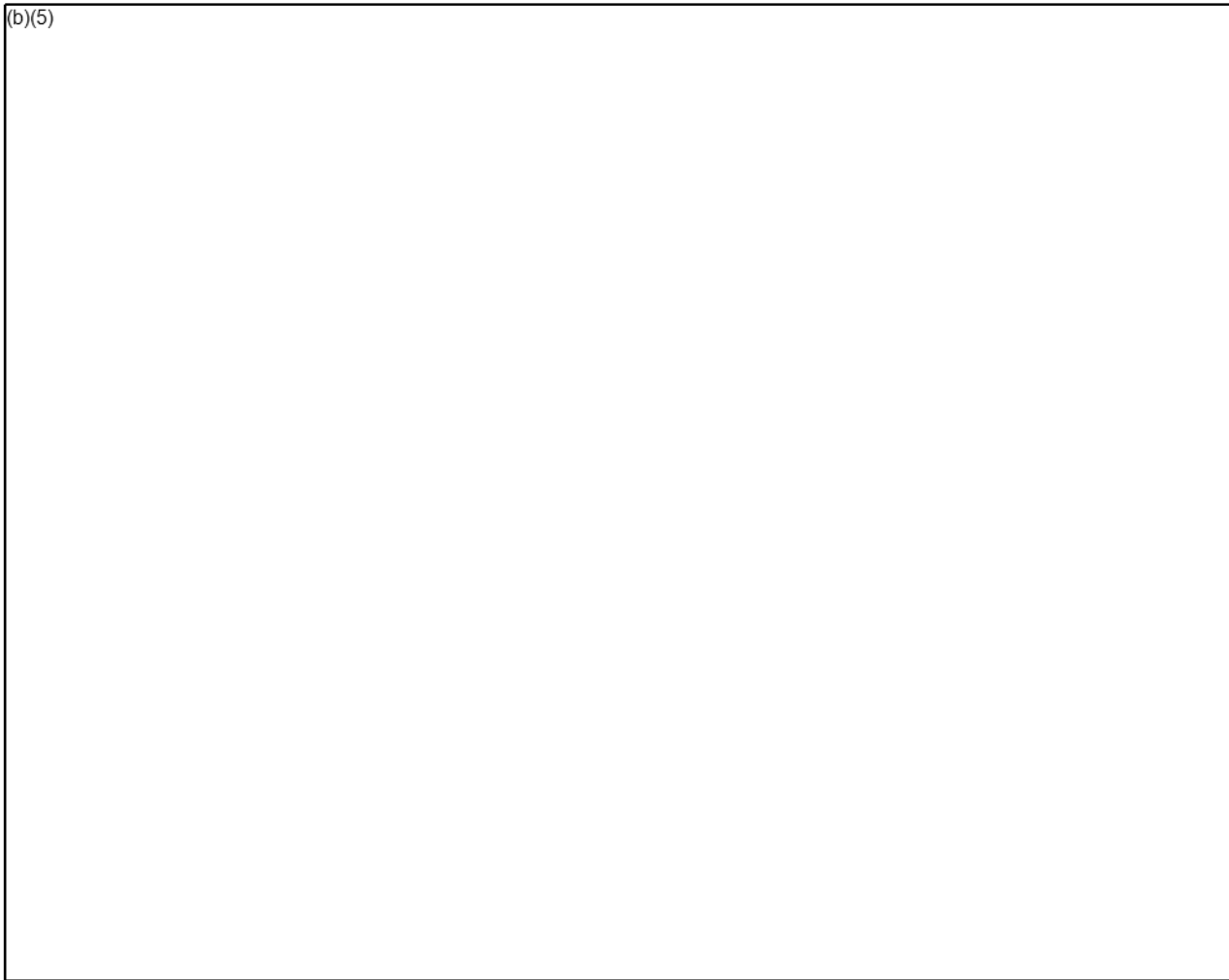
## *Bivens Liability*

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## *Giglio* Impairment

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## Negative Media Coverage and Social Media



*Instagram*





# ICE

## Negative Media Coverage and Social Media

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## Request for Officer Identification

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## Disruptive Protestors

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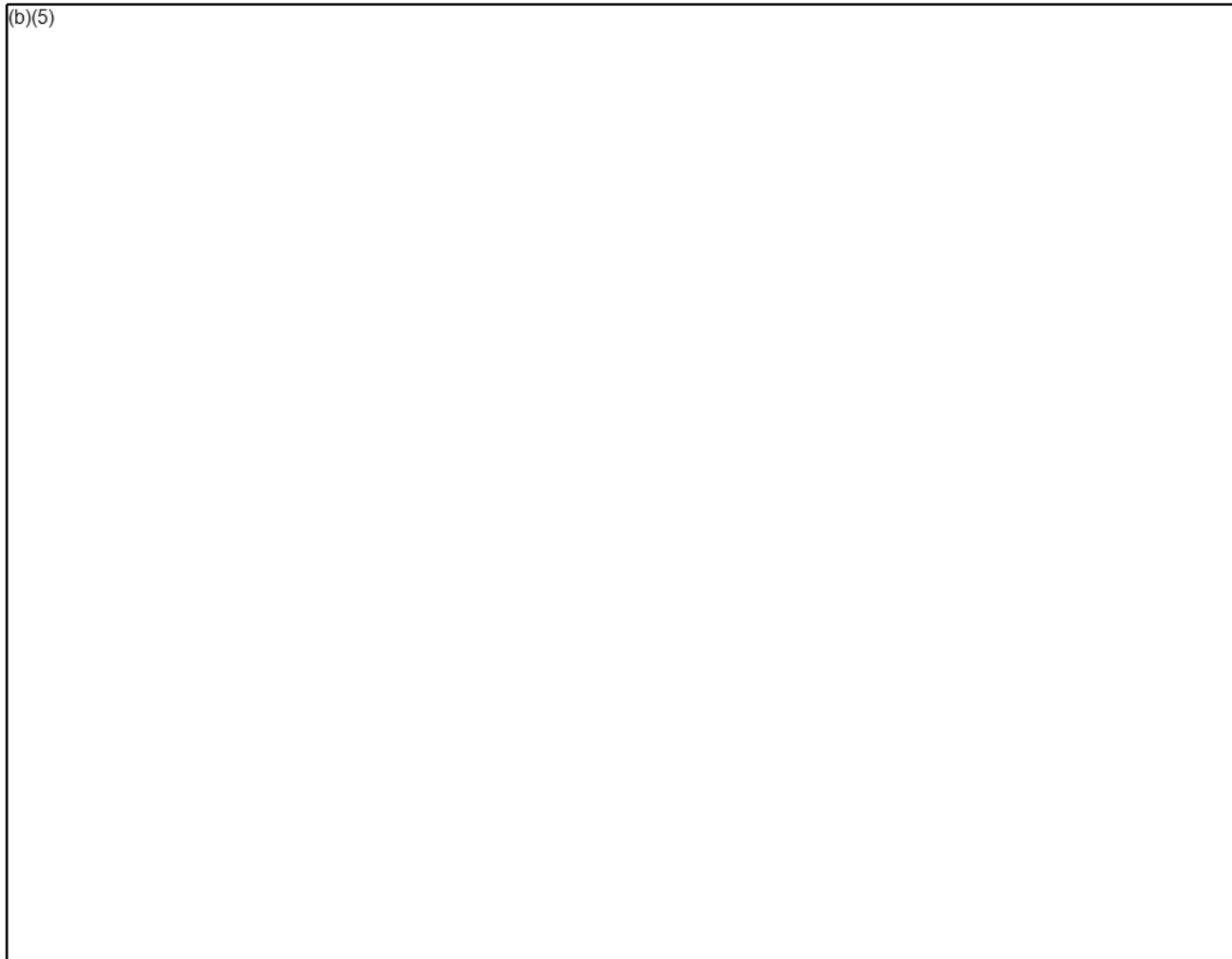
## Disruptive Protestors

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## Disruptive Protestors

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## Disruptive Protestors

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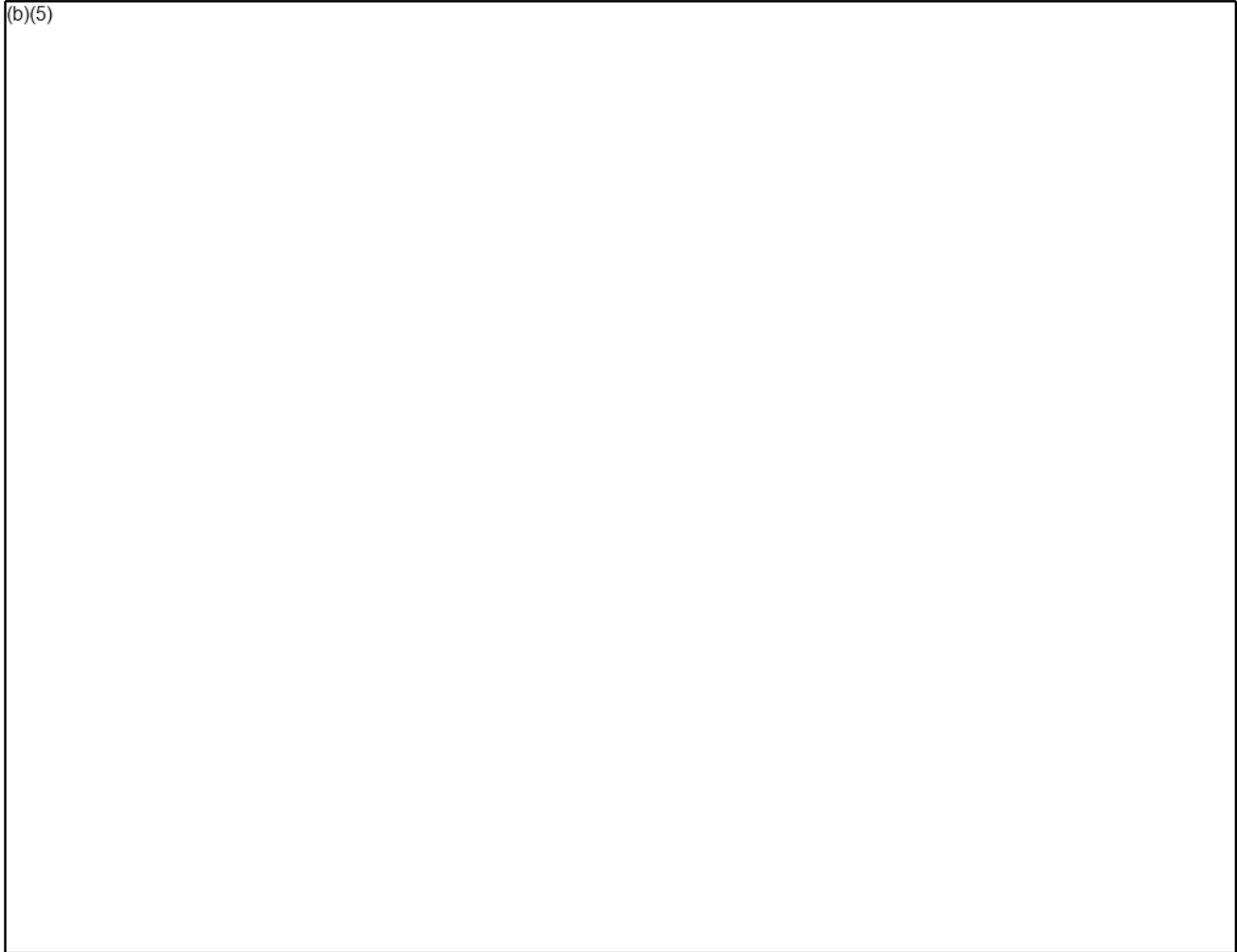
## Disruptive Protestors – Scenario 1

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## Disruptive Protestors – Scenario 2

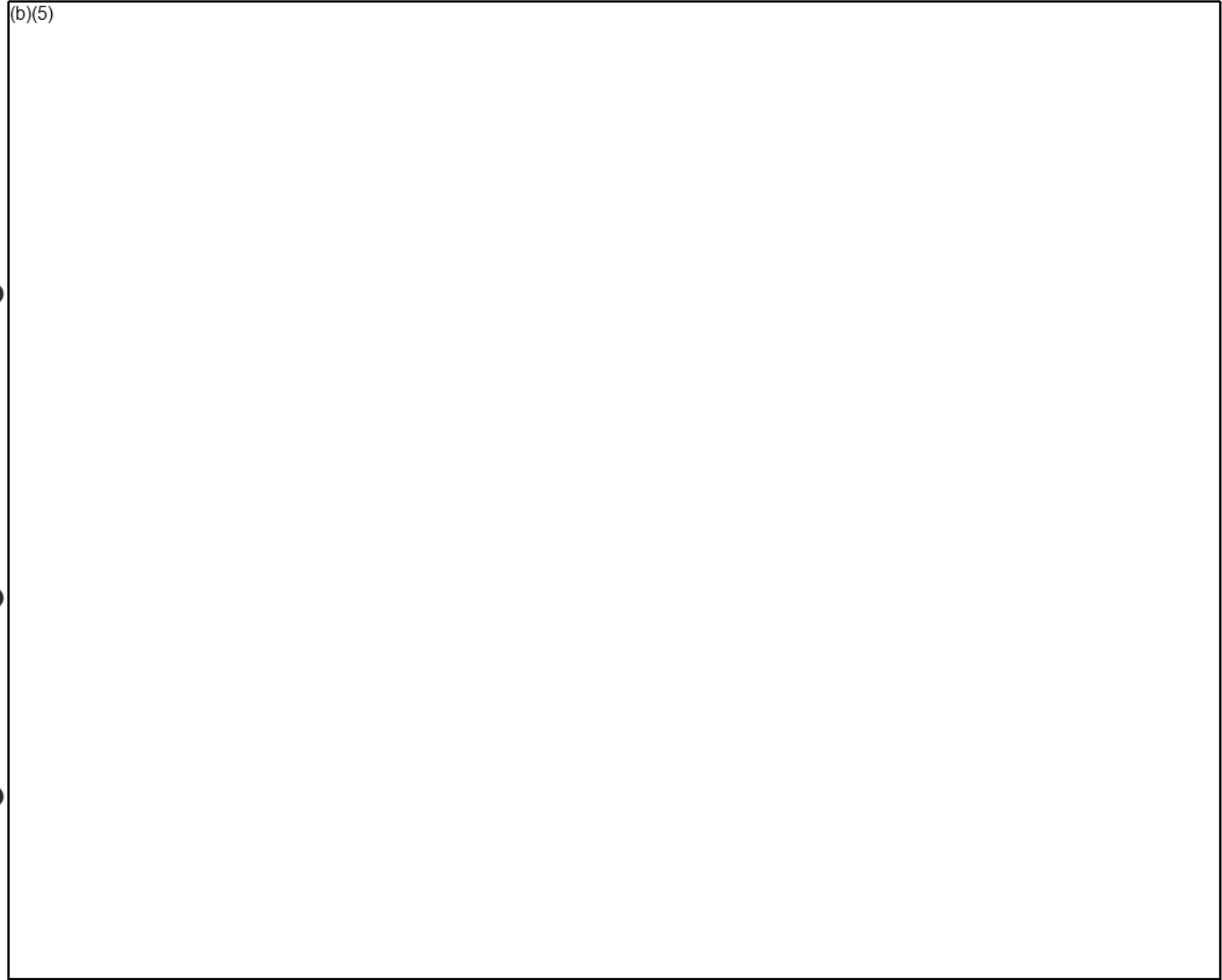
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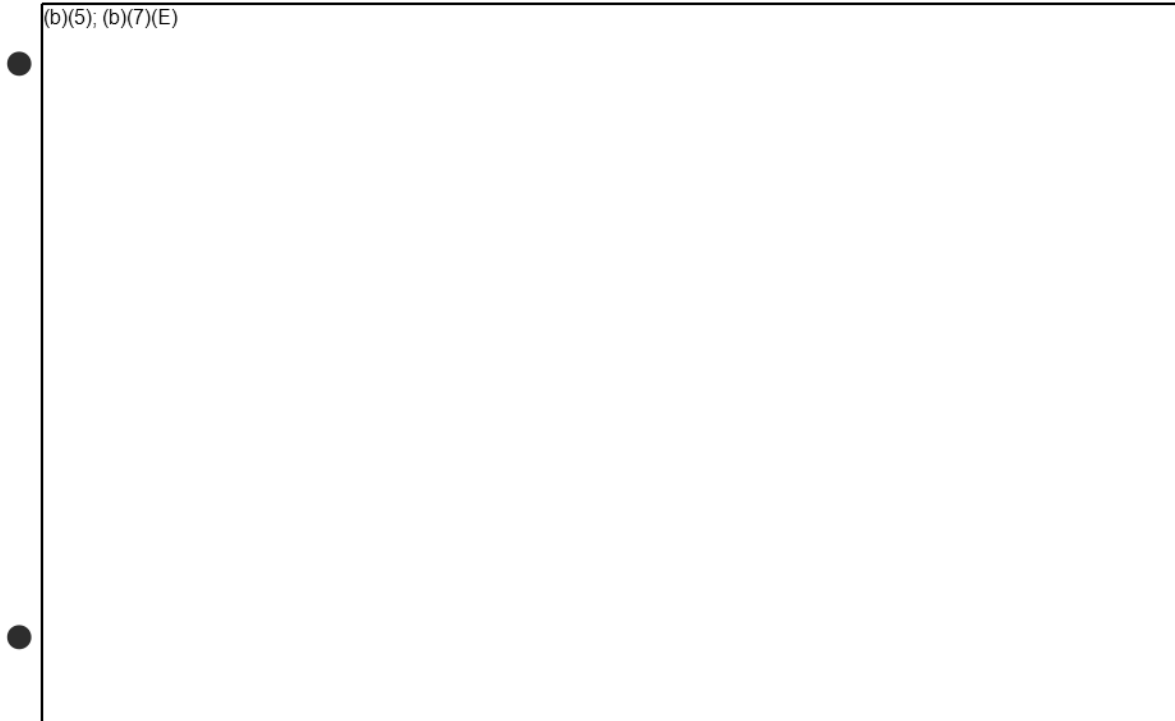
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## Government Action – Scenario

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## What Constitutes a Search?

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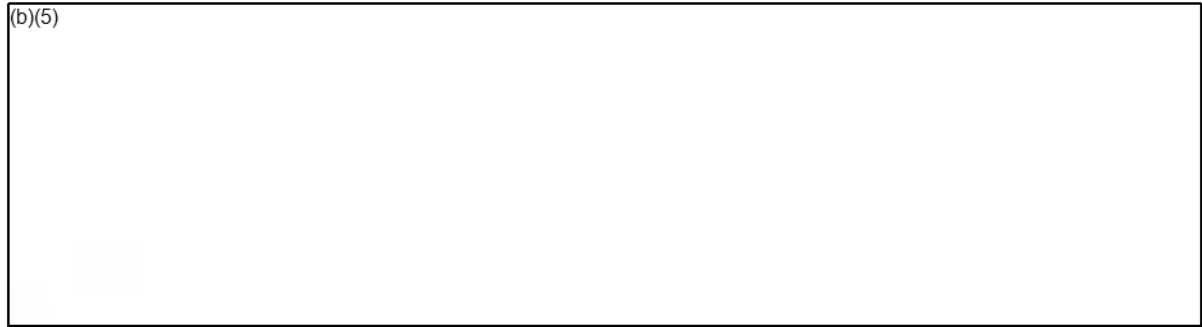


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*There's no place like home!*

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## What Constitutes a Seizure?

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## Seizure – Scenarios

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## Seizure – Scenarios

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# ICE

## Exceptions to the Warrant Requirement

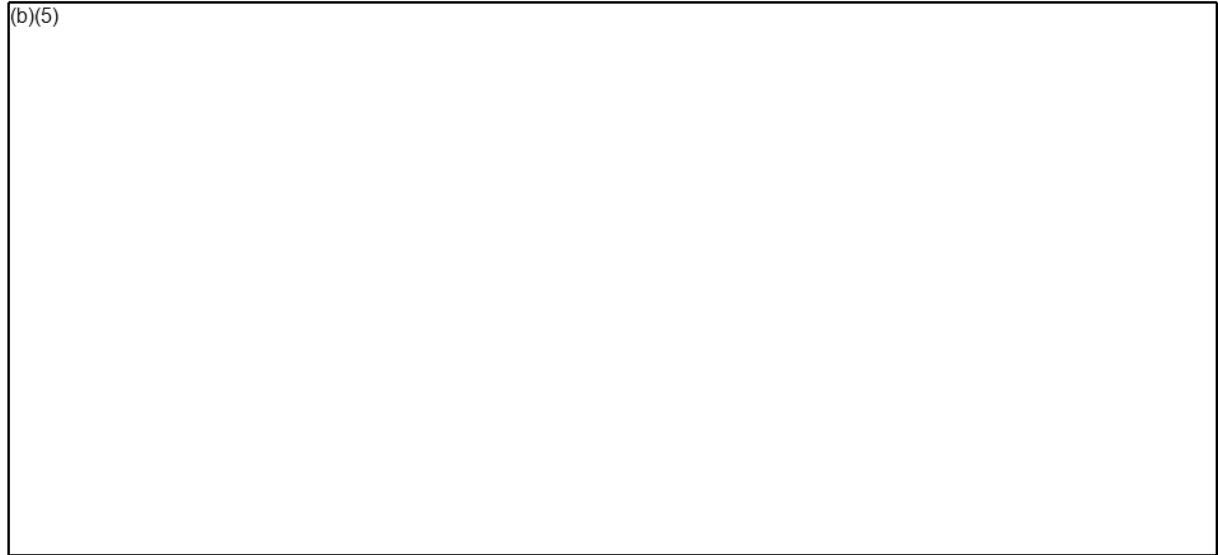
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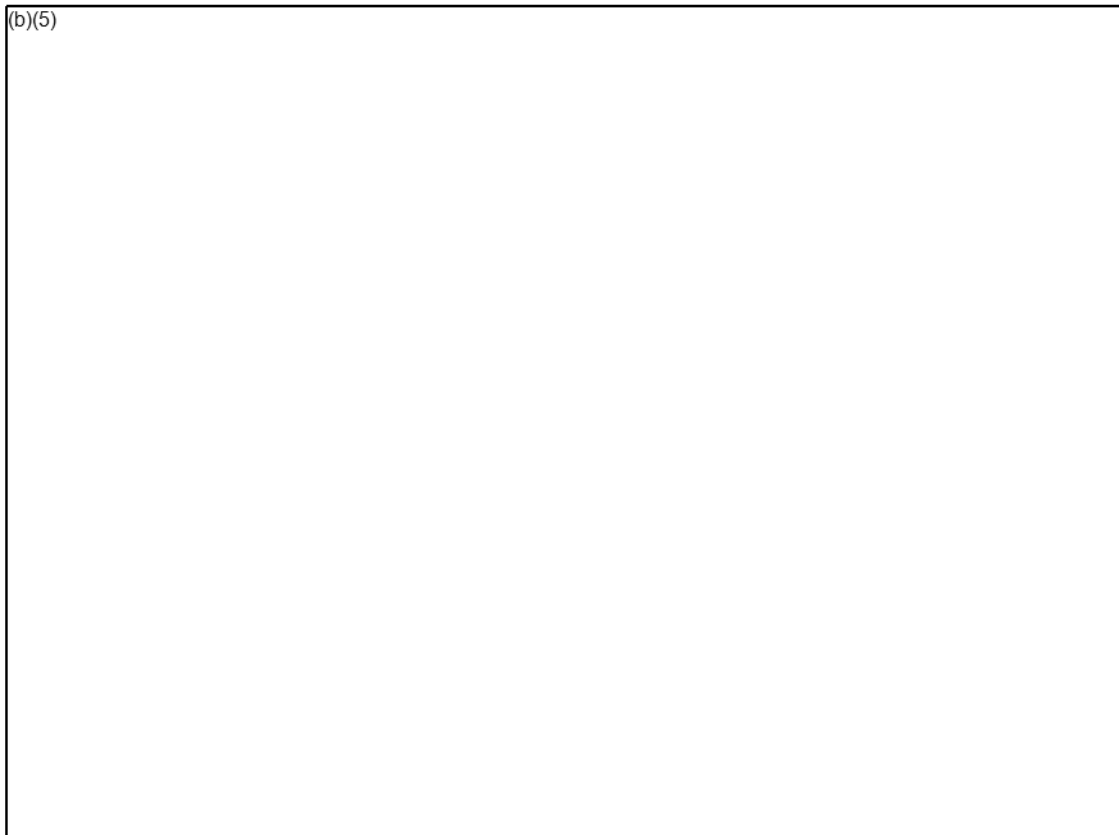
## The Fourth Amendment and Fugitive Operations

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## Surveillance – Scenarios

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## Ruses – Scenario

(b)(5); (b)(7)(E)



## Use of Technology

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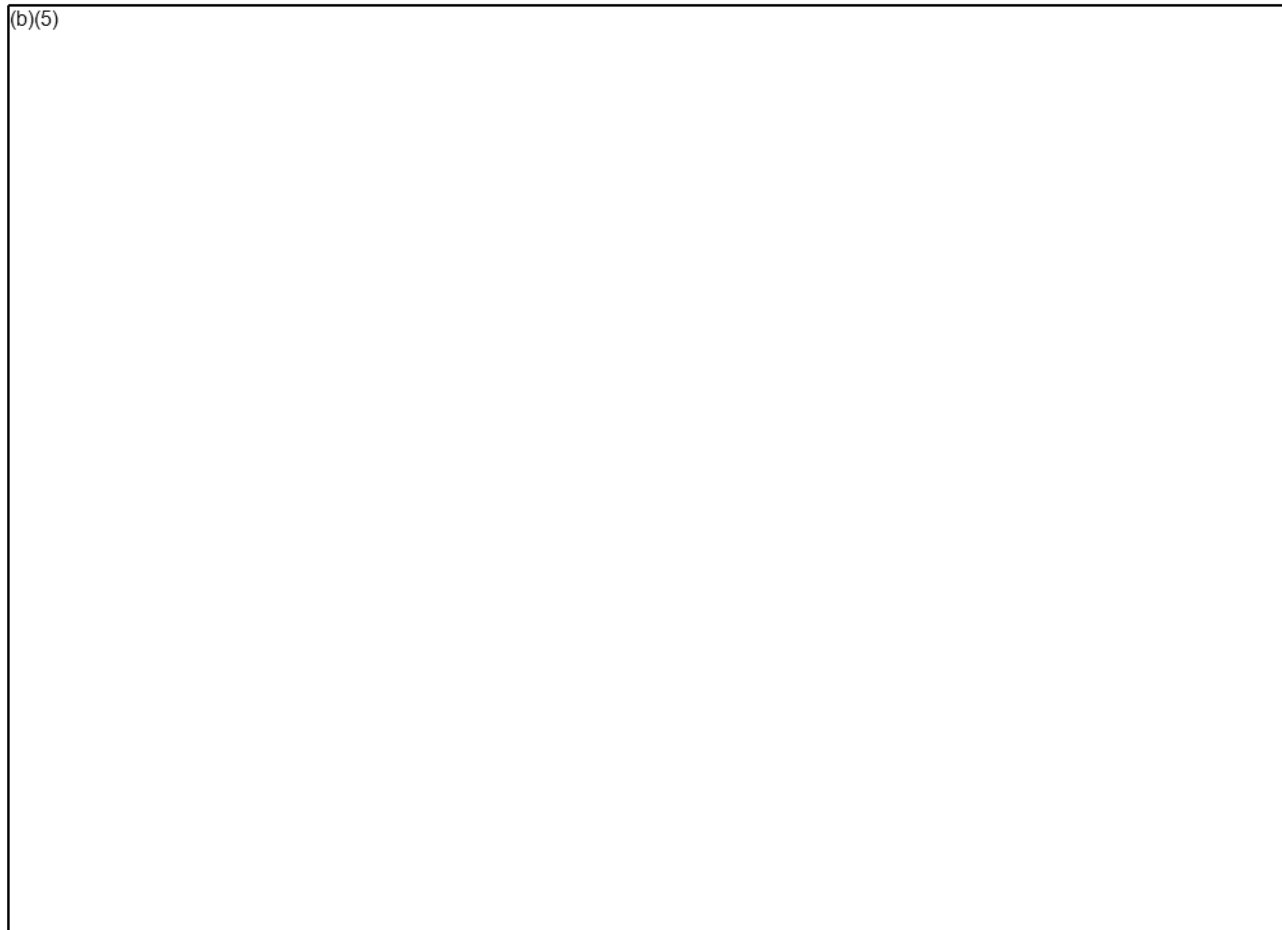
## Use of Technology

- (b)(5); (b)(7)(E)



## Conducting an Arrest at a Home/Dwelling

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## “Knock and Talk” Rules

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## Approaching a Home: Curtilage

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## Curtilage – Scenario 1

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## Curtilage – Scenario 2

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## Curtilage - Implied License

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## Curtilage - Implied License

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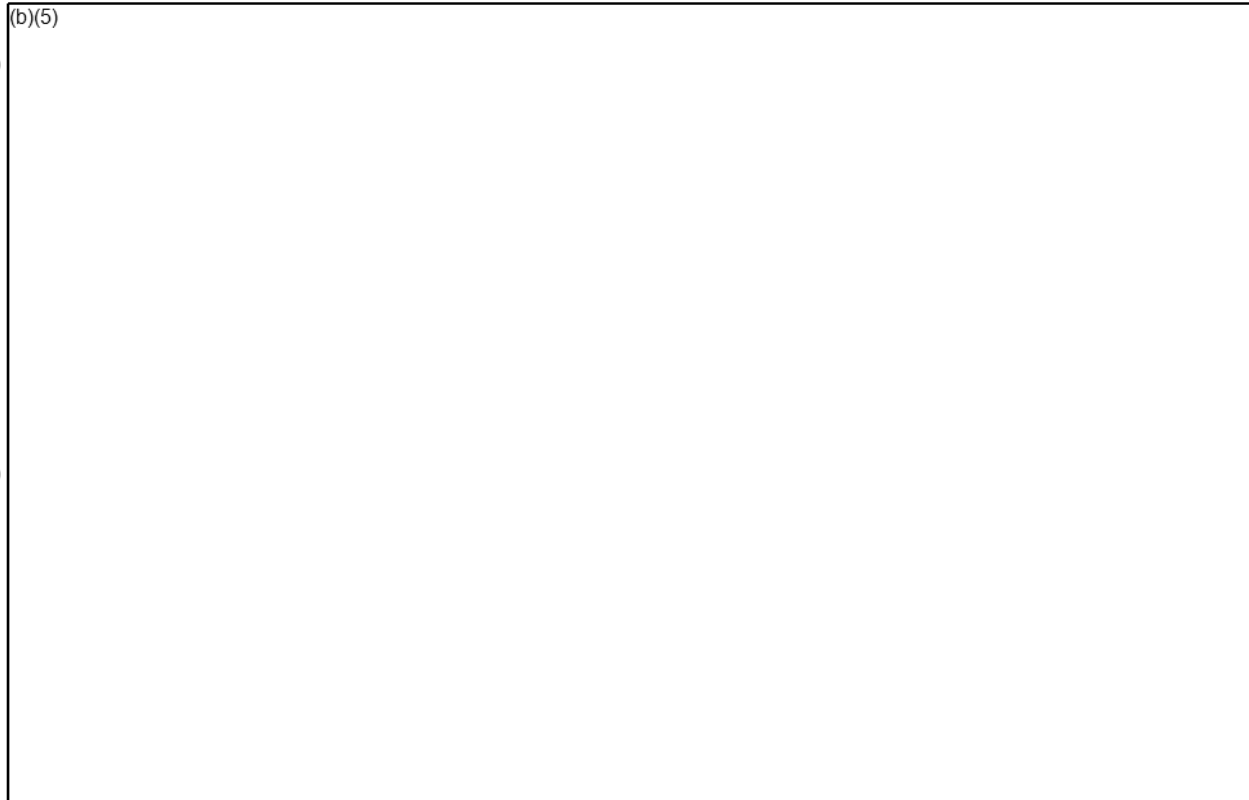
## Knock and Talk: Consent to Enter/Search

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## Consent: Authority

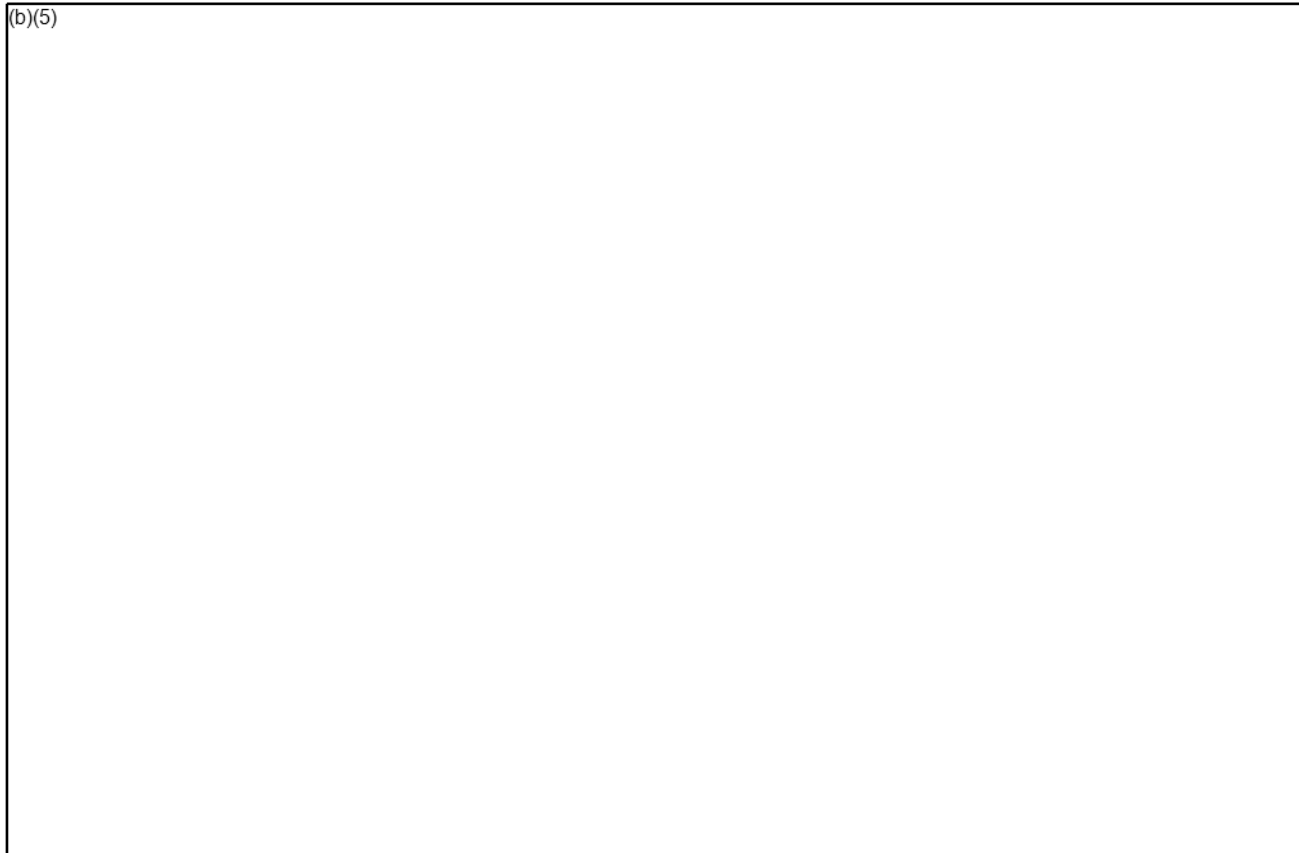
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## Consent: Authority

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## Consent: Authority-Scenarios

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## Consent: Was it Voluntary?

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## Consent: Was it Voluntary? Scenarios

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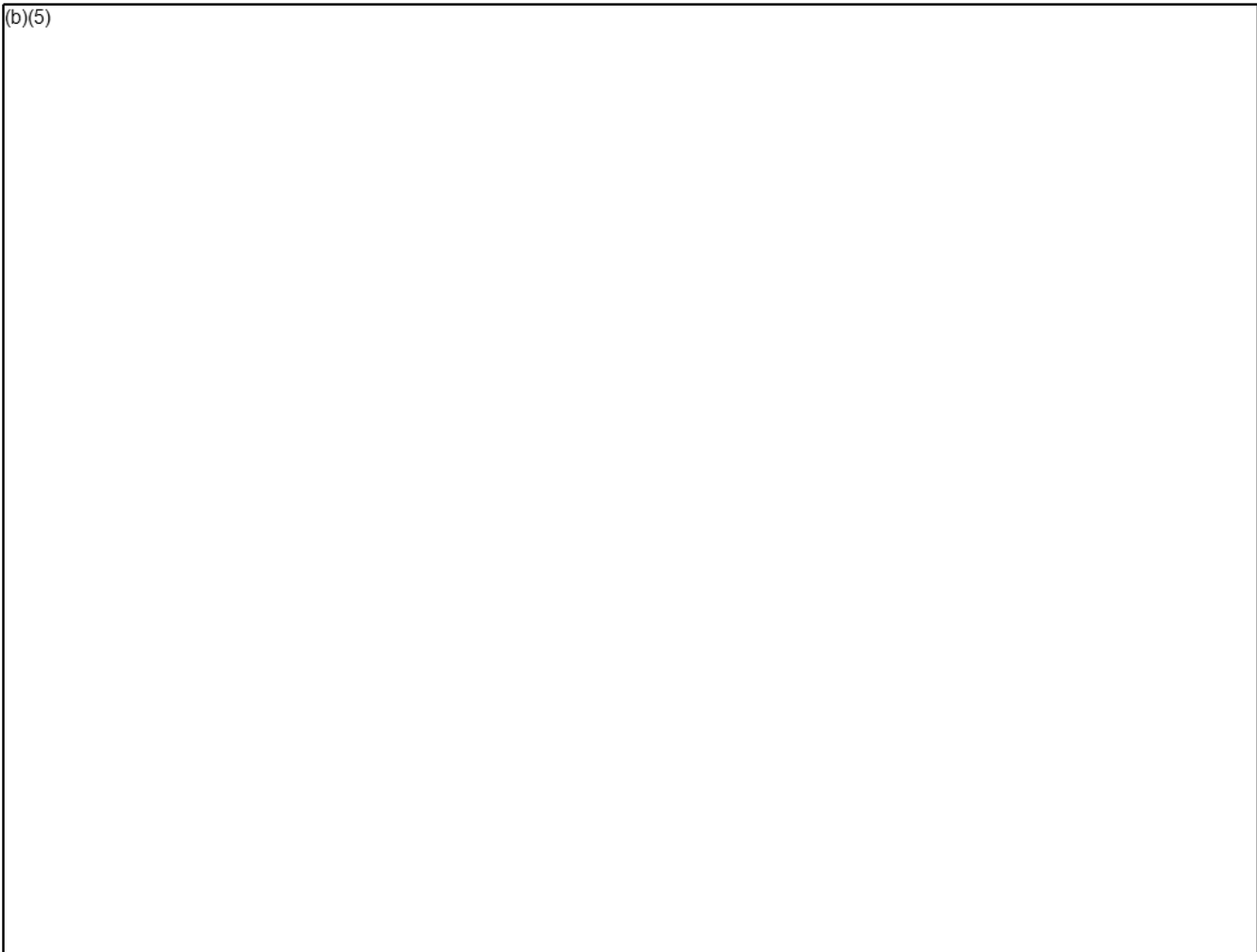
## Consent: Ruses

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## Consent: Ruses

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## Consent: Ruses – Scenarios

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## Consent: Timing and Positioning Matters

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## Consent: Best Practices

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## Consent: Scope and Withdrawal

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## Consent: Scope and Withdrawal Scenarios

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## Protective Sweep

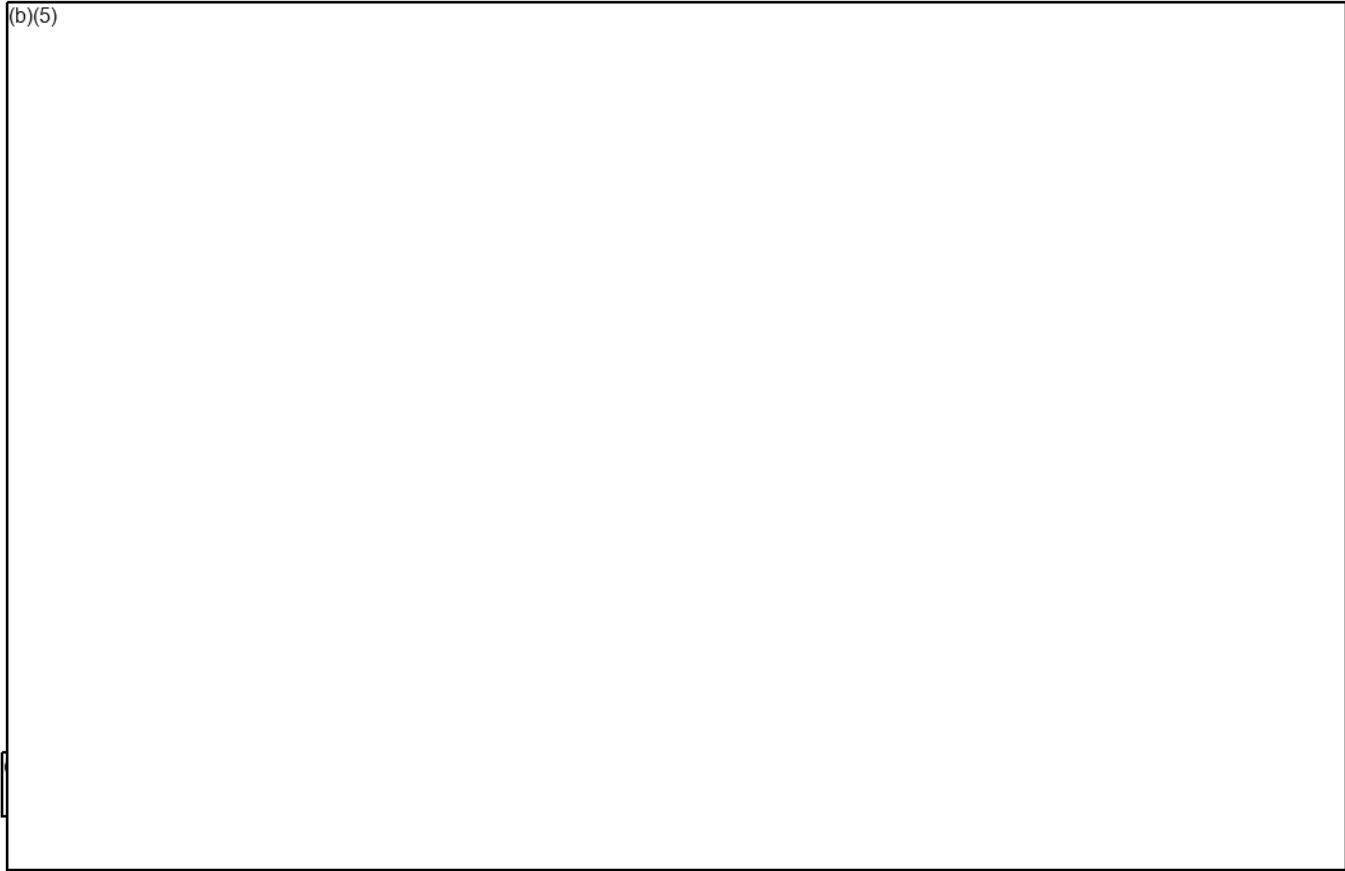


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## Protective Sweep

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## Protective Sweep – Scenarios

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## *Perez Cruz v. Barr* (9th Cir. June 13, 2019)

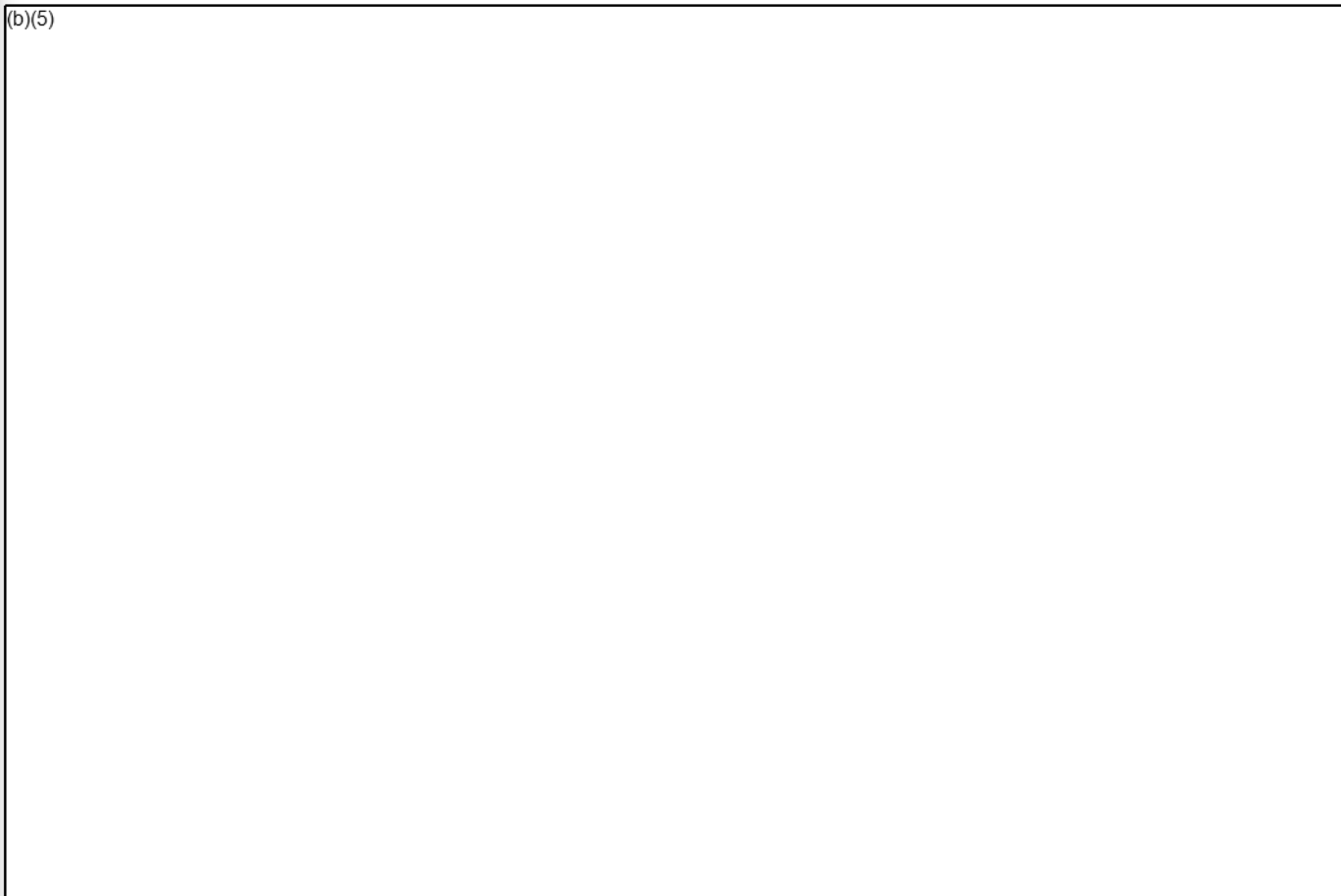
- ICE executed a search warrant for employment records at a factory – this was a worksite case – during which all workers, including *Perez Cruz*, were detained and segregated for questioning about alienage.
- While detained and questioned, *Perez Cruz* admitted to lacking lawful immigration status.
- **Result:** Evidence suppressed, case terminated. The court held that ICE violated 8 C.F.R. § 287.8(b)(2) and the 4<sup>th</sup> Amendment by detaining and questioning *Perez Cruz* without “reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.”

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## *Perez Cruz v. Barr (cont'ed)*

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## *Perez Cruz v. Barr: Key Points*

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## What Can You Do?

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## What Can You Do? (Cont'ed)

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## Exigent Circumstances: Emergency Aid and Officer Safety

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## Exigent Circumstances: Emergency Aid and Officer Safety

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## Plain View Seizure

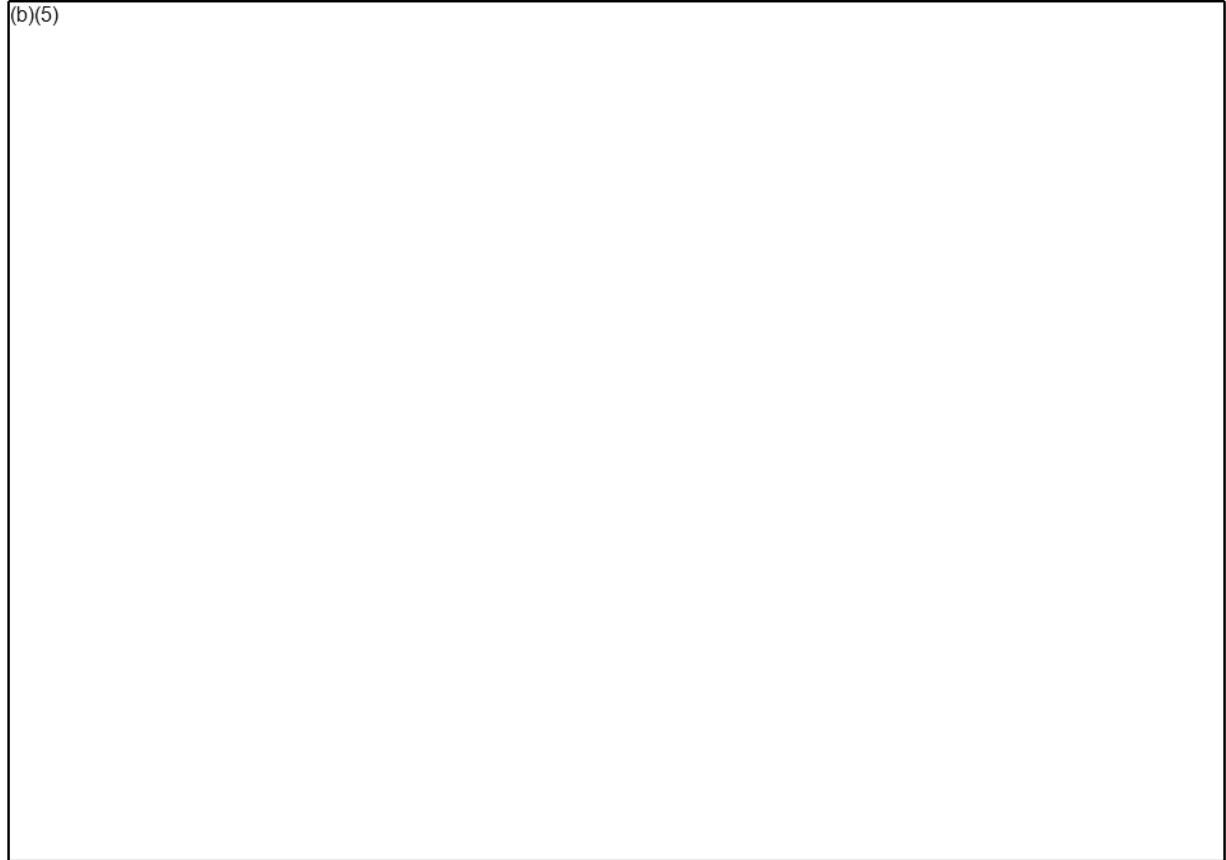
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## Out and About: Street Arrests

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## Consensual Conversation –

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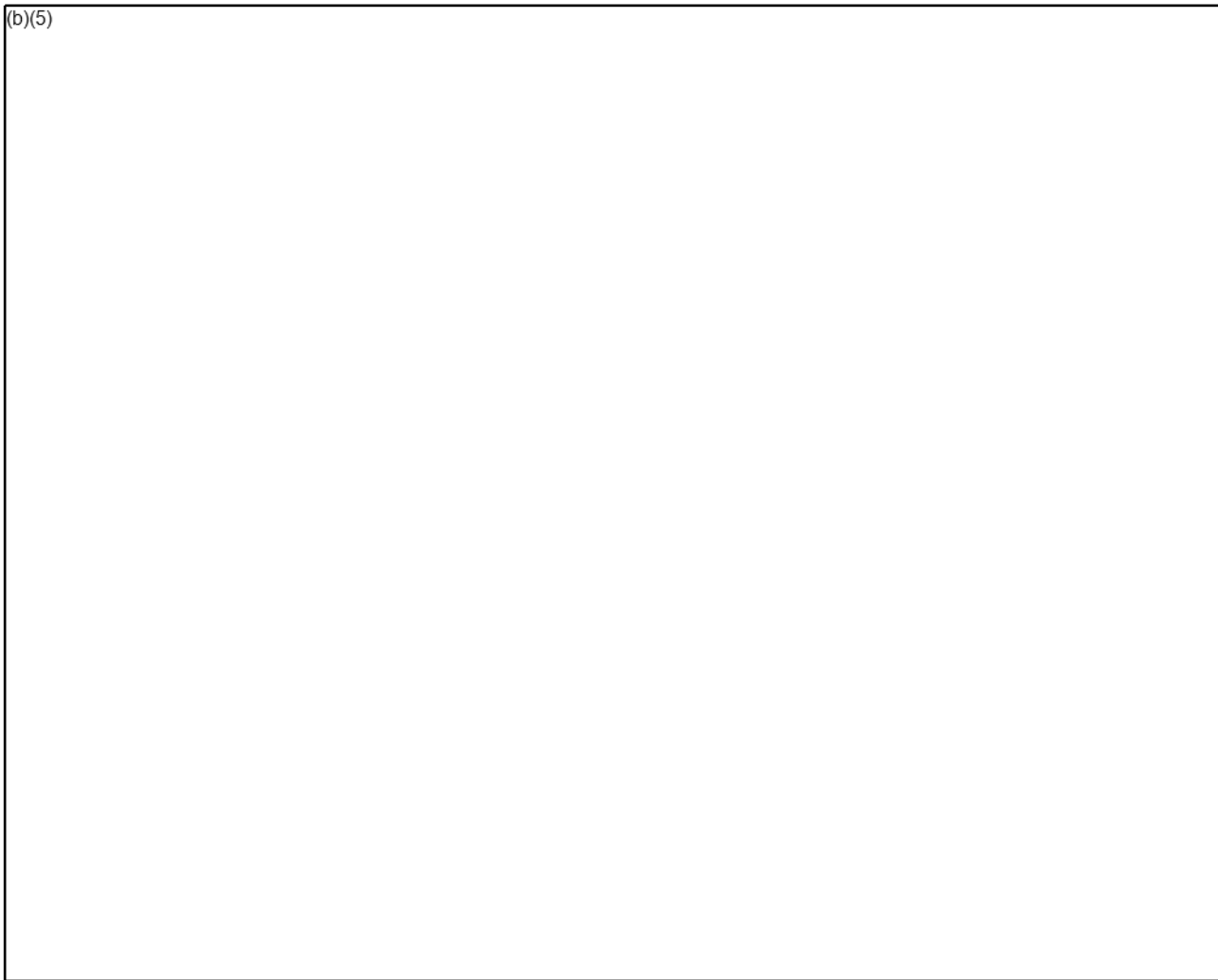
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## *Terry Stop*

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## *Terry Stop*

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# ICE

## *Terry Stop* –

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## *Terry Stop* –

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## *Terry Stop* –

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## Vehicle Stops –

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## Vehicle Stops –

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## Vehicle Stops – Use of Force (Examples)

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## *Terry Frisk*

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## Exigent Circumstances: Hot Pursuit

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## Search Incident to Arrest

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## Search Incident to Arrest

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## Search Incident to Arrest: Cell Phones

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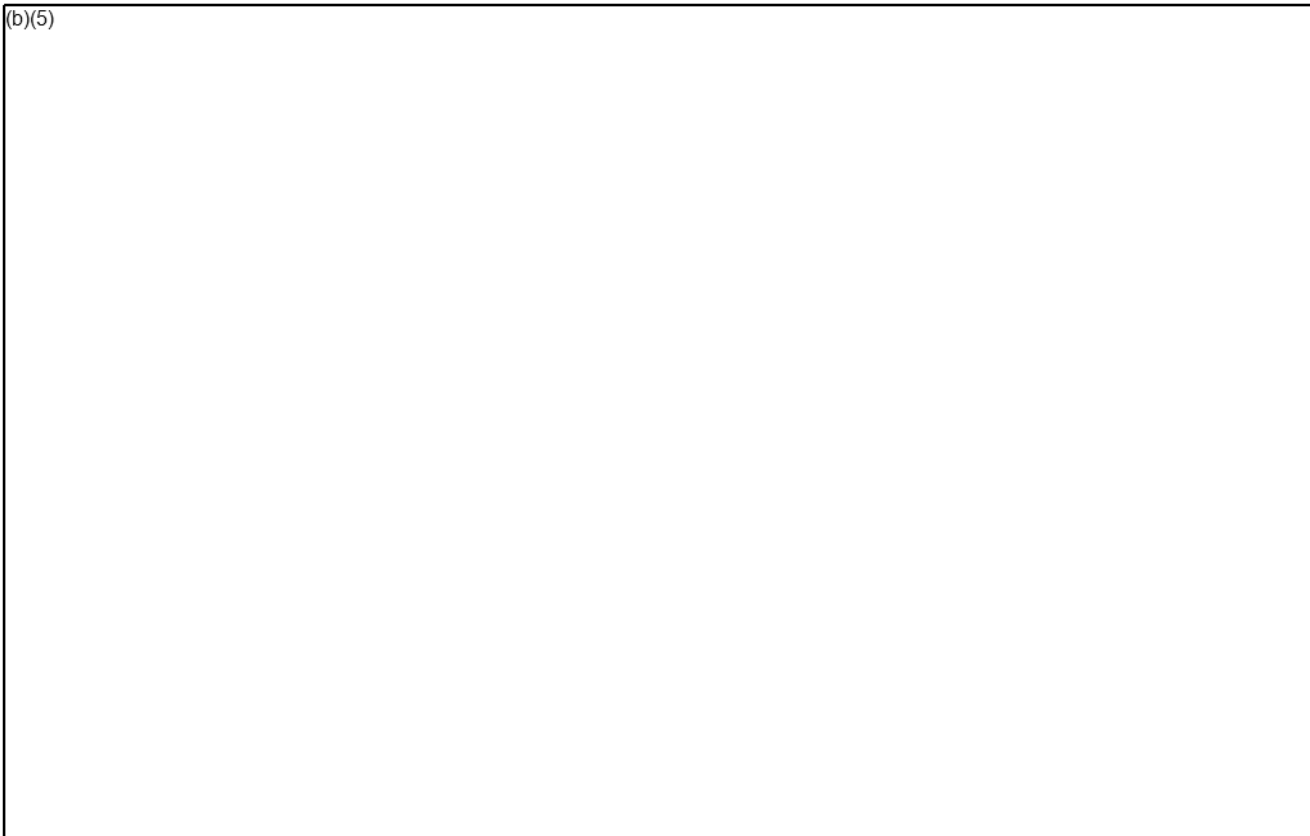
## Search Incident to Arrest: Vehicles

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## Vehicle Inventory

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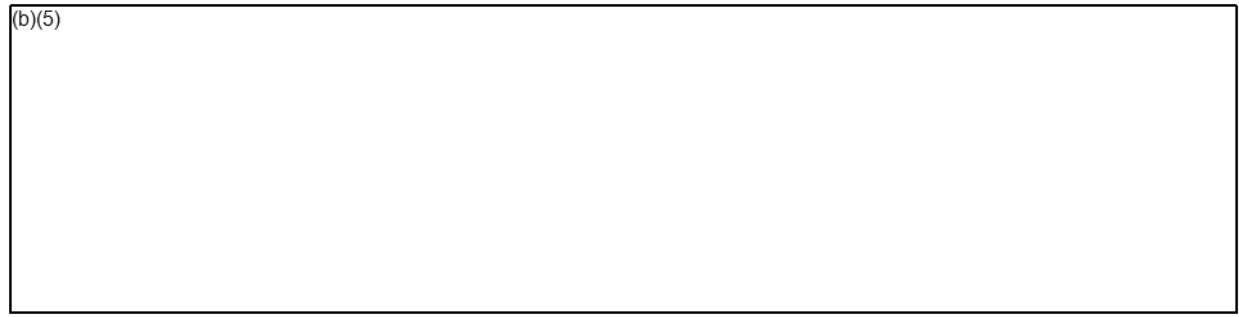
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## QUESTIONS?



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**Fourth Amendment Refresher Training  
Instructor Notes (Revised Jan. 2020)**

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...address ... into a home ... to arrest ... for non ...

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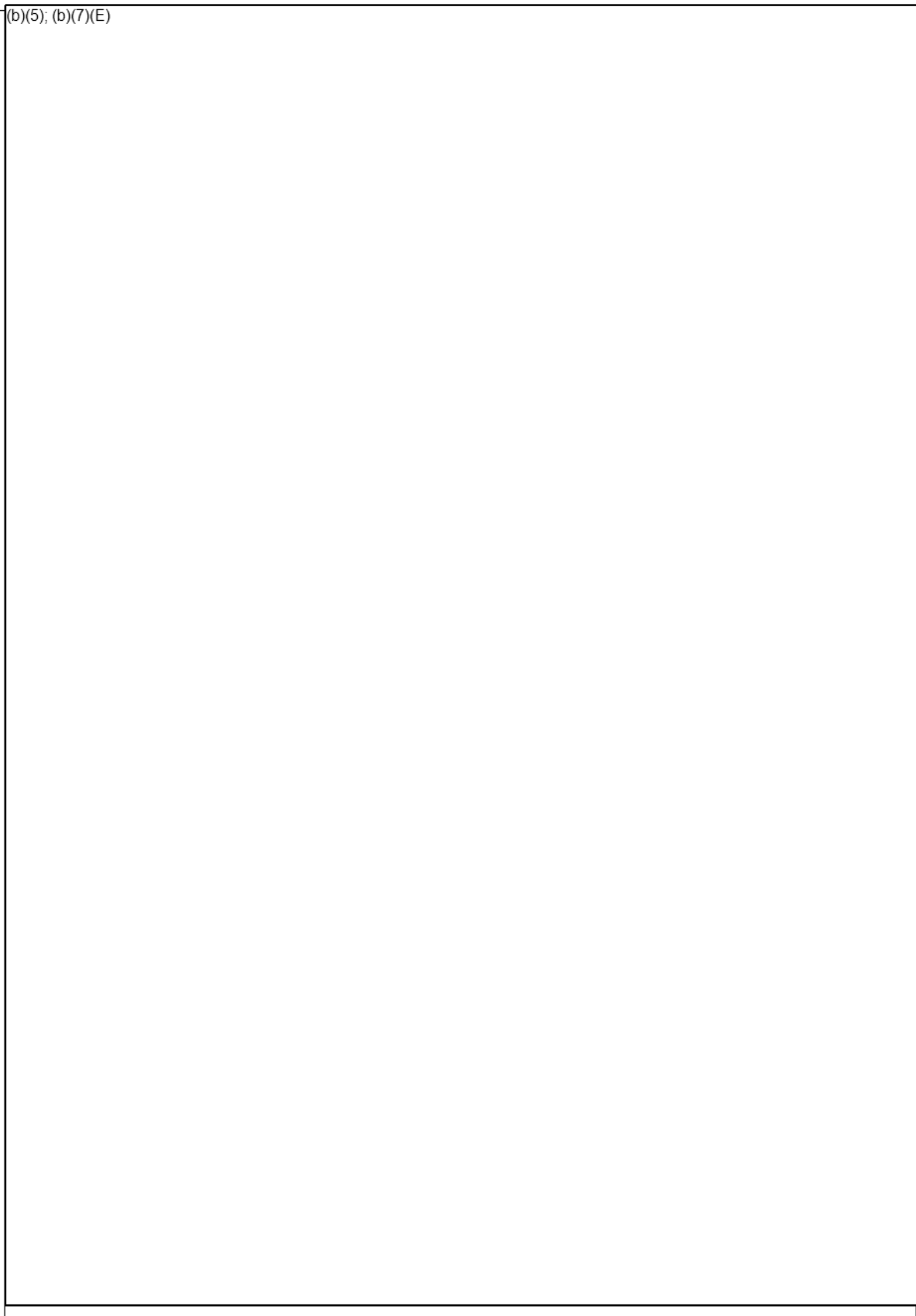
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