EXHIBIT 13
Fourth Amendment Refresher Training

Office of the Principal Legal Advisor
Revised January 2020
Impact of Fourth Amendment Violations on ICE Operations

- [b](5)

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Attorney Work Product/For Review Only/Not For Distribution 2021-ICLI-00017 1128
The Fourth Amendment

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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(b)(5)
Giglio Impairment

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(b)(5)
Negative Media Coverage and Social Media
Negative Media Coverage and Social Media
Request for Officer Identification

(b)(5)
Disruptive Protestors

(b)(5)
Disruptive Protestors

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- (b)(5)
Disruptive Protestors

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(b)(5)
Disruptive Protestors – Scenario 1

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- (b)(5)
Disruptive Protestors – Scenario 2

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  - (b)(5)
Government Action – Scenario

(b)(5), (b)(7)(E)
There’s no place like home!
What Constitutes a Seizure?
Seizure – Scenarios
Exceptions to the Warrant Requirement
The Fourth Amendment and Fugitive Operations

(b)(5)
Surveillance – Scenarios

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Ruses – Scenario

(b)(5); (b)(7)(E)
Use of Technology

(b)(5)
Use of Technology

(b)(5), (b)(7)(E)
Conducting an Arrest at a Home/Dwelling

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“Knock and Talk” Rules
Approaching a Home: Curtilage

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Curtilage – Scenario 2

(b)(5)
Curtilage - Implied License

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Curtilage - Implied License

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Knock and Talk: Consent to Enter/Search

- (b)(5)
Consent: Authority

(b)(5)
Consent: Authority

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Consent: Authority-Scenarios

- (b)(5)

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Consent: Was it Voluntary?

(b)(5)
Consent: Was it Voluntary? Scenarios
Consent: Ruses

(b)(5)
Consent: Ruses – Scenarios
Consent: Timing and Positioning Matters
Consent: Best Practices

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Consent: Scope and Withdrawal

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Protective Sweep

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(b)(5)
Protective Sweep
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 4th 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.”
Perez Cruz v. Barr (cont’ed)
Perez Cruz v. Barr: Key Points

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What Can You Do?

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What Can You Do?
(Cont’ed)
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
Out and About: Street Arrests

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Consensual Conversation –
Terry Stop

(b)(5)
Terry Stop –

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Exigent Circumstances: Hot Pursuit

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Search Incident to Arrest

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QUESTIONS?
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79  None.
80  None.