

SC KNOW YOUR RIGHTS

Two existing programs allow law enforcement to look into someone's legal status after he or she is arrested. One program allows Sheriff's offices to enter into agreements with Immigration and Customs Enforcement (ICE). Called 287(g) agreements, these permit certain Sheriff's Deputies to be trained to enforce federal immigration laws. Right now, three counties in South Carolina have 287g(s): Charleston, Lexington and York. The other program, [Secure Communities](#), helps jails determine whether immigrants under arrest are deportable. Under Secure Communities, participating jails send inmates' fingerprints to databases, which allow ICE to find out who is in jail. Almost all jurisdictions in South Carolina are part of Secure Communities.

Because of these programs, if you are arrested and taken to jail, it is likely that jail officials will check your immigration status. If you are stopped, cited, and/or arrested and taken to jail, it is important that you know your rights.

BE PREPARED IF YOU ARE ARRESTED

Hire an attorney. Talk to him or her about your immigration status and what options you may have to stay in the country legally.

Know where your country's consulate is in the United States. Memorize the telephone number of the consulate, because you have the right to contact your consulate if you are arrested.

Memorize the telephone numbers for your family members and for your lawyer. If you are arrested and taken to jail, you will not have access to your wallet, cell phone, or other belongings. You will have the right to make a collect call to a land line to inform your family of your whereabouts.

Make an emergency plan. Make arrangements for someone to take care of your children in case you are arrested or deported. Make sure you have a trustworthy person to take responsibility of your property and finances. If you are taking prescription medication, you should know the name and dose of the medication and the name and telephone number of your doctor.

TIPS TO REDUCE YOUR RISK OF BEING STOPPED BY THE POLICE

DO NOT DRIVE if you do not have a South Carolina license.

Driving without a South Carolina license is a crime. An arrest based on even a minor traffic infraction could result in your deportation.

Take a taxi, arrange a carpool, bike or walk to work.

It is not worth the risk to drive if you do not have a South Carolina license. Arrange a carpool with a licensed driver. You will save gas and protect yourself from arrest and deportation.

Make sure your car is in good condition.

The police may now make more traffic stops in order to arrest unlicensed drivers. If your car windows are tinted, a headlight is out, or you forget to use your turn signal to change lanes, the police can stop you and cite you for these minor infractions. They will ask for your driver's license. If you do not have one, the police could arrest you and/or issue you a citation, depending on the circumstances.

Do not use or carry false documents! This is a serious crime. If you give the police false documents or a false name you will likely face serious criminal and immigration charges.

Do not carry documents from your native country. It is possible that the police could use these documents against you.

If you have valid U.S. immigration documents and you are asked to show them, you should do so.

Drive carefully: Learn the rules of the road and follow them as best you can.

Wear your seatbelt.

Put children six years of age and younger in a safety seat in the backseat.

DO NOT DRINK AND DRIVE! Even one glass of alcohol may put you over the legal limit.

Do not drive with open containers of alcohol in the car.

Do not speed or drive too slowly.

Use your turn signals when switching lanes or making turns.

Do not run red or yellow lights.

Come to a complete stop at stop signs and lights.

Do not call attention to yourself by displaying flags or anything else on your vehicle including license plate frames that cover your license plate number.

Do not throw trash out of the window of your vehicle.

Do not play loud music.

Do not drive with cracked windshields.

Make sure your license tags are not expired.

Stay calm and alert.

IF YOU ARE PULLED OVER BY THE POLICE

If you are stopped by a police officer, remain in the car and keep your hands visible at all times. If the officer tells you to get out of the car, you should do so. Be respectful and polite. Give the officer your real name. If you do not want to answer any questions, you can show the officer your Rights Card (*see below*) and ask to speak to a lawyer. You should know that if you don't speak with the police you could be arrested.

IF YOU ARE ARRESTED

If the officer writes you a ticket for a traffic violation, sign the ticket.

Do not answer any questions about your nationality or immigration status, unless you are here legally and can prove it. If you do answer these questions, the police could use your responses against you.

You have the right to remain silent. You do not have to talk to the police.

Tell the police you want to talk to a lawyer. Get a lawyer as soon as possible. Do not answer any questions without talking to a lawyer.

Ask for a bond hearing in front of a judge. Bond is an amount of money paid to the government to guarantee that you will attend future court hearings.

Do not sign any papers at the jail without understanding what you are signing.

You have the right to contact your consulate. A family member can do this for you. The consulate might be able to help you find an attorney.

Ask for an interpreter if you need one. If you appear before a judge and do not speak and/or understand English well, let the judge know you need an interpreter.

RIGHTS CARD

Cut this portion and keep it in your wallet at all times.

TO WHOM IT MAY CONCERN:

Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.

Thank you.

Resources

National Immigration Law Center (NILC) "Know Your Rights"

Card: http://www.nilc.org/ce/nilc/rightscard_2007-03-15.pdf

ACLU [*Know Your Rights When Encountering Law Enforcement Brochure*](#)