

# VIDEO AS EVIDENCE GUIDE: IMMIGRATION PART 2 - FILMING

PRESENTED BY:  
**WITNESS**



**ICE**

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Leila Shifteh  
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# INTRODUCTION & GOAL OF THIS GUIDE

Filming an abusive immigration enforcement action can help expose enforcement violations, deter violence, substantiate reports, and serve as evidence. But if the footage isn't captured, preserved, and shared safely and ethically, there can be unintended harm to both the person being filmed and the person filming.



With U.S. immigration enforcement actions showing no signs of abating and greater numbers of people swept up in U.S. Immigration and Customs Enforcement (ICE) sweeps, immigration practitioners are looking for creative strategies to protect the rights of individuals who are unlawfully placed into removal proceedings.

**Video evidence is one such tool. And yet it remains a largely untapped tool in the U.S. immigration context.**

**This is a guide to begin thinking about ways in which video can be obtained, preserved, and prepared for trial to help strengthen an individual's immigration case.**

This guide has two audiences: attorneys and community members.

## PART I:

- Is for **attorneys** who have come across footage that they believe could support a client's case but do not know how best to present the evidence and submit it such that it will be given full or substantial weight by the immigration court.
- Consult Part I of this guide for more information about how video can be used in legal proceedings, and how activists who capture footage can successfully work with immigration lawyers to help create accountability.



## GOAL



The goal of this guide is to introduce basic practices to help ensure that the video in your hands can be used not only for advocacy efforts, but also to protect the rights of individuals in a legal context.

## PART II:

- Is for **community members** and **advocates** who find themselves in situations where they can and choose to record immigration enforcement violations as they happen, or in their immediate aftermath, and want to share footage with investigators and lawyers who could use it in investigations.

We hope that after reviewing the practices here, you will begin to feel prepared to introduce video evidence as a part of your case strategy.





# PREPARING TO FILM

Though immigration enforcement often occurs without warning, planning ahead can help you prepare to better document any unlawful activity when it happens.

## SAFETY FIRST

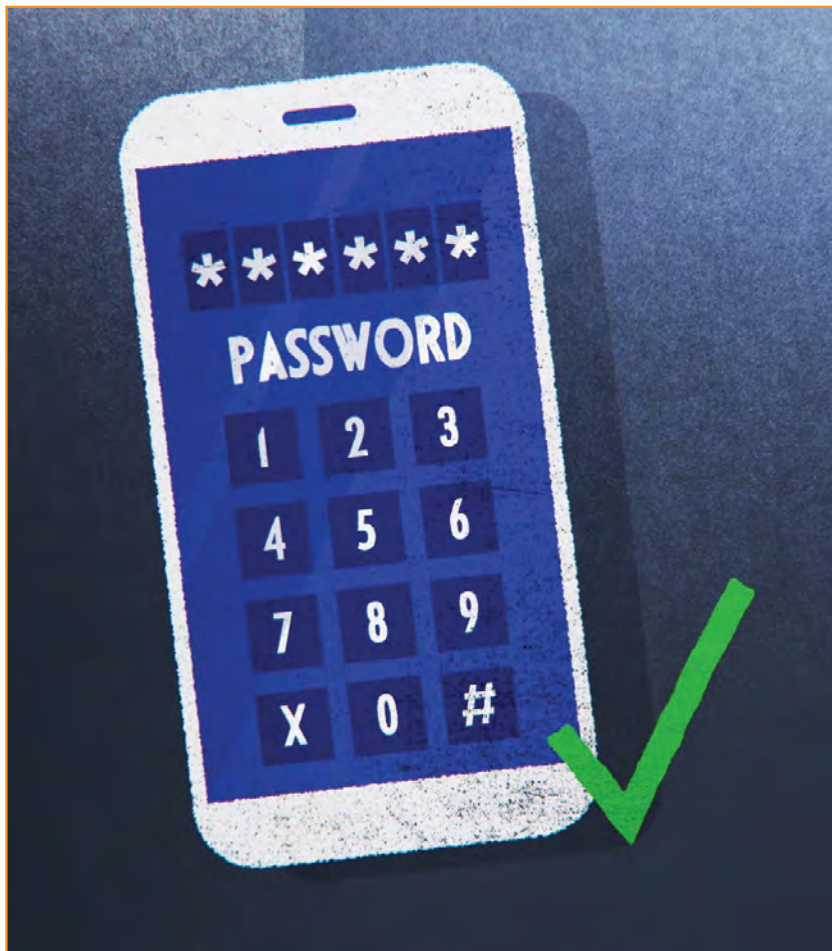
Your first priority should be to do no harm. Filming could escalate the situation or expose someone's identity and put them at greater risk. Always assess the risks to yourself and others before you hit "record." Consider other ways to respond, such as reaching out to an advocacy organization or rapid response group, bearing witness, or taking notes. Whether or not it's safe to film will rarely be a black-and-white decision, but being better prepared can help you make the right judgement in the moment. Trust your gut and your instincts.

## KNOW YOUR RIGHTS

Generally, it is legal under the First Amendment of the U.S. Constitution to film immigration and law enforcement in public spaces in the U.S., regardless of your immigration status,<sup>1</sup> as long as you don't interfere. Keep in mind that your rights on federal property, ports of entry, and borders may look different<sup>2</sup>. Check local laws before filming as they can vary for private property, businesses, and federal buildings. For instance, in New York City, while you generally cannot film inside a courthouse, you can film outside of one. Read more about your right to film immigration enforcement in the U.S. here.<sup>3</sup> Also, be aware of "wiretapping" laws that vary from state to state and govern when a private conversation can be audio recorded.

These laws were originally created to protect people's privacy from wiretaps on phones, but in some cases they have been used to challenge the right to record law enforcement. However, when it comes to filming law enforcement, most states have upheld that it is legal to openly film and record audio of police in public **without** their consent.

Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.



## LEARN MORE



See our [blog post](#) and [interactive map](#) for more information related to audio recording.

<sup>1</sup> <https://www.nyclu.org/en/know-your-rights/you-have-right-film-ice>

<sup>2</sup> [https://www.aclutx.org/sites/default/files/field\\_documents/KYRBORDERfinalprint.pdf](https://www.aclutx.org/sites/default/files/field_documents/KYRBORDERfinalprint.pdf)

<sup>3</sup> <https://www.nyclu.org/en/know-your-rights/you-have-right-film-ice>

# DO



## **DO ASSERT YOUR RIGHT TO FILM IN A CALM MANNER, IF YOU FEEL COMFORTABLE DOING SO.**

You must, however, comply with orders like “back up,” or you could face arrest. You can film your feet backing up to keep a record of your cooperation.



## **DO HAVE A LEGAL SUPPORT NUMBER AND/OR A TRUSTED CONTACT'S INFO HANDY.**

Call United We Dream's MigraWatch Hotline to report Border Patrol or ICE activity or to be connected with resources: 1-844-363-1423

## **DO SET YOUR PHONE TO BACK UP.**

There are only limited situations where authorities can seize your phone for evidence, and they are never allowed to delete footage from your phone, but be aware that they may do it anyway. Backing up to a cloud-like service can help protect your footage in case your phone is taken, broken, or lost.

**DO** protect your contacts. If you plan to be in a situation where your phone could be confiscated, then delete or encrypt names of contacts, call logs, text messages, photographs, videos and audio files in advance. Consider using a different device to film that does not have personal information on it.

**DO BRING A NOTEPAD AND PEN** in order to write down the date and time or a recollection of the events after filming is over or has been impeded. It's helpful to write down information while it's still fresh in your mind. [See our Written Documentation section for more information on effective note taking.](#)

## **DO AVOID LOCKING YOUR PHONE WITH FINGERPRINT, FACE, AND PATTERN ID.**

You generally have a 5th Amendment constitutional right to not give up your cell phone password during a search by government officials (however some courts have ruled that you are required to under certain circumstances). That right does not currently extend to fingerprint, face, or pattern ID, so it is best to have at least a 6 digit passcode on your phone. Law enforcement generally can't force you to give up your passcode without a warrant or court order, but they can ask or coerce you to unlock your phone with your fingerprint or Face ID. These laws are being interpreted differently as technology evolves. Check with a local legal organization or groups like the Electronic Frontier Foundation for the most up to date information.



Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.

**DON'T MAKE SUDDEN MOVEMENTS.** Be aware that immigration agents and police care mainly about their safety, not yours. Moving quickly or suddenly to grab your phone or reach into your pocket could escalate the situation.

**DON'T LIE.** Be truthful. Immigration agents might falsely identify themselves as police officers or lie in the course of enforcement, **but you should not.**

**DON'T INTERFERE.** “Interference” is subjective to the law enforcement officer, so it's best to keep at least an arm's length distance between yourself and the incident while you film. Make sure you are not trying to hide the fact that you are filming.

# DON'T



## CASE AT A GLANCE



Kianga Mwamba<sup>4</sup> was driving home late at night in Baltimore in March 2014, when she saw police beating a handcuffed man. While stopped at a red light, she began to record the scene out her window. The scene quickly escalated, with officers yelling at Mwamba to get out of the car, then forcing her to the ground and arresting her. Mwamba's phone was still recording and audio captures the chaos that ensued: officers demanding she get out of the car, yelling profanities at her, and the clicking of a taser. Mwamba spent the night in jail, charged with assault and resisting arrest.

The video, she knew, would prove her innocence. However, when she was released on bail and given back her belongings, the video was gone. But later, Mwamba's teenage daughter pointed out that her smartphone automatically backed up photos and videos. And though the video of her arrest had been removed from her gallery, it was saved to her google account.

Mwamba's attorneys took the video to Baltimore police's internal affairs department, and the Maryland State Attorney's Office opened an investigation. Six months later, the charges against Mwamba were dropped on December 2015, Mwamba settled a civil suit against the Baltimore Police Department. The city will was ordered to pay Mwamba \$60,000. Read more and watch the video [here](#).



4 [https://lab.witness.org/portfolio\\_page/kianga-mwamba/](https://lab.witness.org/portfolio_page/kianga-mwamba/)

# DETERMINING WHAT TO FILM

After assessing that it is safe to film, the single most important principle to keep in mind is to **start filming as soon as you feel it is safe to do so and to film continuously**. Your footage will be more valuable to lawyers if you start filming from the outset of the apprehension and continue filming until the incident is over.

In a moment of heightened tension, it might not be possible to capture everything on the list below. The most important thing to keep in mind is trying to tell a story with your footage. Ask yourself: What would someone who isn't here need to see in order to understand what is happening and where it is happening? It can also be helpful to work with a partner in order to get more angles and vary your shots. When possible it can be helpful to prepare and work with a partner.

The type of immigration legal relief an individual can obtain depends on the court in which the lawyer files the claim. Different visuals will assist different legal approaches for relief. But if possible, try to include the following:



## VARY YOUR SHOTS:

- **Wide** establishing shots to provide an easily understandable layout of the scene. This can also help assist in verifying time, date, and location.
- **Medium shots** to establish the location of the evidence (e.g. a damaged door or window) in the scene of apprehension and the relationship of one piece of evidence to another.

## LEARN MORE



See our [Verifying Eyewitness Video Guide](#) for more ideas on how to make your content easier to trust.<sup>7</sup>

## ABOUT METADATA



There is no single legal definition of metadata. Loosely defined, metadata is simply “data about data.” For our purposes here, we are defining digital metadata as information about a file, created by an electronic device, that is automatically stored and is often not visible to the user. Another way to think about it is as the digital footprint that is left behind. This invisible footprint includes such information as date, time, location, what device was used and even a record of changes made to the file. WATCH: [What is Metadata?](#)<sup>5</sup>

## WHY IT'S IMPORTANT

Metadata can make it easier for lawyers, judges, researchers, reporters, or investigators to verify that your video footage was filmed when and where you say it was. For more information, see [“How to Capture Metadata and Documentation”](#).<sup>6</sup>

5 <https://youtu.be/A0g8JnuwX8>

6 <https://archiving.witness.org/archive-guide/create/how-capture-metadata/>

7 <https://library.witness.org/product/video-as-evidence-verifying-eyewitness-video/>





## PROVE YOUR FOOTAGE IS REAL

Where and when did the enforcement happen? Record time, date, and location. If you need to film anonymously, write the time, date, and location on a piece of paper and hold it up in front of the camera for 10 seconds. You can also film a clock, the front page of a newspaper, street signs, buildings, and landmarks. Capture wide shots so that lawyers can get a full picture of the scene. If filming inside or outside someone's home, don't expose any identifying details of their living situation (i.e. an address) without consent. Doing so could put other members of their family at risk.



## CAPTURE KEY DETAILS

The shots below are examples of footage that can be helpful to capture during or after an immigration enforcement action. In the moment, it's not always possible to know how these shots can or will be used by a lawyer, but it's always helpful to safely capture as much clear and thorough documentation as possible.

### Additionally, film:

- Any other eyewitnesses filming or observing the officers (this may be helpful to corroborate your footage with their angle in the future)
- Security cameras in the vicinity
- Bodycams

## LEARN MORE



If you plan to film witnesses on camera, see [this template](#)<sup>8</sup> or [short video](#)<sup>9</sup> for collecting informed consent.

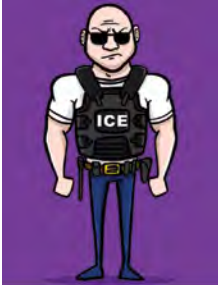



Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.



<sup>8</sup> <https://library.witness.org/product/informed-consent-template/>

<sup>9</sup> <https://library.witness.org/product/interviewing-techniques-obtaining-informed-consent/>

## CAPTURE KEY DETAILS

<p><b>Who</b> conducted the enforcement action (e.g. ICE, police)?</p>	<ul style="list-style-type: none"> <li>ICE agents or police officers present</li> <li>Number of agents or officers present</li> <li>Any communication between agencies (e.g. ICE agents and police officers talking to each other)</li> <li>Supervisors giving orders</li> <li>Badges or IDs</li> <li>Vests/uniforms or lack thereof</li> <li>Vehicles and license plates or any permits posted on the front of vehicles</li> </ul>	
<p><b>What</b> type of incident did you observe (e.g. car stop, home raid) ?</p>	<ul style="list-style-type: none"> <li>Home raid, work raid, or car stop in progress, etc.</li> <li>Detention or questioning in progress</li> <li>Damage to property or personal belongings</li> <li>Injuries</li> <li>Use of weapons</li> </ul>	
<p><b>How</b> did the agents carry out the enforcement? Did agents use violence or were they dishonest? Did they have a warrant?</p>	<ul style="list-style-type: none"> <li>Warrant or lack thereof</li> <li>Stories or "<u>ruses</u>" used to get consent to enter a target's home</li> <li>Aggressive behavior, yelling, intimidation - can help show egregiousness of arrest</li> <li>Threatening or coercive words, racial slurs</li> <li>Agents breaking down a door to get inside and the damage caused to the door after the agents leave</li> </ul>	
<p><b>When/Where</b> did the enforcement happen?</p>	<ul style="list-style-type: none"> <li>A clock</li> <li>The home screen of a cell phone</li> <li>A newspaper</li> <li>Wide shots that establish the location</li> <li>Landmarks</li> <li>Street signs</li> </ul>	



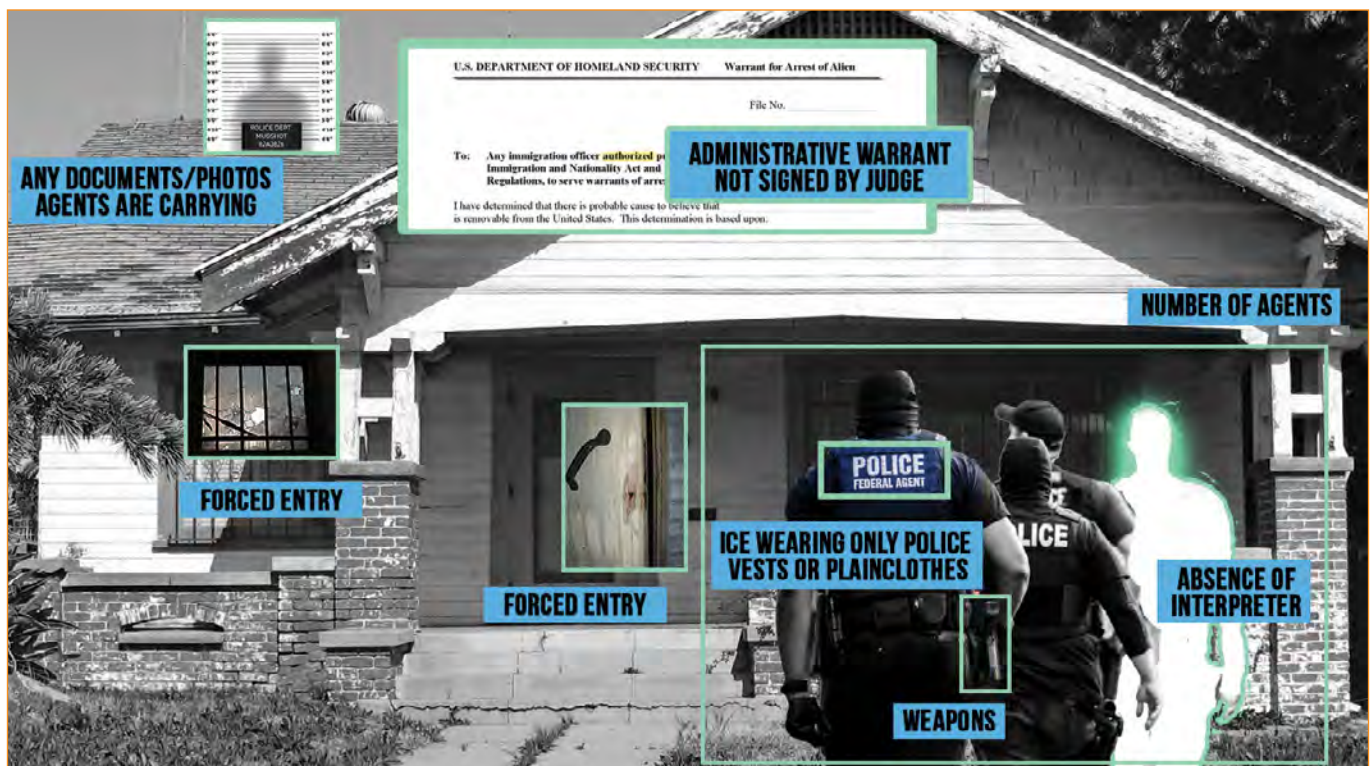
## DEVELOPING A SHOT LIST

Activists often capture the “What” but not always the “Who” “How” and “When/Where”. Consider coming up with a “Shot List” to help you strategically determine what footage you will need to capture to give viewers a clear sense of the events that took place.

Picture yourself returning to your home in the early hours of the morning when you notice a group of people wearing vests that read “police” come out of a car. What are some of the shots you would gather after reading about the types of information (who, what, where, when, how) that would be helpful for legal proceedings?

Some violations on their own aren’t strong enough to support a case but, in conjunction with other violations, they can help show a person’s rights were violated. **And remember, if you’re unable to film or it’s not safe, taking notes of these details during or directly after the incident is still valuable. No footage is worth anyone’s safety.**

To see how this footage may be used in a legal case by an attorney, see **collection plans** in Part I of this guide.



# BEST PRACTICES FOR FILMING

## From an expert

*"If witnesses gather shots from the beginning of an encounter with ICE (the moment someone is approached by ICE) until ICE leaves, the video could be useful in immigration proceedings and could potentially carry more weight than a video or photograph that only captures part of the interaction."*

Genia Blaser, Senior Staff Attorney Immigrant Defense Project



## LEARN MORE



See our handy tip sheet on [Filming Immigration Enforcement](#), available in multiple languages!<sup>10</sup>

Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.

## BASIC GUIDANCE:

- **Film the details. Tell a story with your footage.** Think: If I weren't here, what would I need to see to understand what happened?
- **Stay focused on law enforcement activity instead of civilians.** Make the people being targeted harder to identify by filming very wide shots and/or filming people's feet or backs. There are also tools you can use later to blur people's faces.
- **Film continuously without stopping and starting.** This will help verify that your footage was not edited. If you have to start and stop, try recording each new clip by pointing the camera at the same location you were filming when you stopped. In other words, overlap the shots.
- **Hold all your shots for 10 seconds or more.** Use slow, smooth pans whenever possible.
- **Let the video speak for itself.** If violence occurs, stay calm and quiet. Lawyers and investigators will need to hear what's happening. If adding narration won't interfere, or if filming from a distance, add context through **factual and unbiased commentary** such as location, number of agents/officers, etc. Anything said or learned during the arrest may be admissible in court against the person targeted. Be careful to not allege anything about the person's country of origin, immigration status, criminal history etc

<sup>10</sup> <https://library.witness.org/product/filming-immigration-enforcement/>



## LIVESTREAMING

Livestreaming can be an effective way to garner public support and create awareness. But, it can also expose people's identities and other sensitive information far more easily than regularly recorded video. If you do decide to livestream, here are some basic considerations to ensure you do so safely and effectively:

- Be aware of what location details you are sharing when you livestream - phones can default to sharing your location. You can turn off your location settings in your phone if this is a concern.
- Consider streaming to a trusted set of viewers, such as an attorney, trained legal observers, or fellow organizers and community members on a private channel. Most social media platforms give you the option to choose who can and cannot view a livestream.
- Some advocacy organizations also invest in organizational smartphones that don't contain anyone's personal information and are only used for organizational purposes, such as livestreaming protests or direct actions.
- Describe what is happening through factual commentary. If possible, work with a partner to keep an eye on what's happening in the periphery and to check viewers' comments and questions.
- Only some sites let you save the video on their platform. If you think your video contains evidentiary content, it's good to download and preserve a copy. **Learn how:** <http://bit.ly/PreservingLiveVideo>

## WRITTEN DOCUMENTATION

If you were unable to add certain basic information to the video recording itself, then you should create a separate document that summarizes the key information about your footage (see below). **Be sure to do this while the details are fresh in your mind.** Even though this can be time consuming, providing thorough written documentation can significantly increase the chances that your video will be used as evidence. The summary information can be handwritten, or done on a computer and saved in a folder with the video. If possible and safe, include:

- Date and time you wrote the summary
- Date, time, and location of the filming
- Names and contact information for the:
  - Person filming
  - People being filmed
  - Other people on scene who may have information about the events that took place
- A short, factual summary of what is shown in the video. Leave out unsupported opinions, misinformation, and exaggerations
- Any details about what happened before/after the video was recording, in case the footage only shows part of the incident
- Any safety information or security restrictions with using the video
- Make sure to add if you observed any other eyewitnesses present that were either filming or observing, as well as their names and contact information (if obtained)
- List the location of any surveillance video or traffic cameras you noticed in the vicinity

### KEY POINT: WHY WRITTEN DOCUMENTATION MATTERS

Even if you include basic information in the video recording, a separate written summary can be helpful. This additional documentation will make your video stand out among the thousands of videos captured and shared every day by citizens and activists, and it will help immigration lawyers, constitutional lawyers and journalists as they review the content and determine whether or not your footage will help them. In short, the easier you make it for the reviewers, the more likely they are to watch and use your video.



Source: *We Have Rights* by Brooklyn Defender Services and ACLU.  
Produced by MediaTank and Variant Strategies.

# STORING YOUR FOOTAGE



Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.

## Preserve Your Footage

Preserving your footage is essential if you want it to be used as a part of the judicial process. In order to use a video in court, **an attorney must prove that the video file was not edited or manipulated.**

If you do need to make any edits (i.e. blurring faces), make sure to do so from a copy and save the original version unedited. In some cases, the attorney will also need to show how the video got from the person who filmed it to an investigator, then to a lawyer, then to a court. In legal terms this is called the **“Chain of Custody”**.

**When you give the footage to another person or organization, they may ask you to sign a form that documents the hand off of the footage.** The information requested will vary, but you will most likely need to verify that you recorded the video and that you have not altered the video file. [See further below for an example of a real authenticating declaration].

## Steps for Preserving Your Video

If your video is not properly protected, the trustworthiness of your footage may be called into question. The guidance below will help you protect the integrity of your footage:

- If you are filming regularly or working with a group, make sure you have a plan for offloading footage. Make it a routine to always copy your footage off your camera at the end of each incident or at the end of each day. Set everything up (e.g. storage location, folder organization, backup system, etc.) so that you can just “drop” your footage off in an easy and consistent way.
- Save the original file by transferring it from your phone/device to your computer/hard drive without altering or processing the video in any way. Drag and drop or copy-paste works, as well as Image Capture (Mac) or Photos (PC). Keep files intact<sup>11</sup>. Do not run it through special software or change the file format, file name, or file structure.
- It's recommended to offload **all of the files from the incident**, not just the ones you think might be useful. Only offloading a select few can appear manipulative or hurt your credibility in court.

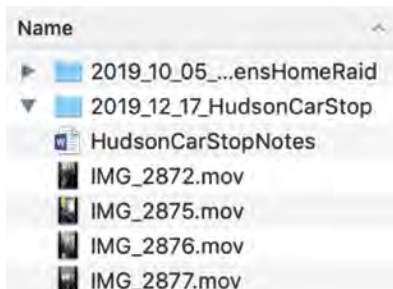
<sup>11</sup> <https://archiving.witness.org/archive-guide/transfer/keeping-files-intact/>

- Use the 3-2-1 rule to protect valuable footage.



- Make **3** copies.
- Save on **2** different types of storage – like an offline hard drive and a computer, or Google Drive and iCloud. The idea is to prevent one type of failure (e.g. faulty manufacturer, lost password, unpaid account) from affecting all your copies.
- Keep **1** offsite copy so that all your copies don't live in the same physical location (e.g. keep one on your home computer and one on your hard drive at your office).
- If you edit, do so from a copy.

- Limit physical and digital access to only those who need it.
- Organize your footage by creating folders with the date/location/filmer. You can also drop text documents into those folders with more information about the video. Name your folders in a standardized way so that you can easily sort and identify them. For example: yyyy-mm-dd\_CreatorName\_IncidentName. Keep the "Incident Name" a short description.



- Use a spreadsheet or database to keep track of where you preserve the footage and who you share it with. In order for your video to be used as part of an investigation, you will need to give it to a trusted immigration attorney.



In legal terms, documenting the transfer of footage from one individual to another is called the "Chain of Custody."

- You may also need to prepare a declaration to provide chain of custody details. For a declaration, the person who originally obtained the footage signs a statement under oath stating how they handled the footage from the moment they obtained it. While the individual, who signed the declaration, did not film the incident himself, the declaration gives you an idea of the type of step-by-step details you would include in your own declaration about your experience filming an enforcement incident. Such a declaration would be prepared with the help of a lawyer for the person whose case it is.<sup>12</sup>

## LEARN MORE



Learn more and see an example of a real authenticating declaration signed under oath by someone who acquired video footage from a surveillance camera and provided it to a team of lawyers on the next page.

Source: *We Have Rights* by Brooklyn Defender Services and ACLU. Produced by MediaTank and Variant Strategies.



<sup>12</sup> Motion to Terminate: *Juan Hernandez Cuevas* case (Dec. 2017, EOIR L.A.), download: [https://wit.to/Hernandez\\_MotionToTerminate](https://wit.to/Hernandez_MotionToTerminate).

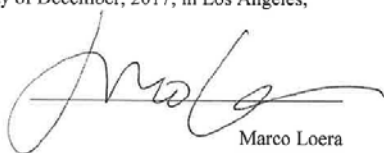


## Authenticating Declaration from Handler of Video Evidence: Sample from the Juan Hernandez Cuevas Case

I, MARCO LOERA, declare as follows:

1. I make this declaration based on personal knowledge. If called as a witness, I could and would testify competently to the following:
2. On October 13, 2017, I went to View Park Automotive at 4301 Crenshaw Boulevard in Los Angeles to review and recover footage from the garage's surveillance cameras.
3. The surveillance recording equipment is in the management office of the mechanic shop. The video cameras are set to record constantly. Every few days, the footage is deleted to make room for new video.
4. On the day I went to the shop, I searched for footage from the afternoon of September 25, 2017 on the shop's surveillance system. I did this along with Alex Espinoza, the son of the shop's owner. The footage had already been automatically deleted by the surveillance system. However, Alex had a downloaded copy of the surveillance footage from that afternoon on his laptop.
5. I copied the files from the afternoon of September 25, 2017 to a USB drive from Alex's computer. Then I copied those same files to my computer.
6. On October 16, 2017 I converted the files I had recovered from Alex's computer from a .dav format (which the recording equipment produces) to a .mp4 format, to make the video easier to play. Then I shared these files with the legal team in this case.
7. Aside from this conversion, I did nothing to the files. I have not edited, modified, altered, or manipulated the footage in any way.
8. These files are the same ones submitted as evidence in these proceedings.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct. Executed this 12th day of December, 2017, in Los Angeles, California.



Marco Loera

**LEARN  
MORE**



See our [Activists Guide to Archiving Video](#) for more information about organizing, storing, preserving, and sharing your footage.

# SHARING YOUR FOOTAGE

Assessing safety risks should happen both before and after filming an immigration enforcement. After filming, review the footage to determine whether or not anyone depicted in the video could be endangered if certain people saw the video.

Should you share publicly or privately? If there are risks involved in sharing the video, consider only sharing privately with trusted individuals or organizations. Consult the checklist on the next page<sup>13</sup> before sharing your footage:



Illustration credit: Gregory Buissereth

<sup>13</sup> <https://library.witness.org/product/checklist-sharing-videos-of-immigration-enforcement/>



Think through the following questions before uploading or publicly sharing footage of someone being questioned or detained by an immigration enforcement agent. Whether you filmed, received or found a video online, it's important to understand that sharing it publicly could put you, the filmer, the victim and/or others at further risk of harm or retraumatization by exposing identity, location, immigration status, etc. Seek advice from a trusted advocacy group or lawyer about how you can protect your community.

**\*If possible, first share your footage with the person or the family of the person who was arrested or harassed by an immigration agent. They should decide how it's used.\***

### WHY AM I SHARING THIS VIDEO?

Be clear about what you want to achieve: Do you want to expose an abuse, counter a problematic narrative, rally support for an individual, etc.? Your intentions will help determine your strategy.

### WHEN SHOULD I SHARE THIS VIDEO?

Waiting to share footage until after an immigration agent makes an official statement or releases a report can be a powerful way to expose lies and discrepancies. It can also be more impactful to wait and tie the video to specific policy demands, or release the video in collaboration with other organizing efforts.

### ARE THERE ANY IDENTITIES I NEED TO PROTECT INCLUDING MY OWN?

Identities can include someone's face, voice, dialect, tattoos, home or business address, license plates, etc. Use Youtube's free blur tool to obscure identifying features from footage before you share. Check out our tutorial for more info: <https://youtu.be/vBFrVIGB9L0>

### DO I WANT MY NAME ASSOCIATED WITH THE FOOTAGE?

Connecting your name or social media handles publicly to the video can make you vulnerable to online and offline aggressions. It could also result in long periods of time in the media spotlight or legal proceedings.

If you or those you know have vulnerable immigration status, being on immigration enforcement's radar could be detrimental. Work with a trusted journalist or advocacy organization to release footage anonymously, but beware that metadata associated with your video could still tie the footage back to you.

If you release footage with a journalist or media outlet, make sure you have a contract in place that discusses ownership, usage, rights to the footage, etc.

### HOW CAN I MAKE MY VIDEO EASIER TO FIND & VERIFY?

Adding visual and written context can help make your footage easier to verify. You can do this by filming landmarks, street signs, stating the time and day, etc. and by providing detailed descriptions after you upload footage.

Keep titles brief and descriptive. Only use factual information to describe the events. Write a description of what happened before, during and after the recording. Always include date, time, city, specific location. Add keywords or "tags" so your video is easier to find.

### SHOULD I LIVESTREAM?

Livestreaming can expose people's identities and other sensitive information far more easily than recorded video. It's important to understand the risks before you go live.

Phones can default to sharing your location, be aware of what location details you're sharing.

Describe what is happening and recap what has happened through factual commentary. Work with a partner to keep an eye on what's happening in the periphery and check on viewers' comments and questions

Consider streaming to a trusted set of viewers, such as an attorney or trained legal observers on a private channel instead of publicly to anyone.

### HOW DO I PREVENT MY CONTENT FROM BEING TAKEN DOWN?

Familiarize yourself with social media community standards and takedown policies. These are updated regularly.

Adding factual details and descriptions to your video can help ensure its intended use. Don't include personal opinions or perceptions, and NEVER use slurs or discriminatory language. If your footage is graphic, write "GRAPHIC IMAGERY" in the video's title and description to alert viewers.

Remember, online platforms are not archives. Keep at least one copy of the video file in a secure location.

### HOW DO I PROTECT MY FOOTAGE?

Backup your footage in at least one separate, secure location. If you edit, do so from a copy and save the original unedited file.

Some sites let you save livestreams on their platform, but others delete the video after a set time period. If you think your video contains evidentiary content, download and preserve a copy. Learn how: <http://bit.ly/PreservingLiveVideo>

## PROVIDE ADDITIONAL DETAILS



If sharing your footage with someone else or when posting online, and only when possible, try to include the following supplementary information so your video is easier to verify and less likely to be taken out of context:

- Time, date, and specific location the video was captured;
- A concise factual summary of what is shown in the video;
- The names and contact information for the videographer, persons filmed, and others who may have valuable information about the incident and are willing to speak to an NGO or an investigator;
- Any security information letting your allies know what information is confidential and what can be shared with others

## SHARING FOOTAGE FROM OTHERS



When working with footage you didn't film yourself, consider these questions before you share with media outlets, with lawyers, or post on social media:

- Who is identifiable in the video and how are they portrayed?
- Are those individuals aware they are being filmed? How might their appearance in the footage, if seen by a wide audience, impact them or their community?
- What was the intent of the filmer?
- Was this filmed to document abuse? Was it filmed to promote hate or fear, or to glamorize violence?
- Who is the intended audience?
- Was it intended to be seen widely or was it filmed for a specific, limited audience?
- Does the video contain shocking or graphic imagery?

- Is the graphic footage gratuitous or is it critical for documenting a particular event? How can you warn your audience before they view it?
- Are you certain the video is authentic?
- Is it possible the video has been manipulated or misinterpreted to mislead viewers?
- What is the intended purpose and audience for sharing this video?
- Do the potential benefits of sharing this video outweigh the potential risks of doing so?

## REAL OR RUMOR? HOW TO VERIFY ONLINE REPORTS OF ICE RAIDS



Misinformation about immigration enforcement and ICE raids can spread quickly on social media, escalating feelings of fear and uncertainty in immigrant communities. We can help fight against misinformation by verifying the information we share online, so that communities can be better informed and organized.

Together with United We Dream, we created a guide to help make your content more verifiable, as well as verify online posts of raids and immigration enforcement activity before you share. Download the resource here: <https://wit.to/Verify-ICE-Raids>



# ADDITIONAL RESOURCES

The more you know about filming techniques and safe-guarding, organizing, managing, and sharing your footage, the easier it will be to film safely, effectively, and ethically. For more information, visit <https://lab.witness.org/projects/eyes-on-ice/>

## **TIPSHEET (WITNESS)**

Filming Immigration Enforcement:  
<https://library.witness.org/product/filming-immigration-enforcement/>

## **VIDEO (WITNESS)**

Filming Immigration Enforcement:  
<https://library.witness.org/product/filming-immigration-enforcement-2/>

## **TIPSHEET (WITNESS)**

Livestreaming Protests:  
<https://library.witness.org/product/livestreaming-protests-usa/>

## **RESOURCE (WITNESS + NYCLU + Immigrant Defense Project)**

Eyes on Courts: Documenting ICE Arrests:  
<https://lab.witness.org/eyes-on-courts-documenting-ice-arrests/>

## **GUIDE (WITNESS)**

Video as Evidence for Human Rights Lawyers and International Justice Organizations:  
<https://library.witness.org/product/video-as-evidence-mini-guide-compilation/>

# WITNESS

SEE IT

FILM IT

CHANGE IT

**ACTIVISTS** | **LAWYERS**  
**SUPPORTING** | **SUPPORTING**  
**LAWYERS** | **ACTIVISTS**



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