



KNOW YOUR RIGHTS

With Law Enforcement

SUMMARY

- You have the right to remain silent and refuse to answer any questions from law enforcement.
- Law enforcement agents must possess an accurate search warrant signed by a judge to enter and search your house.
- Non-citizens do not have to answer questions about their immigration status. Do not lie about your citizenship status or provide fake documents.
- If you are arrested, request to speak to a lawyer and then do not speak to police until you have met with an attorney.
- Contact CAIR to report discrimination or harassment by the police.

THIS INFORMATION SHOULD NOT BE CONSIDERED LEGAL ADVICE.



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WITH LAW ENFORCEMENT



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*With Law
Enforcement*



Council on American-Islamic Relations

YOUR RIGHTS WHEN YOU ENCOUNTER LAW ENFORCEMENT

- + You have the right to remain silent and refuse to answer any questions from law enforcement (local, state, or federal). Refusing to answer questions cannot be held against you and does not imply that you have something to hide. Law enforcement may ask you for identification or car registrations. But those stops should be brief, and you don't have to answer any other questions.
- + You also have the right to have a lawyer present when speaking with law enforcement (local, state, or federal), even if you are not under arrest or in any legal trouble. These rights are afforded to all individuals, citizens and non-citizens.
- + Non-citizens do not have to answer questions about their immigration status. Do not lie about your citizenship status or provide fake documents. Avoid carrying false identity documents.
- + Law enforcement agents must possess a search warrant to enter your house. If they say they have a warrant, request to view the warrant without allowing them to enter the house (show the document through a window, slide the document under a door, etc.). The warrant will specify exactly what can be searched and must be signed by a judge. If the warrant is not complete or you see a mistake, say that you "don't consent to a search." Be courteous and polite and

remember that you have the right to remain silent. If you have an attorney, contact your attorney immediately and stay on the phone with them during the search. Take notes on, or film, what is taken and what areas were searched but do not interfere with the search. A search warrant does not give law enforcement a right to arrest you. However, they may have the right to arrest you based on items found during the search. Do not resist arrest.

- + Lying, misleading, or providing inconsistent statements to law enforcement is a crime and should never be done under any circumstance.

WHAT TO DO IF YOU ARE APPROACHED BY LAW ENFORCEMENT:

- + If at home, step outside and close the door behind you before speaking with them.
- + If at work, lead them away from your personal workspace.
- + If you are called, go to a quiet space.
- + Ask the officer or agent for their business card or obtain the agency name, name of the officer/agent, phone and email.
- + Then politely say "My attorney will contact you" and end the encounter.
- + Contact CAIR immediately for legal assistance.

WHAT TO DO IF YOU ARE APPROACHED BY LAW ENFORCEMENT IN PUBLIC:

- + If you are stopped on foot, you do not have to answer any questions, but providing your name, address, and age if asked (and ID if you are being given a citation) may help you avoid arrest.
- + Do not reach into bags or pockets without telling an officer you are about to do so (they might think you are reaching for a weapon).

IF YOU ARE UNDER ARREST:

- + If you are under arrest, the police have the right to search you and the area around you. However, you always should state politely and clearly, "I do not consent to a search."
- + The officer should read you your Miranda rights before questioning you, which include your right to remain silent and your right to an attorney. To protect your right to remain silent, you should state politely and clearly, "I want to remain silent." Silence cannot be used against you. You must also expressly assert your right to an attorney and should state "I want to speak to a lawyer." If you are under 18, you can also ask to speak to your parent or guardian. Once you have asserted your rights,

do not speak to police until you have met with an attorney.

- + You have a right to ask for the officer's name and badge number. Keep your hands where the police can see them. Do not resist, run away, or touch the police officer. Stay calm and do not argue. If you are placed near or in a police car, and even if the police officer is not near you and you think you are alone, keep in mind anything you say may be recorded.
- + Never give any false information.
- + If you have a cell phone with you, law enforcement agents are not allowed to search that device unless they have a warrant or unless you give them permission.

