

Legal Rights

(Interacting with Law Enforcement)

How do you safely react to law enforcement in the United States?

Interacting with law enforcement can be very scary. Officers may stop you in public while walking. Officers can pull you over in a car on the road. They may even come to your homes.

They may only wish to ask you questions, but it's possible that you can be arrested or detained.

In this situation, it is important to be aware of your rights in order to protect yourself. Whether you have committed a crime or not, your rights exist to protect you, but only if you know those rights and how to invoke them.

Are you under arrest?

For whatever reason, you have come into contact with law enforcement. They may be the Police. They may be from the Sheriff's Department. They may be State Highway Troopers or even from federal agencies like Immigration. Whoever they are, an officer has stopped you and they may be asking questions. You may be feeling anxious and want to leave the area.

You may not be sure if you are free to leave.

In this scenario, it is best to ask: "Am I being detained?" or "Am I under arrest?"

If the answer is "No", leave as soon as possible.

If the answer is "Yes", do not resist arrest, even if you have done nothing wrong. Resisting arrest can itself be a crime and can lead to you being harmed.

You have the Right to Remain Silent!

You are under arrest. Now what? The Fifth Amendment of the Constitution protects you against “self-incrimination”. This means that you cannot legally be forced to say anything that may be used against you by law enforcement or in court.

Basically, you do not *have* to talk to the police.

In fact, you should not talk to the police even if you are innocent and have never committed a crime. If you are arrested or brought in for questioning by the police, anything you do say *can* and *will* be used against you in a court of law.

It is safest to not say anything when under arrest. This includes not engaging in “casual” or “friendly” conversation. Do not try to explain yourself to the police or make excuses. **Absolutely do not signing anything.**

Contact Legal Representation as Soon as Possible!

If you must speak while under arrest or being questioned by the police, it is safest to only speak in order to request two things. The first is a lawyer.

You may not have a lawyer before being arrested, but the Sixth Amendment gives defendants the right to legal counsel. If you request an attorney, a public defender should be provided to you.

You can also look into contacting (or having your friends and family contact) a private lawyer to defend you. If money is an issue, many law firms and organizations offer pro bono (free) or discounted assistance to refugees, migrants, and immigrants as well as other vulnerable communities.

Whoever you contact, do NOT speak until they arrive.

You have One (1) Phone Call!

There is only one other thing you should ask police for when arrested. When under arrest and in police custody, you have the right to place at least one phone call. Ask for it immediately.

Use this phone call wisely. Memorize or write down any phone numbers you may wish to contact in an emergency such as arrest.

You may contact friends or family, but try to ask anyone you call to contact legal representation on your behalf. This will help prevent the police from delaying the arrival of your legal representation.

Be Specific!

It is best to be as specific as possible when asking for your phone call and lawyer.

For example, if you must speak, tell the officer(s), “I am invoking my right to remain silent and my right to an attorney, and I won't answer any questions without a lawyer.”

Try mentioning the specific Amendments protecting you if you can. “I am invoking my Fifth and Sixth Amendment rights to remain silent and have legal counsel.”

It is important that the police cannot deny that you did not try to invoke your rights.

Print out your rights and phone numbers!

Remembering exactly what to say and what Amendments protect you can be difficult in the moment. You have every right to keep a note on your person (in a wallet, purse, pocket, etc.) in case you come into contact with the police.

Try to include any important phone numbers (your family, friends, lawyer, origin country's embassy, etc.) as well as instructions on how to ask for legal representation and a phone call.

All of this is Perfectly Okay!

Many TV shows and movies in the US make it seem like only guilty people ask for lawyers and refuse to speak to the police. Law enforcement officers may try to convince you that being “uncooperative” makes you look guilty or will make the situation worse.

They are wrong!

These rights are intended to protect innocent people from systems bigger and more powerful than themselves. Use every tool you can to protect yourself. It's your right!