

KNOW YOUR RIGHTS

What To Do If Police Stop You

The Southern Center for Human Rights recognizes that police forces have been terrorizing Black communities for decades, all across the country. We support all people protesting this injustice and demanding liberation and accountability. In support of those goals, we have prepared this handout to help you understand your rights with the police. When you know what the law says, you can better protect yourself, your family, and your community.

Disclaimer: During the pandemic, try to maintain social distancing and wear a mask.



STAY CALM AND DO NOT RESIST.

- > In any interaction with the police, stay calm. Make sure to keep your hands visible. To limit the likelihood of arrest or injury, do not resist or obstruct the police.



POLICE CANNOT DETAIN YOU WITHOUT REASONABLE SUSPICION.

- > Police cannot detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.
- > If you are stopped, ask if you are being detained or if you are free to leave. If the officer says you are free to leave, calmly walk away.
- > You do not have to show ID unless you are operating a car, or unless the officer has probable cause to believe you have violated the law. If you have been told you are free to leave, then there is no probable cause and you do not have to show ID.
- > You have the right to remain silent. Use it, and at most give your name, address, and age.



DO NOT CONSENT TO ANY SEARCHES.

- > You never have to consent to a search of yourself or your belongings. However, the police may pat down your clothing if they suspect you may have a weapon and may search you after an arrest.
- > If the police ask to search you, say, "I do not consent to a search." It can be dangerous and illegal to physically resist a search, but you should not verbally consent.



IF YOU ARE ARRESTED.

- > Even if you feel that you have done nothing wrong, go with the officer and make your case in court.
- > You have the right to ask why you are being arrested, but do not debate the officer about their response. Save that for later.
- > You have the right to remain silent.
- > You have the right to talk to an attorney. You may request a lawyer if you cannot afford one. The officer should cease questioning, but if the officer continues to ask you questions, simply state, "I am going to remain silent. I want to speak to a lawyer." Please note, however, that your right to remain silent does not include booking questions.
- > You may be released from jail following booking. If not, you have the right to see a judge within 48 hours of your arrest. You also have the right to make a phone call, and use it to reach someone who can help you with bail and an attorney. The call with an attorney is private, but any other call may not be.
- > You do not have to reveal your immigration status to the police.

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TAKE ACTION IF YOUR RIGHTS ARE VIOLATED

- > As soon as you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.
- > Get contact information for witnesses.
- > Take photographs of any injuries. Any clothing you wish to preserve as evidence should not be washed and should be stored in a paper (not plastic) bag.
- > Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.
- > You can request the police incident report, and you can also request any video the police possess (but that may not be produced right away).



ADDITIONAL INFORMATION



- > American Civil Liberties Union, *Know Your Rights: Protesters' Rights* (2020), available at <https://www.aclu.org/know-your-rights/protesters-rights/>.



- > Georgia First Amendment Foundation, *Know Your Rights: Tips for Journalists Covering Protests* (June 2, 2020), available at <https://gfaf.org/2020/06/know-your-rights-tips-for-journalists-covering-protests/>.



- > Electronic Frontier Foundation, *Black Lives Matter, Online and in the Streets: Statement from EFF in the Wake of the Police Killings of Breonna Taylor and George Floyd* (May 31, 2020), available at https://www.eff.org/deeplinks/2020/05/black-lives-matter-online-and-streets-statement-eff-wake-breonna-taylor-george-floyd?fbclid=IwAR3gsvSMUUJIXLRBszmKl63lvYuRxijLdjZG5b_EPGsJ4Ag-6AI9iVHlxz8.



- > National Lawyers Guild, San Francisco Bay Area Chapter, *You Have the Right to Remain Silent* (Nov. 2010), available at <https://nlgsf.org/wp-content/uploads/2018/08/KYRpamphletSF.pdf>.