



HOW TO PROTECT YOUR RIGHTS WHEN ENCOUNTERING LAW ENFORCEMENT

Property of the Athens Anti-Discrimination Movement (AADM)

Types of Law Enforcement

You can be questioned by any of the following:

- ❖ State / Local Police Officers
- ❖ Joint Terrorism Task Force Members
- ❖ Federal agents from FBI (Federal Bureau of Investigation)
- ❖ Department of Homeland Security
- ❖ Drug Enforcement Administration
- ❖ Naval Criminal Investigative Services, etc.

Police Stops & Questioning

REGARDLESS OF THE REASON YOU WERE STOPPED:

- ❖ You don't have to answer any questions you are being asked by a police officer - you have a constitutional right to remain silent and you cannot be punished for refusing to answer a question! There are two exceptions to that general rule:
 - First, you must provide your name to law enforcement officers if you are stopped and told to identify yourself – no obligations to answer any other questions.
 - Second, if you are driving and you are pulled over for a traffic violation, the officer can require you to show your license, vehicle registration and proof of insurance – again, no need to answer any other questions!

Unfortunately, policy is designed to allow police officers to stop and “pat down” anyone they suspect may be committing, have committed, or are about to commit a crime. Their suspicion alone is what gives the stop its legitimacy (aka Terry Stop).

REMEMBER!

Anything you say to a law enforcement officer can be used against you and others. It's crucial to be aware that lying to a government official is a crime but remaining silent until you can talk with a lawyer is not.

For your safety, please do not physically resist the police. It is the best way to explain your situation and follow their orders, even if you think that your right is being violated. Get in touch with your lawyer to get legal advice on the potential violence as soon as possible!

Searches

The 4th Amendment of the United States Constitution protects citizens from unreasonable searches and seizures.

While the police cannot search your home or belongings without a warrant, there are exceptions to this rule in the case that a probable cause occurs. The most important exception is:

- ❖ Consent: if an individual freely and voluntarily agrees to a search of his or her property, without being tricked or coerced into doing so, the police can search this property without a warrant.
 - Police do not have to inform you that you have a right to refuse the search – please be aware that if there is no warrant or any other exceptions to search that can apply, you don't have to give your consent!

Arrests

If you are arrested whether or not you are guilty, follow the orders and go with the officer. Do not resist arrest. You can make your defense in court.

Say you wish to remain silent and ask for a lawyer immediately. Don't answer any questions except for your identification or give any explanations or excuses.

An ambiguous request for a lawyer isn't enough – you should CLEARLY indicate that you want to talk to a lawyer! If you can't pay for a lawyer, you have the constitutional right to a free one. Don't say anything, sign anything, or make any decisions without a lawyer.

The police cannot listen to the conversations you have with your lawyer.