

Know Your Rights

KNOW YOUR RIGHTS

We have written this to help you understand some of your rights if you are questioned by government agents. You should be careful in the way you speak when approached by the police, FBI, or INS. If you give answers, they can be used against you in a criminal, immigration, or civil case.

Talk to a lawyer to know your rights. The laws about the government's right to question you are hard to understand. After the September 11 attack, new laws give federal officers new powers to question, arrest, and detain. More laws and court cases to challenge them are likely. So, it is important to talk to a lawyer to know your rights. If you think you might be stopped or questioned, you should carry with you the name and telephone number of a lawyer who will take your calls. **Non-citizens** have special legal needs that we also tell you about here. Parts I and II are for everyone. Part III is for non-citizens. Part IV is about airports. Some of this advice is meant to stop you from cooperating with proper law enforcement investigations.

I. WHAT CONSTITUTIONAL RIGHTS DO I HAVE?

The right to remain silent. The Fifth Amendment to the U.S. Constitution says that every person has the right to not answer questions asked by a government agent. They can ask you questions, but you cannot be arrested just for refusing to answer them. But the police or FBI may become suspicious of you if you refuse.

The right to be free from "unreasonable searches and seizures." The Fourth Amendment protects your privacy. Without a warrant, no government agent can search your home or office without your consent, and you have the right to refuse to let him or her in. But in emergencies (like when a person is found inside calling for help), officers can enter and search without a warrant. If you are arrested in your home, the officers can search the area "close by," which usually means the room you are in at the time of the arrest. However, that the government may be monitoring you e-mail, your cell phone calls, or your telephone calls without your knowledge.

The right to advocate for change. The First Amendment protects groups and individuals who peacefully advocate for their rights or who oppose government policies. But, the U.S. Supreme Court has said that the INS can target non-citizens for deportation because of their First Amendment activities, as long as it could deport them for other reasons. This means the INS could target a visitor who overstayed a visa because it disliked his or her speech, views, or associations with individuals and groups.

II. WHAT IF THE POLICE OR FBI CONTACT ME?

Q: What if agents come to question me?

A: You have the right to remain silent. It's not a crime to refuse to answer questions, but refusing to answer might make the police suspicious about you. You can't be arrested for refusing to identify yourself on the street, but if you are stopped while driving a vehicle, you must show your license and registration. You do not have to talk to anyone even if you've been arrested, or even if you are in jail, especially without a lawyer present. Only a judge can order you to answer questions.

Q: Can I talk to a lawyer?

A: You have the right to talk to a lawyer before you answer questions. Once you say that you want to talk to a lawyer, officers should stop asking you questions. If you do decide to speak with a law enforcement officer, you have the right to have a lawyer present. If you do not have a lawyer, you may still tell the officer you want to speak to a lawyer before answering questions. If you do have a lawyer, keep his or her business card close by. Show it to the officer, and ask to call your lawyer. Remember to get the name, agency, and telephone number of any investigator who visits you, and give that information to your lawyer.

Q: Can agents search my home, apartment or office?

A: Your home cannot be searched by police or other law enforcement agents unless you consent, or unless they have a search warrant. Interfering with the search probably won't stop the search and you might get arrested for it. This is true even if the search is not legal. Your roommate or guest can legally consent to a search of your home if the police believe that person has the authority to give consent. Police and law enforcement need a warrant to search an office, but your employer can consent to a search of your workplace without your permission.

Q: Agents arrested me in my home. Can they search my house?

A: The area near where you are arrested can be searched without a warrant. But your entire house cannot be searched unless there is a warrant that describes in detail the places to be searched and the people or things to be seized.

Q: What if agents have a search warrant?

A: You have the right to see the warrant. The warrant must list in detail the places to be searched and the people or things to be seized. If the police have a warrant, you cannot stop them from entering and searching, but you can and should tell them that you do not consent to a search. This will limit them to search only where the warrant authorizes. Ask if you are allowed to watch the search; if you are allowed to, you should

take notes including names, badge numbers, and what agency the officers are from. If officers are present, have them act as witnesses. Give the information from you and your witnesses to your lawyer.

Q: Do I have to answer questions if the police have a search warrant?

A: No. You may be asked questions before, during, or after the search. A search warrant does not mean you have to answer questions.

Q: What if agents do not have a search warrant?

A: You do not have to let the police search your home, and you do not have to answer their questions. Your refusal to answer questions or let them search without a warrant cannot be used by the police to get a warrant to arrest you or to search your home or office.

Q: What if agents do not have a search warrant, but insist on searching my home even after I object?

A: Do not physically interfere with or obstruct the search or you may be arrested, even if the search is illegal. Try to have a witness there to show that you did not give consent, and to get the names and badge numbers of the searching officers. If the search is later found to be illegal, any evidence found during the search will not be admissible in a criminal case.

Q: What if I speak to the police anyway?

A: Anything you say to the police can be used against you and officers. Keep in mind that lying to the government is a crime.

Q: What if the police stop me on the street?

A: You have the right to ask if you are free to go. If the police say you are not under arrest, but are not free to go, then you are being "detained." Being detained does not necessarily mean you will be arrested. The police can pat down the outside of your clothing if they have reason to suspect you might be armed and dangerous. If they search any more than this, say clearly, "I do not consent to a search." They may keep searching anyway. You do not need to answer any questions if you are detained or even if you are arrested.

Q: What if police stop me in my car?

A: Upon request, show them your license, registration, and proof of insurance. You do not have to consent to a search. But in some cases your car can be searched without your consent if the police have probable cause.

Q: What if the police or FBI threaten me with a grand jury subpoena if I don't answer their questions?

A: A grand jury subpoena is a written order for you to go to court and testify about information you may have. If the police or FBI threaten to give you one, you should call a lawyer right

away. If you speak without a lawyer, you may be subpoenaed anyway, and anything you tell law enforcement agents may lead them to ask you more questions later. If you are subpoenaed before a grand jury, you may have a legal right to refuse to answer questions; you should meet with your lawyer to find out your rights.

Q: I've been arrested. Do I have to answer questions now?

A: No. If you are arrested, you do not have to give a statement or answer any questions. If you are arrested and do not want to answer any questions, you should ask for a lawyer right away. You have a right not to answer any questions until after you have talked to your lawyer.

Q: What if I think I am being watched or followed by the police or FBI?

A: You have the right to approach suspected agents in a non-aggressive way, in public, and to ask what they are doing. You may want to bring along a witness. Even if the person you suspect does not answer, that person at least now knows that you know you are being watched. It is not illegal for law enforcement officers to engage in surveillance in public places. But, if you think government agents might be following you, or if they are harassing you, you can talk to a lawyer.

Q: What if I am treated badly by the police or the FBI?

A: Remember the officer's badge number, name, or other identifying information. You have a right to ask the officer for this information. Write down everything as soon as you can. Try to find witnesses and their names and phone numbers. If you are injured, take pictures of the injuries as soon as you can. Call a lawyer.

III. WHAT IF I AM NOT A CITIZEN AND THE INS CONTACTS ME?

Assert your rights. If you do not demand your rights or if you sign papers waiving (giving away) your rights, the INS may deport you before you see a lawyer or an immigration judge.

Talk to a lawyer. Always carry with you the name and telephone number of a lawyer who will take your calls. The immigration laws are hard to understand and there have been many changes since September 11. More changes are likely.

Based on today's laws, regulations and INS guidelines, non-citizens usually have the rights below, no matter what your immigration status. The following information may change.

IMPORTANT NOTE: The following rights apply to non-citizens who are inside the U.S. Foreign nationals at the border

[DOWNLOAD HERE](#)

What To Do If You're Stopped By The Police, The FBI, The INS, Or The Customs Service... We have written this to help you understand some of your rights if you are questioned by government agents. You should be careful in the way you speak when approached by the police, FBI, or INS. If you give answers, they can be used against you in a criminal, immigration, or civil case.

[DOWNLOAD HERE](#)

Similar manuals:

[Criminal](#)

[Criminal](#)

[Criminal](#)

[Criminal](#)

[Criminal](#)

[Internet Criminality](#)

[Sign, End Of City Limits, As Symbol For The End Of Immigration Or Zuwanderung](#)

[True Crime: Virginia: The State's Most Notorious Criminal Cases - John F. Jebb](#)

[True Crime: Missouri: The State's Most Notorious Criminal Cases - David J. Krajicek](#)

[True Crime: Michigan: The State's Most Notorious Criminal Cases - Tobin T. Buhk](#)

[Emanuel Law Outlines: Criminal Law - Steven L. Emanuel](#)

[CrunchTime: Criminal Law - Steven L. Emanuel](#)

[California Bar Edge: California Criminal Law And Procedure Exam Review Outline For The Bar Exam - Laurie L. Levenson](#)

[California Bar Edge: California Criminal Law And Procedure Essay Questions For The Bar Exam - Laurie L. Levenson](#)

[California Bar Edge: California Criminal Law And Procedure Short Answer Questions For The Bar Exam - Laurie L. Levenson](#)

[Criminal Lessons: Case Studies And Commentary On Crime And Justice - Frederic G. Reamer](#)

[Criminal Law Reform And Transitional Justice](#)

[The Immigration Crucible: Transforming Race, Nation, And The Limits Of The Law - Philip Kretsedemas](#)

[A Few Kind Words And A Loaded Gun: The Autobiography Of A Career Criminal - Razor Smith](#)

[Inside Their Minds: Australian Criminals - Rochelle Jackson](#)

[Comparative Criminal Justice - Francis Pakes](#)

[Ethnic Americans: Immigration And American Society - , David Reimers](#)

[Arguments, Stories And Criminal Evidence](#)

[Corporate Criminal Liability](#)

[Crime, HIV And Health: Intersections Of Criminal Justice And Public Health Concerns](#)

[Criminal And Environmental Soil Forensics](#)

[Criminal Career](#)

[Criminal Disenfranchisement In An International Perspective](#)

[Criminal Poisoning](#)

[Criminality And Violence Among The Mentally Disordered](#)

[Cyber Criminals On Trial](#)

[Debating Immigration](#)

[Elements Of War Crimes Under The Rome Statute Of The International Criminal Court](#)

[Ethics And Criminal Justice](#)

[Free Will In Criminal Law And Procedure](#)

[Handbook Of Evidence-Based Substance Abuse Treatment In Criminal Justice Settings](#)

[Immigration And Bureaucratic Control](#)

[Immigration And The Transformation Of Europe](#)

[Immigration As A Democratic Challenge](#)

[Immigration, Crime And Justice](#)

[Inside Criminal Networks](#)

[Insider Dealing And Criminal Law](#)

[International Criminal Law Practitioner Library: Volume 2, Elements Of Crimes Under International Law](#)

[Plea Bargaining And Agreement In The Criminal Process](#)

[Principle Of Legality In International And Comparative Criminal Law](#)

[The Colombian Peace Process And The Principle Of Complementarity Of The International Criminal Court](#)

[The Execution Of Illegal Orders And International Criminal Responsibility](#)

[Truth, Error, And Criminal Law](#)

[UN International Criminal Tribunals](#)

[Virtual Worlds And Criminality](#)