



WHAT TO DO IF YOU ARE STOPPED BY POLICE, IMMIGRATION AGENTS, OR THE FBI

The following is information from the ACLU to help understand your rights in various situations involving law enforcement officers. The HHWA and its affiliates are not connected to or endorsing the ACLU, nor is this to be taken as legal advice. We are simply providing this information as an education resource to our members.

YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse consent to a search of yourself, your car, or your home.
- If you are not under arrest, you have the right to calmly leave.
- You have the right to a lawyer if you are arrested.
- Regardless of your immigration or citizenship status, you have constitutional rights.

Note: Some state laws may vary. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

YOUR RESPONSIBILITIES

- Stay calm and be polite.
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Prepare yourself and your family in case you are arrested.
- Remember the details of the encounter.
- File a written complaint or call your local ACLU if you feel your rights have been violated.

IF YOU ARE STOPPED FOR QUESTIONING

- **Do not run, resist, or obstruct the police** even if you are innocent or police are violating your rights. Keep your hands where police can see them.
- **Ask if you are free to leave.** If the officer says yes, calmly and silently walk away. If you are under arrest, you have the right to know why.
- **You have the right to remain silent** and cannot be punished for refusing to answer questions. In states with “Stop and Identify” laws, you must give your name if asked to identify yourself.
- **You do not have to consent to a search** of yourself or your belongings, but police may “pat down” your clothing if they suspect a weapon. You should not resist, but you have the right to refuse any further search. If you consent to further search, it can affect you in court.

IF YOU ARE STOPPED IN YOUR CAR

- **Stop the car in a safe place as quickly as possible.** Turn off the car, turn on the internal light, open the window part way, and place both hands on the wheel.
- Upon request, show police your **driver’s license, registration, and proof of insurance.**
- **If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search.** If the police believe your car contains evidence of a crime, your car can be searched without your consent.
- **Both drivers and passengers have the right to remain silent.** If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or leave. Even if the officer says no, you have the right to remain silent.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

- **You have the right to remain silent and do not have to discuss your immigration or citizenship status** with police, immigration agents, or any other officials. You do not have to answer any questions about where you were born, whether you are a U.S. citizen, or how you entered the country.*
- ***Separate rules apply at international borders and airports, and for individuals on certain non-immigrant visas, including tourists and business travelers.**
- **If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.** If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent.
- **Do not lie about your citizenship status or provide fake documents.**

IF THE POLICE OR IMMIGRATION AGENTS COME TO YOUR HOME

- **You do not have to let them in unless they have certain kinds of warrants.**
- **Ask the officer to slip the warrant under the door or hold it up to the window so you can inspect it.** A search warrant only allows police to enter the address listed on the warrant, and officers can only search areas outlined and only for items listed. An arrest warrant allows the police to enter the home of the person listed on the warrant if they believe the person is inside. A warrant of removal/deportation [ICE warrant] does not allow officers to enter a home without consent.

Even if officers have a warrant, you have the right to remain silent. If you choose to speak with the officers, step outside and close the door.

IF YOU ARE CONTACTED BY THE FBI

- If an FBI agent comes to your home or workplace, **you do not have to answer any questions.** Tell the agent you wish to **speak to a lawyer first.**
- If you are asked to meet with FBI agents for an interview, **you have the right to say you do not want to be interviewed.**
- If you agree to an interview, **have a lawyer present.**
- You do not have to answer questions you feel uncomfortable answering, and you can say that you will only answer questions on a specific topic.

IF YOU ARE ARRESTED

- **Do not resist arrest,** even if you believe the arrest is unfair.
- **Say you wish to remain silent and ask for a lawyer immediately.** Do not give any explanations or excuses. If you cannot pay for a lawyer, you have the right to a free one. Do not say anything, sign anything, or make any decisions without a lawyer.
- **You have the right to make a local phone call. The police cannot listen to your call if you call a lawyer.**
- **Prepare yourself and your family in case you are arrested.** Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take prescription/time sensitive medication.

Special Considerations For Non-Citizens:

- Ask your lawyer about the effects of a criminal conviction or plea on your immigration status.
- **Do not discuss your immigration status with anyone but your lawyer.**
- While you are in jail, an immigration agent may visit you. **Do not answer any questions or sign anything before talking to a lawyer.**
- Read all papers fully. **If you do not understand the content or cannot read the papers, tell the officer you need an interpreter.**

IF YOU ARE TAKEN INTO IMMIGRATION (OR “ICE”) CUSTODY

- **You have the right to a lawyer, but the government does not have to provide one for you.** If you do not have a lawyer, ask for a list of free or low-cost legal services.
- **You have the right to contact your consulate** or have an officer inform the consulate of your arrest.
- **Tell the ICE agent you wish to remain silent.** Do not discuss your immigration status with anyone but your lawyer.
- **Do not sign anything such as voluntary departure or stipulated removal, without asking a lawyer.** If you sign, you may be giving up your opportunity to try to stay in the U.S.
- **Remember your immigration number (“A” number) and give it to your family.** It will help family members locate you.
- **Keep a copy of your immigration documents with someone you trust.**

IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED

- **Remember: Police misconduct cannot be challenged on the street.** Do not physically resist officers or threaten to file a complaint while speaking with the officer.
- **Write down everything you remember,** such as:
 - Officer badge and patrol car numbers
 - Agency the officers were from
 - Witness contact information
- If you are injured, **take photographs of your injuries after seeking medical attention.**
- **File a written complaint** with the agency’s internal affairs division or the civilian complaint board. In most cases, you can file a complaint anonymously if you wish.
- **Call your local ACLU** or visit www.aclu.org/profiling.