



KNOW YOUR RIGHTS

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



WARNING:

This information is intended to help you understand your rights if you encounter a police officer, immigration agent or the FBI. This is NOT legal advice or intended as a get out of jail free card.

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

YOUR RIGHTS

- You have the right to remain silent, but you should tell the officer or agent you wish to do so.
- You have the right to refuse to consent to a search of yourself, your car or your home. Again, say so.
- If you are not under arrest or being detained, you have the right to calmly leave, but tell the officer or agent that you wish to leave before doing so.
- If you are arrested, you have a right to a lawyer. You should ask for one right way, but if you are arrested for D.U.I. in Idaho, you do not have a right to a lawyer until after you have either completed a blood, breath or urine test or have refused such a test. The officer will tell you the consequences of flunking a test or refusing a test.
- Regardless of your immigration or citizenship status, you have constitutional rights.

YOUR RESPONSIBILITIES

- Do stay calm and be polite.
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Do prepare yourself and your family in case you are arrested.
- Do remember the details of the encounter.
- Do file a written complaint or call the ACLU of Idaho if you feel your rights have been violated
- We rely on the police to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin or religion. This information is intended to help you understand your rights when interacting with the police. This information is written specifically for the state of Idaho. Separate rules apply at checkpoints and when entering the U.S. (including at airports).

IF YOU ARE STOPPED FOR QUESTIONING

- Stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where the 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. If you wish to remain silent, tell the officer out loud.
- 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 physically resist, but you have the right to refuse consent for any further search. If you DO consent, you can revoke your consent at any time. Your consent may affect you later 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 your hands on the wheel.
- The officer has the right to make you stay in your car or get out. Do which ever he tells you to do.
- 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. But if police believe your car contains evidence of a crime, your car can be searched without your consent. Do not interfere, but make it clear you are not giving 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 calmly 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 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.

**Call the ACLU of IDAHO, (208) 344-9750
or visit www.acluidaho.org**

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

- If the police or immigration agents come to your home, you do not have to let them in unless they have certain kind 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 allows police to enter the address listed on the warrant, but officers can only search the areas and for the items listed. An arrest warrant allows 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 to 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 want 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 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. Don't give any explanations or excuses. If you can't pay for a lawyer, you have the right to a free one. Don't say anything, sign anything or make any decisions without a lawyer. However, in Idaho, if you are arrested for DUI, you must decide whether to take blood, breath or urine test before you speak to an attorney or make a phone call.
- You have the right to make a local phone call. The police cannot listen 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 medication.

Special considerations for non-citizens:

- Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.
- Don't discuss your immigration status with anyone but your lawyer.
- While you are in jail, an immigration agent may visit you. Do not answer questions or sign anything before talking to a lawyer.
- Read all papers fully. If you do not understand 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 talking to a lawyer, if you sign, you may be giving up your opportunity to stay in the U.S.
- Remember your immigration number ("A" number) and give it to your family. It will help local 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. Don't physically resist officers or threaten to file a complaint.
- Write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses. If you are injured, take photographs of your injuries (but seek medical attention first).