

# KNOW YOUR RIGHTS



## BASIC RULES:

- **Don't ever give police more information than is necessary** – you may have to give your name, date of birth and address.
- **You have the right to remain silent** – even if you start talking, stop talking and ask for a lawyer.
- **If you are not detained or arrested, do not keep talking, just leave:** Anything you say in front of a cop or in jail (even on the phone) will be used against you.
- **Ask to talk to a lawyer** and keep asking for a lawyer when they try to talk to you.
- **Do not consent to searches!**

## YOUR RIGHTS:

- You have the right to move freely in public spaces
- You have the right to a reasonable expectation of privacy
- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your car or your home. Say "I do not consent to being searched" loudly.
- If you are not under arrest, ask if you are free to leave. If you may leave, do so calmly.
- You have the right to a lawyer if you are arrested. Ask for one immediately.
- You have the right to film the police (as long as you don't interfere with their work).
- Regardless of your immigration or citizenship status, you have constitutional rights.
- Being homeless or poor is not a crime or a justification to be stopped, detained, or searched.
- Police cannot arrest or detain you because of your race, gender, sexual orientation, housing status, disability status or because you are "the wrong type of person".
- You have the legal right to panhandle or beg.

## YOUR RESPONSIBILITIES:

- Do stay calm and be polite – don't give them a reason to arrest you (like "disobeying a lawful order").
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Do remember the details of the encounter – Film the police if you can. Write down badge numbers of officers and other details ASAP. Find witnesses if possible.
- Do file a written complaint (see details below) and call the ACLU of NC if you feel your rights have been violated. (919) 834-3390

## 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 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 a 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. In some states, 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 physically resist, but you have the right to refuse consent for any further search. If you do consent, it can 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.
- Upon request, **show police your driver's license, registration and proof of insurance.**
- **If an officer asks to look inside your car, you can refuse to consent to the search.** But if police have reason to believe your car contains evidence of a crime (they must be able to prove this later in court) 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 calmly leave. Even if the officer says no, you have the right to remain silent.

## Levels of Police Interaction:

### There is no such thing as "Casual Questioning".

Police are always looking for something. Even if you have nothing to hide, sh\*t happens, and it's best to give your name, date of birth, and ID, & nothing else.

**Detention:** Requires 'probable cause.' If you aren't free to go, you're being detained. Politely ask the police, "What is your probable cause?"

**Arrest:** If you are under arrest, stop talking altogether (seriously) except to say, "**I want to remain silent and I'd like to talk to a lawyer.**"

## MAGIC PHRASES:

These phrases are important because they invoke your legal rights:

1. If an officer starts talking to you or detaining you, politely ask, "**AM I BEING DETAINED?**" If the officer says 'no', or does not answer, ask, "**Am I free to go?**"
2. If the officer tells you that you are not free to go (you're being detained) ask, "**AM I UNDER ARREST?**"
3. If an officer wants to search you or your stuff, politely say, "**I DO NOT CONSENT TO THIS SEARCH.**"

### IF LAW ENFORCEMENT 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 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 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 – they need a judge’s order to enter your home.
- 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 a 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, **ask to have a lawyer present.** **You do not have to answer any questions** you feel uncomfortable answering and can say that you will only answer questions on a specific topic.

### IF YOU EXPECT THAT YOU MAY BE ARRESTED

- **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.

### IF YOU ARE ARRESTED

- **Do not resist arrest,** even if you believe the arrest is unfair. Do not resist arrest, **Say that 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.
- **You have the right to make a local phone call.** Assume the police listen, even if you call a lawyer.

### SPECIAL CONSIDERATIONS FOR NON-CITIZENS:

- Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.
- Don’t discuss with 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 the papers fully. If you do not understand or cannot read the papers, tell the officer you need an interpreter.

### THINGS TO REMEMBER:

- The City of Greensboro has an overly broad “**Harassment**” ordinance, “**Sidewalk Encumbrance**” ordinance and “**Solicitation in Parking Deck**” ordinance – these laws are probably unconstitutional and allow the cops to arrest you on bullshit charges – but the good news is that these charges are difficult to convict. Do not plead guilty to these charges.
- **There is no such thing as “sex work paraphernalia”.**
- **In case of overdoses/drugs:** The ‘Good Samaritan Law’ protects you from being prosecuted for personal use amounts of opioids if you identify yourself to the 9-1-1 dispatcher. You can still be charged for having a ‘distribution amount’ or for other substances (i.e. methamphetamines). Also, if you are involved in a syringe exchange program, you cannot be charged for having needles or other opioid use supplies, or for having residual amounts of drugs on you (i.e. some heroin left in your rig).
- **The police are not required to answer your questions or tell the truth.** Even if you evoke your rights, they may keep talking to you. If you are not being detained, you may legally walk away. If they physically try to detain you, do not resist. Tell your lawyer exactly what happened later.
- **The 4th Amendment** protects you from unreasonable searches and seizures. If the police illegally search you, that can be used in court later. Tell them “I do not consent to this search”.

### IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED

- Remember: police rarely respect you if you stand up for your rights.
- Don’t physically resist officers or threaten to file a complaint.
- **Write down everything you remember,** including the 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).
- **File a written complaint** & Call a lawyer: ACLU of NC: (919) 834-3390.

### IF THE POLICE STEAL YOUR BELONGINGS

If you are the victim of a sweep - **Film the Police!** Write down details and document everything!  
If anyone has had their belongings taken during a sweep – call Troy or Frank from GSO Field Ops: 336-333-6849 – Items are supposed to be held for 7 days at 401 Patton Ave.

### HOW TO FILE A COMPLAINT WITH THE POLICE DEPARTMENT PROFESSIONAL STANDARDS DIVISION

**Online:** [www.greensboro-nc.gov](http://www.greensboro-nc.gov) **Search:** “Internal Affairs”

**By Mail:** (There is a printable form online) Mail to: Greensboro Police Department Professional Standards Division Melvin Municipal Office Building Level UG 300 W. Washington Greensboro, NC 27401

**Or in Person:** 8am-5pm M-F  
300 W. Washington Street  
Greensboro NC 27401 or by  
Phone: 336-373-2468