

you have rights

your constitutional rights

You have the right to remain silent. The Fifth Amendment to the United States Constitution says that every person has the right to not answer questions by a government agent. They can ask you questions, but you cannot be arrested just for refusing to answer them. However, the police may become suspicious of you if you refuse.

You have 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. You have the right to refuse to let them enter. In emergencies, such as when a person is heard inside calling for help, officers may enter and search without a warrant. If you are arrested in your home, the officers can search the area ‘close by,’ which generally means the room you are in at the time of the arrest. Beware that the government may be monitoring your e-mail, cell phone calls, or telephone calls without your knowledge.

You have the right to advocate for change.

The First Amendment protects groups and individuals who peacefully advocate for their rights to oppose government policies.

if you are stopped for questioning

What you say to police officers is always important. Anything you say can be used against you, and it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.

You don’t have to answer a police officer’s questions, but you must show your driver’s license and proof of insurance when stopped in a car. In most other situations, Minnesota law does not make it a crime to refuse to identify yourself to a police officer unless they reasonably suspect you are involved in a crime. But use your judgment. Refusal could lead to your arrest even if unjustified.

Ask the police if you are under arrest. **If you are being arrested you have a right to know why.**

You don’t have to consent to any search of yourself, your car or your house. If you do consent to a search, it can affect your rights later in court. Police may ‘pat-down’ your clothing if they suspect a concealed weapon. Don’t physically resist, but make it clear that you don’t consent to any further search. **If the police say they have a search warrant, ask to see it.**

Don’t run away, interfere with, or obstruct the police, even if you believe what is happening is unreasonable. This could lead to your arrest.

if you are stopped in your car

Upon request, show the police officer your driver’s license and proof of insurance. In certain cases, your car may be searched without

a warrant. To protect yourself later, you should make it clear that you do not consent to a search. **It is unlawful for the police to arrest you simply for refusing to consent to a search.**

If you are suspected of driving while impaired by alcohol or drugs (DWI) and you refuse to take a blood, urine or breath test, you will likely face criminal prosecution and license suspension for chemical test refusal. The penalties for chemical test refusal are often more severe than the penalties for DWI. However, **you have the right to contact an attorney** before being tested.

if the police come to your home

If the police knock and ask to enter your home, **you do not have to admit them unless they have a warrant** signed by a judge.

In some emergency situations, such as when a person is screaming for help from inside, or when someone who is being chased by the police runs into your home, officers are allowed to enter and search your home without a warrant.

If you are arrested, the police can search you and the area close by.

if you are arrested or taken to a police station

You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don’t give any explanations, excuses or stories.

You can make your defense later, in court, based on what you and your lawyer decide is best.

Ask to see a lawyer immediately. If you can’t pay for a lawyer, you have the right to a free one, and should ask the police how the lawyer can be contacted. Don’t say anything without a lawyer.

Within a reasonable time after your arrest or booking, **you have the right to make a local phone call** to a lawyer, bail bondsman, relative, or any other person. The police may not listen in on your call to a lawyer.

Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. If you are arrested without a warrant, you must be taken before a judge within 36 hours of your arrest. The 36 hours begins to run at midnight on the day of the arrest and does not include the day of arrest, Sundays or legal holidays.

Do not make any decisions in your case until you have talked with a lawyer.

racial profiling

Racial profiling is when police, FBI or other law enforcement stop, question, search or investigate you **because of your race, ethnicity or religion.**

If you believe you have been a victim of racial profiling, visit www.aclu-mn.org and fill out a complaint.

If the racial profiling incident occurred in Northern Minnesota please call the Greater Minnesota Racial Justice Project at 218-444-2285.

- Be polite and respectful
- Stay calm and in control of your words, body language and emotions
- Don't get into an argument with the officers or agents
- Anything you say or do can be used against you
- Keep your hands where the police can see them
- Don't run or touch any police officer
- Don't resist even if you know you are innocent
- Don't complain at the scene; you can do this later
- Ask for a lawyer immediately upon your arrest
- Get officers' badge numbers
- Write down everything you remember as soon as possible
- Try to find witnesses and their names and phone numbers
- If you are injured, take photographs of the injuries as soon as possible, but seek medical attention first

this brochure is designed to help you understand some of your rights if you are questioned by police officers

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities—especially in our relations with the police. Everyone has the right to courteous and respectful treatment by law enforcement officers.



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know your rights

what to do if you are stopped by the police

