

WHAT ARE YOUR RIGHTS DURING AN INTERACTION WITH LAW ENFORCEMENT?

Law enforcement agents such as the police or FBI have approached individuals at home, in places of worship, at the workplace, and elsewhere. You are not legally obligated to submit to questioning.

If a law enforcement agent attempts to question you, stay calm and remember the following:

- **You have the right to refuse.**
 - Both citizens and non-citizens have the right to stay silent and to refuse to answer any questions.
- **It is safer to refuse to talk until you have an attorney with you.**
 - Answering questions alone can involve a number of risks and may lead to unforeseen consequences for you, your family, or your community. It is safest to answer as few questions as possible.
 - Do not answer any questions about where you were born or your current immigration status.
- **Have them contact your lawyer.**
 - If an agent asks to speak with you, you can always refuse politely, but firmly, by saying: *“May I please have your business card? My attorney will follow up with you.”*
 - You can say this even if you do not have a lawyer yet. Contact CLEAR for free representation or a referral.
 - If the agent is persistent, be prepared to repeat yourself. You may need to tell them more than once.

Remember the Risks:

- Anything you say to law enforcement can be used against you or others.
- People have faced criminal charges for lying to a law enforcement agent. Even forgetting or misstating a fact can be construed as lying.

WHAT IF I AM APPROACHED IN A PUBLIC PLACE?

Law enforcement agents target particular communities or community institutions for surveillance under the guise of counterterrorism. They may focus on places of worship or other gathering sites, such as restaurants, or visit individuals at their workplace.

If a law enforcement agent approaches you in a public place and asks to speak with you, you do not have to talk to them.

- Law enforcement does have discretion to ask for your name and address. While you do not have to provide ID, if asked for it, we recommend that you present a form of ID with the least amount of information possible, such as a school ID, or a credit card with a photo.
- Non-citizens must carry proof of their immigration status.
- Do not carry or show false immigration documents or a fake ID. This could lead to criminal charges or deportation.
- If the agent begins to ask you questions, you should refuse to answer them. You can do this politely, but firmly, by saying: *“May I please have your business card? My attorney will follow up with you.”* Repeat this if they keep asking questions.

- Many people are afraid they will be arrested if they do not answer a law enforcement agent’s questions. An agent cannot lawfully arrest you only because you refused to answer.

WHAT IF I AM APPROACHED AT HOME?

Law enforcement agents sometimes come to private homes to question people or to carry out a search of their property.

Remember that you never have to talk to them and that you do not have to let them into your home unless they have a warrant.

- Do not open the door. Ask through the door if they have a warrant. Tell them to slip it under the door.
- If you feel that you have to open the door, step outside and close the door behind you. Do not invite or let them in.
- Officers may try to gain your consent to search through questions such as *“May I come in?”* Say no if they ask to search or look around the home. If they search anyway, say *“I do not agree to this search.”* Take note of any potential witnesses.
- If they begin to ask you questions, say politely and firmly: *“May I please have your business card? My attorney will follow up with you.”* Do not answer any other questions. Contact CLEAR at the earliest opportunity.

What if they have a warrant?

Ask to see the warrant. Look at the document to see whether it is a *search* warrant or an *arrest* warrant. It should have a judge’s signature and a relatively recent

date. Even if they have a warrant, remain silent and do not answer any questions.

- *Search warrant.* Check to see that the warrant has the correct name, address, and date. Point out any errors to the agent. Ask to watch the search and make a note of any items taken. Do not consent to an agent searching areas not included in a search warrant.
- *Arrest warrant.* Stay silent and call your lawyer, or wait for your court-appointed lawyer to meet with you.

WHAT IF I AM STOPPED IN MY CAR?

If you are stopped in your car, stay in the car and keep your hands on the steering wheel where the law enforcement agent can see them.

- If asked, show the agents your license, registration, and proof of insurance, and provide your name and address.
- Do not answer any questions beyond those topics, or that do not obviously relate to the practical aspects of driving. For example, you can answer a question about your blinker but you should decline to answer “*Where are you coming from?*” If they begin to question you, you should refuse to answer by saying politely and firmly “*I am not going to answer your questions. My attorney will contact you.*”
- If they ask to search your car, say “no.” If they search your car anyway, say loudly and clearly, “*I do not agree to this search.*” Take note of any potential witnesses, such as other passengers in the car or bystanders. They can verify that you clearly refused the search.

WHAT IF I AM ASKED TO COME IN FOR AN “INTERVIEW”?

Law enforcement agents often ask or tell people to come in for an “interview.” They sometimes even set a particular date to give the impression that it is mandatory. You do not have to speak with them, and it is very risky to do so without a lawyer.

You should refuse such interviews. Ask for a business card or their contact information and say, “*My attorney will contact you about the interview.*” Call CLEAR to discuss your options.

WHAT IF I AM ARRESTED?

Exercise your right to remain silent. Ask to speak with a lawyer. Repeat your request to every officer you encounter who attempts to speak with you.

CONTACT US FOR LEGAL SUPPORT

CLEAR provides free legal services to Muslim communities and others in New York City that are affected by post-9/11 law enforcement policies. If you need legal advice or a referral, contact CLEAR. We represent and advise individuals regarding law enforcement questioning and searches; grand jury and trial subpoenas; charitable giving; travel; and more.

Raise Awareness!

Host a CLEAR Know-Your-Rights workshop about these issues at your masjid or your community center.

KNOW YOUR RIGHTS!

WHAT TO DO IN INTERACTIONS WITH LAW ENFORCEMENT

Since 9/11, the government has increased surveillance and interrogation efforts in Muslim, Arab, and South Asian communities. This pamphlet provides information on your rights during an interaction with the FBI, NYPD, immigration, and other law enforcement agencies.



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