

KNOW YOUR RIGHTS WITH THE MAN

Law enforcement officers (cops) come in many different guises. They may be uniformed or plain clothes. They may be from local police departments, state police, or from federal agencies like the FBI or DEA. Our rights with all officers are the same regardless of what they are wearing or where they are from.

We have a right to privacy and a right to be free from unreasonable intrusion by law enforcement into our lives. If officers confront us, we have the right to remain silent, the right to a lawyer, and the right to be free from unreasonable searches, stops and arrests. Our best choices to protect these rights depend on where we are when confronted by officers. We may be in private spaces, public spaces, or automobiles.

The most important things to remember are:

- You do not need to speak to cops.
- Be sure that you do not accidentally consent to any part of a search.
- If you are being questioned, asking for a lawyer will limit what they can use against you.
- Always use your judgment. Consider factors such as de-escalation, protection of others and tactics.
- Remember that rights do not always equal reality.

When officers try talk to us:

- Do ask "Am I free to go?"
- Do not tell them anything else.
- Do not believe that what they say to you must be true.

- Do just walk away if they tell you that you are free to go (running at this point may give them a reason to pursue you)

Why: Talking with officers is risky. It is very easy to accidentally give them information they need to stop or arrest us or someone else. Officers do not have to tell us why they are speaking to us. They are allowed to lie to us and to trick us into giving them information. We do not have to speak to law enforcement officers. If we are not being detained we may walk away and go about our business.

If we are not free to go:

- Do say "I am going to remain silent, I would like to speak to a lawyer."
- Do not tell them anything else, except your name.
- Do remember that they are trained to catch people in lies and inconsistencies. (This could hurt you or someone else later)
- Do not believe what they say.

Why: If you are not free to go, you are being detained. They are free to ask us questions but we do not have to answer. Anything we say to them may give them a reason to arrest us or may be used against us or someone else. Asking for a lawyer should keep them from using anything you say against you in court. It doesn't matter if you have a lawyer or actually want to see them. They may be nice or very intimidating, and they may get very mad if we do not answer their questions. However, it is always safest to remain silent and ask for a lawyer.

If officers begin, or ask to search us:

- Do say "I do not consent to this search" (they may continue anyways)

- Do speak clearly so any witnesses can hear you say it.
- Do not try to physically stop them from searching you.

Why: If we are being detained, officers are allowed to frisk us. A frisk is a pat down on the outside of our clothes to search for weapons. Anything beyond a frisk is a search that requires either our consent or additional factors (warrants, bulging pockets etc.) We should not consent to a search. This does not mean officers will respect your wishes, but it may mean that evidence found could be kept out of a criminal proceeding against you. Trying to stop them from searching you will probably lead to arrest & more charges.

If we are under arrest:

- Do say: "I am going to remain silent, I would like to speak to a lawyer."
- Do repeat this mantra to any cop who asks you questions after your arrest.
- Do not believe what they say. Cops are trained to lie.
- Do not talk to anyone other than your lawyer about the circumstances of arrest, even other prisoners, friends and family.

Why: If we cannot afford a lawyer the courts must appoint one. Conversations with anyone who is not our lawyer or working for them may be used against us or someone else. If booking questions go beyond name, address and date of birth, ask for a lawyer to be present. If you ask for a lawyer to be present, they should stop questioning you. They are allowed to lie to you and often do. Having a reliable local address or ties to the community help us get little or no bail at arraignment (it helps to have a person they can call to verify the name and address you give them).

Remember that a "not guilty" plea can be changed later but a "guilty" plea cannot.

If cops are at the door:

- Do ask if they have a warrant.
- Do not let them in without a warrant.

If they have a warrant:

- Do step outside and close the door behind you.
- Do not lock the door behind you.
- Do say "I do not consent to a search"
- Do speak clearly so that others can hear you.

Note: If you actually interfere with them entering, you will probably not be able to stop them from entering and probably will be arrested. However, you can never be sure that a warrant is in fact valid. It is safest to repeat that you do not consent to a search and allow them to enter on their own. If they can say that they believed you were stalling in order to destroy evidence, it gives them more power to search.

Why: Unless there is an emergency, cops need either a valid warrant or our consent to search or arrest us in our homes, offices or other places where we have a "reasonable expectation of privacy". A warrant must have a description of the items sought or the person to be arrested, a description of the area to be searched (including address and part of the house to be searched), a date, and a judge's signature. If a warrant is missing these things or it is based on flimsy or false facts, it may not be a valid warrant. Any time cops are in our home, anything they see can be used against us. If an arrest takes place inside a building, they may use the opportunity to conduct a search. They may need different warrants or your consent to search different spaces in your house. If in doubt, don't consent and say so.

While in an automobile:

If ordered by cops, the driver of a vehicle must stop, show identification, and answer routine questions (name, date of birth, and address). Cops may order the driver or passengers out of the vehicle and may frisk them to check for weapons.

Cops do not need a warrant to search your car, but they must have a reason to think that a car contains illegal things. (If they can see it or smell it, they can search) They may not need a warrant to look in the trunk or glove box, but they do need one to look through containers in cars such as bags, backpacks, and purses (unless you are under arrest). Anything cops see out in plain view in a car may give them a reason to arrest us or may be used against us later. If a vehicle is impounded, cops may look through everything left in the car including bags and containers. When in doubt don't consent.

IMMIGRATION LAW IN 3 SENTENCES

Do not speak to police officers about your immigration status (even if you are a citizen, it only isolates non-citizens). If they ask about it tell them you want to talk to your lawyer.

If you are picked up by ICE/DHS after being released from police custody, or on the streets, demand to talk to your lawyer. Remember ICE is under no obligation to provide a lawyer for you (unlike criminal detention).

If you are picked up by ICE/DHS, do not answer questions, DO NOT SIGN ANYTHING! They often try to get people to sign voluntary deportation orders, which can bar you from re-entering the US for 5 years, 10 years or even life. Talk to a lawyer before signing anything.

Remember Solidarity is the key and involves PROTECTING EACH OTHER.

REMARKS ON LOCAL LAWS

•You are not required to carry ID in New York, but if you are issued a summons or arrested, refusing to show ID may give the police the authority to detain you until they can figure out your identity.

ABOUT US

This care package and leaflet are brought to you by MACC Jail and Court Support. MACC (Metropolitan Anarchist Coordinating Council) is a group of anarchists who believe in organizing around principles of cooperation and mutual aid. We oppose all forms of oppression.

MACC is an organization of folks building a resistance to the political establishment and the Trump regime. We believe in direct action through jail and court support, education, food justice work, digital self-defense training, writing letters to prisoners, and this!

MACC believes in the abolition of prisons. As you know, the US has by far the highest incarceration rates in the world, and black and brown people are incarcerated at the highest rate. The prison system is an extension of the slavery system, and under the 13th amendment is still legal as 'a punishment for a crime'.

Find out more at www.macc.nyc