

KNOW YOUR RIGHTS

WHEN ENCOUNTERING LAW ENFORCEMENT

ACLU
WY

Questioning

What you need to know:

You could be questioned by a variety of law enforcement officers, including state or local police officers, Joint Terrorism Task Force members, or federal agents from the FBI, Department of Homeland Security (which includes Immigration and Customs Enforcement and the Border Patrol), Drug Enforcement Administration, Naval Criminal Investigative Service, or other agencies.

Common questions:

Do I have to answer questions asked by law enforcement officers?

No. You do not have to talk to law enforcement officers. You cannot be punished for refusing to answer a question. It is wise to talk to a lawyer before answering any questions.

Are there exceptions to the general rule that I do not have to answer questions by law enforcement? Yes, there are two limited exceptions.

First, in some states, you must provide your name to law enforcement officers if you are stopped and told to identify yourself. But even if you give your name, you are not required to answer other questions. Second, if you are driving and you are pulled over for a traffic violation, the officer can require you to show your license, vehicle registration and proof of insurance (but you do not have to answer questions).

Can I talk to a lawyer before answering questions? Yes. You have the constitutional right to talk to a lawyer before answering questions, whether or not the police tell you about that right. The lawyer's job is to protect your rights. Once you say that you want to talk to a lawyer, officers should stop asking you questions. If they continue to ask questions, you still have the right to remain silent. If you do not have a lawyer, you may still tell the officer you want to speak to one before answering questions. If you do have a lawyer, keep his or her business card with you. Show it to the officer and ask to call your lawyer. Remember to get the name, agency, and telephone number of any law enforcement officer who stops or visits you and give that information to your lawyer as well.

How to read a warrant:

Officers may only enter your home or workplace with a valid warrant or your permission and/or the permission of your employer. When a warrant is valid, it means it must be obeyed.

Below are examples of different types of warrants and information they must contain to be valid. They might look different depending on your state or location. This means that the information required to make a warrant valid may appear in different orders or look different than the samples below.

Search warrant:

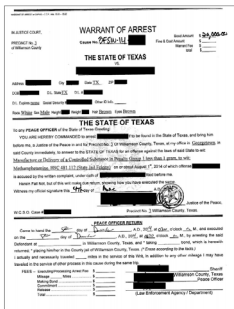
A valid search warrant contains:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched. In some cases, search warrants may be many pages long and describe locations to be searched.

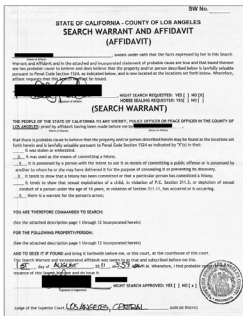
Arrest warrant:

A valid arrest warrant contains:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched.



This is a Texas Warrant of Arrest form. It includes a header with 'WARRANT OF ARREST' and 'THE STATE OF TEXAS'. The form contains fields for the defendant's name, address, and the arresting officer's name and signature. It also includes a section for the judge or justice of the peace's signature and the date of issuance. The form is signed by a judge from Williamson County, Texas.



This is a California Search Warrant and Affidavit form from Los Angeles County. It includes a header with 'STATE OF CALIFORNIA - COUNTY OF LOS ANGELES SEARCH WARRANT AND AFFIDAVIT (AFFIDAVIT)'. The form contains a section for the search warrant, including the address to be searched and the items to be searched for. It also includes a section for the affidavit, where the officer provides a statement of probable cause. The form is signed by a judge from Los Angeles County, California.

Interacting with police or immigration officers at home

What you need to know:

In order to enter your home, immigration officers or the police must have a valid warrant signed by a judge or your permission.

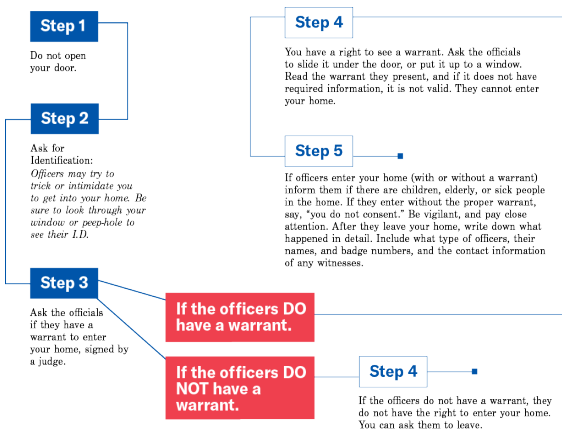
A warrant does not mean you are required to answer questions from police or immigration officers. If they do question you and you wish to remain silent, show the officials this Know Your Rights card.

DO NOT OPEN THE DOOR

Opening the door for the police or immigration officers could mean you give them permission to enter your home.

What you can do:

In order to enter your home, immigration officers or the police must have a valid warrant signed by a judge or your permission.



What if I speak to law enforcement before my lawyer? Anything you say to a law enforcement officer can be used against you and others. Keep in mind that lying to a government official is a crime but remaining silent until you consult with a lawyer is not. Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

What if law enforcement officers threaten me with a grand jury subpoena if I don't answer their questions? A grand jury subpoena is a written order for you to go to court and testify information you may have. If a law enforcement officer threatens to get a subpoena, **you still do not have to answer the officer's questions right then and there,** and anything you do say can be used against you. The officer may or may not succeed in getting the subpoena. If you receive a subpoena or an officer threatens to get one for you, call a lawyer right away. If you are given a subpoena, you must follow the subpoena's direction about when and where to report to the court, but you can still assert your right not to say anything that could be used against you in a criminal case.

What if I am asked to meet with officers for a "counter-terrorism interview?" You have the right to say that you do not want to be interviewed, to have an attorney present, to set the time and place for the interview, to find out the questions they will ask beforehand, and to answer only the questions you feel comfortable answering. If you are taken into custody for any reason, you have the right to remain silent. No matter what, assume that nothing you say is off the record. And remember that it is a criminal offense to knowingly lie to an officer.

More about the details of warrants you'll encounter

Warrant of removal / deportation:

This type of warrant, referred to as an immigration warrant, **DOES NOT** give the officer a right to enter your home. You can calmly state, "You do not have the right to enter with this warrant. Please leave."

A valid warrant of removal / deportation contains:

- Signature of a judge, justice of the peace, or magistrate
- Stated address to be searched
- Stated, in detail, the area to be searched. In some cases, search warrants may be many pages long and describe locations to be searched.

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____
Date: _____

To any officer of the United States Immigration and Naturalization Service:

_____ (your name)
who entered the United States at _____ (place of entry) on _____ (your entry date)

is subject to removal/deportation from the United States, based upon a final order by:

an Immigration Judge in exclusion, deportation, or removal proceedings
 a district director or a district director's designated official
 the Board of Immigration Appeals
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act (I.N.A.), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the respondent: "Statute and Executive Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature/Name)

Form I-589 (Rev. 4-1-89)

Interacting with police or immigration officers in public

Always ask police officers or immigration agents if you can go. If the officer or agent says “yes,” you have the right to remain silent and leave. If you do not wish to speak to the officer or agent, you may hand them your attorney’s card or this booklet. **You have the right to not answer questions they may ask.**

If an officer says you are not free to go, you should give them your name. You **do not** have to share any other information though, such as your immigration status.

If an immigration agent says you are not free to go and requests your immigration paperwork, you must give it to them if you have it with you. If you do not have your immigration paperwork with you, simply say you do not have the information they are asking for and nothing else.

Below are steps you may follow if/when you are stopped by police or immigration agents:

Step 1

Pull your car over to a safe and well-lit spot, then turn off the engine. Put on overhead lights if you need them, and place your hands on the steering wheel.

Step 2

When asked, follow the officer’s instructions and provide your license, registration, and proof of insurance. If you do not have these documents do not provide false ones or lie.

Step 3

If the officer(s) ask to search your car, you can say, “No I do not consent to a search.” In some cases, the officer can search your car without consent and without a warrant. You can still say that you do not consent to a search.

Step 4

You have the right to remain silent. Do not provide information about your immigration status, where you were born, or how/when you came to the United States. Do not show documents from your home country. You can say out loud that you wish to remain silent and show the officer your Know Your Rights card.

What happens if I get pulled over?

Laws may vary, depending on where you are stopped.

Police officers may ask for your name, driver's license, vehicle registration, and proof of insurance. You must show them these documents if you have them.

You do not have to answer any questions or show any other documents. You should not have to answer questions regarding your immigration status. If a police officer writes up a citation, they will ask you to sign it. This is not an official admission of guilt - you are just stating you have received it.

If an immigration agent asks you questions, you can provide your name and your immigration documents if you have them. You do not have to answer any questions aside from those.

If a police officer or immigration agent questions a passenger in your vehicle, that person should ask if they are required to answer. If the police officer or agent says they do, the passenger should give their name but no more. The officer or agent may ask you to exit the car. Comply politely. Remember, you have the right to remain silent.

If you are stopped, take the following steps into consideration:

Step 1

Pull your car over to a safe and well-lit spot, then turn off the engine. Put on overhead lights if you need them, and place your hands on the steering wheel.

Step 2

When asked, follow the officer's instructions and provide your license, registration, and proof of insurance. If you do not have these documents, do not provide false ones or lie.

Step 3

If the officer(s) ask to search your car, you can say, "No I do not consent to a search." In some cases, the officer can search your car without consent and without a warrant. You can still say that you do not consent to a search.

Step 4

You have the right to remain silent. Do not provide information about your immigration status, where you were born, or how/when you came to the United States. Do not show documents from your home country. You can say out loud that you wish to remain silent and show the officer your Know Your Rights card.

KNOW YOUR RIGHTS WHEN PULLED OVER

Interacting with police or immigration officers at work

To enter your workplace an immigration officer or the police need either a warrant or permission from your employer. Please know that a warrant does not mean you are required to answer questions from the police officer or immigration agent.

What you need to know:

- If law enforcement or immigration agents are welcomed into your workspace by your manager or business owner, they are legally allowed to search your workspace with or without your consent.
- If your place of work is being raided, it may not be clear whether you are free to leave. You have the right to remain silent in any situation and you do not have to answer questions about your citizenship, immigration status, or anything else. If you do answer questions and you say that you are not a U.S. citizen, you may be expected to produce immigration documents showing your status.
- Do not run away from the officers. They will then presume you are in the U.S. illegally and you will likely be arrested.
- If you are arrested at work assert your rights. You can tell the officer you'd like to see a lawyer, and you do not have to sign anything without reading it first.
- If you are arrested at work and you have children in your care, ask to call a friend or family member to take care of them before officers take you away.
- Know that you also have the right to call your consulate or have the law enforcement officer inform your consulate of your arrest.
- If you are treated poorly by law enforcement, write down the officer's name and badge number. You have the right to ask for this information. If you are injured, seek medical attention and take photos of injuries as soon as you can. You should also call a lawyer as soon as possible or contact the ACLU of Wyoming: **(307) 637-4565.v**

KNOW YOUR RIGHTS WHEN AT WORK

Resources in your community

Wyoming Hope

(208) 709-0131

womingidaho@immigranthope.org

Juntos

(307) 200-8902

www.juntoswyoming.com

Wyoming Equality

(307) 778-7645

www.wyomingequality.org

Wyoming Rapid Response Network

(844) 864-8341

wyorrn@gmail.com

ACLU of Wyoming

(307) 637-4565

acluwy@aclu.org

Resources nationwide

DHS Office for Civil Rights and Civil Liberties

This government entity investigates abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

Email at civil.liberties@dhs.gov.

U.S. Department of Transportation's Aviation Consumer Protection Division

This government entity handles complaints against airlines for mistreatment by air carrier personnel.

Email them at airconsumer@ost.dot.gov.

Catholic Legal Immigration Network

Find more information at cliniclegal.org.

GET HELP



Your rights at airports and other ports of entry into the United States

What you need to know:

It is illegal for law enforcement officers to perform any stops, searches, detentions, or removals based solely on your race, national origin, religion, sex, or ethnicity. However, Custom and Border Protection officials can stop you based on citizenship or travel itinerary at the border and search all bags.

Common questions:

What if law enforcement questions me when I travel and says I'm on the "no-fly" list? If you believe you have been mistakenly put on the "no-fly" list, you can check for more information at [tsa.gov](https://www.tsa.gov).

While I'm on the airplane, can the staff ask me to get off the plane?

The pilot of an airplane has the right to refuse to fly a passenger if they believe the passenger is a threat to the safety of the flight. Their decision must be reasonable and not based on presumptions of you or stereotypes.

What if I wear religious head coverings and I am selected by security for additional searching?

You have the right to wear religious head coverings. Assert your right to wear that if asked to remove it. Employees may use a hand wand to check over head coverings.

What if I am selected for a strip search? A strip search is not common and must be supported by reasonable suspicion and done in a private area.

What if I believe a customs or airport agent discriminated against me based on my race, ethnicity, or religion? It is important to record the details of the incident while they are fresh in your mind. When documenting the event, be sure to note the airport, airline, flight number, names and badge numbers of employees, and any information you can recall. When possible, be sure to include a witness to any event.

Referral contact information

American-Arab Anti-Discrimination Committee:

(202) 244-2990

www.adc.org

American Immigration Law Foundation:

(202) 742-5600

www.aifl.org

American Immigration Lawyers Association:

(800) 954-0254

www.aiala.org

Asian American Legal Defense and Education Fund:

(212) 966-5932

www.aaldef.org

Council on American-Islamic Relations:

(202) 488-8787

www.cair.com

Mexican American Legal Defense and Educational Fund:

(213) 629-2512

www.maldef.org

National Immigration Law Center:

(213) 639-3900

www.nilc.org

NAACP Legal Defense and Education Fund:

(212) 965-2200

www.naacpldf.org

National Immigration Project:

(617) 227-9727

www.nationalimmigrationproject.org

Puerto Rican Legal Defense and Education Fund:

(800) 328-2322

www.prldef.org

South Asian American Leaders of Tomorrow:

(310) 270-1855

www.saalt.org

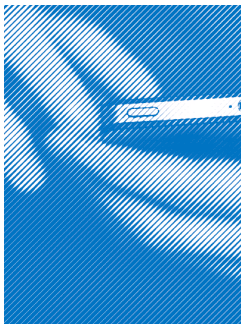
U.S. Commission on Civil Rights:

(800) 552-6843

This booklet addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers.

Information in this booklet is for citizens and non-citizens and tells you about your basic rights when interacting with law enforcement.

It is not a substitute for legal advice. **You should contact an attorney if you have been arrested or believe that your rights have been violated.**



For more information please visit our website: **aclu-wy.org** or email us at: **acluwy@aclu.org**.





These are some of the most important things to remember when interacting with law enforcement or immigration agents in any situation:

• **If you wish to remain silent, you have that right.**

- Never lie to officers.
- Anything you say can be used against you.
- Always carry U.S. identification cards and copies of your immigration documents.
- You have the right to speak with an attorney.
- You have the right to refuse to sign anything until you speak with an attorney.
- Never carry false documents or documents from another country.
- Do not immediately open the door if immigration agents show up at your home.
- Immigration agents and police officers need a judicial warrant or your permission in order to enter your home.
- You can refuse to consent to your vehicle being searched.
- You can show law enforcement this booklet to symbolize your wish to remain silent.

