

POLICE ENCOUNTERS, FOR NON CITIZENS

If you are undocumented:

- Don't provide government officials information about your immigration status.
- **Do not lie**—lying to an immigration officer and lying about your status carries serious punishment.
- **Do not give false documents** or carry false documentation. When asked for Identification it does not mean that you have to tell or provide your country of birth.
- **Do not carry papers** from another country. If you do, the government can use this information in a deportation proceeding.
- Always make sure to **make an emergency plan** with your loved ones.
- **Do not sign anything** without knowing what you are signing. If you do not understand make sure to ask for an interpreter. You can be signing your right to a hearing or bail away.



Important: Memorize or carry with you the phone number of an immigration lawyer, a community service organization, and your country's consulate number.

Do

- ✓ Be respectful
- ✓ Be calm
- ✓ Give your name and address only
- ✓ Remain silent
- ✓ Ask for a lawyer every chance you have
- ✓ Ask for a receipt or a voucher when the police take your stuff

Do not

- ✗ Run
- ✗ Argue
- ✗ Resist Arrest
- ✗ Explain yourself
- ✗ Waive your right to a lawyer
- ✗ Answer questions unless your lawyer is there

Levels of Police Encounters

Conversation on the street

- The police can try to talk to you at any time. Remember that the police can lie and may lie to get you to talk.
- But you have no obligation to say anything.
- Ask: “Am I free to go?” Unless the officer says no, walk away.

Police Custody/Arrest

- Ask for a lawyer but otherwise remain silent.
- If you are arrested, the police can search you. But you should not talk to them or give them information.
- The police can lie and will trick you. Stay silent and ask for a lawyer.
- Anything you say can and will be used against you.

Stop vs. Stop and Frisk

- The police officer needs “reasonable suspicion,” which is a legal term that defines the amount of information that is needed before stopping somebody.
- The police officer does not need to tell you the reasons for stopping you.
- The police officer can do a pat-down or “frisk” if they believe you may be armed:
 - The PO can touch the outside of your clothing and feel for weapons.
 - The PO can ONLY do a pat-down after a stop for reasonable suspicion that you were about to commit or committing a crime.

Self-Advocacy Tip #1

Police don't need reasonable suspicion to ask you to consent to a search of your person or things you're carrying. You can say that you don't consent to a search of yourself or of your belongings.

If you do this and the police make an arrest, remember to tell your lawyer about the unlawful search.



If you are arrested by the police and are a non-citizen

- Ask your lawyer about the effect of a criminal conviction or plea on your immigration status.
- **Don't discuss your immigration status** with anyone other than your lawyer.
- While you are in jail, an immigration agent may visit you. Do not answer any question or sign anything before talking to a lawyer.
- **Read all papers fully.** If you do not understand or cannot read the papers, tell the officer you need an



interpreter. You could be consenting to waive your right to bail or to have an audience with a judge.

If you are arrested by immigration:

- Immigration officials are not obligated to provide you with free legal counsel, only a list of lawyers' contact information.
- **Ask for a copy** of all your immigration documents.
- In order to protect your rights, do not answer any questions that immigration officials ask you. **DO NOT SIGN ANY DOCUMENTS.**
- Take advantage of your right to **call a lawyer and your consulate.** It is always good to memorize these numbers or to make sure that your loved ones have these numbers at hand when you call them.
- **Contact your family immediately**—give them all the details of your arrest and the place where you are being detained. Also give them the name of the immigration official who is in charge of your case.

Your Responsibilities

- DO stay calm and be polite.
- DO not interfere with or obstruct the police.
- DO not lie or give false documents.
- DO NOT RUN—IT CAN BE VIEWED AS AN ADMISSION THAT YOU HAVE SOMETHING TO HIDE.
- DO prepare yourself and your family in case you do get arrested.

Important: Regardless of your immigration or citizenship status, you have constitutional rights!

- You have the right to refuse to consent to a search of yourself, your car or your home.
- You have the right to a lawyer if you are arrested. Ask for one immediately.
- If you are not under arrest, you have the right to calmly leave.



- Many officials will ask for your country of birth. Remember that in NY you do not have to provide this answer and you can ask to speak to your lawyer if the officer insist on asking you the same question.
- You do not have to discuss your immigration or citizenship status with police, immigration agents or other officials. You do not have to answer questions about where you were born, whether you are a US citizen or how you entered the country.



Self-Advocacy Tip #2

You have the right to have your preferred and affirming name and pronoun used during an arrest regardless of the name on your identification.

If the Police Officer continues asking you questions, you DO NOT HAVE TO SPEAK. You can say *“I wish to remain silent.”* However, you CANNOT speak to the PO

at all after this because that will break your right to remain silent. Asking to go to the bathroom is not considered breaking your right to remain silent.