



N C Y L

# WHAT ARE MY RIGHTS WHEN I AM STOPPED BY THE POLICE?

## A KNOW YOUR RIGHTS GUIDE FOR YOUTH

### WHAT IS THIS GUIDE?

This is a guide to help you understand what to do if you have an interaction with law enforcement. We are using the words “police officer,” but this also applies to Sheriffs and Student Resource Officers (SRO’s).

#### CONTACT WITH POLICE

You have an interaction with a law enforcement officer. If the officer asks you basic information like your name and age, give them that information. **DO NOT SAY ANYTHING ELSE.**



#### CUSTODY

When your freedom to move is taken away, you are in custody.



#### CUSTODIAL INTERROGATION

If you are in custody and the officer begins to question you about a possible crime, you are being interrogated.



#### RIGHT TO SPEAK TO AN ATTORNEY

Before you are interrogated, the police officer must let you speak to an attorney. The attorney will explain your Miranda rights and the consequences of giving up those rights.



#### USE YOUR RIGHT TO REMAIN SILENT

After you speak to the attorney, use your right to remain silent.



### SB 203 REQUIREMENT THAT YOU SPEAK TO AN ATTORNEY

#### SUMMARY:

- Are you free to leave?
  - > If so → Leave
  - > If not → Remain calm, follow directions from the police.
- If police ask you your **name** and **age**, give it to them but **say nothing else**.
- Before police question you**, they must let you speak to an attorney first.
- If they try to ask you questions before speaking to an attorney, say **“I want to speak to an attorney.”**
- The attorney will explain your rights to you, including that you have the **right to remain silent**.
- After you speak to an attorney, tell the police **“I want to remain silent”** and say nothing else.
- The questioning should stop there. If it doesn't, **remain silent**.
- Tell police that you **do not consent** (agree) to a search of your stuff.



## YOU ARE STOPPED BY A POLICE OFFICER. NOW WHAT?

### AM I FREE TO LEAVE?

1. When you are stopped by a police officer, ask **“Am I free to leave?”**
2. If you are free to leave, then try to remain calm and leave.
3. When your freedom to move or leave is taken away, you are in custody.
4. Follow directions from the police and keep your hands where police can see them.
5. Do not run. Even if you feel the situation is unfair, it is safer to remain calm and follow directions.
6. Most of these interactions are recorded by body cameras, so if your case ends up in court, your lawyer can review what happened and help you.

### What Does It Mean to Be in Custody?

Police will take you into custody when they have reason to believe that you have broken the law. A person is in **custody** when their freedom to move or leave is taken away. If a police officer is talking to you and you are not free to leave, you are in custody. You do not need to be in handcuffs, in a police car, or in a police station to be in custody.

### Examples

- > You can be in the school principal’s office with a police officer blocking your path to leave the room.
- > You can be in custody on a sidewalk, inside a building, or anywhere else that you do not feel like you can leave.
- > You can be at a public park with police officers surrounding you, limiting your ability to leave.
- > If police ask you for your driver’s license and they are holding on to it, you are probably not “free to leave.”





## WHAT SHOULD I SAY TO POLICE? / DO I HAVE TO TALK TO POLICE?"

You have the right to speak to an attorney before the police question you.

1. If you are not free to leave, you are in custody. The police likely want to question you.
2. If the officer asks you basic information like your name and age, give them that information.  
**DO NOT SAY ANYTHING ELSE** even if you have to wait a long time.
3. Even if you have not done anything wrong, anything you say to police can be used against you to arrest and detain you, charge you with a crime, and prosecute you in court.
4. If you are under 18 years old, you must speak to an attorney before the police may question you. **It is required by law in California.**
5. The police officer must call the Public Defender's office and let you speak to an attorney before they question you.
6. If the police try to ask you questions before you speak to an attorney, say **"I want to speak to an attorney."** **DO NOT SAY ANYTHING ELSE.**
7. The police may try to make small talk with you and ask you things that seem unrelated to any criminal investigation to get you to talk and give up your right to remain silent.
8. Police officers are allowed to lie to you. It's called a 'ruse'. For example, this means they may lie and say that your friend said you did it or that they have your DNA just to get you to say something about the incident.
9. **DO NOT SAY ANYTHING** to anyone besides your attorney, including your parents while at the police station and other young people who are also detained.
10. **DO NOT WRITE DOWN ANYTHING OR SIGN ANYTHING for the police.**
11. Another place that officers may try to talk to you is over the phone. If an officer calls you over the phone and tries to ask you questions, **DO NOT TALK TO THE OFFICER OVER THE PHONE.** Instead, tell the officer you want to talk to an attorney and hang up.



## WHAT HAPPENS WHEN I TALK TO THE ATTORNEY?

1. The police officer will contact the Public Defender's Office and you may speak to the attorney in person, by phone, or video conference. The call or conversation has to be in private. No one else, including the police or your parents, can listen.
2. This conversation is confidential. This means that whatever you tell the attorney may not be shared (they can't even tell your parents).
3. The attorney will explain to you your rights called "Miranda rights" and how to use them. They will also explain to you what the consequences are of you talking to the police and why you should probably remain silent and ask for a lawyer. Ask the attorney any questions you have and share any concerns.



## WHAT HAPPENS AFTER I SPEAK TO THE ATTORNEY?

1. After you are done talking to the attorney, tell the police “I want to remain silent” and **DO NOT SAY ANYTHING ELSE.**
2. The questioning should stop here.

## WHAT ARE MIRANDA RIGHTS?

**In California, before the police question you, an attorney must explain your Miranda rights to you.**

1. You have the right to remain silent.
  - > Tell the police officer “**I want to remain silent and I want an attorney.**” **DO NOT SAY ANYTHING ELSE!** If you are struggling or feeling pressured you can also say “**I cannot talk to you without my attorney present**”.
2. Anything you say can be used against you in a court of law.
  - > Anything you say to the police officer or in the presence of the police (i.e. in the back of the patrol car and in a jail cell) can be used against you in court to try to prove that you broke the law.
3. You have the right to an attorney.
  - > You will talk to an attorney before the police question you. If you are detained at Juvenile Hall, you may talk to another attorney before you see the judge for the first time.
4. If you can't afford an attorney, one will be appointed to you for free.
  - > You do not need to pay for an attorney to have one explain your rights to you before police questioning and to represent you in court if you are charged with a crime.



## WHAT IF I'M ON PROBATION? OR I'M WITH SOMEONE WHO IS ON PROBATION?

- > Miranda Rights apply to everyone in the United States, including youth who are on probation.
- > The right to speak to an attorney before being interrogated (questioned by law enforcement) apply to all youth under 18 years old in California, including youth who are on probation. However, probation officers are not required to provide an attorney consultation about Miranda rights prior to speaking to a youth on probation.”



**KNOW YOUR RIGHTS**



## CAN POLICE SEARCH ME OR MY STUFF?

They can only search you in some situations.

1. If the police want to search you, your car, or your cell phone, say **“I do not consent to a search.”** They may still search you, but it may be important in court to show you are not giving them permission to do so.
2. Police cannot search you unless:
  - > They have a search warrant. If they do, say **“I want to see the search warrant.”**
  - > They have enough information to believe you committed a crime or are in possession of a dangerous weapon.
  - > They believe they need to search you because of an emergency.
  - > You are on probation and your probation terms say police can search you.

[YOU CAN READ THE SB203 LAW HERE.](#)



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1212 Broadway, Suite 600 / Oakland, CA  
94612 / (510) 835-8098