



What Are Your Rights When Interacting with Police?

CALL US: 1-800-LAW-REP4 (529-7374)

Who we are:

First Defense Legal Aid works to connect, educate, and defend over-policed community members throughout Chicago and Illinois.

We provide access to:

- 24/7/365 Help Not Jail Hotline that connects callers to community and legal resources
- Direct access to emergency mental health services
- Free police station legal representation in Cook County
- Community legal educations programs
- Civil Rights Legal Aid Program that represents clients in police misconduct matters



What we'll discuss:

- Constitutional Rights
- "Am I free to go?"
- "I will not talk. I want my lawyer."
- Remaining Silent.
- "I do not consent to any searches."
- Identifying information to give or not give to the police.
- How to find a FREE attorney.
- Questions & Scenarios



**Do you know your
Constitutional Rights?**

Constitutional Rights:

- **4th Amendment:** “The right of the people to be secure...*against unreasonable searches and seizures*, shall not be violated, and no warrants shall issue, but upon probable cause...”
- **5th Amendment:** “No person shall... be compelled in any criminal case to be a witness against himself...”
- **6th Amendment:** “In all criminal prosecutions, the accused shall enjoy the right to...have the Assistance of Counsel for his defence.”

Am I Free to Go?:

- You ask this question to determine whether or not you are in police custody.
 - **Yes** → You are not in custody. Walk away calmly.
 - **Unsure** → Assume you are in custody & invoke your rights.
 - **No** → You are in custody. Invoke your rights.

I Will Not Talk. I Want My Lawyer:

- By saying "I will not talk. I want my lawyer," you are invoking your 5th and 6th Amendment rights. The right against self-incrimination and the right to counsel.
- You do not need to be at the police station to invoke your rights!
- The police do not need to read your Miranda rights before you can invoke.

Remain Silent:

- After invoking your rights it's important to remain silent so that no statements are considered "voluntary."
- If you ask for a phone call, to use the bathroom, medicine, water, etc., you should reinvoke your rights.
- Reinvoke if the police continue to ask you questions – they usually do.

I Do Not Consent to Any Searches:

- By saying "I do not consent to any searches," you are invoking your 4th Amendment rights to be free from unreasonable searches or seizures.
- You should say this even if the police have a warrant or are arresting you. The police must have *probable cause to search* you and only a judge can determine if probable cause existed.
- An officer does have the right to conduct a "pat down" for their own safety. They can only check for weapons and must have *reasonable suspicion* to believe you are carrying a weapon.

Identifying Information:



- Generally, you are not legally obligated to give any identifying information to the police if you have not been detained.
- If you do decide to provide identifying information, the **maximum** you should give is your:
 - Legal Name
 - Home Address
 - DOB (optional)
- If you want to avoid conversation, you can hand the officer your ID and remain silent.
- Minors should also give their guardian's phone number so that the officer can call their guardian.





How Do I Find A Lawyer?:

- **CALL** the Help Not Jail Hotline at **1-800-LAW-REP4 (529-7374)**.
- If you or anyone you know is in police custody in Cook County, calling our Hotline will connect you to the Public Defender's Office Police Custody Representation Unit.
- Try to provide as much information to the attorneys as you can:
 - Arrestee's name and/or DOB
 - Location of detainment or cross streets
 - District arrestee is being taken to
- If someone doesn't answer the phone, leave a voicemail with all of the information and the attorney will call you back.

Right to Phone Calls:

- New law went into effect on January 7, 2022.
- Any person in police custody has the right to make **3 phone calls within 3 hours** of arrival at the police station.
- If a person is transferred to another police station the right to make 3 phone calls within 3 hours of arrival is renewed.
- The **clock does not run** while the person is asleep, unconscious, incapacitated, or exigent circumstances prevents the officers from timely complying.



**Questions? Scenarios? Concerns?
Workshop Requests?**

Nadia@First-Defense.org

Ray@First-Defense.org