

Know Your Rights

TEEN EDITION



CIVIL LIBERTIES DEFENSE CENTER

The Civil Liberties Defense Center works to confront the attacks on our freedom and to protect the civil rights of all citizens, particularly activists exercising their constitutional rights.

“Injustice anywhere is a threat to justice everywhere.”

—Martin Luther King, Jr.

Letter from Birmingham Jail, 4/16/63

Everyone has Constitutional Rights, even minors (people under the age of 18). Unfortunately, sometimes these rights are violated, often when young people encounter police. You may not think you will ever be in a situation with the police, but it can happen unexpectedly. In 2008, over 2 million minors were arrested in the U.S.

If you find yourself in a situation with the police, you should know your rights and feel comfortable asserting them. Below is a list of rights you should demand, similar to your Miranda Rights. Knowing this list can help you when dealing with cops. Cops may inform you of these rights if you are arrested, but they are not actually required to. That's why you should KNOW them.

Demand of Rights

- I will not talk to you or anyone about anything.
- I demand to have an attorney present before I speak to you or anyone.
- I will not answer any questions or reply to any charges without my attorney present.
- I do not agree to perform any test, consent to any searches, or participate in any line-ups.
- I will not sign anything unless my attorney agrees I should do so.
- I will not waive any of my constitutional rights.

Basically, this means that if the police show up at your house, hotel room, tent, car, etc. and want to enter and search, you have the right to REFUSE TO CONSENT to the search.

If the cops have a warrant (a piece of paper signed by a judge giving them permission to enter certain places at certain times) then they will be allowed to enter. If you refuse to let them in, they can arrest you, but you ALWAYS want to say “I DO NOT CONSENT TO THIS SEARCH.”

SITUATIONS AT SCHOOL

Your rights as a minor are somewhat different from those of an adult. Many times this is because of your status as a student and that you are dealing with school officials rather than cops. Here are a few differences:

- Minors between 7 and 18 years old, who have not completed 12th grade or obtained their GED must attend school. If you do not go to school, it is called truancy and can lead to legal trouble for you and your parents.
- You always have a First Amendment Right to Free Speech and Assembly (protects your right to speak your mind and gather with others). This means that even at school you have the right to politically organize by passing out leaflets, holding meetings, publishing independent newspapers, etc., just so long as those activities do not SUBSTANTIALLY DISRUPT school activities. Swearing and really offensive, discriminatory or sexual language is disruptive and are not permitted in schools.
- At school, students' backpacks and lockers can be searched by school officials without a warrant, if the school official suspects that you are involved in criminal activity or are in possession of drugs or weapons. Do not consent to the police or school officials searching your property, but do not physically resist or you may face criminal charges.
- It is totally illegal to possess any weapon on school property or events. If in doubt, leave it home or face expulsion for one year.
- Students can be stopped and questioned by school officials, for example if you are not in class. However, they should not stop and question you for engaging in political activity or because of your ethnicity, beliefs, or religion.
- If you get in trouble, you have the right to a hearing, with your parents and an attorney present, before being suspended or expelled.

- If the police become involved with any incident at school, you have the same rights as if they approached you anywhere else. Do not consent or speak with them without an attorney present.

SITUATIONS ANYWHERE ELSE

Cops may try to interact with you in a few ways, whether you are in school or in public. They can start a *conversation* with you, they can *detain* you (keep you from going anywhere while they question you), or they can *arrest* you and possibly take you to jail. You have slightly different rights at each stage and certain words can help you to let everyone know you are trying to assert these rights.

At all stages, remember: DO NOT say anything to incriminate yourself, or admit that you are guilty of something. Anything you say at any point can be used against you. This includes information you post on Internet websites, including MySpace and Facebook.

Cops Can Lie or Trick You:

Cops may promise to go easy on you or let you go if you cooperate, but they can take back those promises and there's nothing you can do.

That's why it's important to remain calm and stay in control of your words and actions if you find yourself in a police encounter. Following this advice can help.

If you have any questions or think your rights have been violated, contact the Civil Liberties Defense Center at 541-687-9180 or info@cldc.org. Visit our website at www.cldc.org.

IMPORTANT! Levels of Interactions with Cops

1. Conversation

If a cop walks up and starts talking to you, you do not have to answer any questions. This is your **RIGHT TO REMAIN SILENT**. Instead, you can politely but firmly ask, "*Am I being detained or am I free to leave?*" If you are not being detained you can say, "I choose not to speak to you," and walk away slowly. Always make it clear in words that you are refusing to speak to them, rather than non-verbal signs like shaking your head. If you talk to the police you risk giving them information they need to charge or arrest you or someone else.

Tips if you ARE NOT being detained:

- Never run or physically resist the police because you will make the situation worse.
- Try not to argue. The best tactic is to firmly refuse to cooperate, but otherwise stay quiet.
- You are not yet required to provide ID (unless you are the driver of a car).
- You should NEVER consent to a search.
- The cops cannot use your refusal to be searched as evidence that you did something illegal.

2. Detention

If a cop says you are not free to leave, then you are being detained so that the officer can question you.

- In order to detain you, police must have a reasonable suspicion that you committed a crime, or are about to commit a crime. This must be more than a mere hunch or a guess.

You have a right to know why you're being detained. Ask, "*Why am I being detained?*" Memorize the answer.

- You do not have to answer any questions except to truthfully tell them your name, address, and date of birth — that's it. It is a crime to give a false name. You never have to tell whether you are a citizen or what country you are from.
- At this point, the police can search for weapons or anything that could endanger an officer. Cops are allowed to do a "pat down" search of the outside of your clothing and any possessions within your reach. If you are in a vehicle they can search anywhere you can reach as well (not your trunk).
- When you get home, write down everything you can remember about what happened. This can help you tell your side of the story later on.
- You have a right to stay where the officer detained you and not be moved to a new location unless you are arrested. If an officer tries to move you, ask, "*Am I under arrest?*"

3. Arrest

If you are placed under arrest, the cops can take you to jail but you still have **THE RIGHT TO REMAIN SILENT**. Say, "*I AM GOING TO REMAIN SILENT. I WANT TO CONTACT MY ATTORNEY.*"

- Once you say these words, the police are legally required to stop questioning you.
- Be patient. Continue to assert your right to remain silent and request an attorney until one arrives.

- If you are injured or need medications, make sure to let someone know you. Always seek medical attention and take photographs.
- Juveniles have the same rights as adults, but normally you will only be released from jail to your parent/guardian. If you cannot be released to a parent or guardian, a guardian will be appointed for you by the Court.

Tips if you are arrested:

- Make sure you have an attorney — if you are asked to "waive counsel" say NO. Even if you don't know an attorney, police must provide you with a phonebook or let you call your parents collect. If you do not have a private lawyer or cannot afford one, one will be appointed to you. Your lawyer will keep your conversations confidential, so ask the attorney all the questions you have about the case and make sure you understand it all. Your attorney works for YOU only.
- A prosecutor decides whether to charge you and with what. You have a right to know the list of any charges against you within a reasonable time (48-72 hours).
- You have the right to a trial by judge, not jury, in a juvenile proceeding.
- Once you turn 18, you may be able to permanently seal your juvenile record, or have your record expunged. You must file a document with the Court you were convicted in, and it will depend on the seriousness of your crime and how long ago your last conviction was. Once sealed, you can legally state that you were never arrested or convicted.

If you are not a citizen and DHS or the police contact you:

- You have the right to have an interpreter if you do not speak fluent English.
- You do not have to answer questions about your immigration status, where you are from, or any other questions at all.
- You do need to carry your immigration papers if you have them.
- You do not have to let them in your house or apartment unless a warrant is shown.

Military Recruitment

If a military recruiter comes to your school, you have the right to not speak to them. You may even request that your personal information not be given to recruiters by "opting out" of the directory program. Your principal must tell you how to do this and get your parents involved. You do not have to take any tests including the Armed Services Vocational Aptitude Battery (ASVAB).

