

“What do I do if the police knock at my door?”

If anyone knocks, don't open the door. Ask “Who are you?” If it is the police ask, “What do you want?”

“We just want to talk to you.” If they say they want to come in or talk with you, state: “I have nothing to say. Slide your business card under the door. My lawyer will call you.” Move away from the door and call the NLG (212) 679-6018.

“We have a search warrant.” **You reply:** “If you have a warrant, slip it under the door.” If they do, read it to confirm it is the correct address; if it is, open the door, step back, and state “I am going to remain silent. I want to speak to a lawyer.” A warrant is sometimes limited to a specific room; make mental notes of where the police search. If they don't have a warrant, again reply, “I have nothing to say. Slide your business card under the door.”

“We have an arrest warrant.” **You reply:** “If you have a warrant, slip it under the door.” If they do, read it to determine if it is a warrant for your arrest or for someone else. If it is for you [or someone inside], tell them you are coming out, step out and close and lock the door behind you and state “I am going to remain silent. I want to speak to a lawyer.” Do not say or do anything else. If the arrest warrant is for someone not inside your home, state the person is not there (or does not live there) and ask for the police to slip a business card under the door. Do not say or do anything else.

“What if I am not a U.S. citizen?”

There are far greater risks involved if you are arrested and you are not a U.S. citizen. Talk to a lawyer before coming to a protest. Always carry the name and telephone number of an immigration lawyer. Carry any immigration papers you might have such as your “green card,” I-94, or work authorization with you as well.

National Lawyers Guild (NLG): (212) 679-6018

**NATIONAL LAWYERS GUILD
NYC CHAPTER**



Know Your Rights!

**LEGAL NUMBER
212•679•6018**

**“I am going to remain silent.
I want to speak to a lawyer.”**

NLG Legal Observers in green hats will document any arrests or unlawful police activity. Let them know if you see anything.

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“What will happen to me if I am arrested?”
You will be handcuffed and driven to a jail or detention center and later taken to court. In the police's discretion, you may be released from jail with a summons or desk appearance ticket (“DAT”), which tells you when to return to court. If you are charged with misdemeanor or felony, you will more likely “go through the system” to be arraigned before a judge—this means you will be in jail for 24 to 36 hours. Don't talk to anyone but a lawyer about the facts of your arrest. A court employee will interview you about community ties (address, employment, family) to help the judge determine whether to set bail or release you on your own recognizance (“ROR”); it's OK to answer these questions—just don't talk about your arrest. A lawyer will briefly meet you about your case. Get the lawyer's name and phone number. Your lawyer arraigned on the charges against you before a judge. Your lawyer will enter your pleas; when in doubt, plead, “Not Guilty.” Conditions for release are set, either bail money or ROR. The next court date is scheduled on a court slip for you to keep. You may be offered an Adjournment in Contemplation of Dismissal (“ACD”). If you agree, your case is adjourned for 6 months. If you are not arrested during the 6 months, the charge is dismissed and the case is sealed. If you are arrested during the 6 months, the case can be brought back to court. If this happens, you still have all the rights you would normally have with a criminal case, including the right to trial. An ACD is NOT a plea of “Guilty.”

“What do I do if I get arrested?”
You are advised to state clearly, “I am going to remain silent. I want to speak to a lawyer.” Repeat this to any officer who questions you. Do not believe everything the police say – it is legal for the police to lie to you to get you to talk. When asked, you can give your name and address, show photo ID, and allow yourself to be photographed and fingerprinted for purposes of confirming ID; refusal to provide ID information will delay your release from jail. Remember your arresting officer's name and badge number. If you get to a phone, call the NLG at (212) 679-6018 (give names of other arrestees). Remain calm and prepare yourself for a possible wait in jail for 24-36 hours.

“What do I do if the police talk to me?”
You have a constitutional right to remain silent. If the police try a friendly conversation, you can say nothing and walk away. If the police say, “MOVE!” or give some other order, you may ask, “Why?” but you are advised not to say anything more. Notify a Legal Observer about the order. If the police ask to search you or your bag, you should say, “NO, I do not consent to a search.” If the police search anyway, you are advised to continue to say, “I do not consent to a search.” If you physically interfere with the search, you risk arrest. If the police question you, including asking your name, you may say nothing and walk away. If the police prevent you from leaving, ask, “Am I free to go?” If they answer “YES,” you may say nothing and walk away. If they answer “NO,” say, “I wish to remain silent. I want to talk to a lawyer,” and wait for the police to arrest or release you.

“What laws and police practices should I know about?”
You have First Amendment rights to protest lawfully. You have the right to hand out leaflets, rally on a sidewalk, and set up a moving picket line, so long as you do not block building entrances or more than half the sidewalk. The law requires a permit to march in the street, rally in a park with 20 or more people, or use electronic sound amplification. A “Mask Law” makes it unlawful for three or more people to wear masks, which includes bandanas; the NYPD aggressively enforces this law. Police will seize signs on wooden sticks, metal and PVC piping; it's OK to attach signs to cardboard tubing. The police will not allow placing signs on fences or trees. If you hang a banner from a bridge over a highway, you risk arrest for Reckless Endangerment.

“What can I do to prepare for a possible arrest?”
Write “NLG (212) 679-6018” on your wrist or ankle; call this if you are arrested or if you see an arrest. Carry in your pocket several quarters to make telephone calls and a phone card for possible long distance calls. Carry a granola bar in your pocket; food is often missed in jail. Carry in your pocket one photo ID with a good address; do not carry ID with different addresses. Do not carry anything you do not want the police to have such as phone books or valuables.