

**Baker
McKenzie.**

Real Rights: young people engaging with law enforcement

 Germany



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And ASKING Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm and polite. It is not a good idea to run. Speak carefully and clearly
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

See e.g., [Wie verhalte ich mich richtig gegenüber der Polizei? – Internetquelle](#)

Can the police arrest you for refusing to answer questions?

No.

If a police officer asks for your identity (e.g. name, address, date and place of birth, nationality) answer them and show them your ID if you have one. Otherwise, the police officer can check your bag or even take you to the police station to determine who you are.

See e.g., [VIS Berlin - § 21 ASOG Bln | Landesnorm Berlin | Identitätsfeststellung | § 21 - Identitätsfeststellung | gültig ab: 02.04.2021](#); [Your Rights and Responsibilities When Interacting with the Police in Germany - Police Station](#)

See e.g., [VIS Berlin - § 21 ASOG Bln | Landesnorm Berlin | Identitätsfeststellung | § 21 - Identitätsfeststellung | gültig ab: 02.04.2021](#)

See e.g., [VIS Berlin - § 34 ASOG Bln | Landesnorm Berlin | Durchsuchung von Personen | § 34 - Durchsuchung von Personen | gültig ab: 02.04.2021](#)

They can also ask you other questions. If they seem worried about something not related to you or your family, try to help them out. If they ask questions about you or your family, you may remain silent and ask for a lawyer. In that case, they cannot arrest you merely for not answering.

See e.g., [VIS Berlin - § 18 ASOG Bln | Landesnorm Berlin | Ermittlungen, Befragungen, Datenerhebungen | § 18 - Ermittlungen, Befragungen, Datenerhebungen | gültig ab: 02.04.2021](#)

See e.g., [§ 55 StPO - Auskunftsverweigerungsrecht - dejure.org](#); [§ 68b StPO - Zeugenbeistand - dejure.org](#)

What if the officers do not identify themselves?

You have the right to ask for the police officer's ID card and to write down their details. You can also ask for their name, official title and department.

You can see examples of Service ID Cards of the Federal Police here.

If you think that the ID card is fake or the person is not really a police officer, you can contact your nearest federal police station or call the hotline contact of the Federal Police ("Bundespolizei") at 0800 6 888 000. It can be helpful to document as much of the encounter as possible, including the time, location, and any identifying information about the officers or their vehicle. If you are at a public place, you are allowed to film the police, but not to publish the video. However, in order to avoid any escalation of the situation we recommend to follow the instruction of the police officer.

If you are in danger, please dial the police emergency number 110.

See e.g., <https://gesetze.berlin.de/bsbe/document/jlr-ASOGBE2006V0P5a>

See e.g., [Wissenschaftliche Dienste des deutschen Bundestages, Die Strafbarkeit audiovisueller Aufnahmen von Polizeieinsätzen, S. 14.](#)

What if an officer just begins speaking to me but does not order me to do anything?

You do not have to stop or respond to the police officer as long as you are not asked something specific.

See e.g., <https://gesetze.berlin.de/bsbe/document/jlr-ASOGBE2006V50P18>

What if the officer is not in uniform or identified as an officers but I think it is one?

The police do not always wear uniforms.

If you are not sure, you have the right to ask for the police officer's ID card and to write down their details. You can also ask for their name, official title and department.

Can I tell police I do not want to speak without a lawyer?

Yes. You can ask for a lawyer. If they are just trying to solve issues not related to you but to prevent dangers, you are not always entitled to a lawyer, but asking doesn't do any damage. If you are a minor and the police wants to talk to you because they think you have done

something wrong, in most cases your parents or other responsible persons also have a right to be there and therefore need to be informed. In situations in which the police is active to prevent dangers, this is not always the case. However, if the police want to keep you for that purpose, they must inform your parents or other responsible persons.

The police cannot take you to the police station without a reason.

If you don't know any lawyers yourself, you can contact the "Emergency Service of Criminal Defense Lawyers Berlin" at 0172-3255553 and ask for help. It is free to call this number.

If you ask a lawyer to defend you when the police is investigating against you, you should first talk about the cost. If you are found guilty in the end, then you must pay for the lawyer and the procedure. If you are not found guilty, the government will cover these costs. However, depending on what you have agreed on with your lawyer, you might have to pay an extra amount to him or her. This is why it is so important to talk about the costs with the lawyer first. If the prosecutor decides to not press charges against you after investigations are finished, you don't have to pay the lawyer if there was a case of so called "mandatory defense". Because investigations can be complicated and juveniles should have someone by their side, mandatory defense is almost always assumed. This means, if you have done nothing wrong and the prosecutor or later the court also see it this way, you don't have to pay for anything in most cases. Sometimes there is also the possibility to get financial support for your defense lawyer. This is also something that you should first talk about with your potential lawyer.

If you have problems of communicating with your lawyer because of a language barrier, you have the right to consult an interpreter.

See e.g., [BeckRS 2012, 56052 - beck-online](#)

See e.g., [§ 67\(3\) StPO](#).

See e.g., [§ 32 \(2\) S. 4 ASOG](#).

See e.g., [LTO, Anwalts-kosten des Beschul-digten sollte der Staat tragen. \(abgerufen am 28.04.2025\)](#)

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See e.g., [LTO, Anwalts-kosten des Beschul-digten sollte der Staat tragen. \(abgerufen am 28.04.2025\)](#)

See e.g., [MüKoStPO/Kämpfer/Travers StPO § 140 Rn. 53, 54](#).

See e.g., [Haufe, § 41 Strafrecht / 5. Dolmetscher, Rz. 287. \(abgerufen am 28.04.2025\)](#)

See e.g., [LTO, Anwalts-kosten des Beschul-digten sollte der Staat tragen. \(abgerufen am 28.04.2025\)](#)

If I sit down, am I resisting?

If you remain seated or simply sit down this will not be considered resisting. But don't hold to something or somebody or glue yourself to something while sitting so that the officer cannot carry you away easily. This is a criminal act for which you can come before court.

See e.g., https://www.gesetze-im-internet.de/stgb/_113.html; https://www.zjs-online.com/dat/artikel/2024_1_1828.pdf

If I am stopped in a group, and some kids run, can I run?

No, you cannot run from the officer if you think you are about to be arrested, even if others in your group run. Even if you are not being arrested, running from law enforcement is a bad

idea. Doing so could give the officer the belief that you have been, are, or will be involved in criminal activity.

Can I tell others (siblings, for example) to run?

It's usually better to do what the police say and encourage other people to follow the rules too. This helps to stop the situation from getting worse and in the best case avoids potential legal problems.

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes, tell the police if you do not speak the language they are speaking and you will not waive your rights by doing so. You still have the right to remain silent and contact a lawyer.

See e.g., [What to know if you get pulled over in Germany | Article | The United States Army](#)

If I did not do anything, can they stop me?

Yes, the police can stop you to ask you who you are (name, address, date and place of birth, nationality or for your ID. You should answer them. They can also ask you some more questions. If they seem worried about something not related to you or your family, try to help them out. If they ask questions about you or your family, you should remain silent and ask for a lawyer.

See e.g., <https://gesetze.berlin.de/bsbe/document/jlr-ASOGBE2006V52P21>

See e.g., [§ 55 StPO - Auskunftsverweigerungsrecht - dejure.org](#); [§ 68b StPO - Zeugenbeistand - dejure.org](#).

SEARCH

When can police search you and your surroundings?

The police can search you and your surroundings in different situations.

If you did something wrong or the police reasonably think that you did something wrong (even though that may, in reality, not be the case): they can search you and your surroundings if they have a warrant of the court (an official piece of paper saying they can search you). In this case, ask to see the warrant, ask for a lawyer and remain silent. If you're about to destroy something that can be a proof against you (e.g. flushing drugs down the toilet), they can also search you without a warrant.

Besides that, the police can search you in some situations where it is clear that you did not do anything wrong without a warrant: if you carry things that can be dangerous or if you are in a helpless situation. If you are at a place where it seems likely that crimes are being committed or perpetrators are hiding, or it's public transport or an endangered place or a spot where the police controls to avoid terrorism.

See e.g., [§ 102 StPO - Durchsuchung bei Beschuldigten - dejure.org](#); [§ 105 StPO - Verfahren bei der Durchsuchung - dejure.org](#)

See e.g., [VIS Berlin - § 34 ASOG Bln | Landesnorm Berlin | Durchsuchung von Personen | § 34 - Durchsuchung von Personen | gültig ab: 02.04.2021](#), [VIS Berlin - § 38 ASOG Bln | Landesnorm Berlin | Sicherstellung | § 38 - Sicherstellung | gültig ab: 09.08.2006](#)

What if a police officer wants to search my phone?

The police can only search your phone without your consent if you are suspected of a specific crime if the police has a warrant or in case of imminent danger. That means a situation in which it is likely that there will be a damage to the public safety or security.

See e.g., [§ 102 StPO - Durchsuchung bei Beschuldigten - dejure.org](#); [§ 105 StPO - Verfahren bei der Durchsuchung - dejure.org](#)

See e.g., [Die Polizei auf deinem Handy](#)

See e.g., [FU Berlin, Polizeiliche Aufgabe der Gefahrenabwehr.](#)

What if a police officer asks me for my password to my phone?

You do not need to provide it. You can answer that you would like to not provide it.

See e.g., <https://www.anwalt.de/rechtstipps/darf-die-polizei-mein-handy-durchsuchen-223947.html>

What if they tell me to give them my password or other access to my phone?

You do not need to provide it. You can tell them that it is your right not to give it to them. However, if your phone is secured by a fingerprint sensor and/or facial recognition only and, therefore, no password is needed, the police may take your fingerprint or visual image to unlock the phone, if you are accused of having committed a crime, and can ask you to cooperate accordingly.

See e.g., [Police in Germany | Handbook Germany](#)

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

No, you do not need to provide it. You can tell them that it is your right not to give it to them. Even in case of a search warrant, you don't have to provide your phone password.

The police can only search your phone without your consent if you are suspected of a specific crime.

See e.g., [Police in Germany | Handbook Germany](#)

What tools can police use to search me? What technology?(Facial recognition, hidden cameras, finger print searches, etc.)

Facial recognition has been tested and deployed by police in Germany in some cases to identify suspected terrorists and serious criminals.

See e.g., [Biometrie: Deutsche Polizeien nutzen immer häufiger Gesichtserkennung](#)

Police might use bodycams to document everything. Those are cams at their uniform filming the whole time. A cellphone can only be secretly infiltrated by the police in case of a serious threat of specific danger after a judge consented. (See e.g., [Bundesverfassungsgericht - Entscheidung finden –](#)

See e.g., [Mit Bodycam auf Streife | Polizei NRW](#)

German police can also use fingerprints to identify suspects.

See e.g., [BKA - Identification Service](#)

Can they search my backpack or other item I am carrying?

The police can search your backpack or other items you are carrying depending on the situation.

If you are suspected of having done something wrong:

[Police may only search you without your consent if you are suspected of a specific crime](#) and if they have a warrant (§§ 102, 105 StPO), or if you're about to destroy proof (e.g. you flush drugs down the toilet).

See e.g., [§ 102 StPO - Durchsuchung bei Beschuldigten - dejure.org](#); [§ 105 StPO - Verfahren bei der Durchsuchung - dejure.org](#).

In situations where you did not do anything wrong:

Without a warrant if you are in a helpless situation where you can't decide freely, if you are at a place where it seems likely that crimes are being committed or perpetrators are hiding, or it's public transport or an endangered place or a spot where the police controls to avoid terrorism

See e.g., [VIS Berlin - § 34 ASOG Bln | Landesnorm Berlin | Durchsuchung von Personen | § 34 - Durchsuchung von Personen | gültig ab: 02.04.2021](#)

Can they take my picture or record me?

The police need a valid reason to take a picture of you or record you. Whether they are allowed to do that depends on the situation.

If you are suspected of having done something wrong:

The police can take your picture to find out what happened or where you are. They are only allowed to do that in public places, not in your home. The police must inform you about the pictures or recordings. If the police or others working for the state want to record or surveil your communications, they must ask a judge for permission. If there is a threat of danger, also the public prosecutor can give permission.

See e.g., [§ 100h \(1\) No. 1 StPO](#).

See e.g., [KK-StPO/Henrichs/Weingast StPO § 100h Rn. 3](#).

See e.g., [§ 101 \(1\), \(4\) No. 7 StPO](#).

See e.g., [§§ 100f, 100a, 100e StPO](#).

See e.g., [§ 100e \(1\) StPO](#).

For the protection of public safety and order:

In public spaces the police can take pictures or make recordings, when they think it is possible that crimes could be committed or if it is necessary to protect others. However, they are not allowed to do that secretly. Only if very serious crimes could be committed, the police can hide that they are taking pictures or recordings. Besides that, the police can take your fingerprints if it is necessary to verify your identity, or to prevent crimes from being committed.

See e.g., [§§ 24 – 24d ASOG Bln](#).

See e.g., [§ 25 \(1\) ASOG Bln](#).

See e.g., [§ 25 \(1\) ASOG Bln](#).

Can they ask me where I am going and why?

The police can ask you questions when it is likely that you can give information that they need to fulfill their tasks. For that time, they can stop you.

See e.g., [§ 18 \(3\) ASOG](#).

Reasons police may Detain or Arrest you

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a crime, to protect you in a situation where you can't help yourself or to enforce that they prohibited you to stay at a specific place.

See e.g., [§§ 112, 127 StPO, § 30 ASOG Bln.](#)

- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

See e.g., [§ 34 \(2\) Nr. 1 ASOG Bln.](#)

What if I did not do anything illegal, must I speak with the police and answer questions?

The police are allowed to check your identity (e.g. name, address, date and place of birth, nationality) if that is necessary to protect the public safety and order. So, if a police officer asks for your identity you should answer. If the officer asks you for your ID (if you have one), you should show it to the police officer. If you do not provide these answers the police officer can check your bag or even take you to the police station to determine who you are.

See e.g., [§ 21 \(1\) ASOG Bln.](#)

See e.g., [§ 21 \(3\) 4 ASOG.](#)

You do not have to answer any other questions. But it is recommended to stay polite.

The police cannot take you to the police station without a reason. If a police officer asks you to come with them, you can refuse to go with them. If you are questioned by the police, you can refuse to respond.

What if they tell me something they are investigating that is wrong? Must I correct them?

You shouldn't say something and make statements only later.

What if an officer just begins speaking to me but does not order me to do anything?

You do not have to stop or respond to the police officer.

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

If you are arrested, you don't have to answer any questions about the case. But you must give personal information to the police. This includes details like your name, address, date and place of birth, nationality, if you are married or not, and what job you do. Also before your arrest, you do not have to answer questions about the case if you are suspected of having done something wrong.

See e.g., [§§ 136, 163a StPO.](#)

The difference between police TELLING me what to do and ASKING me to do something.

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

Police officers can ask for an ID or to search a person even if they are not suspected of a crime in specific cases. You should clearly state that they do not agree to a search. But even

if you don't agree, under certain circumstances the police are still allowed to search you or your belongings. Especially when they think there is a danger for public safety and order or if they think that you committed a crime.

See e.g., [34 ASOG, 102 StPO](#).

What if they tell me to give them information versus them asking and me providing answers voluntarily?

You don't have to say anything if you would say something that is bad for yourself or your relatives.

See e.g., [§§ 52, 55 StPO](#).

Do police need a warrant to arrest you?

Proposed Information

That depends. Police officers can legally arrest you for a short time without a warrant in several circumstances:

- If you are being caught while you're committing a crime, and they think you'll run away or if they can't identify you. Especially in urgent situations, the police can arrest people for short times.

See e.g., [§ 127 StPO, § 127 StPO](#).

- To protect the life or health of a person, to stop you from committing a crime, or to take you away from places that are prohibited for you (because the officers said so).

See e.g., [§ 30 \(1\) No. 1 ASOG Bln](#).

- If you ran away, to bring you back to your parents (or other caretakers) or youth welfare office.

See e.g., [§ 30 \(3\) ASOG Bln](#).

- If you are a minor and the police arrest you, the officers have to inform your parents or other persons responsible for you.

See e.g., [§ 32 \(2\) S. 4 ASOG; § 67a \(1\) JGG](#).

Even if I did not do anything, can they stop me?

Yes, they can stop you. Also, it is important to know that there are some rules that are there to protect young people in public places written down in the Jugendschutzgesetz (JuSchG) [Protection of Young Persons Act]. It says, for example, that young people shouldn't be in bars or clubs too late. It is mostly directed at the owners of such places but to enforce the rules, the police may also stop the young people. So even if you aren't directly doing something wrong, the police might be carrying out those rules.

See e.g., [Jugendschutzgesetz \(JuSchG\)](#).

Can I ask for the reason they stopped me?

Yes, you can ask the reason they stopped you.

Can I advocate for another young person stopped by police if we are stopped together?

It is best to follow the instructions by the police and tell the other young person to comply with the police as well. If you think that the police officers are breaking the law, you can ask them for their name, badge number and other details and you have 3 months to file a

complaint. It is also always helpful to ask passers-by to witness the situation, so that you have witnesses too. However, you should **not** record interaction (e.g., film/voice recording with your phone) with the police as this, under certain circumstances, might constitute a crime.

See e.g., [Police in Germany | Handbook Germany: Together, What can the police do \(and what not\), legally speaking?](#)

If you feel like you or someone else experienced discrimination in the hands of a police officers, you can report it here:

See e.g., <https://www.berlin.de/sen/lads/beratung/diskriminierung/diskriminierung-melden/formular.1134132.php>

If I think the stop is unjustified, what can I do?

Even if you think the stop is unjustified it is best to first comply with the police and then file a complaint later. The police can always ask for your ID. If you are not suspected of a specific crime or if you do not have evidence of another suspect with you, the police will not be allowed to search you. You can always ask for support from a lawyer. For example, you can contact the "Emergency Service of Criminal Defense Lawyers Berlin" on 0172-3255553 and ask for support.

See e.g., [Police in Germany | Handbook Germany: Together, What can the police do \(and what not\), legally speaking?](#)

Right to call a lawyer: [Section 137 \(1\) StPO](#).

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Can I get the officer's identifying information for a future complaint?

Yes, ask for the police officers' ID card ("*Dienstausweis*") and write down their details. This is important if you later want to file a criminal complaint. It is also always helpful to ask passers-by to witness the situation, so that you have witnesses too. Important: You must file a criminal complaint within three months of the incident.

See e.g., [§ 5a ASOG Bln.](#)

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See e.g., <https://www.berlin.de/sen/lads/beratung/diskriminierung/diskriminierung-melden/formular.1134132.php>

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- Arrest means that the police are holding you and are not letting you move around freely. This can happen if you are put in a cell, kept at a specific place like the police station, in a police car, or if the police block off an area outside.

See e.g., [Juraforum, Polizeigewahrsam – Definition, Voraussetzungen, Dauer und Kosten.](#) (Abgerufen am 22.04.2025)

- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer forcibly puts you into the back seat of a police car; or
 - you are in long-time investigation with lodging.
 - If you are being arrested the police has to inform you about your rights.

See e.g., [§ 114b \(1\) StPO, § 32 \(1\) ASOG Bln.](#)

- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

What if I do not know if I am under arrest?

Persons under arrest must be given a copy of the order for their arrest in a language that they understand. In case of an arrest to prevent a danger, there is no warrant, so the police would tell you about your "arrest". This means, that you will always be told if you are under arrest. However, if you are unsure, you can ask if you are under arrest.

See e.g., [§ 114a StPO.](#)

See e.g., [§ 32 \(1\) ASOG Bln.](#)

What is the difference between detention and arrest?

There is no clear distinction between the terms detention and arrest under German law. But there are different reasons why a person can be detained/arrested.

A person can be detained either temporarily by police, or based on an arrest warrant. A person can be detained temporarily without a warrant if he/she is caught while committing a crime, and the police thinks he/she will run away if the police can't identify the person. Especially in urgent situations, the police can arrest people for short times. The police can also temporarily arrest a person to protect the life or health of someone, to stop the person from committing a crime, or to take the person away from places that are prohibited for her/him (because the officers said so). If persons younger than 18 years run away the police can arrest them for a short time to bring them back to your parents (or other caretakers) or youth welfare office. If the police want to keep someone longer, a judge must decide about that.

See e.g., [§ 127 StPO.](#)

See e.g., [§ 127 \(2\) StPO.](#)

See e.g., [§ 30 ASOG Bln.](#)

See e.g., [§ 30 \(3\) ASOG Bln.](#)

See e.g., [§ 31 ASOG Bln, §§ 127, 128 StPO.](#)

In other situations, individuals may be arrested by police based on an arrest warrant. An arrest warrant is issued by the investigating judge at the request of the public prosecutor's

office if the person concerned is suspected of a criminal offense and there is a reason for the arrest.

See e.g., [§ 112 ff. StPO](#).

I am handcuffed, am I arrested?

If you are handcuffed by the police, then very likely you are under arrest. The police must tell you in a language you understand: (1) why you have been arrested, (2) that initial proceedings against you have started, and (3) your rights.

See: [UK Foreign, Commonwealth & Development Office, Arrested or in prison in Germany](#).
(Abgerufen am 22.04.2025)

If my liberty is restricted, am I under arrest?

If you can't move around freely this very likely means that you are under arrest.

See e.g., [Juraforum, Polizeigewahrsam – Definition, Voraussetzungen, Dauer und Kosten](#).
(Abgerufen am 22.04.2025)

What's the difference between a police officer just talking to me versus collecting official information?

Generally speaking, the officer must disclose the fact that he is conducting an investigation against you and must inform you about your rights accordingly. If the officer just talks to you without informing you about your rights, they can't use that specific information against you in court. This does not relate to self-incriminating information that you voluntarily offer without being asked to do so. This, you should never do.

See e.g., [§§ 136, 55 StPO](#).

What to do after being warned of your rights?

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right. The right to remain silent means that you don't have to answer to questions by the police, except those for your identity.
- You can also waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights, but I am ready to talk to you'. Without a lawyer's advice in most cases, you should not just waive your rights.

How do things change if I am read my rights by police?

Once you are told what rights you have by the police, the police can use anything you say afterwards against you. Moreover, the things you said can also be used in court.

See e.g., [BeckOK StPO | StPO § 136 Rn. 25-31 - beck-online](#)

Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

No, that does not matter

How do things change if I am not read my rights by police?

If your rights have not been read to you, this could put into questions whether your statements can be used against you in the trial at court.

See e.g., [BeckOK StPO | StPO § 136 Rn. 25-31 - beck-online](#)

Police questioning you

Proposed Information

It is important to follow this advice:

- If the police thinks you have committed a crime they must let you know and you are not required to make a statement, answer police questions or participate in a police investigation.

See e.g., [§ 136 \(1\) StPO](#).

- If police has arrested you and if you are under the age of 20, police generally notifies your parent, caretaker or legal guardian immediately in practice. Moreover, you have the right to call a person that you trust, like your parents.

See e.g., [§§ 127 \(4\), 114c \(1\) StPO; Clearingstelle Jugendhilfe/Polizei, Infoblatt Nr. 3 Gewahrsam § 30 ASOG Berlin, S. 2](#)

Am I required to make a statement?

If you are accused of having committed a crime, you don't have to say anything.

See e.g., [§ 52 \(1\) StPO](#).

If the police want to question you as a witness, you do not have to say something, if, for example, the accused person is your:

- relative (e.g. parents, siblings, children, grandparents, grandchildren, great-grandparents, great-grandchildren, nieces, nephews; NOT: cousins),
- fiancé or fiancée,
- spouse (even if the marriage no longer exists),
- life partner (even if the life partnership no longer exists).

See e.g., [§ 52 \(1\) StPO](#).

You don't have to tell the police anything if it could get you or your family in trouble.

See e.g., [§ 52 StPO - Zeugnisverweigerungsrecht der Angehörigen des... - dejure.org; § 55 StPO - Auskunftsverweigerungsrecht - dejure.org](#)

Must police notify my guardian?

Yes, the police will tell your guardian(s) unless they think it might harm you, your guardian(s) might be involved in the crime, or they can't contact your guardian(s) quickly.

See e.g., [§ 67a \(1\), \(3\) JGG](#)

If you are under 18 years of age: your parents/legal guardians normally have the same right as you do to be informed about the allegation prior to the first interview. Your parents/legal guardians also have the same right as you do respond to the charges, ask questions or lodge requests.

See e.g., [Polizeiliche Kriminalprävention der Länder und des Bundes \(ProPK\), Polizei für dich, Principles of juvenile criminal proceedings, S. 2.](#)

Must I confess?

No, you do not need to confess. You have the right to remain silent. You are not required to make a statement.

See e.g., [§ 136 StPO - Vernehmung - dejure.org.](#)

What adults can I ask to be with me?

You have the right to talk to a lawyer before they ask you questions. The defence counsel also has a right to be with you during questioning by the police or a prosecutor.

See e.g., [§ 136 StPO - Vernehmung - dejure.org.](#)

See e.g., [§§ 136\(1\), 163 \(4\), 163a \(5\), 168c \(1\) StPO.](#)

If you are under 18, your parents or guardians can go with you.

See e.g., [Polizeiliche Kriminalprävention der Länder und des Bundes \(ProPK\), Polizei für dich, Principles of juvenile criminal proceedings, S. 2; § 67 JGG; BeckOK StPO/von Häfen StPO § 163a Rn. 27, 28.](#)

Who do police have to contact if I am a legal minor?

Police should generally contact a parent or legal guardian before questioning a legal minor.

See e.g., [§ 67a JGG - Unterrichtung der Erziehungsberechtigten und der... - dejure.org](#)

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

- You should contact a lawyer before making any statements to anyone in a criminal case or investigation.
- This is also preferable if you are told that you are only a witness.

You have the right to consult a lawyer in every phase of the criminal proceedings, particularly before you are being questioned. You should talk to a lawyer before you make any statements towards the police, prosecutors or a judge.

See e.g., [§ 137 StPO.](#)

The association of defense lawyers of Berlin has a solicitor emergency service that can be reached 24/7 under the number: +49172-325 55 53.

See e.g., [Anwaltsnotdienst in Strafsachen – Vereinigung Berliner Strafverteidiger*innen e.V.](#)

What if I am just a witness?

Also as a witness, you can and preferably should get a lawyer.

See e.g., [§ 68b StPO](#)

When do you contact a lawyer?

You should contact a lawyer immediately if you are accused or arrested for a crime. You have the right to legal representation at any stage of questioning or criminal proceedings. The police may conduct an initial questioning to gather basic information about your identity

and the circumstances surrounding the alleged offense, but you don't have to answer and can wait for your lawyer.

See e.g., [§ 136 StPO](#); [§ 137 StPO](#).

Do police always have to tell the truth?

Proposed Information

- That depends on the situation. But a confession obtained through a lie by police is most likely not admissible as evidence in court.

Can the police lie to me?

No, they are not allowed to lie to you.

See e.g., [§ 136a StPO - Verbotene Vernehmungsmethoden; Beweisverwertungsverbote - dejure.org](#)

Do I have to tell the police the truth?

Yes and no. In general, you do have to tell them who you are. However, especially if you are accused of having committed a crime, just as you don't have to say anything, you also do not have the obligation to tell the truth. If someone else is accused of having committed a crime, and the police is asking you about that, you have to tell the truth if you are required to make a statement.

See e.g., [§ 111 OWiG](#).

See e.g., [§ 258 StGB](#).

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

You can file a criminal complaint against a police officer at a police station, the public prosecutor's office or report a possible crime online at [online-strafanzeige.de](https://www.online-strafanzeige.de). A criminal complaint will typically start criminal investigations. It's important to know that if you file a criminal complaint, you can't take it back. Filing a criminal complaint makes the police start a criminal investigation. If you pretend a crime happened or wrongly accuse someone, you could get in trouble.

A simple complaint which does not lead to criminal investigations can also be filed online at the [Internetwache Polizei Berlin](https://www.internetwache.polizei-berlin.de). You will find this option on the German website under "sich beschweren".

Particularly in big cities, like Berlin, it can take a long time for a complaint to be processed. This has to do with huge the many rules that have to be followed, the lack personnel and the large number of complaints. However, the police must process all claims. Even if you do not hear from them for a long time, it does not mean that your complaint has been ignored.

It is almost always better to talk to a lawyer first. You can call "Emergency Service of Criminal Defense Lawyers Berlin" on 0172-3255553 and ask for support if searched, detained or arrested.

Depending on what the Police did, you might also have a right to compensation.

See e.g., [§§ 59 ff. ASOG ff.](#)

What if I feel I was a victim of discrimination or racism?

Proposed Information

You are entitled to equal treatment. If you have experienced discrimination or violence from a police officer, you can seek help from the "Campaign for Victims of Racist Police Violence" ([KOP Berlin – Kampagne für Opfer rassistischer Polizeigewalt](#)).

See e.g., [Art. 3 GG; Antidiskriminierungsstelle - Homepage - 3. Can discriminating identity checks by public authorities be justified?](#)

Actions by public officials can afterwards be reviewed by administrative courts. Under specific circumstances you might also be entitled to claim damages under civil law. If you want to do so, it is best to contact a lawyer.

See e.g., [§§ 59 ff. ASOG ff.; § 839 BGB i.V.m. Art. 34 GG; § 8 LADG.](#)

You can also call or write the advisory team of the German Federal Anti-Discrimination Agency which offers first counselling, including an evaluation of your case, which helps to decide on the further procedure. The team can be reached by phone from Mo – Thu 9 a.m. – 15 p.m. under 0800 - 546 546 5 or via their [contact form](#).

See e.g., [Antidiskriminierungsstelle - Homepage - 4. What are my options for action if I feel discriminated against by police action?](#)

In Berlin you can reach the Ombuds Office for the Berlin State Anti-Discrimination Act on Wednesdays from 1 p.m. – 5 p.m. under (030) 9013-3456 (website: <https://www.berlin.de/sen/lads/recht/ladg/ombudsstelle/>). They can support you in enforcing your rights.

See e.g., [LADG-Ombudsstelle - Berlin.de.](#)

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What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

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Law is generally described as of May 2025.

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