

Real Rights: young people engaging with law enforcement



Baltimore, Maryland



Site in development - FEEDBACK NEEDED

The launch of the Real Rights platform as a DRAFT site in order to obtain feedback from people across the globe. The information included herein represents initial research and responses that need review and commentary on a broader scale. We actively encourage any World Congress attendees or reviewers of this site to provide any comments you may have on the website and the content either by clicking on the "Feedback" button in each city page or by emailing realrights@bakermckenzie.com.

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
- Reporting Crimes To The Police
- Responding To Bad Treatment By The Police
- 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 can you do if the Police perform an improper search?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly.
- Remember, you can always choose to remain silent and not answer police officers' questions. Anything you say can be used against you in a court of law.
- 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 or run from the officers, even if you're innocent or if you think the police are acting unfairly or unlawfully.
- You may ask officers to identify themselves and they should do so. If asked, you are not required to identify yourself or provide identification (unless driving) in Maryland.
- If English is not your first language, you may request the services of an interpreter.

Additional information can be found at: Maryland State Bar Association, "Your Legal Rights If Arrested," available at: <https://www.msba.org/your-legal-rights-if-arrested/>; and see Baltimore County Government, "What to Do If You Are Stopped by a Police Officer?", available at: (<https://www.baltimorecountymd.gov/departments/police/community/stop2.html>); Baltimore Police Policy No. 1112, available at: (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>); and American Civil Liberties Union (Maryland), Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

Disclaimer: We do not endorse or support any third party resources cited to herein. Nor, can we confirm the complete accuracy of the information provided therein.

Can the police arrest you for refusing to answer questions?

No. You can only be arrested without a warrant if the police have reason to believe that you have committed, are in the act of committing, or are about to commit a crime. [Maryland Code, Criminal Procedure, § 2-202](#).

Baltimore Police Department Policy states that refusal to answer questions in a field interview as part of voluntary contact between police and people cannot be used as the basis for an investigative stop (i.e. temporary detention of a person for questioning), a weapons pat-down, search or arrest. Baltimore Police Policy No. 1112, *available at:* (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>). A "voluntary contact" is a non-investigative, consensual encounter between police officers and a person that is generally intended as a casual means of gathering information. Baltimore Police Policy No. 1112, *available at:* (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>).

Additional information can be found on the Maryland State Bar Associate website at: <https://www.msba.org/your-legal-rights-if-arrested/>

What if the officers do not identify themselves?

Baltimore police officers are not currently required to identify themselves by law. However, you may ask police officers to identify themselves because they are supposed to introduce themselves according to Baltimore Police Policy No. 1112, *available at:* (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>).

As of July 1, 2022, Maryland law will require officers to identify themselves. [Maryland Code, Criminal Procedure, § 2-109](#).

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

If an officer stops and questions you, your calm and direct responses may be the best way to quickly resolve the situation. If the officer has not told you why you have been stopped, you may ask. If you feel you do not want to answer a police officer's questions, the officer must respect your right not to answer. Your right against self-incrimination is protected by Maryland State Law. [MD Constitution, Declaration of Rights, Art. 22](#).

If a police officer just asks you questions and has not ordered you to stop, or forcibly detained you, you may ask if you are free to leave. If the officer says "yes," you may walk away if you are safe to do so. If the officer says "no," you may be under "custodial interrogation," or questioning that occurs after you have been deprived of your freedom of action in a significant way. [Maryland Code, Criminal Procedure, § 2-401](#). The officer is required to provide you with your "Miranda Rights," which include the right to remain silent, that any statement you make may be used as evidence against you, and that you have the right to have an appointed or chosen attorney present. [Miranda v. Arizona, 384 U.S. at 444 \(1966\)](#).

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

Police officers are not currently required to identify themselves by law in Maryland. Although, as of July 1, 2022, Maryland law will require officers to identify themselves. [Maryland Code, Criminal Procedure, § 2-109](#).

If you think that someone is a police officer, you may ask them to identify themselves and they should to introduce themselves and provide their identifying information according to Baltimore Police Policy No. 1112, *available at:* (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>).

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

Yes. You may always remain completely silent and that you do not wish to answer any questions without a lawyer present. [Miranda v. Arizona, 384 U.S. at 444 \(1966\)](#). Notably, though, in a traffic stop, you are required to provide your driver's license to officers when stopped. Maryland Code, Transportation, § 16-112.

If you ask if you are free to leave, and are told you are not under arrest, you can leave if it is safe to do so and you do not have to speak to the police at all. Baltimore Police Policy No. 1112, *available at:* (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>). If you are told you are not free to leave or told you are under arrest, then you can ask for a lawyer before you speak with them or choose not to speak with them and/or remain silent.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#))

If I sit down, am I resisting?

Yes, it is possible that sitting down may be "resisting" arrest. If the police attempt to lawfully arrest you and you resist, you can be charged with a separate crime in Maryland known as "resisting arrest." Your actions can be as minor as arguing, refusing to allow a police officer to place you into handcuffs, delaying a police officer during the course of an arrest, or struggling as you are placed in the back of a patrol vehicle. See e.g., [Md. Ann. Code §9-408](#).

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

No. It is never a good idea to run away from police. If you are told you are free to leave, you should do so calmly and quietly.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)); Baltimore Police Policy No. 1112, available at: (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>)

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

No, it is never a good idea to run from the police. If others with you or nearby have not been stopped or arrested they are permitted to walk away from the police calmly and safely. Police may look at someone who is running away as a reason for them to be suspicious in certain circumstances, such as if they are in the location where a crime was reported. According to [Baltimore Police Policy No. 1112](#), a person must be permitted to leave during a field interview and any decision to walk or run should not be a reason to establish reasonable suspicion. Despite this, you should always be mindful of your safety first in these situations before making any decision.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

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

Yes, you can tell police officers you need an interpreter without waiving your rights. It is your right to have one present if you request it. See generally [Maryland Code, State Government, §10-1103](#). You can only waive your rights voluntarily, knowingly, and intelligently, so you will want to be certain that you understand what the officer is asking before you make any statements. [Miranda v. Arizona, 384 U.S. at 444 \(1966\)](#). You cannot waive your "Miranda Rights" if you do not understand the language used by the officer to communicate them to you. According to [Baltimore Police Department Policy 1105](#), officers should request a Qualified Bilingual Member to provide interpreter skills when needed. If there is a language barrier, you may also request a Qualified Bilingual Member to assist you in providing language access. If a Qualified Bilingual Member is unavailable, the police officer can request an in-person interpreter on behalf of a person/detainee or can use the Language Line when the need is immediate. See Baltimore Police Policy 1735, Language Access Services for Limited English Proficient (LEP) Persons, available at: (<https://www.baltimorepolice.org/transparency/bpd-policies/1735-language-access-services-limited-english-proficient-lep-persons>); and see Baltimore Police Policy No. 1112, available at: (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>)

When can the Police Search You and Your Surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of yourself and clothing.
- You have the right to say no to searches of your car, house or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant. (A warrant is a court order so and you must consent to a search if police have a warrant.)
- Police may make searches of yourself and clothing if they have "Reasonable Articulable Suspicion" that you have committed, are committing, or are about to commit a crime.

What if a police officer wants to search my phone?

Unless you give your express consent (agreement) or there is a warrant, the police do not have the right to look through the contents of your phone - even when you're in their custody. [Riley v. California, 573 U.S. 373 \(2014\)](#). You cannot be required to use your face, thumbprint, or password to unlock your phone unless you give consent to unlock your phone, or police have a warrant to search your phone. [Riley v. California, 573 U.S. 373 \(2014\)](#).

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

You do not have to provide your password to your phone. In the event police want to search your device, they must have a warrant to do so. Unless you give your express consent or there is a warrant, the police do not have the right to look through the contents of your phone - even when you're in their custody or are under arrest. [Riley v. California, 573 U.S. 373 \(2014\)](#).

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

You do not need to provide your password or other means of access to your phone unless police have a warrant to search it, or you give your consent to search it.

If police have a warrant, you may be required to provide your password to unlock your phone. However, a federal court has determined that irrespective of whether police have a warrant, they cannot force someone to use their thumb, face or other biometrics to unlock their phone. [Riley v. California, 573 U.S. 373 \(2014\)](#).

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, unless you give your express consent or there is a warrant, the police do not have the right to look through the contents of your phone - even when you're in their custody or under arrest. [Riley v. California, 573 U.S. 373 \(2014\)](#).

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

Police in Maryland can use facial recognition technology to find a suspect but not as evidence against someone in a trial. They may also use finger print technology and hidden cameras. However police will need a warrant for such search technology in order for any evidence gathered to be used against you. [Riley v. California, 573 U.S. 373 \(2014\)](#).

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

Generally no, unless the police have a warrant to search your backpack, or if they have reasonable suspicion that you have committed, are committing, or are about to commit a crime and are under arrest. [United States v. Robinson, 414 U.S. 218 \(1973\)](#).

Police may pat down the outside of your clothing or accessible container (like a purse or a backpack) if they suspect you are carrying a weapon.

You do not have to consent to a search.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#))

Can they take my picture or record me?

Yes. Baltimore police wear body cameras and have policies about when they are supposed to activate those cameras. If have been arrested or are being questioned in a voluntary interview (i.e. you consent to be interviewed to give officers information) you should expect to have your picture taken or recorded by the police and the use of body cameras. Outside of such encounters (i.e. a voluntary encounter between you and police), you should not expect to be recorded by an officer's body camera. [Maryland Code, Public Safety, § 3-511](#).

If police are performing an investigative, consensual (agreed upon) interview for facts, they may record your conversation with their body camera, but they are not required to under [Baltimore Police Department Policy 1112](#).

Can they ask me where I am going and why?

Yes, but you have the right not to answer by remaining silent. [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#).

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

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, or if they suspect that you currently have evidence of a crime that could be destroyed if they were to release you.
- The police may arrest you if they have a warrant for your arrest. When police present you with a warrant, you should ask and be clear on what kind of warrant is being presented to you (i.e. is it a warrant for arrest, or for search/seizure?).
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or another type of violation.
- If the police arrest you, they also have the right to search your person. Anything found during this search may be used as evidence against you.

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

No, you are not required to speak with the police or answer questions. However, the law permits police officers to approach you in a public place to ask information and it may be best to calmly and respectfully answer any questions. However, you do not have to submit to questioning, and you may ask officers if you are "under arrest" or if you are "free to leave." If the police reasonably suspect that you are committing, have committed or are about to commit a crime, they may detain you for questioning.

Notably, though, in a traffic stop, you are required to provide your driver's license to officers when stopped. [Maryland Code, Transportation, § 16-112](#).

Additional information can be found on the Maryland State Bar Association website: "Your Rights If Arrested", available at: (<https://www.msba.org/your-legal-rights-if-arrested/>)

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What if they tell me something they are investigating that is wrong? Do I have to correct them?

No. You are not required to correct officers if they tell you something they are investigating that is wrong. You may always choose to remain silent.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, “If You Are Arrested” available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

However, you should never lie to police officers. See e.g., [Maryland Code, Criminal Law, §9-408\(b\)](#); [Maryland Code, Criminal Law, § 9-306\(a\)](#).

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

You may remain silent. This type of interaction is called a voluntary contact, and you are free to walk away or not respond.

If police order you to stop, or place you under arrest, you should stop immediately and must not resist.

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?

Once you are under arrest, anything you say can and will be used against you in a court of law.

Prior to your arrest, things you say may or may not be used as evidence against you, however it is still best to remain silent. Once you are under arrest, police must advise you of your rights (called a “Miranda Warning”). You may remain silent, refuse to answer any questions, and request the presence of a lawyer to represent you. [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#).

Additional information available on the American Civil Liberties Union (Maryland) website: Know Your Rights, “If You Are Arrested” available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

The difference between police Telling me what to do and asking me to do something

Proposed Information

It is important to follow this advice:

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

If police decide to search you or your belongings but you do not agree or consent to that search, some or all of the evidence they recover may or may not be used in court against you if the search was unlawful.

See e.g., *Katz v. United States*, 389 U.S. 347 (1967), available at: ([Katz v. United States, 389 U.S. 347 \(1967\): Case Brief Summary - Quimbee](#)).

If you agree or consent to the search, everything police find during their search can and will be used as evidence against you. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973), available at: ([Schneckloth v. Bustamonte, 412 U.S. 218 \(1973\) :: Justia US Supreme Court Center](#)).

Police need a warrant to search you (except when: you consent to be searched; the search is necessary to prevent imminent danger; you have already been arrested; and/or an illegal item is plainly visible). However, if you grant the police permission to search you then they may legally do so.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, “If You Are Arrested” available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

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

You may refuse to answer police officers’ questions regardless of whether they order you to answer, or are merely asking for information voluntarily.

If you’re having a voluntary contact (i.e. you consent to talk to police) and are not being detained by police, you are allowed to walk away and refuse to answer questions. Baltimore Police Policy No. 1112, available at: (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>). Even if you are not free to leave, you do not need to provide police with any information, including your name.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, “If You Are Arrested” available at: ([KYR Card 2018.indd \(aclu-md.org\)](#)).

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

No. Police officers can legally arrest you without a warrant in several circumstances:

- When the crime is committed in front of the police officers; or
- When the officer has probable cause (reason to suspect) that the suspect committed a crime, whether or not the act was done in front of them.

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

Yes, even if you did not do anything wrong, the police can briefly stop you if they have a reasonable suspicion that you are involved in criminal activity (either you are committing a crime, about to commit a crime, or have committed a crime). [Maryland Code, Criminal Procedure, §2-202](#).

Can I ask for the reason they stopped me?

Yes, you can ask officers why you are being stopped and/or detained. [Baltimore Police Department Policy 1112](#) requires police to explain the reason for your stop unless doing so would compromise an investigation or safety.

As of July 1, 2022, Maryland law will require officers to identify themselves and provide to anyone who they have stopped the reason for the stop. [Maryland Code, Criminal Procedure, § 2-109](#).

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

Yes, however you must not interfere--particularly if that other person is under arrest. A person may not intentionally interfere with a police officer who is making or attempting to make a lawful arrest or detention of another person. If such an interference is made, the person interfering is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both. [Maryland Code, Criminal Code, §9-408\(b\)](#).

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

You should not interfere with police officers during a stop, even if you think it is unjustified. If you think a stop is unjustified, you may calmly and quietly explain to police why you think the stop is unjustified. If this does not resolve the issue, you may [file a complaint](#) with the [Office of Equity and Civil Rights](#).

To do so, you may call any of the following agencies:

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
- [Maryland Commission on Civil Rights](#): Ph. (800)-637-6247
- [Legal Aid Bureau](#): Ph. (410)-951-7777
- [Baltimore Police Department - Internal Affairs](#): Ph. (410)-396-2300
- [Baltimore City School Police - Internal Affairs](#): Ph. (410)-545-1933

Remember to ask for police officers’ name and badge number if you wish to file a complaint.

BPD Policy requires police to immediately release a person if “the reasonable suspicion for the stop is dispelled or the stop was made in error.” See e.g., [Baltimore Police Policy No. 325](#).

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

Yes. You may ask for the officer’s name, rank and badge number, because they are required to provide that information unless it is not safe for them to do so.

If you are being arrested or interviewed, the police officer should also have their body-worn camera activated.

Do not complain to police at the site of the police misconduct. If you are planning to make a future complaint, you can do so on the Baltimore Police Department website or one of the other ways they describe on the website.

- Call the 24-Hour Complaint Intake Hotline: 833-288-7245
- Call the [Public Integrity Bureau](#) 410-396-2300 M-F
- Email your report to Complaints@baltimorepolice.org
- Send your report via U.S. Mail to: 242 W 29th Street, Baltimore, MD 21211
- Make an in-person report at any [district police station](#). Note: You cannot be turned away or instructed to go to another location. If you are turned away from the police facility, request to see a supervisor and request the name and badge number of the police official who refused to take your complaint.
- Make an in-person report at the [Public Integrity Bureau](#) office: 2524 Kirk Avenue, Baltimore, MD 21218

You may also make a complaint by calling any of the following agencies:

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
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[Public Integrity Bureau - Make a Misconduct Complaint | Baltimore Police Department](#); and see [Md. PUBLIC SAFETY Code Ann. § 3-519](#), available at ([Maryland Public Safety Code Section 3-519 \(2017\) - Uniform citizen complaint process. :: 2017 Maryland Code :: US Codes and Statutes :: US Law :: Justia](#)).

How Do You Know if You are Under Arrest?

Proposed Information

It is important to follow this advice:

- You are under arrest if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens, you are likely under arrest:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest where the officer hasn't told you about your rights is still a valid arrest; however, it may mean that evidence collected from your arrest will not be able to be used in court later.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)).

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

Ask police officers if you are free to go. If the officer says no, then you are being detained. Until you ask to leave, your stop or investigation by police is considered voluntary under the law and is legal. If a police officer says you may not leave, you ask the officer to clarify if you are being arrested, and for what reason you are being arrested or detained.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)).

What is the difference between detention and arrest?

When you're detained by police officers, it's usually for brief questioning. After the questioning is over, you'll most likely be released.

Baltimore Police explain that a temporary detention, sometimes called an investigative stop, takes place if a reasonable person would believe that they are not free to leave. An arrest, on the other hand, takes place when you are physically restrained or told that that they are being arrested.

Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)); Halt.org, Law Directory, "Am I Being Detained? 6 questions You Should Ask During Interactions with Police, available at ([Am I Being Detained? 6 Questions You Should Ask Police - Halt.org](#)); Baltimore Police Policy No. 1112, available at (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>).

If I am handcuffed, am I arrested?

If you are handcuffed, it is likely that you have been arrested, however you should ask officers whether you have been arrested if they have not told you so, or if they have not given you a warning about your rights.

However, being handcuffed does not automatically mean that you are under arrest unless you have been informed by the police that you are under arrest and have been read your rights (in your language if you do not speak English or are not fluent in English). Handcuffs may be used if the police have concerns for presence of weapons and their own safety. Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)); Halt.org, Law Directory, "Am I Being Detained? 6 questions You Should Ask During

Interactions with Police, available at ([Am I Being Detained? 6 Questions You Should Ask Police - Halt.org](#)); Baltimore Police Policy No. 1112, available at (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>); and see *Ira Chase v. State of Maryland*, No. 85, September Term, 2015. Opinion by Battaglia, J. <https://mdcourts.gov/data/opinions/coa/2016/85a15.pdf>

If my liberty is restricted, am I under arrest?

If your liberty is restricted, or you are in some way restrained by the police, you are likely under arrest.

However, you should ask officers to clarify if you have been arrested if they have not told you that or you have not given you a warning about your rights.

Having your liberty restricted or in some way being restrained by police does not automatically mean that you are under arrest unless you have been informed by the police that you are under arrest and have been read your rights (in your language if you do not speak English or are not fluent in English). You may be under "custodial interrogation," or questioning that occurs after you have been deprived of your freedom of action in a significant way. The officer is required to provide you with your "Miranda Rights," which include the right to remain silent, that any statement you make may be used as evidence against you, and that you have the right to have an appointed or chosen attorney present. [Miranda v. Arizona, 384 U.S. at 444 \(1966\)](#).

Police officers may restrain people or suspects if the police have concerns for presence of weapons and their own safety. Additional information can be found on the American Civil Liberties Union (Maryland) website: Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)); Halt.org, Law Directory, "Am I Being Detained? 6 questions You Should Ask During Interactions with Police, available at ([Am I Being Detained? 6 Questions You Should Ask Police - Halt.org](#)); Baltimore Police Policy No. 1112, available at (<https://www.baltimorepolice.org/1112-field-interviews-investigative-stops-weapons-pat-downs-searches>)

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.
- You are also able to waive (i.e. give up) your rights by, for example, saying 'Yes, I understand my rights but I am ready to talk to you.' It is not recommended that you waive your rights without a lawyer present.
- Make sure you carefully consider your options before waiving any of your rights

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

Once you are read your rights, you are entitled to a lawyer and can decide not to speak to the police any further. If you ask for a lawyer, the police may not continue to ask you questions without a lawyer present to represent you. If you give up your rights to a lawyer or to remain silent, then the police can continue to ask you questions.

[McIntyre v. State](#), 309 Md. 607 (1987)526 A.2d 30. Additional information can be found at: Know Your Rights, "If You Are Arrested" (https://www.aclu-md.org/sites/default/files/kyr_card_2018_print.pdf).

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

No. Where you are located when your rights are provided to you does not matter, as you may be read your rights before being transported to the police station or it could occur when you arrive.

Police Questioning You

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.
- If police have arrested you and if you are under the age of 18, police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No. You have the legal right to remain silent. [MD Constitution, Declaration of Rights, Art. 22; Miranda v. Arizona, 384 U.S. 436 \(1966\)](#).

Additional information can be found at: American Civil Liberties Union (Maryland), Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)) and on the [Maryland State Bar Association website](#).

Must police notify my guardian?

The police may call a parent or guardian for assistance during questioning. If you are under 18 and arrested, the police are required to notify parents as soon as practical.

[1202 Juveniles: Consensual, Non-Custodial Contacts and Custody Procedures | Baltimore Police Department](#)

Must I confess?

No. You have the legal right to remain silent.

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

Police must make a good faith effort try to find your parent(s) or guardian before questioning you. Help police contact your parent(s)/guardian by providing their contact information

If you are arrested and taken into police custody, you should not answer any police officers' questions until your parent/legal guardian arrives.

The arresting officer is required to notify your parent(s)/legal guardian(s) that you have been taken into custody if you are arrested.

United States v. Burrous, (<https://law.justia.com/cases/federal/appellate-courts/F3/147/111/634979/#:~:text=Burrous>). Additional information can be found at: Baltimore Police Policy No. 1202, Interactions with Youth (<https://public.powerdms.com/BALTI-MOREMD/documents/790154>)

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- If you are arrested or taken into police custody, you should always ask for and contact a lawyer before making any statements to anyone in a criminal case or investigation.
- Even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness, you may still ask for a lawyer to be present.
- Youth in juvenile court in Maryland have the right to counsel at every stage of any juvenile proceeding.

[Md. Code Ann., Cts. & Jud. Proc. § 3-8A-20\(a\), \(d\); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-20\(e\); and Md. Code Ann., Cts. & Jud. Proc. § 3-8A-20\(e\)\(4\)](#), available at (<https://codes.findlaw.com/md/courts-and-judicial-proceedings/md-code-cts-and-jud-proc-sect-3-8a-20.html>). See also [Md. R. Juv. Causes r. 11-106\(a\)](#).

What if I am just a witness?

If you are a witness to a crime, you may be legally required to testify in court at some point during a trial. District Courts of Maryland, Witness FAQs (<https://mdcourts.gov/district/selfhelp/witness>). You may obtain a lawyer to represent you even if you are a witness, however you are not guaranteed one. Maryland State Bar Association, "Being a Witness" (<https://www.msba.org/being-a-witness/>).

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- No. The police DO NOT have to tell the truth while they are investigating and/or questioning you.
- The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police may lie to try and get you to talk more.

Can the police lie to me?

Yes, Baltimore Police may lie to you during questioning or an investigation. Baltimore Police are permitted to "use reasonable forms of deception or subterfuge, including verbal trickery" during interrogations of persons in police custody. Baltimore Police Policy No. 1105, Custodial Interrogations: (<https://www.baltimorepolice.org/1105-custodial-interrogations>).

Do I have to tell the police the truth?

Yes, you cannot lie to police. However, you may choose to remain silent and not answer any questions. You can also request the presence of a lawyer.

For additional information, please refer to American Civil Liberties Union (Maryland), Know Your Rights, "If You Are Arrested" ([KYR Card 2018.indd \(aclu-md.org\)](#)); and see [Md. CRIMINAL LAW Code Ann. § 9-501](#) False statement -- To law enforcement officer (<https://www.baltimorepolice.org/file-police-report>).

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Remedies:

How can I raise concerns about my encounter with law enforcement?

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

If you have questions or feel that your rights have been violated, you should make a complaint to any of the following agencies:

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
- [Maryland Commission on Civil Rights](#): Ph. (800)-637-6247
- [Legal Aid Bureau](#): Ph. (410)-951-7777
- [Baltimore Police Department - Internal Affairs](#): Ph. (410)-396-2300
- [Baltimore City School Police - Internal Affairs](#): Ph. (410)-545-1933

You should ask police officers for their name and badge number and write this information down to include with your complaint.

See Baltimore City, Office of Equity and Civil Rights (<https://civilrights.baltimorecity.gov/civilian-review-board/where>).

You may also file a complaint directly with the Baltimore Police online here: (<https://www.baltimorepolice.org/submit-misconduct-complaint>)

If your rights have been violated, you may wish to consider seeking legal representation:

Maryland Legal Aid:
(<https://www.mdlab.org/>)

WGK Law Firm, Attorneys at Law:
(<https://wgk-law.com/practice-areas/baltimore-civil-rights-police-brutality-lawyer/>)

Falcon Murphy, Attorneys at Law:
(<https://www.murphyfalcon.com/civil-rights-violations/>)

Joseph, Greenwald & Laake, PA
(<https://www.jgllaw.com/practice-areas/civil-rights>).

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

If you have questions or feel that your rights have been violated, you should make a complaint to any of the following agencies: You may also make a complaint by calling any of the following agencies:

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
- [Maryland Commission on Civil Rights](#): Ph. (800)-637-6247
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See Baltimore City, Office of Equity and Civil Rights (<https://civilrights.baltimorecity.gov/civilian-review-board/where>).

You may also file a complaint directly with the Baltimore Police online here: (<https://www.baltimorepolice.org/submit-misconduct-complaint>)

How can I respond to circumstances involving discrimination?

If police officers are engaged in discriminatory behavior, it is best to calmly cooperate with any orders or directives officers give you. Try to remain calm, and do not act in a violent or agitated manner. The best solution is to file a complaint after the incident has concluded. **Remember, you always have a right to remain silent and not answer police officers' questions if you are being discriminated against, or otherwise a victim of police misconduct.**

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
- [Maryland Commission on Civil Rights](#): Ph. (800)-637-6247
- [Legal Aid Bureau](#): Ph. (410)-951-7777
- [Baltimore Police Department - Internal Affairs](#): Ph. (410)-396-2300
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See Baltimore City, Office of Equity and Civil Rights (<https://civilrights.baltimorecity.gov/civilian-review-board/where>).

You may also file a complaint directly with the Baltimore Police online here: (<https://www.baltimorepolice.org/submit-misconduct-complaint>)

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

If any criminal charges are filed against you and police officers performed an improper search or you were improperly detained, you should tell your lawyer or any attorney assigned to represent you.

If you would like to seek your own legal representation, here are some possible resources for guidance and next steps.

Maryland Legal Aid:
(<https://www.mdlab.org/>)

You may make a complaint by calling any of the following agencies:

- [Baltimore Civilian Review Board](#): Ph. (410)-396-3141
 - [Maryland Commission on Civil Rights](#): Ph. (800)-637-6247
 - [Legal Aid Bureau](#): Ph. (410)-951-7777
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See Baltimore City, Office of Equity and Civil Rights (<https://civilrights.baltimorecity.gov/civilian-review-board/where>).

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Law is generally described as of November 2021.

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