

**Baker
McKenzie.**

Real Rights: young people engaging with law enforcement

 Cheyenne, Wyoming



The Real Rights project has been developed by Baker McKenzie and the Global Initiative on Justice with Children to provide young people – especially young people of colour, minority and vulnerable populations – with specific guidance for interactions with law enforcement. Thanks to the Real Rights project and the pro bono work of over 1,500 volunteer professionals, we have created a clear and accessible data base of answers to child questions when they are in contact with the police – from initial contact, questioning, to stop and report.

If you are interested to support us in this project, click on the "Feedback" button provided in each city page or email 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
- 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?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

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. 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, even if you are innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

You have the right to remain silent. The police cannot arrest you for refusing to answer questions. If you choose to remain silent, it is a good idea to say so out loud. Wyoming does not require you to give the officer your name, address, and/or identification. However, a police officer may escalate the situation if you do not. You should use your best judgment to keep yourself safe in the moment.

Legal Authority: [U.S. Const. Amend. V](#); [WY Const. Art. 1, § 11](#); [University of Wyoming - Know Your Rights](#).

What if the officers do not identify themselves?

You should calmly ask for the police officers to identify themselves. It is illegal to not comply with a police officer's directions, so it is important to know whether or not a person is a police officer. While there is no law requiring police officers to identify themselves, Cheyenne Police Department policy requires a police officer to display their last name on their uniform and provide a business card with their name, badge number, and telephone number when requested.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.020](#); [cpd-in-the-21st-century.pdf](#) (cheyennepd.org) at page 5.

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

Whether or not you are detained or under arrest, you still have the right to:

1. speak with the police if you want to; or
2. exercise your right to remain silent. If you want to remain silent, you can say, "I want to remain silent," and then remain silent. You do not need to say anything else, even if asked for your name.

At any time, you can ask if you are free to go, and if you are, you should calmly walk away. If you are not free to go, that means you are either detained, which is when a police officer stops you with a reasonable suspicion of a crime, or under arrest, which is when you are officially taken into custody.

Legal Authority: [U.S. Const. Amend. V](#); [University of Wyoming - Know Your Rights](#) at page 2.

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

You are permitted to ask the police officer if they are a police officer, but they do not have to confirm their identify. While there is no law requiring police officers to identify themselves, Cheyenne Police Department policy requires a police officer to display their last name on their uniform and provide a business card with their name, badge number, and telephone number when requested.

A police officer will need to tell you they are a police officer, even if they are not in uniform, before making an arrest.

Legal Authority: [Graham v. Connor, 490 U.S. 386](#) (1989); [cpd-in-the-21st-century.pdf](#) (cheyennepd.org) at page 5.

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

You can tell the police that you do not want to speak to them without a lawyer. However, there is no constitutional or state right that supports your right to a lawyer while speaking with police *before* an arrest or custodial interrogation. A custodial interrogation occurs when you are not free to leave the police officer's presence and the questions you are being asked might lead to an incriminating response.

You have a constitutional right to a lawyer if you are arrested or in a custodial interrogation. A person is in custody when they are not free to leave the presence of the police. A person is interrogated when they are questioned by police and the police should know that their questioning might lead to an incriminating response.

Legal Authority: [U.S. Const. Amend. V](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#).

If I sit down, am I resisting?

No. Sitting down is not considered resisting unless the police officer commands you to remain standing.

Resisting arrest is prohibited. It is unlawful for any person to resist arrest by a peace officer, either by struggling, fighting, attempting to flee, refusing to obey commands of the officers making the arrest, or verbally interfering with the police officer's ability to perform his or her duties.

Legal Authority: Cheyenne, WY Code Sec. [9.04.020\(A-C\)](#).

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

It is against the law to resist arrest, including attempting to flee or refusing to obey a police officer. You should not run even if others do so, as you will be held responsible for your individual actions.

Legal Authority: Cheyenne, WY Code Sec. [9.04.020\(A-C\)](#).

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

Yes, unless they are under arrest. However, it is against the law to resist arrest, including attempting to flee or refusing to obey a police officer. While you may not get in trouble for telling others to run, they may get in trouble for running.

If the police are not stopping you or others in your group, you ask and the police officers state you are free to go, you can calmly walk away.

Legal Authority: Cheyenne, WY Code Sec. [9.04.020\(A-C\)](#).

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

Yes. Telling an officer your preferred language—or telling an officer anything—does not take away your right to remain silent again, after you speak, unless you have waived your rights. You cannot waive your rights if you do not understand them. You must knowingly and voluntarily waive your rights. Telling an officer your preferred language does not waive your rights.

Legal Authority: [WY Criminal Procedure Sec. 7-6-107](#) at page 100.

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

Stay calm. Do not run. Do not argue, resist, or obstruct the police, even if you are innocent or the police are violating your rights. Keep your hands where police can see them.

Ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, you should tell the officer out loud. In Wyoming, if a police officer asks you your name, you do not need to answer. However, a police officer may escalate the situation if you do not. You should use your best judgment to keep yourself safe in the moment.

You do not have to consent to a search of yourself or your belongings, but the police may "pat down" your clothing without your consent if they suspect you are carrying a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

Legal Authority: [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [ACLU – Know Your Rights](#).

When Can 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 your person.
- 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 you have no choice but to consent.

Legal Authority: [U.S. Const. Amend. IV](#).

What if a police officer wants to search my phone?

Unless you give your express consent or the police have a warrant, the police do not have the right to look through the contents of your phone—even when you are in their custody ([Riley v. California, 573 U.S. 373 \(2014\)](#)). Since digital data stored on a cell phone cannot itself be used as a weapon to harm an arresting officer or to assist an individual's escape from arrest, there is no immediate need for an officer to access the contents of a person's digital devices.

Legal Authority: [U.S. Const. Amend. V](#).

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 have already been placed under arrest.

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 are in their custody or are under arrest ([Riley v. California, 573 U.S. 373 \(2014\)](#)).

Legal Authority: [U.S. Const. Amend. V](#).

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

You are not required to provide your password or passcode to your phone. Forced disclosure of a passcode or pattern lock amounts to a violation of the Fifth Amendment privilege against self-incrimination.

Legal Authority: [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?

Whether the police officer asks for your password or demands it from you, you do not need to give the police your password. This applies whether or not you are under arrest. Unless the police have a warrant specifically authorizing access to your device, you do not have to comply with a search. If you voluntarily give them your password, then you have waived your right to not provide access to your device.

Legal Authority: [U.S. Const. Amend. IV.](#)

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

The law is not clear because technology, and the law, is rapidly changing. Police use a variety of search tools and technology to prevent, respond to, and investigate crimes, including surveillance cameras, gunshot detection systems, automated license plate readers, facial recognition software, body cameras, and drones. The reasonableness of the search will likely determine whether using the tool or technology was legal under the circumstances. Reasonableness is determined by the facts surrounding the search.

Legal Authority: [U.S. Const. Amend. IV](#); [U.S. Courts - What Does the Fourth Amendment Mean?](#)

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

The police officer can search your backpack or other items you are carrying only if: 1) you are under arrest, 2) they have a search warrant that specifically states they can search your backpack or the items you are carrying, or 3) you give the officer consent to perform the search. Remember, you can revoke your consent to being searched at any time.

Legal Authority: [U.S. Const. Amend. IV](#); [University of Wyoming - Know Your Rights.](#)

Can they take my picture or record me?

Yes. A police officer may make any audio or video recording on a camera or another device which is provided to or used by the police officer in the course of the officer performing official business and designed to be worn on the police officer's body or attached to a vehicle used by the officer.

Legal Authority: [WY Stat. § 16-4-201 \(2017\).](#)

Can they ask me where I am going and why?

Police officers may ask where you are going and why, but you have the right to remain silent and do not have to identify yourself or your activities. If you wish to remain silent, you should tell the officer out loud.

Legal Authority: [U.S. Const. Amend. V.](#)

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 violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. If the police have a warrant, you should be clear on what kind of warrant they are presenting.

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- It is a good idea to review any paper or warrant from the police carefully to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony in the case of a 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 a violation.
- 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.

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

You are not required to speak with the police and have the right to remain silent. If you wish to remain silent, you should tell the officer out loud.

Legal Authority: [U.S. Const. Amend. V](#); [University of Wyoming - Know Your Rights](#).

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

You are not required to speak with the police and have the right to remain silent. If you wish to remain silent, you should tell the officer out loud. You do not need to correct the police.

Legal Authority: [U.S. Const. Amend. V](#); [University of Wyoming - Know Your Rights](#).

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

You are not required to speak with the police and you have the right to remain silent. If you wish to remain silent, you should tell the officer out loud.

Legal Authority: [U.S. Const. Amend. V](#); [University of Wyoming - Know Your Rights](#).

However, if the police officer gives you an order, you must obey that order.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.020\(A-C\)](#).

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 talk to the police prior to being under arrest, your statements to the police may be used against you in trial because they were "voluntarily" made. If you are under arrest, your statements to the police may be used against you in trial only after the police have read you your rights, also called a "Miranda" warning, and you knowingly and voluntarily chose to waive your rights and talk to the police anyway.

Legal Authority: [U.S. Const. Amend. V](#); [Miranda v. Arizona, 384 U.S. 436 \(1996\)](#); <http://www.mirandarights.org/prearrestquestioning.html>.

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?

Officers must have probable cause (a legal reason) to decide to search you under the Fourth Amendment. If you agree to the search, the police no longer have to have probable cause to search you.

Legal Authority: [U.S. Const. Amend. IV](#); [Probable Cause Requirement](#).

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

Whether the officer is asking or telling, you have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, you should tell the officer out loud.

Legal Authority: [U.S. Const. Amend. V](#); [Miranda v. Arizona, 384 U.S. 436 \(1996\)](#); [ACLU – Know Your Rights](#).

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 you committed a felony, whether or not the act was done in front of them.

Legal Authority: [WY Stat. § 7-3-214](#).

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

Yes. An officer who lacks probable cause to make an arrest may make a brief stop of a suspicious person in order to determine their identity or to maintain the status quo momentarily while obtaining more information.

Legal Authority: [Adams v. Williams, 407 U.S. 143 \(1972\)](#).

Traffic Stop: Can I ask for the reason they stopped me? Do police have to tell you why they pulled you over before asking for ID?

Generally speaking, no. Police do not have to tell you why they are stopping you before asking for an ID in a traffic stop, though it may be a standard practice in many areas. The officer must have a reason—i.e., probable cause—for the stop, but they are not legally required to tell you. That said, if taken to court, the police offer must provide their reason. If you feel you are being stopped unlawfully, it is within your rights to capture video of the encounter.

Legal Authority: [WY Stat. § 7-2-102 \(2020\)](#).

Are the police required to inform you of the reason for the arrest and are the police required to issue Miranda warnings as soon as you were arrested?

The answer to both questions is no. The police are not required to inform you as to the reason for an arrest. Also, a person's right against self-incrimination as covered in the Miranda warnings is NOT automatically triggered when a person is arrested. In order for Miranda to apply, a person must be: 1) in custody and 2) being interrogated, meaning about criminal activity.

Legal Authority: [Miranda v. Arizona, 384 U.S. 436 \(1996\)](#).

Investigative Stop: Can I ask for the reason they stopped me?

Yes. To make a lawful investigative stop, an officer must have reasonable suspicion that the person being stopped has been or is about to be engaged in illegal activity. The officer must be able to point to specific facts and reasonable inferences drawn from those facts to support a significant possibility of specific wrongdoing.

Legal Authority: [Terry v. Ohio, 392 U.S. 1 \(1968\)](#).

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

Yes, unless that 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.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.020\(A-C\)](#).

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

Stay calm. Do not run. Do not argue, resist or obstruct the police, even if you are innocent or the police are violating your rights. Keep your hands where the police can see them.

Ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, you should tell the officer out loud. In some states, but not Wyoming, you must give your name if asked to identify yourself.

You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.020](#); [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [ACLU – Know Your Rights](#).

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

Yes, you may ask for this information. While there is no law requiring police officers to identify themselves, Cheyenne Police Department policy may require a police officer to display their last name on their uniform and provide a business card with their name, badge number, and telephone number when requested.

Legal Authority: [cpd-in-the-21st-century.pdf \(cheyennepd.org\)](#) at page 5; [ACLU – Know Your Rights](#).

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your position 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; and/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 without a rights warning is still a valid arrest. However, it may mean that evidence collected from the arrest is not admissible in court later, particularly any statements you made after the arrest and before being told your rights.

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

If you do not know whether you are under arrest, you are allowed to ask the police officer whether you are under arrest without waiving your rights.

Legal Authority: [U.S. Const. Amend. IV](#); [U.S. Const. Amend. V](#); [University of Wyoming - Know Your Rights](#).

What is the difference between detention and arrest?

If you are detained, the police officer has stopped you because the police officer has "reasonable suspicion" that a crime is occurring and would like to investigate the situation. You are not free to go until the police officer agrees that you are free to go.

If you are arrested, the police officer has officially taken you into custody based on the police officers determination that you engaged in illegal activity. You may be released from the custody of the police to the custody of your guardian.

Legal Authority: [University of Wyoming - Know Your Rights](#); [Cheyenne, WY Code Sec. 2.44.050](#).

If I am handcuffed, am I arrested?

Not necessarily. You are allowed to ask the police officer if you are handcuffed as part of being detained for questioning or as part of being arrested for committing a crime. Being handcuffed does not mean that you are under arrest unless you have been informed by the police that you are under arrest or the police are taking you into custody.

Handcuffs may be used for other reasons, such as for safety if the police are concerned about the presence of weapons, and the police may let you go when the question of safety is resolved. In this scenario, it may not necessarily mean you were arrested.

Legal Authority: [WY Stat. 7-2-102 \(2020\)](#); [University of Wyoming - Know Your Rights](#).

If my liberty is restricted, am I under arrest?

No. Even if you are not under arrest, a police officer may detain you for questioning if the police officer has a reasonable suspicion that a crime has occurred or is about to occur.

While you are detained, the police officer may also conduct a search if the police officer has a reasonable basis for conducting a search.

Being detained is not the same as being arrested.

Legal Authority: [WY Stat. 7-2-102 \(2020\)](#); [University of Wyoming - Know Your Rights](#).

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 your rights (that is, not use them) by, for example, saying "Yes, I understand my rights, but I am ready to talk to you." This is not a good idea without a lawyer present.
- Make sure you understand the consequences of giving up your rights before doing so. If you have or ask for one, your attorney may be able to help you better understand the consequences.

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

If you intend to invoke your Miranda Rights, you must say that to the police officer. Staying silent when being questioned by the police officer is not enough to invoke your right to remain silent or to make the interrogation stop. If you answer the police officers' questions after they have read you your rights, it will be assumed that you understand your rights and that you are waiving them.

Legal Authority: [*Miranda v. Arizona*, 384 U.S. 436 \(1996\)](#).

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

o. Where you are located when your rights are read does not matter. You may be read your rights before being transported to the police station, or it could occur when you arrive.

Legal Authority: [*Miranda v. Arizona*, 384 U.S. 436 \(1996\)](#).

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. You never have to go anywhere with the police unless they have arrested you.
- If you are under 18 and the police have arrested you, the police are required to immediately notify your parent, caretaker or legal guardian.

Legal Authority: [Cheyenne, WY Code Sec. 2.44.050](#).

Am I required to make a statement?

You have the right to remain silent and cannot be punished for refusing to make a statement. If you wish to remain silent, you should tell the officer out loud. In some other states, you must give your name if asked to identify yourself, but not in Wyoming.

Legal Authority: [U.S. Const. Amend. V](#); [*Miranda v. Arizona*, 384 U.S. 436 \(1996\)](#); [ACLU – Know Your Rights](#).

Must police notify my guardian?

The police must notify your parent or guardian as soon as possible following any arrest.

Legal Authority: [Cheyenne, WY Code Sec. 2.44.050.](#)

Must I confess?

No. You do not have to confess or say anything. You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, you should tell the officer out loud.

Legal Authority: [U.S. Const. Amend. V](#); [Miranda v. Arizona, 384 U.S. 436 \(1996\)](#); [ACLU – Know Your Rights](#).

What adults can I ask to be with me?

You can ask to have your parents, guardian or custodian with you. If you are a juvenile (under 18), you have a right to a lawyer at every stage of a proceeding.

Legal Authority: [Cheyenne, WY Code Sec. 2.44.080](#); [Your Rights.pdf \(state.wy.us\)](#).

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

The police must notify your parent or guardian as soon as possible following any arrest.

Legal Authority: [Cheyenne, WY Code Sec. 2.44.050.](#)

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.**
- This applies even if you are told that (1) police officers only want to question you and/or (2) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

What if I am just a witness?

If the officer says that you are free to go, then you may leave. If the officer says that you are detained, then you may not leave. As a witness, you are not required to volunteer any information. If the police officer gives you an order, you must obey that order.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.020.](#)

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- No. 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 will lie to try and get you to talk more.

Legal Authority: [Five Facts About Police Deception and Youth You Should Know \(innocenceproject.org\)](https://innocenceproject.org).

Can the police lie to me?

There is no law in Wyoming that prohibits the police from lying to you.

However, police cannot entrap you (prompt you to commit a crime that you otherwise would not have).

Legal Authority: [Sherman v. United States, 356 U.S. 369 \(1958\)](https://www.legalinfo.com/cases/sherman-v-united-states).

Do I have to tell the police the truth?

It is a crime to lie about your identity and mislead the police in a way that interferes with their duties.

Legal Authority: [Cheyenne, WY Code Sec. 9.04.030](https://www.cheyennepd.org/Services/A-Guide-to-the-Citizen-Complaint-Process); [ACLU – Know Your Rights](https://www.aclu.org).

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

Proposed Information

It is important to follow this advice:

- Write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, and any other details. It is a good idea to get contact information for witnesses.
- If you are injured, seek medical attention immediately and take photographs of your injuries.

Complaints are filed with the Cheyenne Police Department and usually with the supervisor or the police officer who you are complaining against. If the immediate supervisor is unavailable, then another supervisor may take the complaint.

Citizen Complaint Process: <https://www.cheyennepd.org/Services/A-Guide-to-the-Citizen-Complaint-Process>.

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

Proposed Information

It is important to follow this advice:

If a police officer has acted in a way that is abusive or unprofessional, including acting in a discriminatory or racist manner, it is grounds to make a complaint, and you may do so directly with the police department.

Citizen Complaint Process: <https://www.cheyennepd.org/Services/A-Guide-to-the-Citizen-Complaint-Process>.

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

Police officers are required to treat everyone equally. If you are stopped by a police officer for questioning follow these rules:

- Do not try to run away.
 - Respectfully ask if you are free to leave and only do so when you have been told yes.
- Do not physically resist a pat down.
 - Instead, say "I do not consent to a search." Police still may do a light pat down over your clothing for weapons. Any further pat down is unlawful. Remember to remain calm and state once again that you do not consent to a search, making your stance clear.
- Do not speak freely. Wait until you can speak to your family and/or lawyer.
 - Instead, say "I want to remain silent." You may be asked your name, which you may give. You cannot be arrested for remaining silent no matter what you are told. You may be arrested regardless (unlawfully). If that happens, remain silent and calm.
- Keep your hands visible at all times.
- If you are stopped in a car, you must show your driver's license and registration. Make it clear that you are reaching for these items when doing so.
- If you are issued a ticket, you must sign the ticket. Not signing could lead to an arrest.

Be respectful. The time to fight any discrimination is after the initial interaction with a police officer. You may file a complaint after the fact.

After the fact:

- Remember officers' badge and patrol car numbers.
- Write down everything you remember as soon as possible.
- Try to find witnesses and their names and phone numbers.
- If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.
- If you feel your rights have been violated, file a written complaint with the police department's internal affairs division or civilian complaint board.

Citizen Complaint Process: <https://www.cheyennepd.org/Services/A-Guide-to-the-Citizen-Complaint-Process>.

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

Proposed Information

It is important to follow this advice:

You have a right not to be subjected to unreasonable searches and improper detainment. If evidence is obtained without a valid search warrant and no exception applies, any evidence obtained illegally by the police is prevented from being used as evidence. Again, should you feel your rights have been violated, you can file a written complaint with the police department's internal affairs division or civilian complaint board.

Citizen Complaint Process: <https://www.cheyennepd.org/Services/A-Guide-to-the-Citizen-Complaint-Process>.

Disclaimer

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Law is generally described as of October 2022.

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