

**Baker  
McKenzie.**

# Real Rights: young people engaging with law enforcement

 Chicago, Illinois



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](mailto: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
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- 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.*  
*See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 140/1](#); [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)*
- *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 (i.e., fight or argue), even if you're innocent or think the police are acting unfairly or unlawfully.*  
*See e.g., [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)*

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## **Can the police arrest you for refusing to answer questions?**

No, you are not required to speak with police. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the 5<sup>th</sup> Amendment. See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

## **What if the officers do not identify themselves?**

Aside from undercover cases, Illinois police officers must identify themselves if you have been stopped or detained. You can ask if they are police and to show their badges for their identification. See e.g., [725 ILCS 5/107-14\(a\)](#); [Municipal Code of Chicago § 2-84-390](#)

Nonetheless, it is important to note that judicial decisions have permitted undercover officers from needing to identify themselves. See e.g., [Catlin v. City of Wheaton, 574 F.3d 361, 369 \(7th Cir. 2009\)](#); [Doornbos v. City of Chicago, 868 F.3d 572, 588 \(7th Cir. 2017\)](#)

## **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. If an officer begins speaking to you, you do not need to respond. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

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

Aside from undercover cases, Illinois police officers must identify themselves if you have been stopped or detained. You can ask if they are police and to show their badges for their identification. See e.g., [725 ILCS 5/107-14\(a\)](#); [Municipal Code of Chicago § 2-84-390](#)

Nonetheless, it is important to note that judicial decisions have permitted undercover officers from needing to identify themselves. See e.g., [Catlin v. City of Wheaton, 574 F.3d 361, 369 \(7th Cir. 2009\)](#); [Doornbos v. City of Chicago, 868 F.3d 572, 588 \(7th Cir. 2017\)](#)

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

Yes, you have the right to have a lawyer present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

In addition, you are not required to speak with police. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

If the police start questioning you without telling you about your **rights** upon arrest (known as a **Miranda Warning**), then they can't use anything you say as direct evidence against you in criminal court. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 5/103-2.1](#)

### If I sit down, am I resisting?

Yes. You cannot sit down to avoid arrest or prevent the officer from doing his job in any way. The officer may view this as passively refusing arrest, thereby obstructing governmental operations. See e.g., [720 ILCS 5/31-1](#)

### 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, as you could be seen as obstructing the duties of law enforcement. Doing so could give the officer the belief that you have been, are, or will be involved in criminal activity. See e.g., [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)

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

No, you cannot tell someone else to run from the police. This may be viewed as interfering with an arrest. In addition, doing so could give the officer the belief that you have been, are, or will be involved in criminal activity. See e.g., [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)

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

Yes, you can tell the officer that the officer's language is not your first language. This will not waive your rights if you tell the officer immediately after that you wish to remain silent. You are entitled to an interpreter for interactions between you and the police/court. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [725 ILCS 140/1](#); [Berghuis v. Thompkins, 560 US 370 \(2010\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

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

For a police officer to stop you, they must have a **reasonable** suspicion that you have been, are, or will be involved in criminal activity. Whether or not there is a reasonable suspicion depends on the situation, so it can be hard to determine if police are allowed to do so.

Regardless of whether the officer is allowed to stop you or not, it is a bad idea to resist. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)

## When Can Police Search Your and Your Surroundings?

### Proposed Information

It is important to follow this advice:

- *You have the right to say no to **searches** of yourself.*
- *You have the right to say no to **searches** of your car, house, or other things you own or control.*
- *You cannot be arrested for refusing to **consent** (give permission) to a search without a **warrant**.*

- A **warrant** is an official document from the court that allows police to search you or your belongings without your consent. See e.g., [4<sup>th</sup> Amendment](#); [725 ILCS 5/108-7](#)
- Police can conduct a brief **search** and can continue to conduct the search. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#)

### What if a police officer wants to search my phone?

Officers are prohibited from conducting **unreasonable** searches and seizures. **Unreasonable** can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [Illinois Constitution, Article I § 6](#)

When related to an arrest, Illinois police must obtain your permission, a **warrant** from the court, or have an **exigent circumstance** for a search before a phone or another hand-held device can be opened and searched. The police may search the outside of your phone to determine if it could be used as a weapon (such as if there was a razor blade hidden between the phone and its case), but the police need a warrant to search the contents of your phone. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#); [People v. Butler, 2015 IL App. 131870](#)

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

You do not have to provide your password (this includes your fingerprint or face scan) unless the police have a warrant from the court. You may refuse to hand your phone over or provide a password to it, even if you are being arrested, so long as the police do not have a warrant from the court for the search of your phone. To give your password, fingerprint, or face scan is to give your consent; you can revoke your consent at any time during the search. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#); [People v. Spicer, 2019 IL App \(3d\) 170814](#)

In addition, officers are prohibited from conducting "**unreasonable**" searches and seizures. Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [Illinois Constitution, Article I § 6](#)

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

You may refuse to allow access to your phone if asked. If they do not have your permission or permission from the court in the form of a search warrant, they cannot force you to give them your password or any access to your phone. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [People v. Spicer, 2019 IL App \(3d\) 170814](#)

In addition, officers are prohibited from conducting "unreasonable" searches and seizures, Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [Illinois Constitution, Article I § 6](#)

You cannot be forced to give any government or law enforcement official **testimony** (evidence) that could incriminate you in court. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

*NOTE: Although Illinois precedent has done so, recent rulings by federal courts have largely agreed that your password and other forms of digital access are included in the [5<sup>th</sup> Amendment's](#) protections, however this has not been settled at the time of writing. See e.g., [United States v. Apple MacPro Computer, 851 F.3d 238, 247 \(3rd Cir. 2017\)](#); [In re: Grand Jury Subpoena Duces Tecum Dated March 25, 2011 v. John Doe, 670 F.3d 1335, 1341 \(11<sup>th</sup> Cir. 2012\)](#)*

## 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?

If you are not under arrest, you do not have to give the police your password. Police cannot force you to give them your password, fingerprint, or face scan to unlock your phone. You can refuse to give them this information. However, it is important to note that if you do give them your phone or password, they have the right to search. You may revoke this consent at any time. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [People v. Spicer, 2019 IL App \(3d\) 170814](#)

In addition, officers are prohibited from conducting "unreasonable" searches and seizures, Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [Illinois Constitution, Article I § 6](#)

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

Police may use any tools that are not considered "unreasonable" to search you for evidence, as officers are prohibited from conducting "unreasonable" searches and seizures, Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [Illinois Constitution, Article I § 6](#)

Under Illinois law, Police are not subject to the [Biometric Information Privacy Act \(740 ILCS 14\)](#). Because of this, police can, with a warrant, reasonable belief, or upon arrest, take fingerprints of you and cross check them against a database. For non-felonies, the CPD cannot fingerprint those under 10 years old. See e.g., [Davis v. Mississippi, 394 U.S. 721, 727 \(1969\)](#); [Processing of Juveniles and Minors Under Department Control, Chicago Police Department Special Order S06-04 § V](#)

The Chicago Police Department is advised to record all public interactions using body cameras. Police may also use hidden surveillance cameras in certain locations around cities, particularly in intersections. See e.g., [Body Worn Cameras, Chicago Police Department Special Order S03-14](#)

*NOTE: As of January 2024, The U.S. Supreme Court has yet to decide whether the 4<sup>th</sup> Amendment prohibits the use of body and surveillance cameras. However, lower courts that have heard the case have ruled in favor of the federal government's support of them. See e.g., [United States v. Tuggle, 4 F.4<sup>th</sup> 505 \(7<sup>th</sup> Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7<sup>th</sup> Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6<sup>th</sup> Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9<sup>th</sup> Cir. 1991\)](#)*

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

The police cannot search your backpack or any other item you're carrying without your permission or permission from the court, known as a warrant. You can withdraw your consent at any time, but until you do, the police can continue to conduct the search. See e.g., [4<sup>th</sup> Amendment](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#); [People v. Franklin, 2016 IL App \(1st\) 140059](#)

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a weapon in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [725 ILCS 5/108-1](#); [720 ILCS 5/24-3.1](#); [People v. Jackson, 2012 IL App \(1st\) 103300](#)

If you are arrested, the officer may search you and your belongings, as they have **probable cause** to do so. This may include your backpack if it is within arm's reach, or you are wearing it at the time. This may also include your vehicle if it's within your vicinity at the time of searching, or if you are driving it at the time of searching. See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [Colorado Constitution, Article II § 7](#)

## Can they take my picture or record me?

Yes. The Chicago Police Department is advised to record all public interactions using body cameras. Police may also use hidden surveillance cameras in certain locations around cities, particularly in intersections. See e.g., [Body Worn Cameras, Chicago Police Department Special Order S03-14](#); [Kyllo v. United States, 533 US 27 \(2001\)](#)

*NOTE: As of January 2024, The U.S. Supreme Court has yet to decide whether the 4<sup>th</sup> Amendment prohibits the use of body and surveillance cameras. However, lower courts that have heard the case have ruled in favor of the federal government's support of them. See e.g., [United States v. Tuggle, 4 F.4<sup>th</sup> 505 \(7<sup>th</sup> Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7<sup>th</sup> Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6<sup>th</sup> Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9<sup>th</sup> Cir. 1991\)](#)*

## Can they ask me where I am going and why?

Yes, police can ask where you are going and why. If you are not being **detained**, you can exercise your right to remain silent. Responding to these questions means that you are consenting to the officer's requests. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

## Reasons Police May Detain or Arrest You

### Proposed Information

It is important to follow this advice:

- *The police may arrest or detain 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.*  
See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [725 ILCS 5/107-2](#)
- *Sometimes police have a warrant from the court, giving law enforcement the ability to search or arrest you, depending on what the warrant is for.*
- *It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.*  
See e.g., [725 ILCS 5/108-1](#); [725 ILCS 5/108-7](#)
- *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 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.*  
See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [725 ILCS 5/108-1](#)

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

No, you are not required to speak with police. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

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

No, you are not required to speak with police. You have the right to remain silent. However, you should correct the officer whenever the officer misunderstands anything you say, or you tell the officer something that is incorrect. Failing to do so is illegal and punishable under state law. See e.g., [5<sup>th</sup> Amendment](#); [720 ILCS 5/31-4](#); [720 ILCS 5/31-4.5](#)

Furthermore, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

### **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. If an officer begins speaking to you, you do not need to respond. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

### **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?**

In either scenario, you are not required to speak with the police, and have a right to remain silent. If the police start questioning you without telling you about your **rights** upon arrest (known as a **Miranda Warning**), then they can't use anything you say as direct evidence against you in court. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 5/103-2.1](#)

However, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

## The Difference Between Police TELLING Me What To Do And Asking Me To Do Something

- *The Constitution prevents you from being searched in unreasonable circumstances. See e.g., [4<sup>th</sup> Amendment](#); [Mapp v. Ohio, 367 U.S. 643, IV-V](#)*
- *You do have to identify yourself to the police when asked. See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)*
- *You can refuse to consent to a search, despite what a police officer may say. See e.g., [4<sup>th</sup> Amendment](#)*

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

The police cannot search your belongings without your permission or permission from the court, known as a warrant. You can withdraw your consent at any time, but until you do, the police can continue to conduct the search. See e.g., [4<sup>th</sup> Amendment](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#); [People v. Franklin, 2016 IL App \(1st\) 140059](#)

For this reason, if you agree/consent to a search, you may be giving up arguments that you could make later to assert your rights. You will also need to be careful how you phrase your consent to ensure that you are only giving consent to search the items/areas you intend.

However, police can still search and seize a suspicious/incriminating item if it is within plain view of the officer, or if the reason for the search is due to an emergency. See e.g., [725 ILCS 5/108-1](#)

In addition, officers are prohibited from conducting "unreasonable" searches and seizures, Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4<sup>th</sup> Amendment](#); [725 ILCS 5/108-7](#); [725 ILCS 5/108-1](#); [725 ILCS 5/108-1.01](#); [People v. Franklin, 2016 IL App \(1st\) 140059](#)

You cannot be forced to give any government or law enforcement official **testimony** (evidence) that could incriminate you in court. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a weapon in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [725 ILCS 5/108-1](#); [720 ILCS 5/24-3.1](#); [People v. Jackson, 2012 IL App \(1st\) 103300](#)

If you are arrested, the officer may search you and your belongings, as they have **probable cause** to do so. This may include your backpack, for example, if it is within arm's reach, or you are wearing it at the time. This may also include your vehicle if it's within your vicinity at the time of searching, or if you are driving it at the time of searching. See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [725 ILCS 5/108-1](#); [Chimel v. California, 395 US 752 \(1969\)](#); [People v. Cregan, 2014 IL 113600](#)

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

In either case, you are not required to speak with or provide any information to police. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

## 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.*
  - *when the officer has a reason to believe that you committed a felony, regardless of if the act was done in front of them.*  
*See e.g., [725 ILCS 5/107-2](#)*

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

For a police officer to stop you, they must have a **reasonable** suspicion that you have been, are, or will be involved in criminal activity. Whether or not there is a reasonable suspicion depends on the situation, so it can be hard to determine if police are allowed to do so. Regardless of whether the officer is allowed to stop you or not, it is a bad idea to resist. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)

### What does it mean that the officer "reasonably suspects" you are doing something wrong?

The police officer can make understandable assumptions that someone is breaking the law. He must be able to explain those assumptions with clear words, and using where you are as evidence or what they have seen. See e.g., [People v. D.W., 2019 IL App. 180337](#)

However, the police officer must know these things at the time they stop you, they can't use things they learned after the stop, to explain why you were originally stopped. This doesn't mean the officer can just guess, they need facts to back up the assumptions made. See e.g., [People v. Wimbley, 314 IL App. 3d 18, 26, 731 N.E.2d 290 \(2000\)](#)

## **Can I ask for the reason they stopped me?**

You are allowed to ask if you are being detained and why you are being detained. If you were stopped and frisked, the police generally must provide you with a stop receipt which gives the reason for the stop and contains the officer's name and badge number. It is possible the police will not give this to you, such as if it is impractical, impossible, or there are emergency circumstances. See e.g., [725 ILCS 5/107-14](#)

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

Advocating for another young person stopped by police is risky, as you can be arrested for interfering with law enforcement in any way. See e.g., [720 ILCS 5/31-5](#); [720 ILCS 5/31-1](#)

However, you do have the right to observe and record what is taking place, so long as it does not interfere with law enforcement in any way. See e.g., [ACLU of Illinois v. Alvarez](#), 679 F.3d 583 (7<sup>th</sup> Cir. 2012)

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

If you believe your rights have been violated during your interaction with law enforcement, you can file a written complaint with the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). In addition, you are not required to speak with police or answer any questions they might ask you. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan](#), 378 U.S. 1, pg. 1 (1964)

However, resisting police is never a good idea, as you can be arrested for interfering with law enforcement in any way. See e.g., [C.R.S § 18-8-102](#); [C.R.S. § 18-8-103](#); [C.R.S. § 18-8-104](#)

You do have the right to observe and record what is taking place, so long as it does not interfere with law enforcement in any way. See e.g., [ACLU of Illinois v. Alvarez](#), 679 F.3d 583 (7<sup>th</sup> Cir. 2012)

It should be noted that you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City](#), 542 U.S. 177, pg. 1 (2004); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

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

Whenever you are stopped, detained, or arrested, law enforcement in Illinois must identify themselves through their badges. If you believe your rights have been violated during your interaction with law enforcement, you can file a written complaint with the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). See e.g., [725 ILCS 5/107-14\(a\)](#); [Municipal Code of Chicago § 2-84-390](#)

Nonetheless, it is important to note that judicial decisions have permitted undercover officers from needing to identify themselves. See e.g., [Catlin v. City of Wheaton](#), 574 F.3d 361, 369 (7<sup>th</sup> Cir. 2009); [Doornbos v. City of Chicago](#), 868 F.3d 572, 588 (7<sup>th</sup> Cir. 2017)

## How Do You Know If You Are Under Arrest?

### Proposed Information

It is important to follow this advice:

- *You are likely under police custody if you do not feel free to leave an officer's presence, or if a person in your shoes would not reasonably feel free to leave.*
- *If the following happens, you are likely under arrest under the law:*
  - *an officer handcuffs you.*
  - *an officer forcibly holds you down.*
  - *an officer puts you into the back seat of a police car.*  
*See e.g., [Processing of Juveniles and Minors Under Department Control, Chicago Police Department Special Order S06-04](#); [725 ILCS 5/107-2](#); [725 ILCS 5/107-5](#)*
  - *an officer warns you about your rights.*
- *An officer must only 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 Miranda Warning is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.*  
*See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 5/103-2.1](#)*

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

You can ask the officer if you are being detained, being arrested, or are free to leave. If you are being detained/arrested and are unable to leave, it is not a good idea to resist. See e.g., [720 ILCS 5/31-1](#); [725 ILCS 5/107-2](#)

In either case, you are not required to speak with or provide any information to police. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

### What is the difference between detention and arrest?

Detention refers to when law enforcement holds you under reasonable suspicion for the purposes of questioning or conducting a brief search of you and your possessions if they believe you are a threat to public safety. See e.g., [725 ILCS 5/108-1](#); [725 ILCS 5/107-14](#)

Arrest refers to when law enforcement holds you under **probable cause**, meaning that the officer has evidence of or more than a reasonable belief that you have been, are, or will be involved in criminal activity. When under arrest, the officer must identify themselves and the reason for arrest. See e.g., [Processing of Juveniles and Minors Under Department Control, Chicago Police Department Special Order S06-04](#); [725 ILCS 5/107-2](#)

### If I am handcuffed, am I arrested?

Not necessarily. An officer may use nondeadly force (which presumably includes handcuffs) to stop and detain a person, including a brief detention. A police officer can also put you into handcuffs if they think it's necessary for their safety, even if they don't put you under arrest. See e.g., [725 ILCS 5/107-2](#); [People v. Duran, 2016 IL App \(1st\) 152678](#); [People v. Colyar, 2013 IL 111835](#)

## If my liberty is restricted, am I under arrest?

If the restriction on liberty is significant, likely yes. You are deemed to be in custody when you are deprived of your freedom of action in any significant way. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

However, your liberty can also be restricted if you are being detained by police, not arrested. This detainment can take many forms. See e.g., [United States v. Hensley, 469 U.S. 221 \(1985\)](#); [725 ILCS 5/108-8](#)

For example, the officer can ask for your identity, to which you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [725 ILCS 5/107-14\(a\)](#); [720 ILCS 5/31-4.5](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [625 ILCS 5/11-203](#)

Police could also pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a weapon in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [725 ILCS 5/108-1](#); [720 ILCS 5/24-3.1](#); [People v. Jackson, 2012 IL App \(1st\) 103300](#)

## 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). This is not a good idea without a lawyer present.*
- *Make sure you know what you're doing in giving up your rights. See e.g., [5<sup>th</sup> Amendment](#); [6<sup>th</sup> Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); ; [705 ILCS 405/5-401.5](#)*

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

If the police start questioning you but haven't read you your **Miranda Rights** (right to remain silent, right to an attorney, etc.), then they can't use anything you say as direct evidence against you in court. Only after they read you your rights can they use anything you say against you in court. See e.g., [5<sup>th</sup> Amendment](#); [6<sup>th</sup> Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 5/103-2.1](#); [705 ILCS 405/5-401.5](#)

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

No. You must be read your rights upon arrest, no matter where you are being arrested. However, if the police question you at a police station, jail, or similar place of detention, they are required to record it. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [725 ILCS 5/103-](#)

## 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.*  
*See e.g., [5<sup>th</sup> Amendment; Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)*
- *If police have arrested you and you are under the age of 18, police are required to immediately notify your parent, caretaker, or legal guardian.*  
*See e.g., [705 ILCS 405/5-405](#)*

### Am I required to make a statement?

No, you are not required to make a statement. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment; Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment; Gideon v. Wainwright, 372 U.S. 335 \(1963\); Illinois Constitution, Article I § 8; 725 ILCS 5/103-2.1; 725 ILCS 5/103-4](#)

### Must police notify my guardian?

If you are taken into custody, law enforcement must try to notify your parent(s) or guardian as soon as possible. Otherwise, you can still request that they do so. The police are required to bring in a "youth officer", but that officer may collect evidence against you. See e.g., [705 ILCS 405/5-405](#)

If you are questioned at school and your guardian cannot be reached, a school social worker, psychologist, nurse, guidance counselor, or other mental health professional must be present during questioning. See e.g., [105 ILCS 5/22-85](#)

### Must I confess?

No, you are not required to confess to police, nor can police force you to do so. You have the right to remain silent. See e.g., [5<sup>th</sup> Amendment; Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment; Gideon v. Wainwright, 372 U.S. 335 \(1963\); Illinois Constitution, Article I § 8; 725 ILCS 5/103-2.1; 725 ILCS 5/103-4](#)

### What adults can I ask to be with me?

If you are taken into custody, law enforcement must try to notify your parent(s) or guardian as soon as possible. Otherwise, you can still request that they do so. The police are required to bring in a "youth officer", but that officer may collect evidence against you. See e.g., [705 ILCS 405/5-405](#)

You also have the right to have an attorney present, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

If you are questioned at school and your guardian cannot be reached, a school social worker, psychologist, nurse, guidance counselor, or other mental health professional must be present during questioning. See e.g., [105 ILCS 5/22-85](#)

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

If you are taken into custody, law enforcement must try to notify your parent(s) or guardian as soon as possible. Otherwise, you can still request that they do so. See e.g., [705 ILCS 405/5-405](#)

## 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 police only want to question you and/or 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 can 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. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)*

### What if I am just a witness?

If you are just a witness, police may still question you. To detain you as a witness, the police must identify themselves. From there, police can demand identification, to which you must identify yourself (your name, address, and what you're doing) to an identified law enforcement officer if asked, as Illinois is a "Stop and Identify" State. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5<sup>th</sup> Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [720 ILCS 5/31-4.5](#); [725 ILCS 120/7](#); [725 ILCS 5/106-3](#)

However, you do have the right to remain silent, to which you should tell the officer you are exercising this right if so. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

You also have the right to have an attorney present during questioning if in custody, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#)

Per Illinois law, you also have the right to a translator or an interpreter as a witness. See e.g., [725 ILCS 120/5](#)

Furthermore, you should consider reaching out to the [Law Office of the Cook County Public Defender's Juvenile Justice Division](#) at [\(312\) 433-7046](#). They can help you figure out how to respond to police, if at all.

## 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 an investigation. This includes lying about the strength of the case they have against you and evidence they have in their possession.*
- *Sometimes police will lie to try and get you to talk more. See e.g., [United States v. Russell, 411 U.S. 423 \(1973\)](#)*

### Can the police lie to me?

Yes, the police can lie to you. Although there is a new law in Illinois prohibiting police from lying to juveniles during interrogations, there are some exceptions to this rule. See e.g., [ILCS Public Act 102-0101](#)

The police cannot physically hurt you, threaten you or use drugs to try to make you confess to something or to obtain information from you. See e.g., [United States v. Russell, 411 U.S. 423 \(1973\)](#); [725 ILCS 5/103-2](#)

### Do I have to tell the police the truth?

Yes, lying to the police could result in you being charged with a crime. You risk arrest if you provide false information to law enforcement. See e.g., [720 ILCS 5/32-2](#); [720 ILCS 5/31-4.5](#)

However, you do have the right to remain silent, to which you should tell the officer you are exercising this right if so. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

To this end, you should explicitly say that you use your right to remain silent to avoid the police using your silence as evidence of guilt. See e.g., [Salinas v. Texas, 570 US 178 \(2013\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

## 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:

Complaints about officer behavior can be submitted to the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [File a Complaint, Office of the Illinois Attorney General Kwame Raoul](#)

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

### Proposed Information

It is important to follow this advice:

If you believe that you were a victim of discrimination or racism, you can file a complaint about officer behavior to the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Additionally, organizations like the [ACLU](#) specialize in assisting with discrimination claims. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [File a Complaint, Office of the Illinois Attorney General Kwame Raoul](#)

In the moment of experiencing potential discrimination, it is important to remember the rest of the advice found in this guide. Try to remain calm in your interaction with the police, even when they become difficult.

## How can I respond to circumstances involving discrimination?

### Proposed Information

It is important to follow this advice:

Complaints about an officer you believe has exhibited discrimination or racism can be submitted to the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Additionally, organizations like the [ACLU](#) specialize in assisting with discrimination claims. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [File a Complaint, Office of the Illinois Attorney General Kwame Raoul](#)

In the moment of experiencing potential discrimination, it is important to remember the rest of the advice found in this guide. Try to remain calm in your interaction with the police, even when they become difficult.

## 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:

If you believe that an officer improperly detained or searched you, a complaint can be submitted to the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [File a Complaint, Office of the Illinois Attorney General Kwame Raoul](#)

## What can I do as a minor without my parent(s) or legal guardian(s)?

### Proposed Information

It is important to follow this advice:

Minors have the same rights under the law as adults during criminal detainments, arrests, and investigations. As a result, as a minor, you have the right to remain silent and the right to

an attorney. See e.g., [5<sup>th</sup> Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [6<sup>th</sup> Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Illinois Constitution, Article I § 8](#); [725 ILCS 5/103-2.1](#); [725 ILCS 5/103-4](#)

Your ability to afford a private lawyer is based off the financial situation of your parent(s) or guardian. If they cannot afford one, or if they are not available to you, you must be provided a lawyer by the government to represent your particular interests and context. To this end, Illinois' judicial system provides for specialized services for minors during the criminal process. See e.g., [725 ILCS 115/3](#); [705 ILCS 405/6-1](#)

If you believe that your rights were violated in any way by law enforcement, regardless of if you are a minor or not, you can file a complaint about officer to the [City of Chicago Civilian Office of Police Accountability](#) or the [Illinois State Police](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [File a Complaint, Office of the Illinois Attorney General Kwame Raoul](#)

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Law is generally described as of January 2024.

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