

Real Rights: young people engaging with law enforcement



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

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- 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 advisable to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not advisable to touch the officers. Keep your hands where the police can see them.
- It is not advisable to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

If you did not do anything wrong and you are minding your business walking or talking with a friend, no, a police officer may not arrest you for refusing to answer their questions. A police officer may only arrest someone if:

1. the person has committed a felony crime,
 - (a) A felony is crime that puts you or your neighbors in a lot of danger.
2. the person has escaped from jail or escaped from a police officer who already arrested them,
3. the police officer has reasonable cause to believe they saw a person committing a crime,
 - (a) "Reasonable Cause" just means the police officer has a good reason to think the person did something wrong but is not 100% sure that they did. If he believes they did something wrong, he can ask them questions about what happened.
4. the police officer has reasonable cause to believe they saw a person committing a felony or misdemeanor but did not see the person do it.
 - (a) Felonies and misdemeanors can put people in danger so the police officer has to ask questions to make sure that people don't get hurt.

[8 GCA CRIMINAL PROCEDURE CH. 20 ARREST §§20.15\(a\)\(1\) through \(4\). Peace Officer Arresting Without Warrant; Circumstances](#)

What if the officers do not identify themselves?

If the police officers do not identify themselves, you can ask them if they are a police officer, but always ask politely. There is no law against asking who someone is.

If you are under arrest, a police officer must tell you: who they are, why they are arresting you, and what you're being arrested for.

The only time a police officer does not have to tell the person all of that information above is when the person is actively running away after committing a crime or is actually committing a crime in front of the police officer.

[8 GCA CRIMINAL PROCEDURE CH. 20 ARREST §§20.35\(a\) and \(b\). Formalities in Making Arrest; Exceptions.](#)

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

Stay calm. Be respectful but know you are not required to answer questions from an officer without a lawyer with you.

You may ask for the officer's name, rank, and badge number. You may also ask about the reason you are being questioned.

If you feel uncomfortable at any time, you may decline to speak further without your attorney present. You should state this clearly to the officer, such as by saying, "I want to remain silent, and I want a lawyer."

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

[American Civil Liberties Union \(ACLU\)](#)

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

If the police officer does not identify themselves, you can ask them if they are a police officer, but always ask politely. There is no law against asking who someone is.

If they are an officer, you may ask for the officer's identifying information, including their name, rank, and badge number. You may also ask about the reason you are being questioned.

If you feel uncomfortable at any time, you may decline to speak further without your attorney present. You should state this clearly to the officer, such as by saying, "I want to remain silent, and I want a lawyer."

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

[American Civil Liberties Union \(ACLU\)](#)

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

Yes. You can tell police that you do not want to speak without a lawyer. You should state this clearly to the police, such as by saying, "I want to remain silent, and I want a lawyer."

[Guam Code, Title 8, Chapter 20, §20.65](#)

If I sit down, am I resisting?

No, if you sit down without doing anything else, it usually doesn't mean that you are resisting or fighting against the police.

Resisting arrest means actively or passively fighting back, trying to run away, or stopping a police officer from doing their job.

[Guam Code, Title 8](#)

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

No. Running away can possibly create more problems or misunderstandings with the police.

Instead, remain calm, follow the instructions given by the police, and remember your right to remain silent. For example, you may state "I want to remain silent. I want to speak with a lawyer."

[Guam Code, Title 8, Chapter 20](#)

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

No. Telling others to run away can lead to felony charges that you attempted to help others avoid arrest or tried to interfere with a government operation or law enforcement.

Stay calm. Be respectful but if you feel uncomfortable at any time, you may decline to speak further without a lawyer. You should state this clearly to the officer, such as by saying, "I want to remain silent, and I want a lawyer."

[Guam Code, Title 9, Chapter 55, §§55.10 - 55.65](#)

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

[American Civil Liberties Union \(ACLU\)](#)

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

Yes, you can tell them that the language presented to you is not your first language without waiving your rights.

Most departments utilize interpreters, whether by phone or within the department. Guam does have the Court Interpreter Registry Program where you can ask for and receive translation services.

[Guam Code, Title 8](#)

[Guam Court Interpreter Assistance Information](#)

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

No, the police cannot stop you if you have not done anything wrong, unless they reasonably believe you have committed, are committing, or are about to commit a crime.

[Guam Code, Title 8, Chapter 30, §30.10](#)

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.

What if a police officer wants to search my phone?

Usually, a police officer cannot search your phone without your permission or a special paper called a warrant.

That's because you have the right to privacy, which means keeping your personal things private.

Sometimes, if the police officer has a warrant or if there is a really urgent situation, they might be allowed to search your phone.

But, in general, the police need a good reason to do that.

Remember, if a police officer wants to search your phone, it's important to talk to a grown-up you trust, like a parent or guardian, who can help you understand your rights.

[Guam Code, Title 8](#)

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

Ask the officer if he/she has a warrant to search your phone. If he/she does not, you do not have to provide your password.

[Guam Code, Title 8](#)

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

Ask the officer to confirm that a warrant was issued to search your phone. You do not have to give them access if the officer does not have a warrant.

[Guam Code, Title 8](#)

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 the officer confirms he/she has a warrant to search your device. You are not required to provide your password or access to your phone if the officer does not have a warrant.

[Guam Code, Title 8](#)

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

Police officers have various tools and technologies they can use to search individuals. Here are some:

Personal Search: Police officers can physically search your body and belongings to ensure you don't have anything dangerous or illegal.

Visual Observation: They can use their eyes to look at you and observe your actions, behavior, and appearance.

Facial Recognition: Facial recognition is a technology that uses cameras or computer systems to identify people by analyzing their facial features. It helps the police match faces to known individuals or to find missing persons.

Hidden Cameras: Police might use hidden cameras in specific situations to monitor certain areas and capture evidence of illegal activities.

Fingerprints: Police can take your fingerprints by gently pressing your fingers on an ink pad or using electronic devices to capture them. Fingerprints are unique to each person, and they can help identify someone or match fingerprints found at a crime scene.

Remember that, usually, a police officer cannot search you without permission or a warrant.

That's because you have the right to privacy, which means keeping your personal things private.

Sometimes, if the police officer has a warrant or if there is a really urgent situation, they might be allowed to search you, but, in general, they need a good reason to do that.

[Guam Code, Title 8, Chapter 35](#)

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

Yes, if the officer has either your permission or a warrant.

That's because you have the right to privacy, which means keeping your personal things private.

Sometimes, if the police officer has a warrant or if there is a really urgent situation, they might be allowed to search your backpack.

But, in general, they need a good reason to do that.

[Guam Code, Title 8](#)

Can they take my picture or record me?

Yes, police generally have the authority to take your picture or record you in certain situations.

They might do this to gather evidence or identify individuals involved in a crime. However, they must follow specific rules and respect your rights.

It's important to know that these actions should be done responsibly and not invade your privacy without a good reason. Police officers should only take pictures or record you when it's necessary for their official duties, such as investigating a crime or maintaining public safety.

If you ever have concerns about being photographed or recorded by the police, it's a good idea to talk to your parent/guardian and lawyer.

[Guam Code](#)

Can they ask me where I am going and why?

Yes, police officers can ask you where you are going and why in certain situations. They may do this to ensure your safety or to investigate any potential wrongdoing.

When a police officer asks you these questions, it's important to remember that they are trying to make sure everything is okay and to keep everyone safe. Answering their questions honestly and respectfully is generally recommended.

However, it's also important to know that you have the right to remain silent if you feel uncomfortable or unsure about answering.

[Guam Code](#)

Reasons the 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. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from the police/warrant carefully, to ensure you understand what exactly is covered.
- 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.

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

No, you do not have to speak to the police or answer their questions.

Remember, you have the right to remain silent — it is your right to say that you would not like to speak without a parent or lawyer present.

[Guam Code, Title 8, Chapter 30, §30.20](#)

[Guam Code, Title 8, Chapter 20, §20.65](#)

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

No. You have the right to remain silent and are not required to answer questioning without a lawyer or parent present. For example, you may state “I want to remain silent. I want to speak with a lawyer.” You do not have to correct the police.

The police are allowed to stop you if they reasonably believe that criminal activity is taking place. However, the police do not have to tell you the truth and can lie to you. Anything you say to an officer can be used against you or another person in court.

[Guam Code, Title 8, Chapter 30, §§30.10 - 30.20](#)

[*Frazier v. Cupp*, 394 U.S. 731 \(1969\)](#) (which discusses how the police are allowed to use deceptive interrogation tactics)

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

You do not have to speak to the police or answer their questions.

You have the right to remain silent and are not required to answer questioning without a lawyer present. For example, you may state “I want to remain silent. I want to speak to a lawyer.”

[Guam Code, Title 8, Chapter 30, §30.20](#)

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?

Remember, you always have the right to remain silent until you can talk to a lawyer.

You do not have to speak to the police or answer their questions - anything you say before or after you are under arrest can be used against you.

You should ask the officer whether you are under arrest. If the answer is no, you should be free to leave.

If the police tell you that you are under arrest and continue to ask you questions, you should say “I want to remain silent. I want a lawyer.”

[Guam Code, Title 8, Chapter 30](#)

[Guam Code, Title 8, Chapter 20, §20.65](#)

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

The difference between police **telling me what to do and **asking** me to do something.**

If you're already detained, or in the process of, and they tell you to do something not doing it could be seen as resisting or violating a direct order which could result in added charges.

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

If a police officer decides to search you, they must have a legal reason, such as probable cause (believing you have committed a crime) or reasonable suspicion (having specific reasons to think you might be involved in something illegal). In this case, they may be allowed to search you without your consent.

[Terry v. Ohio, 392 U.S. 1 \(1968\)](#) (this case established the “stop and frisk” rule which allows police to stop and search a person if they have reasonable suspicion)

[Florida v. Bostick, 501 U.S. 429 \(1991\)](#) (this case said that if a person voluntarily consents to a search, that consent can make the search lawful, even if the person was not free to leave)

[Schneckloth v. Bustamonte, 412 U.S. 218 \(1973\)](#) (this case clarified that a person’s consent to a search must be voluntary and set standards for determining whether consent was given freely)

[Illinois v. Rodriguez, 497 U.S. 177 \(1990\)](#) (this case said that a search based on consent is valid as long as the police reasonably believe the person giving consent has the authority to do so)

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

No, you do not have to speak to the police or answer their questions.

Remember, you have the right to remain silent — it is your right to say that you would not like to speak without a parent or lawyer present.

[Guam Code, Title 8, Chapter 30, §30.20](#)

[Guam Code, Title 8, Chapter 20, §20.65](#)

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 someone has committed a felony, whether or not the act was done in front of the police officers.

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

Yes, if the police have reason to believe you have committed, are committing or are about to commit a crime, they can stop you.

[Guam Code, Title 8, Chapter 30, §30.10](#)

Can I ask for the reason they stopped me?

People have a right to know why they are being stopped by the police. Always ask the officer if you are being detained. If you are not being detained, ask the officer if you are free to leave.

Specifically, the Guam Bill of Rights, which is part of the [Organic Act of Guam](#), ensures that individuals are told of the reasons for their arrest or detention. Additionally, the [Fourth Amendment of the U.S. Constitution](#) protects against unreasonable searches and seizures, which means that you have the right to know why the police is detaining you.

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

Yes, you can advocate for another young person stopped by police if you are stopped together, as long as you do so respectfully and without interfering with the police and always prioritize your own safety and avoid escalating the situation.

The [Guam Bill of Rights](#), which is part of the [Organic Act of Guam](#), ensures that individuals are told of the reasons for their arrest or detention.

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

You can file a written complaint with the Guam Community Police Review Commission regarding the stop.

[10 GCA Health and Safety, Chapter 77 Guam Police Department § 77133. Reporting Police Officer Violations](#)

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

Yes, you can ask the officer for their name, rank, and badge number. There is no legal requirement that they give you their full name so the officer might only give you their last name.

[Guam Code, Title 10, Division 3, Chapter 77](#)

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.
- 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; 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 warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

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

If you don't know if you are under arrest, assume you are. You may ask, "Am I under arrest?" to the officer.

You are under arrest if you are physically restrained by a police officer or if you are put into police custody (for example, if you are handcuffed, put in a police car, or taken to a police station).

[Guam Code, Title 8, Chapter 20, §20.10](#)

A police officer **should** tell you that you are being arrested, why you are being arrested, and their authority to arrest you. However, **even if they do not**, you may still be under arrest if the officer is physically restraining you or if you are put into custody (as described above).

[Guam Code, Title 8, Chapter 20, §20.35](#)

What is the difference between detention and arrest?

If a police officer stops you, they can hold you for up to 15 minutes. You are **detained** if you are stopped by police for a maximum of 15 minutes so that the officer can determine who you are and the circumstances that caused the police officer to think you may have committed, were committing, or were about to commit a crime. If you are detained, the officer will not move you from the location where you were stopped. If they restrain you or take you into custody (for example, handcuff you, place you in a police car, or take you to a police station), you are no longer detained and are being **arrested**.

[Guam Code, Title 8, Chapter 20, §20.10](#)

[Guam Code, Title 8, Chapter 30, §§30.20 - 30.30](#)

I am handcuffed, am I arrested?

Yes, if you are handcuffed you are considered to be arrested because you are restrained.

[Guam Code, Title 8, Chapter 20, §20.10](#)

If my liberty is restricted, am I under arrest?

It depends. If you are being **restrained or if you are put into police custody** (for example, if you are physically restrained from moving, handcuffed, put into a police car, or taken to a police station), you are under arrest. If you are **stopped in one location by a police officer for a limited time (a maximum of 15 minutes) and not restrained or moved from the place you were stopped**, you are not under arrest.

[Guam Code, Title 8, Chapter 20, §20.10](#)

[Guam Code, Title 8, Chapter 30, §§30.20 - 30.30](#)

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 know what you're doing in giving up your rights

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

If the police tells you some version of the following statement, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford a lawyer, one will be provided for you,” they have read you your “**Miranda rights**.”

If you are with the police and are not free to leave, you are in police custody. Once in custody, if a police officer asks you questions, then they must read you your “Miranda rights.” Under these rights, you don’t have to speak to the police or answer any more of their questions, and you also have the right to talk to a lawyer. If you don’t have the money for a lawyer, the police need to get you one to speak with, free of charge. The police may ask if you want to “waive” or “give up” these rights, meaning that you will continue to answer the questions that the police ask you. If you give up your “Miranda rights” and answer the police questions, then anything you say to the police can be used to charge you with a crime or in a court in front of a judge. Once the police read you your rights, you should speak clearly to the police that you either refuse to answer questions and would like to speak with a lawyer, or that you will give up your rights and that you will talk to the police.

[Miranda v. Arizona, 384 US 436 \(1966\)](#)

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

If the police tells you some version of the following statement, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford a lawyer, one will be provided for you,” they have read you your “Miranda rights.”

If you are with the police and are not free to leave, you are in police custody. Once in custody, if a police officer asks you questions, then they must read you your “Miranda rights.”

It does not matter where you are read your “Miranda rights,” as long as you are read them once you are in police custody. However, if you are read your rights at the police station, the police officer must use a particular form, called the “Custodial Interrogation” form (also called the GPD-9). You will need to read the form aloud, and you will need to accept or refuse each of the rights listed, with a written “yes” or “no.” Only then, if you have agreed to give up your rights, can you be questioned.

[Joseph I. Cruz \(Former Chief of the Guam Police Department\): Police ensure that Miranda rights are known](#)

[Fifth and Sixth Amendments to the US Constitution](#)

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 can tell police that you do not want to speak without a lawyer. You should state this clearly to the police by saying, “I want to remain silent, and I want a lawyer.”

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If you are **detained** (stopped in one place by an officer for less than 15 minutes and not restrained), you are not required to answer any questions from the officer.

If you are **arrested** (restrained or put under police custody), you are not required to make a statement. Any statement you make may be used against you in court in front of a judge.

If you are **brought before a judge**, you are not required to make a statement. Any statement you make may be used against you in court.

[Guam Code, Title 8, Chapter 30, §30.20](#)

~~[Miranda v. Arizona, 384 US 436 \(1966\)](#)~~

[Guam Code, Title 8, Chapter 45, §45.30](#)

Must police notify my guardian?

In Guam, if the police take a minor (someone under 18) into custody, they usually have to tell the parents or guardians. This is so the parents know what's going on. But there are some cases, like if there's abuse or if the minor needs help with mental health or drugs, where the police might not tell the parents or guardians right away. If you're in a tricky situation, it's a good idea to talk to a lawyer for more help.

[Criminal Resource Manual](#)

Must I confess?

No, you do not have to confess. You have the right to remain silent, which means you do not have to make statements to police regarding your guilt or innocence.

[Miranda v. Arizona, 384 U. S. 436 \(1966\)](#)

What adults can I ask to be with me?

1. **Parent or Guardian:** If you are under 18, you can have a parent or legal guardian with you during police questioning.
2. **Attorney:** You have the right to have an attorney present during any questioning. If you cannot afford one, you can request a public defender which will be provided to you, free of charge.
3. **Other Trusted Adults:** Depending on the circumstances, you might also have a trusted adult, such as a family member or close friend, present with you.

Always remember that you have the right to remain silent and to ask for a lawyer before answering any questions from the police.

[Miranda v. Arizona, 384 U. S. 436 \(1966\)](#)

[Guam Code, Title 8, Chapter 20, §20.65](#)

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

Police cannot question you as a minor without your parent or guardian present.

When questioning a minor in Guam, the Guam Police Department requires the minor to be accompanied by a parent or guardian with the minor's birth certificate and relevant guardianship documents.

[RIDS](#)

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 (i) police officers only want to question you and/or (ii) 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 a minor ends up as a witness in a court case, the court has to make sure the witness is comfortable and feels supported, and that the witness is protected against being intimidated or coerced (that is, forced to do or say something).

[Guam Code, Title 8, Chapter 75, §75.85](#)

A witness can contact and hire their own attorney to represent their interests, but is not, in most circumstances, entitled to representation provided by the government at no cost. However:

- Family members and friends of an accused may be entitled to legal representation through public defender's office, depending on the circumstances ([FAQ's](#))
- If you are a victim of a crime who will serve as a witness, you may have additional rights\ and should contact victim witness assistance programs for support and guidance ([Districts of Guam & the Northern Mariana Islands | Victim Witness Assistance](#))

Even a witness may want to seek legal representation, as there may be rights or privileges the witness can assert in court proceedings, especially if they themselves could be implicated in the crime, or other crimes, as a result of testifying.

When do you contact a lawyer?

- You are detained or arrested. Once you have been detained/arrested and/or are being subjected to questioning by the police, you have the right to remain silent and ask for a lawyer. You should generally stop talking at that point until you are able to contact a lawyer. Ask the police, "am I free to leave?" If the answer is "no," state clearly that you would like an attorney. If the answer is "yes," feel free to leave.
- You are charged with a crime. You have a Sixth Amendment right to a lawyer in all criminal proceedings.
- You are a witness in a criminal case. Even though contacting a lawyer is not required, it may be in your best interests, especially if you may be implicated in the crime or other crimes.
- You receive a subpoena.

[Miranda v. Arizona, 384 U. S. 436 \(1966\)](#)

Do the 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.

Can the police lie to me?

Yes, the police can lie to you. The police may do this to try to get information from a person or to get you to confess to a crime. They may say they have evidence or know things they actually don't have or know to get you to provide information or to confess. ([Frazier v. Cupp, 394 U.S. 731 \(1969\)](#))

Remember, you do not have to speak to the police or answer their questions. You have the right to remain silent and are not required to answer questions from the police without a lawyer present. For example, you may state "I want remain silent. I want to speak with an attorney."

[Guam Code, Title 8, Chapter 30, §30.20](#)

It's important to not lie to the police (which can later be used against you in court). It's better to remain silent, or ask for a lawyer.

Do I have to tell the police the truth?

You do not have to speak to the police or answer their questions. However, if you do, anything you say to the police can be used against you or another in court. Practically speaking, lying to the police can create more problems later/if they are able to prove you lied, or if your lies ultimately harm other people.

It's better to exercise the following rights, rather than lie: You have the right to remain silent and are not required to answer questions from the police without a lawyer present. For example, you may state "I want to remain silent. I want to speak with a lawyer." You do not have to correct the police.

[Guam Code, Title 8, Chapter 30](#)

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:

The Guam Community Police Review Commission receives and investigates complaints if you think the police violated your rights. You may file a complaint in writing with any police officer or the Commission. Your complaint should say why and how you think your rights might have been violated including, for example, if you think a police officer was too rough and hurt you or if your belongings might have been stolen.

[2023 Guam Statutes, Title 10, Health & Safety, Division 3, Chapter 78](#)

You can also file a complaint by calling the Office of Public Accountability (OPA) hotline at 671-472-8348.

[Hotline and Citizen Concerns | Office of Public Accountability \(OPA\) – Guam Public Auditor](#)

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

Proposed Information

It is important to follow this advice:

Remedies:

If you feel you have been, or are being, treated unfairly by the police:

- Stay calm, getting upset will make it worse. DO NOT FIGHT OR RUN.
- Know your rights. Respectfully state, “I don’t want to talk,” “I want a lawyer,” or ask “Am I free to go?”
- Remember and write down important details of the encounter:
 - Officer name
 - Badge number
 - Where events occurred
 - What happened

The OPA Hotline (671-472-8348) enables the people of Guam and government employees to share their concerns or report improper acts committed by public officials of the Government of Guam.

[Hotline and Citizen Concerns | Office of Public Accountability \(OPA\) – Guam Public Auditor](#)

[Civil Rights Division | Addressing Police Misconduct Laws Enforced By The Department Of Justice](#)

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

Remedies:

- Tell an adult
- Work with a lawyer
- File a complaint with or contact:
 - The police department; most departments have a process for handling complaints about officer conduct, including allegations of discrimination and/or racism
 - The United States Department of Justice, Office of Civil Rights can assess your complaint and help you figure out next steps ([Step 1: Contact - Contact the Civil Rights Division | Department of Justice](#))

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- [The office of public accountability \(Hotline and Citizen Concerns | Office of Public Accountability \(OPA\) – Guam Public Auditor\)](#)

[Contact the Civil Rights Division | Department of Justice](#)

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:

Remedies:

If you believe the police performed an improper search or detained you unlawfully, here are some steps you can take:

1. **Stay Calm and Respectful:** During the encounter, it's important to remain calm and not escalate the situation.
2. **Document Everything:** Write down details about the incident as soon as possible, including time, location, officers' names and badge numbers, officer's car number or license plate number and any witnesses. This information will be helpful to tell your lawyer later. Giving your lawyer more detail about what happened can help them later determine if you were searched or arrested improperly. It will be up to a court, at a later time, to decide whether or not the search and/or arrest was lawful.
3. **Do Not Resist:** If you are being detained, it's usually best not to resist, even if you believe it's improper. You can contest the legality later.

As a reminder, the police are allowed to temporarily stop you if they reasonably believe that criminal activity is taking place, and the police may search you for weapons if they reasonably believe you are armed with a dangerous weapon. If they find a weapon, they will be allowed to take the weapon. This would not be considered 'unreasonable' under the Fourth Amendment of U.S. Constitution.

[Guam Code, Title 8, Chapter 30](#)

To make a complaint about potential improper search or detainment, visit the police department's website or contact them to understand their specific complaint process. Many departments provide guidelines and forms for filing complaints.

[Applications and Reports | GPD](#)

[2023 Guam Statutes, Title 10, Health & Safety, Division 3, Chapter 77](#)

Lastly:

Seek Legal Advice: Consult with a lawyer who specializes in civil rights or criminal defense. They can provide guidance specific to your situation and help you understand your options for pursuing a legal remedy.

Consider Legal Action: If your rights were violated, you might have grounds for a civil lawsuit against the police department.

Resources

[Real Rights - Guam](#)

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Please note that the Real Rights Platform is in development and does not represent the final version of the work product. We will continue to update this Real Rights Platform as updates and edits are received across the globe.

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Law is generally described as of October 2024.

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