

Real Rights: young people engaging with law enforcement



Kingston, Jamaica



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?
- What protections do I have that are gender, age and religion related?
- 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.

- **Know Your Rights.** You have the right to remain silent and do not have to answer questions from the police. The police also cannot take statements from minors under the age 16 without the presence of a parent/guardian ^[1]. If you are arrested, you also have the right to an attorney ^[3]. If you feel you were stopped unlawfully, you can later file a complaint against the police ^[1].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

^[2]: [The Constabulary Force Act, Section 30](#).

^[3]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(c\)](#).

Can the police arrest you for refusing to answer questions?

The police cannot arrest you simply for refusing to answer their questions. However, if they request to see your identification, you are generally required to comply. Otherwise, you have the right to remain silent and can invoke this right at any point during your interaction with the police. ^[1]

Sources:

^[1] [Charter of Fundamental Rights and Freedoms, Sections 16\(6\)](#).

What if the officers do not identify themselves?

If a police officer approaches you, you have the right to ask for the officer's identification. Officers typically carry an identification booklet, which contains the officer's name and signature ^[1]. If an officer refuses to provide this identification, try to note details about the officer, such as their appearance, badge number and/or vehicle license plate. This information can be useful if you want to file a complaint later.

Sources:

^[1] [Code of Conduct for Police-Citizen Relations](#).

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

If an officer begins speaking to you but does not order you to do anything, stay calm and do not show any hostility. You can ask the officer why he or she is questioning you, or simply invoke your right to remain silent ^[1] ^[2].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

^[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#)

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

If you are approached by a person that you think is a police officer but they are not in uniform, you have the right to ask for their identification. Officers in plain clothes (not in uniform) are required to show their identification before interacting with you ^[1].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

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

You have the right to remain silent and can invoke this right at any point during your interaction with the police ^[1]. If you are detained or being charged of a crime, you have the right to an attorney, and can refuse to answer questions until your attorney is present ^[2] ^[3]. It

is important to clearly and calmly state your request for a lawyer and your intention to remain silent until legal representation is available.

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(c\)](#).

[3]: [Code of Conduct for Police-Citizen Relations](#).

If I sit down, am I resisting?

Possibly. You cannot resist an officer that is performing his or her lawful duties. If you sit down to resist an arrest, it could be seen as an unlawful act ^[1]. Resisting can escalate the situation, put your safety at risk and potentially lead to your arrest. It is best to comply with the officers' instructions and address any grievances by filing a complaint after the interaction ^[2].

Sources:

[1]: [Constabulary Force Act, Section 30](#).

[2]: [Code of Conduct for Police-Citizen Relations](#).

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

You should not run, even if others in your group do. Running could make you appear guilty and put your safety at risk, even if you have not done anything wrong ^[1]. The police can stop you if they reasonably believe you have committed or are about to commit a crime, and it is against the law to hinder the police in the execution of their lawful duties ^[2]. If you feel a stop was unfair, you can report it later by filing a complaint against the police.

Sources:

[1]: [Code of Conduct for Police-Citizen Relations](#).

[2]: [Constabulary Force Act, Sections 15 and 30](#).

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

It is against the law to hinder the police in the execution of their lawful duties, and encouraging others to run from the police may be interpreted as aiding in hindering arrest ^[1]. Running can also make you and others appear guilty and put your safety at risk, even if you have not done anything wrong ^[2]. If you feel a stop was unfair, remain calm in your interaction with the police and report it later by filing a complaint against the police ^[2].

Sources:

[1]: [Constabulary Force Act, Section 30](#).

[2]: [Code of Conduct for Police-Citizen Relations](#).

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

Yes, if an officer speaks to you in a language you don't understand, you can inform them of this without giving up your right to remain silent. You are entitled to be informed of your rights and the nature of any charges being brought against you in a language you understand ^[1].

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)](#).

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

The police do not have the right to stop you without any legal justification ^[1]. The police can only legally stop you if they reasonably believe you have committed or are about to commit a crime ^[2]. If you feel a stop was made unfairly, remain calm in your interaction with the police, and report it later by filing a complaint against the police ^[3].

Sources:

^[1]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75.](#)

^[2]: [Constabulary Force Act, Sections 15 and 30.](#)

^[3]: [Code of Conduct for Police-Citizen Relations.](#)

When can police search you and your surroundings?

Proposed Information

The Jamaican Constitution protects citizens against unreasonable searches ^[1]. However, there are situations in which the police are allowed to search you and your surroundings, such as following:

- If they have reasonable grounds to believe you possess or are concealing illegal items ^[1] ^[2].
- If you voluntarily agree to the search ^[2]. You can always say no to their search request, and they cannot force you to give permission.
- If the police have a warrant signed by the appropriate authorities ^[2] ^[3]. A warrant is a court order and you are required to comply.
- In limited circumstances where delaying the search poses a threat to the safety and security of citizens ^[4].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(i\).](#)

^[2]: [Constabulary Force Act, Sections 17 through 19.](#)

^[3]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

^[4]: [Understanding States of Emergency – Jamaica Information Service.](#)

What if a police officer wants to search my phone?

The police typically cannot search your phone. Your right to privacy is protected under the Jamaican Constitution ^[1]. However, there are some limited exceptions to this rule, such as:

- If you agree to the search. But remember, you are never required to agree to a search of your phone. If an officer asks, you can always decline ^[2].
- If the police have a warrant. A warrant is a court order which grants the officers with authority to search your phone. If the officer presents a warrant, you must comply ^[3].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(i\).](#)

^[2]: [Constabulary Force Act, Sections 17 through 19.](#)

^[3]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

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

You do not have to provide your phone password to the police. The police cannot search your phone because of your right to privacy. If they ask, you have the right to remain silent or you can politely state that you do not consent to the search ^[1].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Sections 13\(3\)\(j\) and 16\(6\)\(f\)](#).

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

You do not have to provide your phone password to the police. The police cannot search your phone because of your right to privacy. If they ask, you have the right to remain silent or you can politely state that you do not consent to the search ^[1].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Sections 13\(3\)\(j\) and 16\(6\)\(f\)](#)

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?

Unless the police have a warrant to search your phone, you do not have to provide your phone password to the police, even if you're under arrest. If they ask, you have the right to remain silent or you can politely state that you do not consent to the search ^[1].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Sections 13\(3\)\(j\) and 16\(6\)\(f\)](#)

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

The Jamaican Constabulary Force is in the midst of an ongoing effort to adopt new technologies to assist in their policing and conducting of searches. These technologies include body cameras, automated fingerprint systems and facial recognition software ^[1]. These tools are designed to enhance the effectiveness of policing, while also improving accountability in police interactions with citizens. Even with these tools available, police searches are limited by your right against unreasonable searches and your right to privacy ^[2].

Sources:

^[1]: [Policing Through Technology - Jamaica Constabulary Force](#).

^[2]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(j\)](#).

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

The police can only search your backpack under limited circumstances. Police searches are always limited by your right against unreasonable searches and your right to privacy ^[1]. The police may be able to search your property in the following circumstances:

- If they have reasonable grounds to believe you possess or are concealing illegal items ^[2].
- If you voluntarily agree to the search. You can always say no, and they cannot force you to give permission ^[2].
- If the police have a warrant signed by the appropriate authorities ^[2] ^[3].
- In limited circumstances where delaying the search poses a threat to safety and security of citizens ^[4].

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(j\)](#).

[2]: [Constabulary Force Act, Sections 17 through 19](#).

[3]: [Code of Conduct for Police-Citizen Relations in Jamaica](#).

[4]: [Understanding States of Emergency – Jamaica Information Service](#).

Can they take my picture or record me?

The police can take photos of or record you in places where you don't have a reasonable expectation of privacy, such as public areas, streets or parks ^[1]. If you're a witness to or the target of a criminal investigation, they may also take your picture or record you as part of their investigation process.

Many police officers now wear body cameras to record their interactions with citizens. These cameras are meant to keep police accountable and ensure that they follow their established guidelines in their interactions with civilians.

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(j\)](#).

Can they ask me where I am going and why?

The police have the right to ask you a question at any time ^[1]. However, you have the right to remain silent and are not obligated to answer their questions ^[2]. Further, if the police have no reason to believe you have committed or are going to commit a crime, they don't have the right to stop you from leaving ^[3].

Sources:

[1]: [Code of Conduct for Police-Citizen Relations in Jamaica](#).

[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

[3]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75](#).

Reasons the police may detain or arrest you

Proposed Information

It is important to follow this advice:

The police cannot arbitrarily arrest you; they must have a valid legal justification ^[1]. The primary reasons the police may arrest you include:

- If the police see you commit a crime or suspect you committed a crime ^[2].
- If the police have a warrant for your arrest ^[3].
- Someone made a report to the police that you committed a crime; if the report gives the police reasonable suspicion, they can arrest you to investigate the matter ^[4].

The police must clearly inform you of why you are being arrested at the time of the arrest ^[5].

Sources:

- [1]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75.](#)
- [2]: [Davidson v. Anderson and Attorney General of Jamaica.](#)
- [3]: [Supreme Court of Jamaica – FAQ – What is Warrant and Who can serve it?](#)
- [4]: [Learn About the Protocol For Arrests in Jamaica.](#)
- [5]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

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

The police can ask you questions, but you are never required to answer; you have the right to remain silent in all interactions with the police ^[1]. If you did nothing illegal, there should be no reason for concern, and it is best to remain calm and show no hostility ^[2].

Sources:

- [1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\).](#)
- [2]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

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

If the police say something about their investigation that you know is wrong, you are not required to correct them; you have the right to remain silent in all interactions with the police ^[1]. If you do decide to correct their wrong information, be cautious because anything you say can later be used against you in court. If you wish to communicate with the police, it is safest to first obtain a legal representative who can then advise you or communicate with the police on your behalf ^[2].

Sources:

- [1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\).](#)
- [2]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

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

If a police officer begins speaking to you without giving any orders, you are not required to respond. You have the right to remain silent in all interactions with the police ^[1]. However, it is best to remain calm and avoid hostility during the interaction. If you are not sure why you're being questioned, you can ask the officers in a respectful tone and they should provide an explanation ^[2].

Sources:

- [1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\).](#)
- [2]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

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 all interactions with the police, whether you're under arrest or not, you have the right to remain silent ^[1]. Further, police cannot obtain statements from children (under 12 years) or juveniles (under 16 years) unless their parent/guardian is present ^[2]. If you are placed under arrest, none of these rights change, but you also obtain the right to communicate with and retain an attorney ^[3].

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

[2]: [Code of Conduct for Police-Citizen Relations in Jamaica](#).

[3]: [Charter of Fundamental Rights and Freedoms, Section 14\(2\)\(d\)](#).

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 do not consent to a search, the police can only search you and/or your belongings in the following scenarios:

- If they have reasonable grounds to believe you are in possession of or are concealing illegal items ^[2].
- If they have a search warrant signed by the appropriate authorities ^[2] ^[3].
- In limited circumstances where delaying the search poses a serious threat to safety and security of citizens ^[4].

If you agree to a search, you are voluntarily allowing the police to conduct the search without the need for reasonable suspicion or a search warrant. By consenting to the search, you waive your right to challenge the legality of the search later in court ^[2]. **You are never required to consent to a search.**

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)](#).

[2]: [Constabulary Force Act, Sections 17 through 19](#).

[3]: [Code of Conduct for Police-Citizen Relations in Jamaica](#).

[4]: [Understanding States of Emergency – Jamaica Information Service](#).

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

Whether the police tell you to give them information or they ask you to provide answers voluntarily, you have the right to remain silent. If you are placed under arrest, you also have the right to refuse to answer any questions until you have a legal representative present ^[1]. Further, police cannot obtain statements from children (under 12 years) or juveniles (under 16 years) unless their parent/guardian is present ^[2].

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)](#).

[2]: [Code of Conduct for Police-Citizen Relations in Jamaica](#).

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

No, the police do not need a warrant to arrest you. They can arrest you they have a reasonable suspicion that you have committed or are in the process of committing a crime ^[1] ^[2].

Sources:

^[1]: [Constabulary Force Act, Sections 17 through 19.](#)

^[2]: [Davidson v. Anderson and Attorney General of Jamaica](#)

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

The police cannot stop you unless they have reasonable cause to believe that you have committed a crime or are about to be commit a crime ^[1]. If you did not do anything wrong, the police may lack the reasonable cause required to stop you. You can ask the officer why you are being stopped, but it's still a good idea to do so calmly and respectfully ^[2].

Sources:

^[1]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75.](#)

^[2]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

Can I ask for the reason they stopped me?

Yes, you can ask the police why they stopped you ^[1]. In order to stop you, the police must have reasonable suspicion that you committed a crime ^[2]. If they stop you without reasonable suspicion, it could be considered an unlawful stop and you can later consider filing a complaint against the officer ^[3].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

^[2]: [Charter of Fundamental Rights and Freedoms, Section 15.](#)

^[3]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75.](#)

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

You can advocate for another young person, but it's important to do so respectfully and calmly to avoid escalating the situation. For example, you can ask the police to explain why your friend is being stopped ^[1]. You can also remind your friend of his or her right to remain silent and, if arrested, right to request an attorney ^[2].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

^[2]: [Charter of Fundamental Rights and Freedoms, Sections 16\(6\).](#)

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

In order to legally stop you, the police must have reasonable cause to believe that you committed a crime ^[1]. If you are stopped without reasonable cause, it could be considered an unlawful stop and you could consider taking the following steps:

- Even if you think a stop is unjustified, it's important to remain calm and respectful during the interaction.
- You can ask the officer for the reason they stopped you. For example, you can ask, "Officer, can you please explain why I am being stopped?" ^[2].
- Take note of the officer's name, badge number, and any other relevant details about the stop.
- Whenever you interact with the police, you can exercise your right to remain silent. If you are arrested, you can also request an attorney ^[2].
- You can file a complaint against the officer(s) that unjustifiably stopped you. Refer to the website of the Jamaica Constabulary Force (JCF) or the Independent Commission of Investigations (INDECOM) to file a complaint.
- For particularly troubling interactions with police (for example, where you've been badly injured) you can consult an attorney about filing a legal action against the police.

Sources:

^[1]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMSC CIV. 75.](#)

^[2]: [Code of Conduct for Police-Citizen Relations in Jamaica.](#)

^[3]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\).](#)

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

Yes, you have the right to ask for the officer's identification booklet, which contains the officer's name and signature ^[1]. If an officer refuses to provide this identification, try to note details about the officer, such as their appearance, badge number and vehicle license plate. This information will all be useful if you later decide to make a complaint.

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations.](#)

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

An arrest is deemed to occur when you are prevented from leaving the custody of an officer ^[1]. At the time of an arrest, the arresting officer must inform you of the reason you are being arrested. They must also tell you that you have the right to remain silent and to seek legal representation ^[2]. During an arrest, an officer will likely physically restrain you, such as by handcuffing, and escort you to the police station for processing.

Sources:

^[1]: [Preventative detention: DPP brings clarity to legal terms.](#)

^[2]: [Code of Conduct for Police-Citizen Relations](#)

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

An arrest is deemed to occur when you are prevented from leaving the custody of an officer ^[1]. At the time of an arrest, the arresting officer is supposed to inform you of the reason why you are being arrested. If this does not occur, and you can always ask the police officer if you're under arrest ^[2].

Sources:

^[1]: [Preventative detention: DPP brings clarity to legal terms.](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

What is the difference between detention and arrest?

Jamaican law does not distinguish between a detention and an arrest ^[1]. An arrest occurs when you are prevented from leaving the custody of an officer, whether by physical restraint or by an officer's words ^[1]. The police can only arrest you if they have reasonable suspicion that you have committed or are going to commit a crime ^[2].

Sources:

^[1]: [Preventative detention: DPP brings clarity to legal terms.](#)

^[2]: [Gary Hemans v. The Attorney General of Jamaica, \[2013\] JMISC CIV. 75.](#)

I am handcuffed, am I arrested?

An arrest occurs when you are prevented from leaving the custody of an officer, so handcuffing likely would be considered an arrest ^[1]. However, being handcuffed does not necessarily mean that the police will be formally charging you with a crime. If you formally placed under arrest, the arresting officer is supposed to inform you of the reason for the arrest. If this does not occur, you can ask the police officer if you're being charged with a crime or under arrest ^[2].

Sources:

^[1]: [Preventative detention: DPP brings clarity to legal terms.](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

If my liberty is restricted, am I under arrest?

An arrest occurs when you are prevented from leaving the custody of an officer ^[1]. If your liberty to freely leave the officer is restricted, then you are probably considered to be under arrest. However, this does not necessarily mean that the police will be charging you with a crime. If you're unsure whether you're being charged with a crime, you can ask the police officer ^[2].

Sources:

^[1]: [Preventative detention: DPP brings clarity to legal terms.](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

What does it mean to be a child in conflict with the law?

A "child in conflict with the law" refers to anyone under the age of 18 years who comes into contact with the justice system as a result of being suspected or accused of committing an offence ^[1]. Such a child is still subject to legal proceedings, but is treated differently from adults. Jamaica's justice system prioritizes rehabilitation of such children, and provides alternatives to jail, such as counseling, mentorship and community service ^[2].

Sources:

[1]: [A Study on the Profile of Children in Conflict with the Law in Jamaica.](#)

[2]: [Office of the Children's Advocate, Kingston, Jamaica, Child Justice Guidelines.](#)

What to do after being warned of your rights

Proposed Information

It is important to follow this advice:

If you're arrested, a police officer is required to inform you of the reason for your arrest, your right to remain silent and your right to an attorney ^[1]. Upon receiving this warning, it is advisable to exercise your right to remain silent and request an attorney.

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Sections 14\(2\) and 16\(6\)\(f\).](#)

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

If you're arrested, the police are required to inform you of the reason for your arrest, your right to remain silent and your right to an attorney ^[1]. You should be cautious about what you say, as anything you say can be used against you in court. It is also advisable to request an attorney to ensure you do not incriminate yourself.

As a minor, the police are also required to immediately contact your parent/guardian and the Office of the Children's Advocate (OCA) to act as your legal representative ^[2] ^[3]. A child who is not charged within 24 hours of being arrested or detained, should be released into the care of their parents or guardians ^[3].

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Sections 14\(2\) and 16\(6\)\(f\).](#)

[2]: [Code of Conduct for Police-Citizen Relations.](#)

[3]: [Child Care and Protection Act.](#)

[4]: [Office of the Children's Advocate, Kingston, Jamaica, Child Justice Guidelines.](#)

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

Whether you are on the street, at a police station, or in a police car, the police must to inform you of the reason for your arrest, your right to remain silent and your right to an attorney ^[1]. Upon receiving this warning, it is advisable to exercise your right to remain silent and request an attorney.

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Sections 14\(2\) and 16\(6\)\(f\).](#)

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?

If the police want to question you, you are not required to make a statement. You have the right to remain silent ^[1]. The police cannot obtain a statement from anyone under the age of 16 without the presence of their parent/guardian ^[2].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(c\).](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

Must police notify my guardian?

If you are under 16 and the police want to question you, they must inform your parent/guardian and tell them the reason for your arrest ^[1]. Your parent/guardian must also be present if they want to question you ^[2].

Sources:

^[1]: [Office of the Children's Advocate, Kingston, Jamaica, Child Justice Guidelines.](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

Must I confess?

No, you are not required to confess to anything when questioned by the police. You have the right to remain silent ^[1]. If you feel pressured or unsure about what to do, you can ask for a lawyer or a parent/guardian to be with you before making any statements ^[2].

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Sections 16\(6\).](#)

^[2]: [Code of Conduct for Police-Citizen Relations.](#)

What adults can I ask to be with me?

If you are being questioned by the police, you can ask for a parent or guardian to be with you ^[1]. If you are under arrest, you also have the right to an attorney ^[2].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations.](#)

^[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(c\).](#)

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

If you are under the age of 16 and the police want to question you, they must first contact your parent/guardian ^[1]. Further, if you are a minor (under 18), the police cannot question you without the presence of legal counsel. If you do not have legal representation upon arrest, the police are required to assist you to contact one ^[2].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#)

^[2]: [Child Care and Protection Act](#).

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

If you are arrested by the police, you are entitled to legal representation ^[1]. As a minor, the police are required to inform you of this right and assist you to contact an attorney ^[2]. Even if you cannot afford an attorney, you can request one to be appointed to you. Calmly and politely tell the police officers that you wish to remain silent until you are appointed legal representation.

Sources:

^[1]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

^[2]: [Child Care and Protection Act](#).

What if I am just a witness?

If you're under 16, even if you are just a witness, the police cannot question you without the presence of your parent/guardian ^[1]. If you're not under arrest or facing any legal charges, you are not entitled to an appointed attorney, but you are also not required to make a statement. If you are worried that you could incriminate yourself while speaking to the police, you have the right to remain silent ^[2].

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

^[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

Do the police always have to tell the truth?

Proposed Information

It is important to follow this advice:

Police officers are expected to act with professionalism, integrity and honesty in their interactions with the public ^[1]. However, there are situations during investigations where they might lie or use other deceptive techniques to gather information or evidence. This is a common practice in law enforcement and not against the law.

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

Can the police lie to me?

Police officers are expected to act with professionalism and integrity and honesty in their interactions with the public ^[1]. However, there are situations during investigations where they might use deceptive techniques to gather information or evidence. If you are worried that you could incriminate yourself while speaking to a police officer, it is safest to exercise your right to remain silent ^[2].

If you feel an officer has used unreasonable investigative techniques, you can consider filing a complaint against the officer.

Sources:

^[1]: [Code of Conduct for Police-Citizen Relations](#).

^[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

Do I have to tell the police the truth?

Giving false information to the police can lead to criminal charges ^[1]. Rather than telling a lie, it is best to remain silent ^[2].

Sources:

^[1] [The Perjury Act](#).

^[2]: [Charter of Fundamental Rights and Freedoms, Section 16\(6\)\(f\)](#).

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

Proposed Information

It is important to follow this advice:

If you feel that your rights have been violated during an encounter with the police you have several options for making a complaint.

1. **Jamaica Constabulary Force (JCF).** To make a complaint against a member of the JCF, you can visit your local station, call or Whatsapp +1(876)-838-3084, or submit an e-mail to iprob@jcf.gov.jm.
2. **Independent Commission of Investigations (INDECOM).** You can also submit a complaint with INDECOM, which is an independent body tasked with investigating actions by the police that result in death or injury or the abuse of the right of Jamaican citizens. Their office is located at 1 Dumfries Road, Kingston. Complaints can also be lodged using the "Report a Complaint / Incident" form located at the following website: [Report a Complaint/Incident – The Independent Commission of Investigations](#)

If you are not satisfied with how your complaint is being handled, you can also contact a human rights attorney about the possibility of filing a complaint in court. For additional support, particularly if you are a minor, you can also contact the Office of the Children's Advocate in person at the Air Jamaica Building, 72 Harbour Street, Kingston, by e-mail: info@oca.gov.jm or by telephone at +1(876)-948-1293.

What information do I need to have to make a complaint?

Proposed Information

It is important to follow this advice:

When making a complaint about your encounter with law enforcement, try to provide as much information as possible. Some key pieces of information you should include:

1. **Personal Information:** Your full name, contact details (phone number, email address), and any identification numbers (such as a national ID or driver's license number).
2. **Incident Details:** A clear and detailed description of the incident, including the date, time, and location where it occurred. Mention the names or badge numbers of the police officers involved, if known.
3. **Witness Information:** The names and contact details of any witnesses who were present during the incident.
4. **Supporting Evidence:** Any evidence that supports your complaint, such as photographs, videos, or medical reports. If you have any written statements from witnesses, include those as well.
5. **Complaint Description:** A detailed account of what happened, including any specific actions by the police that you believe were inappropriate or violated your rights. Be as specific as possible about the nature of your complaint.

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

Proposed Information

It is important to follow this advice:

Write down as many details as possible about the incident, including the date, time, and location of the incident, as well as the names, badge numbers, and physical descriptions of the officers involved. Also note any witnesses present and the specific actions taken by the police that you believe were discriminatory or racist. You then have the following options for making a complaint:

1. **Jamaica Constabulary Force (JCF).** To make a complaint against a member of the JCF, you can visit your local station, call or Whatsapp +1(876)-838-3084, or submit an e-mail to iprob@jcf.gov.jm.
2. **Independent Commission of Investigations (INDECOM).** You can also submit a complaint with INDECOM, which is an independent body tasked with investigating actions by the police that result in death or injury or the abuse of the right of Jamaican citizens. Their office is located at 1 Dumfries Road, Kingston. Complaints can also be lodged using the "Report a Complaint / Incident" form located at the following website: [Report a Complaint/Incident – The Independent Commission of Investigations](#)

If you are not satisfied with how your complaint is being handled, you can also contact a human rights attorney about the possibility of filing a complaint in court. For additional support, especially if you are a minor, you can also contact the Office of the Children's Advocate in person at the Air Jamaica Building, 72 Harbour Street, Kingston, by e-mail: info@oca.gov.jm or by telephone at +1(876)-948-1293.

What protections do I have that are gender, age and religion related?

Proposed Information

It is important to follow this advice:

Jamaican law provides specific legal protections against discrimination by the police based on gender, age, and religion, ensuring that all individuals are treated fairly and without basis^[1]. If any officer engages in discriminatory behavior, such actions can be addressed through the disciplinary or legal system using one of the following options:

1. **Jamaica Constabulary Force (JCF).** To make a complaint against a member of the JCF, you can visit your local station, call or Whatsapp +1(876)-838-3084, or submit an e-mail to iprob@jcf.gov.jm.
2. **Independent Commission of Investigations (INDECOM).** You can also submit a complaint with INDECOM, which is an independent body tasked with investigating actions by the police that result in death or injury or the abuse of the right of Jamaican citizens. Their office is located at 1 Dumfries Road, Kingston. Complaints can also be lodged using the "Report a Complaint / Incident" form located at the following website: [Report a Complaint/Incident – The Independent Commission of Investigations](#)

If you are not satisfied with how your complaint is being handled, you can also contact a human rights attorney about the possibility of filing a complaint in court. For additional support, especially if you are a minor, you can also contact the Office of the Children's Advocate in person at the Air Jamaica Building, 72 Harbour Street, Kingston, by e-mail: info@oca.gov.jm or by telephone at +1(876)-948-1293.

Sources:

[1]: [Charter of Fundamental Rights and Freedoms, Section 13\(3\)\(i\)](#).

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

If you experience discrimination by the police, for your safety, stay calm and avoid escalating the situation.

Try to collect as much information about the incident as possible. If possible, calmly ask for the officer's name, badge number and reason for their actions. Afterward, write down as much as possible what happened. If there are any witnesses, gather their contact information. You then have several options for pursuing a complaint:

1. **Jamaica Constabulary Force (JCF).** To make a complaint against a member of the JCF, you can visit your local station, call or Whatsapp +1(876)-838-3084, or submit an e-mail to iprob@jcf.gov.jm.
2. **Independent Commission of Investigations (INDECOM).** You can also submit a complaint with INDECOM, which is an independent body tasked with investigating actions by the police that result in death or injury or the abuse of the right of Jamaican citizens. Their office is located at 1 Dumfries Road, Kingston. Complaints can also be lodged using the "Report a Complaint / Incident" form located at the following website: [Report a Complaint/Incident – The Independent Commission of Investigations](#)

If you are not satisfied with how your complaint is being handled, you can also contact a human rights attorney about the possibility of filing a complaint in court. For additional support, especially if you are a minor, you can also contact the Office of the Children's Advocate in person at the Air Jamaica Building, 72 Harbour Street, Kingston, by e-mail: info@oca.gov.jm or by telephone at +1(876)-948-1293.

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:

Even if you are improperly searched or detained, remain calm and do not physically resist. If you are searched, you should make it clear to the police that you do not consent to the search. If you are detained, you should ask the police to provide the reason for your detention.

Try to gather as much information about the incident, including the officer's name and badge number. After the incident, write down as much as possible about the incident and gather any available evidence. You then have several options for making a complaint:

1. **Jamaica Constabulary Force (JCF).** To make a complaint against a member of the JCF, you can visit your local station, call or Whatsapp +1(876)-838-3084, or submit an e-mail to iprob@jcf.gov.jm.
2. **Independent Commission of Investigations (INDECOM).** You can also submit a complaint with INDECOM, which is an independent body tasked with investigating actions by the police that result in death or injury or the abuse of the right of Jamaican citizens. Their office is located at 1 Dumfries Road, Kingston. Complaints can also be lodged using the "Report a Complaint / Incident" form located at the following website: [Report a Complaint/Incident – The Independent Commission of Investigations](#)

If you are not satisfied with how your complaint is being handled, you can also contact a human rights attorney about the possibility of filing a complaint in court. For additional support, especially if you are a minor, you can also contact the Office of the Children's Advocate in person at the Air Jamaica Building, 72 Harbour Street, Kingston, by e-mail: info@oca.gov.jm or by telephone at +1(876)-948-1293.

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Law is generally described as of June 2025.

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