

Real Rights: young people engaging with law enforcement



Little Rock, Arkansas



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

If you are interested to support us in this project, click on the "Feedback" button provided in each city page or email realrights@bakermckenzie.com.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search Your 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?
- What can I do as a minor without my parent(s) or legal guardian(s)?

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 \(1966\)](#); [Ark. Code § 5-54-125\(a\)](#)

- It is not a good idea to touch the officers. Keep your hands where the police can see them.

- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

See e.g., [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-103\(a\)](#); [Ark. Code § 5-54-104\(a\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

It should be noted that you must identify yourself (your name and what you're doing) to a law enforcement officer if asked. 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 [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\)](#)

What if the officers do not identify themselves?

Arkansas police officers must identify themselves if you have been stopped or detained. You can ask if they are police and to show their badges. See e.g., [Ark. Code § 12-12-1403\(a\)\(4\)](#); [Ark. R. Crim. P. 3.2](#)

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. If you are being detained, that officer must tell you the reason for keeping you and will only be allowed to do so for 15 minutes. See e.g., [5th Amendment](#); [Ark. R. Crim. P. 3.1](#); [Ark. R. Crim. P. 3.2](#)

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

Arkansas police officers must identify themselves if you have been stopped or detained. You can ask if they are police and to show their badges. See e.g., [Ark. Code § 12-12-1403\(a\)\(4\)](#); [Ark. R. Crim. P. 3.2](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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

If you are under arrest, the police must tell you immediately that you are arrested, and the reason for your arrest. If the police start questioning you without telling you your **rights** (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 \(1966\)](#); [Ark. R. Crim. P. 4.4](#); [Ark. R. Crim. P. 4.5](#)

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. See e.g., [Ark. Code § 5-54-103\(a\)](#)

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. Doing so could give the officer the belief that you have been, are, or will be involved in criminal activity. See e.g., [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-105\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

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., [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-105\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [Ark. Code § 16-10-1103\(a\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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 \(1968\)](#); [Ark. Code § 12-12-1403](#); [Ark. R. Crim. P. 3.1](#)

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., [4th Amendment](#); [Ark. R. Crim P. 11.2](#).

- *Police can conduct a brief **search** and can continue to conduct the search.* If you are under 14 years old, both you and your parent/guardian must give permission to the officer for a **search** to be conducted. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

What if a police officer wants to search my phone?

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#).

When related to an arrest, Arkansas 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. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Ark. R. Crim. P. 12.1](#).

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. If you are under 14 years old, both you and your parent/guardian must give permission to the officer for a search to be conducted. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#).

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 \(2014\)](#); [Ark. R. Crim P. 11.2](#)

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#).

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

NOTE: Recent rulings by federal courts have largely agreed that your password and other forms of digital access are included in the [5th 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 \(11th Cir. 2012\)](#)

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, 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 \(2014\)](#); [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#)

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#).

Police can, with a warrant, reasonable belief, or upon arrest, take fingerprints of you and cross check them against a database. See e.g., [Davis v. Mississippi, 394 U.S. 721, 727 \(1969\)](#); [Ark. Code § 12-12-1006\(a\)\(1\)\(A\)\(i-ii\)](#)

The Little Rock Police Department (LRPD) is required 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., [Little Rock Police Department, G.O. 316 Mobile Video Recording Equipment \(IV\)\(E\)](#)

NOTE: As of August 2022, The U.S. Supreme Court has yet to decide whether the 4th 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.4th 505 \(7th Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7th Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6th Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9th Cir. 1991\)](#)

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. If you are under 14 years old, both you and your parent/guardian must give permission to the officer for a search to be conducted. See e.g., [4th Amendment](#); [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

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 \(1968\)](#); [Ark. Code § 5-73-119\(a\)](#)

If you are arrested, the officer may search you and your belongings. 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 \(1973\)](#); [Ark. R. Crim. P. 12.4](#)

Can they take my picture or record me?

Yes. The Little Rock Police Department (LRPD) is required to record all public interactions using body cameras (BWCs). Police may also use hidden surveillance cameras in certain locations around cities, particularly in intersections. See e.g., [Little Rock Police Department, G.O. 316 Mobile Video Recording Equipment \(IV\)\(E\)](#)

Under Arkansas law, if you are being arrested for a serious crime, then you cannot refuse to be photographed by law enforcement. See e.g., [4th Amendment](#); [Ark. Code § 12-12-1006\(a\)\(1\)\(A\)\(i-ii\)](#)

NOTE: As of August 2022, The U.S. Supreme Court has yet to decide whether the 4th 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.4th 505 \(7th Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7th Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6th Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9th Cir. 1991\)](#)

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., [5th Amendment](#); [Ark. R. Crim. P. 2.2](#)

It should be noted that you must **identify** yourself (your name and what you're doing) to a law enforcement officer if asked. 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 [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)

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 \(1968\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

- 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., [Ark. R. Crim. P. 4.2](#); [Ark. R. Crim. P. 13.3](#)

- 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 \(1973\)](#); [Ark. R. Crim. P. 12.1](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

It should be noted that you must identify yourself (your name and what you're doing) to a law enforcement officer if asked. 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 [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)

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., [5th Amendment](#); [Ark. Code § 5-54-102\(a\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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. If you are being detained, that officer must tell you the reason for keeping you and will only be allowed to do so for 15 minutes. See e.g., [5th Amendment](#); [Ark. R. Crim. P. 3.1](#); [Ark. R. Crim. P. 3.2](#)

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 you are under arrest, the police must tell you immediately that you are arrested, and the reason for your arrest. If the police start questioning you without telling you your **rights** (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 \(1966\)](#); [Ark. R. Crim. P. 4.4](#); [Ark. R. Crim. P. 4.5](#)

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

Proposed Information

It is important to follow this advice:

- The Constitution prevents you from being searched in unreasonable circumstances.
See e.g., [4th 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 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)
- You can refuse to consent to a search, despite what a police officer may say.
See e.g., [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

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 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. If you are under 14 years old, both you and your parent/guardian must give permission to the officer for a search to be conducted. See e.g., [4th Amendment](#); [Ark. R. Crim P. 11.2](#); [Ark. R. Crim. P. 11.5](#)

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., [4th Amendment](#); [Arkansas Constitution, Article 2 § 15](#).

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

On the other hand, 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 \(1968\)](#); [Ark. Code § 5-73-119\(a\)](#)

If you are arrested, the officer may search you and your belongings. This may include any possessions of yours 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 \(1973\)](#); [Ark. R. Crim. P. 12.4](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

It should be noted that you must identify yourself (your name and what you're doing) to a law enforcement officer if asked. 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 [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)

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., [Ark. R. Crim. 4.1](#)
 - when the officer has an arrest warrant from the court.
- See e.g., [Ark. R. Crim. P. 4.2](#)

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 \(1968\)](#); [Ark. Code § 12-12-1403](#); [Ark. R. Crim. P. 3.1](#)

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. The officer is required to tell you if and why you are being detained. See e.g., [Ark. R. Crim. P. 3.2](#)

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., [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-105\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

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., [Little Rock Police Department, G.O. 119 Public Recording of Police Activity \(III\)\(B-D\)](#)

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 [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). In addition, you are not required to speak with police or answer any questions they might ask you. See e.g., [5th 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., [Ark. Code § 5-54-102\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

It should be noted that you must identify yourself (your name and what you're doing) to a law enforcement officer if asked. 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 [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)

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

Whenever you are stopped, detained, or arrested, law enforcement in Arkansas must identify themselves by name, jurisdiction, and purpose of the interaction. If you believe your rights have been violated during your interaction with law enforcement, you can file a written complaint with the [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). See e.g., [Ark. Code § 12-12-1403](#); [Ark. R. Crim. P. 3.2](#)

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., [Little Rock Police Department, G.O. 303 Response to Resistance and Active Aggression \(V\)\(G\)\(4\)](#); [Little Rock Police Department, G.O. 306 Handling of Prisoners \(I\)\(B\), \(II\)\(B\)](#)

- 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 \(1966\)](#)

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., [Ark. Code § 5-54-103\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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. If you are being detained, that officer must tell you the reason for keeping you and will only be allowed to do so for 15 minutes. See e.g., [Ark. R. Crim. P. 3.1](#); [Ark. R. Crim. P. 3.2](#)

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., [Ark. R. Crim. P. 4.1](#); [Ark. R. Crim. P. 4.2](#); [Ark. R. Crim. P. 4.4](#); [Little Rock Police Department, G.O. 306 Handling of Prisoners \(I\)\(B\), \(II\)\(B\)](#)

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. See e.g., [Ark. R. Crim. P. 3.3](#); [Little Rock Police Department, G.O. 303 Response to Resistance and Active Aggression \(V\)\(G\)\(4\)](#)

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 detention can take many forms. See e.g., [United States v. Hensley, 469 U.S. 221 \(1985\)](#); [Ark. R. Crim. P. 3.1](#)

For example, the officer can ask for your identity, to which you must identify yourself (your name and what you're doing). 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. See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#)

Police can also detain you and 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 \(1968\)](#); [Ark. Code § 5-73-119\(a\)](#)

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., [5th Amendment](#); [6th Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Ark. Code § 9-27-313\(a-b\)](#); [Ark. Code § 9-27-313\(a-b\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [5th Amendment](#); [6th Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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

No. You must be read your rights upon arrest, no matter where you are being arrested. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [Ark. R. Crim. P. 2.2](#)

- 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., [Ark. Code § 9-27-313\(a-b\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

Must police notify my guardian?

If you are taken into custody, the police must try to notify your parent(s) or guardian using all means available to them. Otherwise, the police are not required to notify your guardian unless you request that they do so. See e.g., [Ark. Code § 9-27-313\(a-b\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

What adults can I ask to be with me?

If you are taken into custody, the police must try to notify your parent(s) or guardian using all means available to them. See e.g., [Ark. Code § 9-27-313\(a-b\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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

If you are taken into custody, the police must try to contact your parent(s) or guardian using all means available to them. Otherwise, the police are not required to notify your parent(s) or guardian unless you request that they do so. See e.g., [Ark. Code § 9-27-313\(a-b\)](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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., [6th 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 and provide a reasoning for detainment. From there, police can demand identification, to which you must identify yourself (your name and address) and provide any information you have about the crime. You risk arrest if you fail to identify yourself, provide false information, or refuse to assist the officer as a witness. See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Ark. Code § 5-71-213\(a\)\(1\) \(1987\)](#); [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-105\(a\)](#); [Ark. R. Crim. P. 3.5](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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. 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 \(1973\)](#); [Ark. R. Crim. P. 2.2](#); [Little Rock Police Department, G.O. 306 Handling of Prisoners \(III\)\(9\)\(c\)](#)

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., [Ark. Code § 5-54-102\(a\)](#); [Ark. Code § 5-54-105\(a\)](#); [Ark. R. Crim. P. 4.1\(a\)](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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 [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). 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., [Resources, Arkansas Attorney General Leslie Rutledge](#)

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 [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). 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., [Resources, Arkansas Attorney General Leslie Rutledge](#)

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 Little Rock Internal Affairs unit. 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.

Additionally, organizations like the [ACLU](#) specialize in assisting with discrimination claims.

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 [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). 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., [Resources, Arkansas Attorney General Leslie Rutledge](#)

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., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

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. In addition, in you are facing neglect in any way or have no adult figure (parent/guardian) in your life, you have the right to a court-appointed special advocate that will serve to provide context to the court about your situation. See e.g., [Ark. Code 9-27-316](#); [Little Rock Police Department, G.O. 307 Juvenile Procedures \(III\)\(C\)](#)

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 behavior to the [Little Rock Police Department's Internal Affairs: Professional Standards Section](#). 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., [Resources, Arkansas Attorney General Leslie Rutledge](#)

Disclaimer

The materials and content provided on this website are for general information only and are not intended as legal advice. Although we strive to provide accurate and up to date legal information, we cannot promise it is error free or that it is suitable for your specific concerns. Therefore, you should contact an attorney to obtain legal advice for any issue specific to your situation. If you use the materials and information provided on this site or links to other websites, it does not create an attorney-client relationship between us or any providers of information you find on this website, and we take no responsibility for any information linked to this website.

The materials and content are provided as-is with no warranty of any kind. We disclaim all express and implied warranties, including the implied warranties of merchantability, fitness for particular purpose. Under no circumstances will we or our contributors be liable for any consequential, indirect, incidental, special or punitive damages or lost profits, whether foreseeable or unforeseeable, under any legal theory. Some states do not allow the exclusion of implied warranties or the limitation of incidental or consequential damages, so the above limitation and exclusions may not apply to you.

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.

Baker McKenzie International is a Swiss Verein with member law firms around the world. In accordance with the common terminology used in professional service organizations, reference to a "partner" means a person who is a partner, or equivalent, in such a law firm. Similarly, reference to an "office" means an office of any such law firm.

Law is generally described as of September 2022.

[back to top](#)