

Real Rights: young people engaging with law enforcement

 Manchester, New Hampshire



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
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- What can you do if the police perform an improper search? Or you were improperly detained?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

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Can the police arrest you for refusing to answer questions?

No, if the officer has not otherwise indicated that they are planning to detain/arrest you, then they cannot arrest you for refusing to answer questions. You may ask if you are being detained. If the officer responds that you are not being detained, you may stop the conversation and walk away.

Source: *State v. Riley*, 126 N.H. 257, 263 (1985), available [here](#).

What if the officers do not identify themselves?

If an officer does not show you any identification and is not wearing a police uniform, then you do not have to answer any questions and can walk away.

While there is no single fact or set of circumstances which determines whether a particular encounter with the police has become an arrest, if the officer is not in uniform and does not produce official identification, then it could mean there has not been an arrest.

Source: *State v. Marin*, 172 N.H. 154, 160 (2019), available [here](#).

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

If an officer has not otherwise indicated that they are planning to detain/arrest you, then they cannot arrest you for refusing to answer questions. You may ask if you are being detained. If the officer responds that you are not being detained, you may stop the conversation and walk away.

Source: *State v. Riley*, 126 N.H. 257, 263 (1985), available [here](#).

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

If the officer does not show you any identification and is not wearing a police uniform you do not have to answer any questions and can walk away. If you believe that the person is an officer, but they have not indicated that they would like to detain/arrest you nor shown you any identification, you can also walk away.

Source: *State v. Riley*, 126 N.H. 257, 263 (1985), available [here](#).

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

Likely yes. You are not guaranteed a right to counsel until your constitutional protections are triggered. An investigative stop is not a seizure, but this changes if "a reasonable person would not feel free to disregard the police and go about his business." Once an investigative stop turns into a seizure, your constitutional protections are triggered, including your *Miranda* right to counsel.

Source: [Law Enforcement Manual](#), at pp. 127-129.

"The right to counsel is fundamental, and law enforcement officers should not discourage a suspect from exercising that right. Questions such as: "Do I need a lawyer before I talk to you?" or "Should I have a lawyer?" have been held to be valid.

Sources: *State v. Tapply*, 124 N.H. 318, 324 (1983), available [here](#); [Law Enforcement Manual](#), at p. 203.

If I sit down, am I resisting?

Yes, if you sit down while you are in the process of being arrested then you may be considered to be resisting arrest. Under New Hampshire law, a person in the process of being arrested cannot resist arrest. If you are not in the process of being arrested or detained, then sitting down would not be considered resisting.

Source: [NH Rev Stat § 642:2](#) - Resisting Arrest or Detention.

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

If you are not under arrest or being detained, you are free to leave. Running may give the police a reason to think that you have committed either a misdemeanor/violation (in which case the police may think that if you are not immediately arrested you will destroy or hide evidence of the offense, will cause personal injury or will damage property) or a felony has been committed (even if the officer believes reasonably you have committed a felony and you have not). It is better to walk away calmly.

Source: [NH Rev Stat § 594:10](#) - Arrests in Criminal Cases.

In areas where street crime is common, police can chase, stop and frisk people if their location contributes to a suspicion of criminal activity. Again, if you are not under arrest or being detained, it is better to walk away calmly.

Source: *Illinois v. Wardlow*, 528 U.S. 119, 120 S. Ct. 673 (2000), available [here](#).

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

If the others you are telling to run are not under arrest or being detained, then they are free to leave. As above, it is not a good idea to run as it may give the police reason to think a misdemeanor/violation or felony has been committed, which may lead to arrest. It is better to tell others to walk away calmly.

Source: [NH Rev Stat § 642:2](#) - Resisting Arrest or Detention.

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

If you do not understand the officer because they are communicating in a language you do not understand you may tell them that you do not understand without waiving your rights.

For any waiver of rights to be valid, it must be voluntary. If you do not understand the rights being read to you in English, any waiver of those rights may not be voluntary. The police officer may provide you with a *Miranda Waiver Form* written in your native language to make sure you understand your rights, so that you may decide, voluntarily, whether or not to waive them.

Source: [Law Enforcement Manual](#), p. 202.

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

Police officers are free to approach members of the public and engage them in conversation. The officer may request to see your identification or may ask for consent to search you or your belongings, although the officer is not allowed to say that you must comply with their request. You are free to walk away and not respond.

Source: [Law Enforcement Manual](#), p. 127.

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 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?

The police can search the phone itself (i.e. the phone case, any external, tangible attachments) but cannot search the digital data stored inside (i.e. your text, photos, apps) without a search warrant.

Source: *Riley v. California*, 573 U.S. 373, 401 (2014), available [here](#).

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

If your phone is locked with a password, the police can't force you to give them your password because of fifth amendment right against self-incrimination. They can try to hack into your phone but they can't make you give them the password. You may consent to giving them your password.

Source: [Law Enforcement Manual](#), pp. 74, 81, and 441.

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

If your phone is locked with a password, the police can't force you to give them your password because of fifth amendment right against self-incrimination. They can try to hack into your phone but they can't make you give them the password. You may consent to giving them your password.

If the police have a search warrant, and if they have the proper cause to believe that your phone has evidence then need, they can seize your phone. You do need to give them the password or provide access.

Source: [Law Enforcement Manual](#), p. 74.

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

Whether the police officer asks for your password or demands it from you, you do not need to give the police your password. This applies whether or not you are under arrest. You may consent to giving them your password.

Source: [Law Enforcement Manual](#), pp. 74, 81, and 441.

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

Facial recognition: the police may not use facial recognition technology to search you.

Body Cameras: body-worn cameras may only be used by police officers who are in uniform. Police officers must activate their body-worn cameras and start recording when engaged in any police enforcement related encounter including traffic stops, pedestrian stops, pursuits and crowd control. During encounters with the public, police officers must inform individuals that they are being recorded as soon as it is practical to do so.

Source: [Law Enforcement Manual](#), p. 34.

Fingerprint searches: If you have been arrested, the police may fingerprint you without a warrant. If you have not been arrested, the police cannot force you to give your fingerprint(s) without a warrant. But the police may try to get a fingerprint from you that doesn't require your finger (e.g. on a cup you are drinking from).

Source: [Fingerprinting-Search and Seizure](#).

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

If you have been stopped on the street by an officer or someone claiming to be an officer, they are only allowed to pat you down outside of your clothing (also known as a "frisk") to search for weapons.

Therefore, if you are carrying something in your pocket, the officer can ask you to remove the item if they feel it and think it might be a weapon or contraband (like drugs, or something they think you might have stolen).

They can only search your backpack if they have a good reason to suspect you are hiding a weapon contraband inside it.

Sources: [NH Rev Stat § 594:3](#) - Searching for Weapons; see also *State v. Roach*, 141 N.H. 64, 66-67 (1996), available [here](#).

Can they take my picture or record me?

Unless there is a warrant for your arrest, law enforcement officers cannot record you if they are off-duty, if you are in a private place like your home or a bathroom, or if you are on the grounds of any elementary or secondary school. If you are in a public place, a uniformed officer can record your audio and video if it is a routine stop that is a part of their normal duties, but they must notify you first. Usually, officers will record these stops with body cameras.

Sources: [NH Rev Stat § 570-A:2](#) - Wiretapping and Eavesdropping - Interception and Disclosure of Telecommunication or Oral Communications Prohibited; [NH Rev Stat § 105-D:2](#) - Use of Body-Worn Cameras.

Can they ask me where I am going and why?

They can ask, but you are not required to speak with police and answer questions.

If a police officer begins speaking to you, you are not required to respond. If a police officer tells you that you are being detained or under arrest, you should not resist in any way even if you did not do anything wrong. Even if you have been detained or placed under arrest, you are not required to answer questions.

Sources: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects; [NH Rev Stat § 594:5](#) - Resisting Arrest; *State v. Riley*, 126 N.H. 257, 263 (1985), available at [here](#).

Reasons Police May Detain or Arrest You

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. 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 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 are not required to speak with the police and answer questions. If a police officer suspects that you have done something wrong (whether you actually have or not), the police officer may stop you and ask for your name and address. The police officer may not arrest you solely for refusing to answer.

Source: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects.

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

No, you are not required to correct them. In fact, you are not required to speak with police and answer questions. Anything you say to a police officer may be used against you, including giving the police officer a reason to further question you or even arrest you.

Source: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects.

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

You are not required to speak with police and answer questions. If a police officer begins speaking to you, you are not required to respond. If a police officer tells you that you are being detained or under arrest, you should not resist in any way even if you did not do anything wrong. Even if you have been detained or placed under arrest, you are not required to answer questions.

Sources: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects; [NH Rev Stat § 594:5](#) - Resisting Arrest; *State v. Riley*, 126 N.H. 257, 263 (1985), available at [here](#).

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

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

Source: MirandaRights resource, available [here](#).

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Under *Miranda v. Arizona*, statements you make when you are being interrogated by police (asked questions after being placed in custody of police, such as after being placed in a police car) will not be admissible in court against you if the police did not inform you of your *Miranda* rights, or the right to remain silent, to speak to a lawyer, or to have a lawyer appointed for you if you cannot afford one. As such, if you are placed in police custody or are being interrogated, evoke your *Miranda* rights and ask to speak to a lawyer.

Source: *Miranda v Arizona*, 384 US 336 (1966), available [here](#).

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

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

In most cases, a police officer cannot search you and your possessions without having a permission from a judge or you to do so.

This permission from a judge is called a search warrant. The officer does not have to show you the warrant, but they must have received it from a judge. You can ask to see the warrant and what is included in the search (like your person, your car, your backpack, etc.).

An officer can also search you and your possessions with your permission, but they can't force you to give permission—you have a right to refuse to be searched. If you choose to give permission, you can either say the words, or use gestures.

If you are on school grounds, the school administration may also be able to search you and your possessions or a locker without a warrant if they suspect you broke the school rules or the law.

If you agree to the search, you must first give voluntary consent. The police officers may then search without a warrant. Consent can be given by you saying that you consent, or in writing. It may also be implied (if you open the door for the police, nod or point).

Sources: [NH Rev Stat § 644:21](#) - Searches of Portable Electronic Devices; [Law Enforcement Manual](#), Chapters V and VI.

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

You should consider both situations as voluntary requests for information. You are not required to speak with police and answer questions. If a police officer begins speaking to you, you are not required to respond. If a police officer tells you that you are being detained or under arrest, you should not resist in any way even if you did not do anything wrong. Even if you have been detained or placed under arrest, you are not required to answer questions.

In addition, you have a right to refuse to answer questions that may incriminate you under the 5th Amendment of the U.S. Constitution.

If you are stopped for questions, it is a good idea to be polite and remain calm. Do not move suddenly or try to flee. Do not give the police a reason to create a reasonable basis to conduct a stop or search, or to take you into custody.

Sources: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects; [NH Rev Stat § 594:5](#) - Resisting Arrest; *State v. Riley*, 126 N.H. 257, 263 (1985), available at [here](#); Fifth Amendment to the Constitution of the United State of America, available [here](#).

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

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

Law enforcement officers, like any other person, are free to approach members of the public and engage them in conversation. An officer does not seize a person by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer questions, or by asking if the person is willing to listen.

Sources: [Law Enforcement Manual](#), p. 127; *State v. Riley*, 126 N.H. 257, 263 (1985), available at [here](#).

The officer may request your ID or ask for consent to search you or your belongings without legally seizing (arresting) you, provided the police do not in any way convey a message that you must comply with their request.

To make a lawful investigative stop, an officer must have a reasonable suspicion that you have been, are, or are about to be engaged in illegal activity. It is not enough that an officer has a general sense or a hunch that you're doing something wrong. The officer must be able to point to specific facts and reasonable conclusions drawn from those facts to support a significant possibility of specific wrongdoing.

Sources: *Terry v. Ohio*, 392 U.S. 1, 27 (1968), available [here](#); *State v. Wiggins*, 151 N.H. 305, 308 (2004), available [here](#); *State v. Maya*, 126 N.H. 590, 595 (1985), available [here](#); *State v. Pepin*, 155 N.H. 364, 366 (2007), available [here](#).

Can I ask for the reason they stopped me?

Yes. To make a lawful investigative stop, an officer must have a reasonable suspicion that the person being stopped has been, is, or is about to be engaged in illegal activity.

Sources: [Law Enforcement Manual](#), p. 130; *Terry v. Ohio*, 392 U.S. 1, 27 (1968), available [here](#); *State v. Wiggins*, 151 N.H. 305, 308 (2004), available [here](#); *State v. Maya*, 126 N.H. 590, 595 (1985), available [here](#).

It is not enough that an officer has a general sense or a hunch that someone is doing something wrong. The officer must be able to point to specific facts and reasonable inferences drawn from those facts to support a significant possibility of specific wrongdoing.

Source: *State v. Pepin*, 155 N.H. 364, 366 (2007), available [here](#).

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

Yes, unless that person is under arrest. A person may not intentionally interfere with a police officer who is making or attempting to make a lawful arrest or detention of another person.

Source: [NH Rev Stat § 642:2](#) - Resisting Arrest or Detention.

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

If you think the stop is unjustified, the ACLU advises that you:

- Think carefully about your words, movement, body language, and emotions.
- Don't get into an argument with the police.
- Remember, anything you say or do can be used against you.
- Keep your hands where the police can see them.
- Don't run. Don't touch any police officer.
- Don't resist even if you believe you are innocent.
- Don't complain on the scene or tell the police they're wrong or that you're going to file a complaint.
- Do not make any statements regarding the incident.
- Ask for a lawyer immediately upon your arrest. Remember officers' badge and patrol car numbers.
- Write down everything you remember ASAP.
- Try to find witnesses and their names and phone numbers.

- If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.
- If you feel your rights have been violated, file a written complaint with police department's internal affairs division or civilian complaint board.

Source: ACLU Guidance, available [here](#).

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

The ACLU advises writing down all information at the scene, including badge and patrol car numbers.

Source: ACLU Guidance, available [here](#).

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Remember to remain respectful throughout the interaction and choose words carefully. Informing an officer you plan to report them may irritate them. If you feel you cannot ask for a name/badge number, write down the exact time and location from the interaction and any physical description you can recall.

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not 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; 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 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?

Knowing when you are under arrest is important because you have special legal protections once you are arrested and considered to be in "police custody." Some examples of these protections are the right to remain silent (you don't have to answer any police questions without your lawyer present) and the right to a lawyer if you can't afford one.

Most arrests will be formally announced by the officer arresting you and the police will need to show you a warrant. However, they can still arrest you if they have "probable cause" (basically, a good amount of evidence) to believe you committed a crime.

Source: *State v. Schofield*, 114 N.H. 454, 456 (1974), available [here](#).

However, the officer's actions could still trigger an arrest even if they haven't *said* you are under arrest in situations like these:

- the officer is physically holding you down or is holding you in a confined space
- the officer tells you that you are not free to leave
- you are outnumbered by a group of officers (giving you a reasonable fear that you cannot leave)
- the officer displays their weapon to you
- the officer directly accuses you of a crime or uses a harsh, demanding tone

Source: See *In re E.G.*, 171 N.H. 223, 229 (2018), available [here](#).

The main question to ask yourself if you are not sure if you are under arrest is: "would a typical teenager like me think they were under arrest in my situation?"

Source: See *State v. Riley*, 126 N.H. 257, 262 (1985), available [here](#).

What is the difference between detention and arrest?

If a police officer is reasonably suspicious that you either committed a crime or are about to, they can detain you, but only when they can point to specific facts, and it has to be for a brief period of time. If you are detained, you are not arrested, so you are not considered to be in police custody. If you are arrested, the police have to have probable cause, and you are officially in custody.

Sources: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects; see also *State v. White*, 119 N.H. 567, 571-72 (1979) available [here](#); *Terry v. Ohio*, 392 U.S. 1, 16 (1968), available [here](#).

If you are detained, it has to be short and for a particular reason, and you will be free to leave after. If you are arrested, that means the police will take you to the police station, and you are no longer free to leave, and in their control.

If I am handcuffed, am I arrested?

Yes, if the police are handcuffing you as part of taking you into custody and preventing you from leaving in order to answer for the commission of a crime, then it is likely that you are being arrested.

If the police are handcuffing you for some other reason, such as for safety reasons, and may let you go when that perceived safety question is resolved, it may not necessarily mean you were arrested.

Source: *United States v. Fiseku*, 915 F.3d 863 (2d Cir. 2018), available [here](#).

If my liberty is restricted, am I under arrest?

This depends on the reason why your liberty is restricted, and how long you are restricted for. If you are stopped by the police and forced to stay for a brief duration for a specific purpose, and allowed to leave after, then you are not under arrest. But if you are taken into police custody, which means you are physically restricted by the police and have to go with them, then you are under arrest.

Sources: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects; see also *State v. White*, 119 N.H. 567, 571-72 (1979) available [here](#); *Terry v. Ohio*, 392 U.S. 1, 16 (1968), available [here](#).

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?

Police need to read Miranda rights after detaining someone but before beginning an interrogation (questioning). At that time, you can say that you want to remain silent, and the police must immediately stop the questioning.

Sources: *Miranda v. Arizona*, 384 U.S. 436, 473-74 (1966), available [here](#); *State v. Jeleniewski*, 147 N.H. 462, 465 (2002), available [here](#).

Miranda rights apply when you are being questioned and protect you from self-incrimination under the Fifth Amendment. The person being detained must still answer questions asked about their name, age, address, etc. but you do not have to give information that would be self-incriminating.

You have the right to remain silent. For example, you do not have to answer any questions about where you are going, where you are traveling from or what you are doing. If you wish to exercise your right to remain silent, say so out loud.

Sources: Miranda Warning guidance, available [here](#); ACLU guidance, available [here](#).

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

No, the place does not matter. Police officers need to read you with your rights when you are in custody and being questioned. Being in custody does not mean just being stopped to be asked questions, but it requires, that after initial questions, they continue to hold you and they do not let you leave.

Sources:

State v. Marin, 172 N.H. 154, 159 (2019), available [here](#); *State v. McKenna*, 166 N.H. 671, 671-62 (2014), available [here](#); *State v. Grey*, 148 N.H. 666, 670 (2002), available [here](#); *State v. Gay*, 169 N.H. 232, 244-45 (2016), available [here](#); *State v. Turmel*, 150 N.H. 377, 383 (2003), available [here](#).

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.

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- 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. After you have been taken into custody, the State can only use your statement if it is voluntary.

Sources: Fifth Amendment to the Constitution of the United State of America, available [here](#); N.H. Const. Pt. I, Art. 15, available [here](#).

Voluntary means the police cannot use threats, violence, direct or implied promises, or exertion of any improper influence to make you make a statement.

Source: *State v. Cloutier*, 167 N.H. 254, 258 (2015), available [here](#).

Additionally, the police have to describe your rights in simple language you understand—just simply repeating the *Miranda* rights you might have heard before on TV is not enough if you don't understand what your rights are.

Sources: *State v. Benoit*, 126 N.H. 6, 19 (1985), available [here](#) (a juvenile's statement will be admissible only if the juvenile was properly advised of Miranda rights in simplified language, now known as the Benoit warning); [Law Enforcement Manual](#), pp. 202, 234,

Must police notify my guardian?

Yes. The police have to immediately notify your parent or guardian who you want to talk to, and give you the chance to talk to them, even before you are interrogated.

Source: [NH Rev Stat § 594:15](#) – Notice of Arrest; *State v. Farrell*, 145 N.H. 733 (N.H. 2001), available [here](#).

Must I confess?

No, you have the right to remain silent. Confessions must be voluntary.

Sources: Fifth Amendment to the Constitution of the United State of America, available [here](#); N.H. Const. Pt. I, Art. 15, available [here](#); *State v. Ruiz*, 179 A.3d 333 (2018), available [here](#).

What adults can I ask to be with me?

The police may question you without an adult present. However, if you have been arrested and are being questioned, you may give the police the name of a parent, relative, friend, or attorney who you wish to talk with and, under New Hampshire law, the police must immediately notify that person.

Sources: [NH Rev Stat § 594:15](#) – Notice of Arrest; *State v. Farrell*, 145 N.H. 733, 737 (2001), available [here](#).

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

If you've been detained or arrested, the police have to contact anyone you ask them to contact.

Source: [Law Enforcement Manual](#), at p. 208; [NH Rev Stat § 594:15](#) – Notice of Arrest; *State v. Farrell*, 145 N.H. 733 (2001), available [here](#); *State v. Benoit*, 126 N.H. 6, 18 (1985), available [here](#).

If you haven't been detained or arrested, you can ask the police to contact someone for you, but they are not required to.

Source: [Law Enforcement Manual](#), at p. 207.

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?

A police officer may detain you if they think you are a witness to a crime and can provide necessary or helpful information in solving the crime, or if the officer thinks you are in danger. This does not mean that you are under arrest.

Do not physically interfere with the officer if they are trying to arrest or detain someone in front of you (for example, don't try to pull them back or put yourself between the officer and the other person).

You always have a choice whether to speak or not with the officers about what you saw or know, but if you do, remember that it is a crime for you to give, or make someone else give false information to any law enforcement officer.

Sources: [NH Rev Stat § 597:22](#) - Recognizances After Arrest; [NH Rev Stat § 641:4](#) - False Reports to Law Enforcement; [NH Rev Stat § 642:2](#) - Resisting Arrest or Detention.

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- No. The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

Can the police lie to me?

Yes—the police can lie to you. Police are legally allowed to lie, intimidate, and bluff.

Sources: ACLU guidance, available [here](#); Innocence Project guidance, available [here](#).

Disclaimer: Please note these guides are a non-legal source. We do not promote the publishers of these sources nor can we confirm that these sources are routinely updated.

Do I have to tell the police the truth?

Yes, you must be truthful when speaking to police. However, you may choose to remain silent. The police officer may not arrest you solely for refusing to answer.

Source: [NH Rev Stat § 594:2](#) - Questioning and Detaining Suspects.

You can't lie in order to make the police believe someone else has done something wrong.

Sources: *State v. Allard*, 148 N.H. 702, 705 (2002), available [here](#) ("The mere act of giving false information to the police is insufficient to constitute an offense under this statute. The State must also prove that the defendant's purpose was to convince the police that another person committed an offense."); [NH Rev Stat § 641:4](#) – False Reports to Law Enforcement; [NH Rev Stat § 641:3](#) - Unsworn Falsification.

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:

If you believe your rights were violated

- Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, and any other details. It is a good idea to get contact information for witnesses.
- If you're injured, seek medical attention immediately and take photographs of your injuries.
- File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish. Complaints can be filed through the Manchester Police Department Internal Affairs office: [351 Chestnut St., Manchester, NH 03101](#) or call (603) 668-8711 for more information.
- Anonymous complaints will not be investigated.
- Only complaints submitted on department forms will be investigated.

Source: ACLU guidance, available [here](#).

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

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

- Don't try to run away.
 - Respectfully ask if you are free to leave and only do so when you've been told yes.
- Don't physically resist a pat down.
 - Instead say "I do not consent to a search." Police still may do a light pat down over your clothing for weapons. Any further pat down is unlawful—but remember to remain calm and state once again that you do not consent to a search, making your stance clear.
- Don't speak freely, wait until you can speak to your family and/or lawyer.
 - Instead say "I want to remain silent." You may be asked your name, which you may give. You cannot be arrested for remaining silent no matter what you are told. You may be arrested regardless (unlawfully). If that happens, remain silent and calm.

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- Keep your hands visible at all times.
- If you are stopped in a car, you must show your driver's license and registration. Make it clear that you are reaching for these items when doing so.
- If you are issued a ticket, you must sign the ticket. Not signing could lead to an arrest.

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

After the fact:

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

Police Department Information:

Manchester Police Department Internal Affairs
[351 Chestnut St., Manchester, NH 03101](#)
 (603) 668-8711

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

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

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

- If you are issued a ticket, you must sign the ticket. Not signing could lead to an arrest.

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

After the fact:

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

Police Department Information:

Manchester Police Department Internal Affairs
[351 Chestnut St., Manchester, NH 03101](#)
(603) 668-8711

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

Proposed Information

It is important to follow this advice:

You have a right not to be subjected to unreasonable searches and stops or detainment.

If there are no red flags to trigger the police to perform a warrantless search and you have not consented to the search or detainment, the ACLU of New Hampshire has several recommendations which may differ depending on whether you are on the street, in a home or in a car, including:

1. An officer can pat you down if they suspect a concealed weapon, but make it clear you don't consent to any further search if there is no warrant involved.
2. Ask if you are under arrest, and if you are under arrest, you have the right to ask why you are under arrest.
3. Remember the officers' badge and patrol car numbers.
4. Write down everything you remember ASAP.
5. Try to find witnesses and their names and phone numbers.
6. If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.
7. If arrested, do not resist arrest, be careful about what you say—keep in mind you have a right to remain silent beyond providing your name and address—and ask for a lawyer immediately upon your arrest.

If you feel your rights have been violated, you may file a written complaint with the police department's internal affairs division or civilian complaint board.

Source: ACLU guidance, available [here](#).

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Law is generally described as of December 2022.

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