

Real Rights: young people engaging with law enforcement



Montgomery, Alabama



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 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 can you do if the police perform an improper search? Or I was improperly detained?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- 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.

Can the police arrest you for refusing to answer questions?

No. You have the right to remain silent and you are not required to speak to the officer or answer questions. For example, you don't have to answer questions about where you are going, where you are traveling from, what you are doing, or where you live. If you wish to exercise your right to remain silent, say so out loud (for example, "I wish to exercise my right to remain silent"). If you decide to answer any questions, you may stop at any time by exercising your right to remain silent.

If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

The police must stop any and all interrogation (i.e. questioning) once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e. give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go.

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

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.

What if the officers do not identify themselves?

The officer does not necessarily have to identify themselves. Generally, officers (including plain-clothes officers) should identify themselves as law enforcement during a stop.

However, there will be exceptional cases where it is justified for the officer to decide not to identify himself or herself. If you are not sure, you can politely ask if they are an officer.

[Legal Source: <https://www.lawfareblog.com/can-law-enforcement-officers-refuse-identify-themselves>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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

If the police ask to speak to you, it is a good idea to request to speak to your lawyer and have your parent(s)/guardian(s) present. If you tell the police you want a lawyer with you during questioning, they will have to stop questioning you until your lawyer arrives or (if you cannot afford your own lawyer) the court has appointed you a lawyer.

It is a good idea to say you wish to remain silent out loud, and to then not say anything, sign anything, or make any decisions until your lawyer is present.

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Even if you are responsible for something or have information that the police want, it may not be a good idea to share it without a lawyer present.

If you do decide to talk to the police, and you are unsure about the questions the police are asking during the communication, you should tell them that you are unsure. Do not guess or provide false information. Be concise and precise.

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.

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

The officer does not necessarily have to identify themselves. Generally, officers (including plain-clothes officers) should identify themselves as law enforcement during a stop. However, there will be exceptional cases where it is justified for the officer to decide not to identify himself or herself. If you are not sure, you can politely ask if they are an officer.

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

Yes. The police must stop any and all interrogation (i.e. questioning) once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e. give up) your right to remain silent.

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If I sit down, am I resisting?

If the police go on to detain, search, or arrest you despite you saying no, it is better to not physically resist for any reason. Physically resisting arrest can include sitting down without being instructed to sit down by an officer. [<https://www.feldmanroyle.com/violent-crimes/resisting-arrest/>] Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

You cannot be arrested for refusing to consent to a search without a warrant. However, if you tell a police officer that you do not agree to a search and they continue, you should not resist as you may be charged with the crime of resisting arrest. [Legal Source: [Alabama Code Section 13A-10-41](#)]. Again, resisting arrest can include the simple act of sitting down.

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." Even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

You should not resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

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

Stay calm. It is not a good idea to run. Listen closely to what the officers say and remain respectful. Speak carefully and clearly. Think about what you want to say, or if you want to stay silent. Anything you say can be used against you in a court of law.

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If you have not been arrested, and are not in custody, you may have the right to walk away. It may be a good idea to ask the questioning officer whether you are free to leave. Do not run or try to leave without permission as this may be seen as guilty conduct or behavior meant to aggravate the officers.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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

It is not a good idea to run or to advise others to run. Listen closely to what the officers say and remain respectful. Speak carefully and clearly. Think about what you want to say, or if you want to stay silent. Anything you say can be used against you in a court of law.

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If you think the arrest is unjustified, you can follow these practical tips:

- When you are being handcuffed, ask if you are being arrested or detained.
- Do not resist, tense up, or pull away.
- Ask the officer if his/her body camera is on.
- Request the presence of the officer's sergeant or supervisor.
- If family members/friends are present, advise them to remain calm as they can be charged with obstruction of justice. They are allowed to record what is taking place as long as they stand at a distance.

You should not resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

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

Yes, police can stop you even if you did not do anything. If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions. If you are being detained, it does not matter whether you did not do anything - the police can stop you.

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go. A police officer may require you to identify yourself and explain what you are doing or why you are in a particular area (often because the area is considered a high crime area). [Legal Source: [Alabama Code Section 15-5-30](#)]

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

If the officer has reasonable grounds to believe that you are armed or may be dangerous, he or she may conduct a limited pat down of your outer garments for the purpose of detecting weapons. The officer may be able to detain you for over an hour. Sometimes police officers will be justified in detaining you while they obtain a search warrant.

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

At the conclusion of any temporary detention, the officer ordinarily must either arrest you or let you go.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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- Do not resist, tense up, or pull away.
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- Request the presence of the officer's sergeant or supervisor.
- If family members/friends are present, advise them to remain calm as they can be charged with obstruction of justice. They are allowed to record what is taking place as long as they stand at a distance.

If you are arrested or detained, you have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you have been detained or arrested, then you are not allowed to leave. While it is better to follow the officer's directions, you are not required to answer any questions that the police asks you.

If the police go on to detain, search, or arrest you despite you saying no, it is better to not physically resist for any reason.

When Can Police Search You and Your Surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.

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- 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 need a warrant to search you or your belongings. [Legal source - https://judicial.alabama.gov/docs/library/rules/cr3_8.pdf]. Police need a warrant to search the contents of your cellphone. [Legal source: <https://supreme.justia.com/cases/federal/us/573/373/>].

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." Even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

A warrant is a court order. If a police officer has a warrant, you have no choice but to consent to the search.

You cannot be arrested for refusing to consent to a search without a warrant. However, if you tell a police officer that you do not agree to a search and they continue, you should not resist as you may be charged with the crime of resisting arrest. [Legal Source: [Alabama Code Section 13A-10-41](#)].

There are certain situations where the police may legally conduct a search without a warrant: (i) where you agree to the search; (ii) where police can see illegal activity occurring or evidence is clearly visible; (iii) a search incident to arrest (if you are being arrested for a crime, the police have the legal right to search you, e.g., for weapons or evidence); or (iv) where police have reason to believe that taking time to get a warrant would risk public safety and/or lead to loss of evidence (they must have probable cause to justify this search without a warrant [Legal Sources: [Cameron v. State, 861 So. 2d 1145, 1149 \(Ala. Crim. App. 2003\)](#)])

An officer may be entitled to conduct a more thorough "inventory search" of your car or personal property in police custody if you are arrested.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.legalzoom.com/articles/know-your-rights-can-you-be-searched-without-a-warrant>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If a police officer asks your permission to search, it is always better to say no. You do not have to say yes. The officer may be asking for your permission because they don't have enough evidence to search without your permission.

See Section 4 of the Alabama Rules of Criminal Procedure: https://judicial.alabama.gov/docs/library/rules/cr4_1.pdf

You may have a legal claim that your rights have been violated (i.e. not respected) if you have been or will be injured and each of the four circumstances listed below are met:

- The police officer searches or seizes your body (e.g. you are taken into custody and/or searched); house (including the porch, garden etc.) or hotel room; papers; or any other personal belongings.

- The police officer physically entered your house, touched you, took your papers and/or personal belongings, or the officer did not respect what you reasonably expect your privacy to be.
- It must be your rights that were violated, not the rights of any other person. You must also have a reasonable expectation of privacy in the area where your property was taken.
- The police officer did not have a warrant (an official document) or the warrant was not proper e.g. did not cover the search.

If you think your rights have been violated:

- write down everything you remember, including the officer's name, badge and patrol car numbers and the agency they work for (e.g. the municipality or county of the office they work for);
- get contact information from witnesses; and
- take photos of any injuries.

Once you have all or some this information, you may file a written complaint with the City of Montgomery at <https://www.montgomeryal.gov/how-do-i/report/city-investigations>

Additionally, complaints may be made by mail or in person at the below address:

Union Station, Suite 214
300 Water Street
Montgomery, Alabama 36104

The office of City Investigations can be contacted with any questions or issues at 334-625-2490.

If you think that it is in your best interest to get a lawyer to help in your complaint or other related legal action, the below resources can be helpful for finding a lawyer:

- <https://www.alabar.org/for-the-public/get-legal-help/>
- <https://legalservicesalabama.org/>
- <https://montgomeryvlp.org/>
- <https://www.legalaidoffices.com/city/al-montgomery>

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

The police need a warrant to search you or your belongings. [Legal source: https://judicial.alabama.gov/docs/library/rules/cr3_8.pdf]. Police need a warrant to search the contents of your cellphone. [Legal source: <https://supreme.justia.com/cases/federal/us/573/373/>].

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." Even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

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A warrant is a court order. If a police officer has a warrant, you have no choice but to consent to the search.

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

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You cannot be arrested for refusing to consent to a search without a warrant. However, if you tell a police officer that you do not agree to a search and they continue, you should not resist as you may be charged with the crime of resisting arrest. [Legal Source: [Alabama Code Section 13A-10-41](#)].

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

The police need a warrant to search you or your belongings. [Legal source: https://judicial.alabama.gov/docs/library/rules/cr3_8.pdf]

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." Even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

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If a police officer asks your permission to search, it is always better to say no. You do not have to say yes. The officer may be asking for your permission because they don't have enough evidence to search without your permission.

Can they ask me where I am going and why?

You have the right to remain silent and are not required to speak to the officer or answer questions. For example, you don't have to answer questions about where you are going, where you are traveling from, what you are doing, or where you live. If you wish to exercise your right to remain silent, say so out loud (for example, "I wish to exercise my right to remain silent"). If you decide to answer any questions, you may stop at any time.

If there is a reasonable suspicion that you may be involved in criminal activity, a police officer may require you to identify yourself and explain what you are doing or why you are in a particular area (often because the area is considered a high crime area). [Legal Source: [Alabama Code Section 15-5-30](#)].

If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e. give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

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 or a 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?

If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions. If you are being detained, it does not matter whether you did not do anything - the police can stop you.

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go. A police officer may require you to identify yourself and explain what you are doing or why you are in a particular area (often because the area is considered a high crime area). [Legal Source: [Alabama Code Section 15-5-30](#)]

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

If the officer has reasonable grounds to believe that you are armed or may be dangerous, he or she may conduct a limited pat down of your outer garments for the purpose of detecting weapons. The officer may be able to detain you for over an hour. Sometimes police officers will be justified in detaining you while they obtain a search warrant.

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

At the conclusion of any temporary detention, the officer ordinarily must either arrest you or let you go.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you think the arrest is unjustified, you can follow these practical tips:

- When you are being handcuffed, ask if you are being arrested or detained.
- Do not resist, tense up, or pull away.
- Ask the officer if his/her body camera is on.
- Request the presence of the officer's sergeant or supervisor.
- If family members/friends are present, advise them to remain calm as they can be charged with obstruction of justice. They are allowed to record what is taking place as long as they stand at a distance.

If you are arrested or detained, you have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you have been detained or arrested, then you are not allowed to leave. At this point, it is better to follow the officer's directions but the general rule is that you don't have to answer any questions that the police asks you.

This rule comes from the Fifth Amendment to the U.S. Constitution, which protects you from being forced to answer questions or make a statement that could be used against you in court.

If the police go on to detain, search, or arrest you despite you saying no, it is better to not physically resist for any reason.

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

If you are not allowed to leave because you are under arrest, it is better to not answer questions without your lawyer there. Anything you say can, and probably will, be used against you. No matter what the officer says about anything you share with them (for example, they promise that you won't get in trouble if you speak up), you could be in a lot of trouble if you say anything about whether you've actually done something wrong or not.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e., give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

- You have a right to know the charge(s) against you.
- After the police complete their booking procedures, you have a right to call your lawyer, or a family member or friend, or a bondsman (someone who can pay your bail). The police cannot listen if you call a lawyer. They can and often will listen to a call made to anyone else. [Legal sources https://judicial.alabama.gov/docs/library/rules/cr4_2.pdf]

[Legal Sources: <https://www.alabamacivilrightslawyer.com/civil-rights-faq>; <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

If you have been detained or arrested, then you are not allowed to leave. At this point, it is better to follow the officer's directions but the general rule is that you don't have to answer any questions that the police asks you. This rule comes from the Fifth Amendment to the U.S. Constitution, which protects you from being forced to answer questions or make a statement that could be used against you in court.

If you are unsure if you are allowed to leave when an officer speaks with you, you can ask the officer, "Am I free to go?" If the officer says "Yes," you can leave right away. If the officer's answer is unclear, or if they ask you another unrelated question, remember that you don't have to answer any questions that the police may ask. Also remember it is still a good idea to stay polite and non-confrontational.

Even if you are responsible for something or have information that the police want, it may not be a good idea to share it without a lawyer present.

If you do decide to talk to the police, and you are unsure about the questions the police are asking during the communication, you should tell them that you are unsure. Do not guess or provide false information. Be concise and precise.

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.

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

Listen closely to what the officers say and remain respectful. Speak carefully and clearly. Think about what you want to say, or if you want to stay silent. Anything you say can be used against you in a court of law.

[Legal Sources: *Byrd v United States* (138 S. Ct. 1518) (2018) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme

Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

You have the right to remain silent and are not required to speak to the officer or answer questions. For example, you don't have to answer questions about where you are going, where you are traveling from, what you are doing, or where you live. If you wish to exercise your right to remain silent, say so out loud (for example, "I wish to exercise my right to remain silent"). If you decide to answer any questions, you may stop at any time.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e., give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If the police ask to speak to you, it is a good idea to request to speak to your lawyer and have your parents/guardian present. If you tell the police you want a lawyer with you during questioning, they will have to stop questioning you until your lawyer arrives or (if you cannot afford your own lawyer) the court has appointed you a lawyer.

It is a good idea to say you wish to remain silent out loud, and to then not say anything, sign anything, or make any decisions until your lawyer is present.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent); <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

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. [Legal Source: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>)).]

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?

An arrest may also come after an investigation. In this case, the police will go to court to ask for an arrest warrant on the basis of the evidence they have gathered. If that happens, it is a good idea to review any paper from the police / the warrant carefully to ensure you understand what exactly is covered.

If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

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 officer must advise you of your Miranda rights once you have been placed under arrest. Note: the police do not need to use certain words when they are reading the Miranda warnings. They simply need to tell you the following:

- You have the right to remain silent;
- Anything you say can be used against you in a court of law;
- You have the right to have a lawyer present during any questioning; and
- If you cannot afford a lawyer, one will be appointed to you free of charge.

[Legal Source: <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB59-enr.pdf>; <https://www.justia.com/criminal/criminal-faqs/#q1>].

If the police ask to speak to you, it is a good idea to request to speak to your lawyer and have your parents/guardian present. If you tell the police you want a lawyer with you during questioning, they will have to stop questioning you until your lawyer arrives or (if you cannot afford your own lawyer) the court has appointed you a lawyer.

It is a good idea to say you wish to remain silent out loud, and to then not say anything, sign anything, or make any decisions until your lawyer is present.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent); <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

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. [Legal Source: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>)].

After the police inform you of your Miranda rights, you can invoke your rights (against self-incrimination and to seek legal representation) by saying clearly that (i) you are "invoking the

right to stay silent"; (ii) you would like to "speak to a lawyer first"; and (iii) if you are a minor, you would like "your guardian/parent to be present."

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

Even if you are responsible for something or have information that the police want, it may not be a good idea to share it without a lawyer present.

If you do decide to talk to the police, and you are unsure about the questions the police are asking during the communication, you should tell them that you are unsure. Do not guess or provide false information. Be concise and precise.

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.

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?

If you consent to a search, an officer can search your belongings. Generally, the police need a warrant to search you or your belongings. [Legal source - https://judicial.alabama.gov/docs/library/rules/cr3_8.pdf]

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." However, even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

[Legal Sources: *Byrd v United States* (138 S. Ct. 1518) (2018) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

You cannot be arrested for refusing to consent to a search without a warrant. However, if you tell a police officer that you do not agree to a search and they continue, you should not resist as you may be charged with the crime of resisting arrest. [Legal Source: [Alabama Code Section 13A-10-41](#)].

There are certain situations where the police may legally conduct a search without a warrant: (i) where you agree to the search; (ii) where police can see illegal activity occurring or evidence is clearly visible; (iii) a search incident to arrest (if you are being arrested for a crime, the police have the legal right to search you, e.g., for weapons or evidence); or (iv)

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where police have reason to believe that taking time to get a warrant would risk public safety and/or lead to loss of evidence.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.legalzoom.com/articles/know-your-rights-can-you-be-searched-without-a-warrant>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If the officer has reasonable grounds to believe that you are armed or may be dangerous, he or she may conduct a limited pat down of your outer garments for the purpose of detecting weapons. The officer may be able to detain you for over an hour. Sometimes police officers will be justified in detaining you while they obtain a search warrant.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If a police officer asks your permission to search, it is always better to say no. You do not have to say yes. The officer may be asking for your permission because they don't have enough evidence to search without your permission.

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

You are entitled to provide any answers voluntarily. However, the police cannot force you to give them information.

You have the right to remain silent and are not required to speak to the officer or answer questions. For example, you don't have to answer questions about where you are going, where you are traveling from, what you are doing, or where you live. If you wish to exercise your right to remain silent, say so out loud (for example, "I wish to exercise my right to remain silent"). If you decide to answer any questions, you may stop at any time.

If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e., give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

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.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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?

Yes, police can stop you even if you did not do anything. Once you have been stopped, you can ask if you are free to go. If the answer is yes, consider walking away. However, before you ask this question, take into account the circumstances (e.g. the tone, mannerisms, and general demeanor of the police officers).

[Legal Sources: *Byrd v United States* (138 S. Ct. 1518) (2018) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions. If you are being detained, it does not matter whether you did not do anything - the police can stop you.

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go. A police officer may require you to identify yourself and explain what you

are doing or why you are in a particular area (often because the area is considered a high crime area). [Legal Source: [Alabama Code Section 15-5-30](#)]

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

Can I ask for the reason they stopped me?

Yes, you can ask but the officer does not need to initially tell you why they stopped you. Once you have been stopped, you can ask if you are free to go. If the answer is yes, consider walking away. However, before you ask this question, take into account the circumstances (e.g. the tone, mannerisms, and general demeanor of the police officers). If you are unsure if you are allowed to leave when an officer speaks with you, you can ask the officer, "Am I free to go?" If the officer says "Yes," you can leave right away. If the officer's answer is unclear, or if they ask you another unrelated question, remember that you don't have to answer any questions that the police may ask. Also remember it is still a good idea to stay polite and non-confrontational.

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If not are not free to go, you are being arrested or detained. If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e. give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

It is a good idea to say you wish to remain silent out loud, and to then not say anything, sign anything, or make any decisions until your lawyer is present.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent); <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go. If you are free to go and you don't want to give them your name and

address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

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

If stopped,

If you think the arrest or stop is unjustified, you can follow these practical tips:

- When you or someone else are being handcuffed, ask if you or the other person are being arrested or detained.
- Do not resist, tense up, or pull away.
- Ask the officer if his/her body camera is on.
- Request the presence of the officer's sergeant or supervisor.

Remain calm and do not do anything to upset the officers or make their job more difficult as you could be charged with obstruction with justice. You are allowed to record what is taking place as long as you stand at a distance.

You should not resist, even if you or the other person is innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

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

Once you have been stopped, you can ask if you are free to go. If the answer is yes, consider walking away. However, before you ask this question, take into account the circumstances (e.g. the tone, mannerisms, and general demeanor of the police officers).

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If you think the arrest is unjustified, you can follow these practical tips:

- When you are being handcuffed, ask if you are being arrested or detained.
- Do not resist, tense up, or pull away.
- Ask the officer if his/her body camera is on.
- Request the presence of the officer's sergeant or supervisor.

If family members/friends are present, advise them to remain calm as they can be charged with obstruction of justice. They are allowed to record what is taking place as long as they stand at a distance.

You should not resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

However, if the officer has reasonable suspicion that you are committing, have committed, or will commit a crime, the officer may demand your name, address, and an explanation of your actions. To determine if the officer is asking you for your identification because you are under reasonable suspicion, you can politely ask the officers if they are detaining you or if you are free to go.

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

1. Traffic Stops

If you are pulled over in a car, the first thing you should do is keep your hands on the steering wheel. It's better if you don't immediately reach into your glove compartment for your license and registration. Officers will want to be able to see your hands for their own safety. Wait until the officer asks to see your paperwork before retrieving your documents, and ask the officer first if you can reach in your pocket, purse, bag, or glove box to get them.

2. Be Courteous & Non-Confrontational

It is good to be respectful and calm and refer to the police officer as "Sir," "Ma'am," or "Officer." It is also a good idea to remain quiet while the officer is reviewing your documents. If the officer writes you a ticket, accept it quietly without complaining.

3. Say No to Search Requests

If a police officer asks your permission to search, it is always better to say no. You do not have to say yes. The officer may be asking for your permission because they don't have enough evidence to search without your permission.

Police officers don't have to tell you what your rights are. If you say yes to a search request, you give up one of the most important constitutional rights you have - your Fourth Amendment protection against unreasonable searches and seizures. If an officer searches you or your property even though you say no, your attorney can argue that any evidence found during the search was discovered illegally and can't be used in court.

Section 5 of the Alabama Constitution reaffirms the federal Fourth Amendment protection against unreasonable searches and seizures:

<https://law.justia.com/constitution/alabama/CA-245536.html>

[Legal Source: Section 4 of the Alabama Rules of Criminal Procedure:

https://judicial.alabama.gov/docs/library/rules/cr4_1.pdf.]

4. Determine If You Can Leave

If you have been detained or arrested, then you are not allowed to leave. At this point, it is better to follow the officer's directions but the general rule is that you don't have to answer any questions that the police asks you. This rule comes from the Fifth Amendment to the U.S. Constitution, which protects you from being forced to answer questions or make a statement that could be used against you in court.

If you are unsure if you are allowed to leave when an officer speaks with you, you can ask the officer, "Am I free to go?" If the officer says "Yes," you can leave right away. If the officer's answer is unclear, or if they ask you another unrelated question, remember that you don't have to answer any questions that the police may ask. Also remember it is still a good idea to stay polite and non-confrontational.

Fifth Amendment to the U.S. Constitution

<https://constitution.congress.gov/constitution/amendment-5/>

5. Stay Silent and Ask for an Attorney

If you are not allowed to leave because you are under arrest, it is better to not answer questions without your lawyer there. Anything you say can, and probably will, be used against you. Your right to a lawyer and your right not to answer questions without a lawyer present, come from the Fifth and Sixth Amendments to the U.S. Constitution. No matter what the officer says about anything you share with them (for example, they promise that you won't get in trouble if you speak up), you could be in a lot of trouble if you say anything about whether you've actually done something wrong or not.

6. Do Not Physically Resist

If the police go on to detain, search, or arrest you despite you saying no, it is better to not physically resist for any reason.

You may have a legal claim that your rights have been violated (i.e. not respected) if you have been or will be injured and each of the four circumstances listed below are met:

- The police officer searches or seizes your body (e.g. you are taken into custody and/or searched); house (including the porch, garden etc.) or hotel room; papers; or any other personal belongings.
- The police officer physically entered your house, touched you, took your papers and/or personal belongings, or the officer did not respect what you reasonably expect your privacy to be.
- It must be your rights that were violated, not the rights of any other person. You must also have a reasonable expectation of privacy in the area where your property was taken.
- The police officer did not have a warrant (an official document) or the warrant was not proper e.g. did not cover the search.

If you think your rights have been violated:

- write down everything you remember, including the officer's name, badge and patrol car numbers and the agency they work for (e.g. the municipality or county of the office they work for);
- get contact information from witnesses; and
- take photos of any injuries.

Once you have all or some this information, you may file a written complaint with the City of Montgomery at <https://www.montgomeryal.gov/how-do-i/report/city-investigations>

Additionally, complaints may be made by mail or in person at the below address:

Union Station, Suite 214
300 Water Street
Montgomery, Alabama 36104

The office of City Investigations can be contacted with any questions or issues at 334-625-2490.

If you think that it is in your best interest to get a lawyer to help in your complaint or other related legal action, the below resources can be helpful for finding a lawyer:

- <https://www.alabar.org/for-the-public/get-legal-help/>

- <https://legalservicesalabama.org/>
- <https://montgomeryvlp.org/>
- <https://www.legalaidoffices.com/city/al-montgomery>

Even if you are responsible for something or have information that the police want, it may not be a good idea to share it without a lawyer present.

If you do decide to talk to the police, and you are unsure about the questions the police are asking during the communication, you should tell them that you are unsure. Do not guess or provide false information. Be concise and precise.

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.

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

The officer does not necessarily have to identify themselves. Generally, officers (including plain-clothes officers) should identify themselves as law enforcement during a stop. However, there will be exceptional cases where it is justified for the officer to decide not to identify himself or herself. If you are not sure, you can politely ask if they are an officer.

[Legal Source: <https://www.lawfareblog.com/can-law-enforcement-officers-refuse-identify-themselves>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you are mistreated or harassed by the police, there are steps you can take:

- Carefully write down everything you remember. Record the date, time, location, officer details (names, badge numbers, physical appearance), witnesses, conversation and actions of all participants, etc. with great detail. Your notes will be used as the basis for any formal complaint you may file later.

[Legal Source: <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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?

If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions.

In order to arrest you, the police need a warrant. [Legal source: https://judicial.alabama.gov/docs/library/rules/cr3_1.pdf. But, if the police have probable cause to suspect you have committed a crime, they can arrest you without a warrant. Legal source: https://judicial.alabama.gov/docs/library/rules/cr4_1.pdf].

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If you are unsure if you are allowed to leave when an officer speaks with you, you can ask the officer, "Am I free to go?" If the officer says "Yes," you can leave right away. If the officer's answer is unclear, or if they ask you another unrelated question, remember that you don't have to answer any questions that the police may ask. Also remember it is still a good idea to stay polite and non-confrontational.

If you are arrested or detained, it is a good idea to ask for a lawyer immediately. You have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

The police must stop any and all interrogation once you have asked to speak to a lawyer. After you have exercised your right to remain silent until you speak with a lawyer, it is not a good idea to start a conversation with the police regarding the offense you are accused of or possible charges or to answer any questions by the police. This may be viewed as a decision to waive (i.e., give up) your right to remain silent.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If you are arrested without a warrant, the officer must inform you of their authority and the reason for the arrest (unless you are arrested after committing the offense in the officer's presence). [Legal Source: [Alabama Code Section 15-10-4](#)].

If the following happens, you are likely under arrest:

- an officer handcuffs you;
- an officer holds you down;
- an officer puts you into the back seat of a police car; or
- an officer warns you about your Miranda 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 officer must advise you of your Miranda rights once you have been placed under arrest. Note: the police do not need to use certain words when they are reading the Miranda warnings. They simply need to tell you the following:

- You have the right to remain silent;
- Anything you say can be used against you in a court of law;
- You have the right to have a lawyer present during any questioning; and
- If you cannot afford a lawyer, one will be appointed to you free of charge.

[Legal Source: <https://www.justia.com/criminal/criminal-faqs/#q1>].

Instead of making a formal arrest, the police officer may issue you a citation. If you have received a citation instead of being arrested, you do not have an arrest record and do not need to disclose the citation in response to a question about your arrest record. However, by signing the citation, you agree to appear in court as specified in the citation. You may be arrested if you fail to appear.

[Legal Source:

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB59-enr.pdf>; <https://www.justia.com/criminal/criminal-faqs/#q1>].

If police have arrested you and you are a minor, the officer must immediately notify your parent or guardian of the arrest. You are allowed to make two phone calls: one to a parent and one to a lawyer. [Legal source: <https://www.freeadvice.com/legal/juvenile-arrest-and-detention/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.] If you are arrested or detained, you have the right to talk to a lawyer before answering any questions. If you cannot afford a lawyer, one will be provided for you by the court at no cost.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

Determine If You Can Leave

If you have been detained or arrested, then you are not allowed to leave. At this point, it is better to follow the officer's directions but the general rule is that you don't have to answer any questions that the police asks you. This rule comes from the Fifth Amendment to the U.S. Constitution, which protects you from being forced to answer questions or make a statement that could be used against you in court.

If you are unsure if you are allowed to leave when an officer speaks with you, you can ask the officer, "Am I free to go?" If the officer says "Yes," you can leave right away. If the officer's answer is unclear, or if they ask you another unrelated question, remember that you don't have to answer any questions that the police may ask. Also remember it is still a good idea to stay polite and non-confrontational.

Fifth Amendment to the U.S. Constitution

<https://constitution.congress.gov/constitution/amendment-5/>

Sixth Amendment to the U.S. Constitution

<https://constitution.congress.gov/constitution/amendment-6/>

Stay Silent and Ask for an Attorney

If you are not allowed to leave because you are under arrest, it is better to not answer questions without your lawyer there. Anything you say can, and probably will, be used against you. Your right to a lawyer and your right not to answer questions without a lawyer present, come from the Fifth and Sixth Amendments to the U.S. Constitution. No matter what the officer says about anything you share with them (for example, they promise that you

won't get in trouble if you speak up), you could be in a lot of trouble if you say anything about whether you've actually done something wrong or not.

Do Not Physically Resist

If the police go on to detain, search, or arrest you despite you saying no, it is better to not physically resist for any reason. It is best not to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

What is the difference between detention and arrest?

If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions.

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

If the officer has reasonable grounds to believe that you are armed or may be dangerous, he or she may conduct a limited pat down of your outer garments for the purpose of detecting weapons. The officer may be able to detain you for over an hour. Sometimes police officers will be justified in detaining you while they obtain a search warrant.

The officer may ask you questions relating to their investigation. You have a constitutional right not to answer them, but if you refuse to identify yourself, the officer may have grounds to arrest you. [Legal Source: [Alabama Code Section 15-5-30](#)].

At the conclusion of any temporary detention, the officer ordinarily must either arrest you or let you go.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-4/> (The Fourth Amendment of the U.S. Constitution protects individuals from unreasonable searches and seizures); <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If I am handcuffed, am I arrested?

If the following happens, you are likely under arrest:

- an officer handcuffs you;
- an officer holds you down;
- an officer puts you into the back seat of a police car; or
- an officer warns you about your Miranda rights.

[Legal Source: <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB59-enr.pdf>; <https://www.justia.com/criminal/criminal-faqs/#q1>].

If my liberty is restricted, am I under arrest?

You should not resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. If you resist arrest or intentionally prevent or attempt to prevent the police from arresting you or another person lawfully, you are committing a crime. [Legal Source: [Alabama Code Section 13A-10-41](#)].

If the police officers inform you that you are not under arrest, but are not free to go, then you are being detained. Being detained means that you are being held by the officers so they can ask you questions.

You do not have to consent to a search of you or your belongings. You can say "I do not consent to a search." Even if you do not consent, the police may pat you down if they suspect you have a weapon, and it could be dangerous or illegal to physically resist a pat down search. If you are placed under arrest, the police may search you and your belongings.

[Legal Sources: [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#) (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy). Additional information can be found at: <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

If you are free to go and you don't want to give them your name and address, you can walk away. If you are detained, you will be required by law to identify yourself. It is a crime to lie to the police. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 15-5-30](#); [Alabama Code Section 13A-9-18.1](#)]

If the following happens, you are likely under arrest:

- an officer handcuffs you;
- an officer holds you down;
- an officer puts you into the back seat of a police car; or
- an officer warns you about your Miranda rights.

[Legal Source: <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB59-enr.pdf>; <https://www.justia.com/criminal/criminal-faqs/#q1>].

If you have not been arrested, and are not in custody, you may have the right to walk away. It may be a good idea to ask the questioning officer whether you are free to leave. Do not run to try to leave without permission as this may be seen as guilty conduct or aggravate the officers.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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?

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 officer must advise you of your Miranda rights once you have been placed under arrest. Note: the police do not need to use certain words when they are reading the Miranda warnings. They simply need to tell you the following:

- You have the right to remain silent;
- Anything you say can be used against you in a court of law;
- You have the right to have a lawyer present during any questioning; and
- If you cannot afford a lawyer, one will be appointed to you free of charge.

An arrest without a Miranda rights warning is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later - this includes any questioning.

[Legal Source:

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB59-enr.pdf>; <https://www.justia.com/criminal/criminal-faqs/#q1>].

After the police inform you of your Miranda rights, you can invoke your rights (against self-incrimination and to seek legal representation) by saying clearly that (i) you are "invoking the right to stay silent"; (ii) you would like to "speak to a lawyer first"; and (iii) if you are a minor, you would like "your guardian/parent to be present."

If the police continue to question you after you have invoked your rights, it is a good idea to not answer any questions. If you start answering questions, the rights you previously invoked (to remain silent until you speak with a lawyer) may be considered waived (i.e. given up).

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v Thompkins*, 560 U.S. 370 9 (2010)

(<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

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

It does not matter where you are when the police read you your rights. You must simply be in custody. [<https://www.belserlawfirmllc.com/miranda-rights#:~:text=Anyone%20who%20has%20been%20taken,be%20used%20against%20in%20court>]. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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?

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.

[Legal Sources: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent (<https://constitution.congress.gov/constitution/amendment-5/>); <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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.

Must police notify my guardian?

If you are a minor, the officer must immediately notify your parent or guardian of the arrest. You are allowed to make two phone calls: one to a parent and one to a lawyer. [Legal source: <https://www.freeadvice.com/legal/juvenile-arrest-and-detention/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If the police ask to speak to you, it is a good idea to request to speak to your lawyer and have your parents/guardian present. If you tell the police you want a lawyer with you during questioning, they will have to stop questioning you until your lawyer arrives or (if you cannot afford your own lawyer) the court has appointed you a lawyer.

[Legal Sources: <https://constitution.congress.gov/constitution/amendment-5/> (The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent); <https://www.aclu.org/know-your-rights/stopped-by-police/>; <https://www.nolo.com/legal-encyclopedia/your-fifth-amendment-right-against-self-incrimination.html>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

After the police inform you of your Miranda rights, you can invoke your rights (against self-incrimination and to seek legal representation) by saying clearly that (i) you are "invoking the right to stay silent"; (ii) you would like to "speak to a lawyer first"; and (iii) if you are a minor, you would like "your guardian/parent to be present."

You may also waive your rights if you state, for example, "Yes, I understand my rights but I am ready to talk to you." This may not be a good idea if your lawyer and parent/guardian are not present.

[Legal Source: *Berghuis v. Thompson*, 560 U.S. 370 (2010) (<https://supreme.justia.com/cases/federal/us/560/370/>) provides that, where someone understands that they have the right to remain silent, unless they state they are actually relying on those rights, any voluntary statements may be used in court and the police can continue to talk to and question them.]

Must I confess?

Sometimes police will say the prosecutor may go easier on you if you confess involvement in a crime or lead you to believe you may not even be charged if you confess, but a confession rarely leads to easier treatment by the prosecutor.

Similarly, the police may indicate they will recommend a lesser charge to the prosecutor if you confess to a crime. Even if the police do so (which is not likely), the prosecutor is the one who decides what charges will be filed with the court and is under no obligation to follow any recommendation of the police.

[Legal Sources: [Johnson v. State, 36 Ala. App. 634, 61 So. 2d 867 \(Ala. Crim. App. 1952\)](#) (An officer, acting in good faith, may use deception, trickery or artifice to detect crime).]

You have no obligation to confess to a crime and you are not required to report to the police a crime that you have witnessed or heard about. [Legal Source: Alabama requires certain "mandatory reporters," such as teachers and medical professionals, to report certain types of crimes, but there is no general reporting duty. See, e.g., [Alabama Code Section 26-14-3](#)].

Even if you are responsible for something or have information that the police want, it may not be a good idea to share it without a lawyer present.

What adults can I ask to be with me?

If you are arrested, after the police complete their booking procedures, you have a right to call your lawyer, or a family member or friend, or a bondsman (someone who can pay your bail). [Legal Sources: https://judicial.alabama.gov/docs/library/rules/cr4_2.pdf; <https://www.alabamacivilrightslawyer.com/civil-rights-faq>; <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting these articles and cannot guarantee that they are regularly updated.]

Once the officer has given you a Miranda warning (about your right to remain silent and have a lawyer present), you must state that you would like to invoke your right to have a lawyer present out loud. Once you have done this, the police must stop all questioning until your lawyer is there. [Legal Source: <https://www.justia.com/criminal/procedure/miranda-rights/right-to-silence/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you are a minor, the officer must immediately notify your parent or guardian of the arrest. You are allowed to make two phone calls: one to a parent and one to a lawyer. [Legal source: <https://www.freeadvice.com/legal/juvenile-arrest-and-detention/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

If you don't have a lawyer you can call, you may contact the State Bar of Alabama Lawyer Referral service at 1-800-392-5660. You may also look for legal aid or pro bono lawyers, who may provide legal services at a lower, or no, cost to you here: <https://www.justia.com/lawyers/criminal-law/alabama/legal-aid-and-pro-bono-services>.

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

If you are a minor, the officer must immediately notify your parent or guardian of the arrest. You are allowed to make two phone calls: one to a parent and one to a lawyer. [Legal source: <https://www.freeadvice.com/legal/juvenile-arrest-and-detention/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

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?

You have no obligation to confess to a crime and you are not required to report to the police a crime that you have witnessed or heard about. [Legal Source: Alabama requires certain "mandatory reporters," such as teachers and medical professionals, to report certain types of crimes, but there is no general reporting duty. See, e.g., [Alabama Code Section 26-14-3](#)].

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.

If you don't have a lawyer you can call, you may contact the State Bar of Alabama Lawyer Referral service at 1-800-392-5660. You may also look for legal aid or pro bono lawyers, who may provide legal services at a lower, or no, cost to you here:

<https://www.justia.com/lawyers/criminal-law/alabama/legal-aid-and-pro-bono-services>.

If you cannot afford a private lawyer, you should advise the judge of this fact at your first appearance or as soon as possible. The judge will ask you some questions to see if you are eligible for lawyer services at public expense (i.e., appointing a lawyer for free).

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. [Legal Source: The Fifth Amendment to the U.S. Constitution protects an individual's right to remain silent

(<https://constitution.congress.gov/constitution/amendment-5/>)].

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?

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 to get you to talk more.

Sometimes police will say the prosecutor may go easier on you if you confess involvement in a crime or lead you to believe you may not even be charged if you confess, but a confession rarely leads to easier treatment by the prosecutor. Similarly, the police may indicate they will recommend a lesser charge to the prosecutor if you confess to a crime. Even if the police do so (which is not likely), the prosecutor is the one who decides what charges will be filed with the court and is under no obligation to follow any recommendation of the police.

[Legal Sources: [Johnson v. State, 36 Ala. App. 634, 61 So. 2d 867 \(Ala. Crim. App. 1952\)](#) (An officer, acting in good faith, may use deception, trickery or artifice to detect crime).]

Do I have to tell the police the truth?

It is a crime to lie to the police and it is a crime to give the police a false name or address. If you refuse to identify yourself, the officer may have grounds to arrest you.

[Legal Sources: [Alabama Code Section 13A-9-18.1](#); [Alabama Code Section 13A-10-9](#)].

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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:

You may have a legal claim that your rights have been violated (i.e. not respected) if you have been or will be injured and each of the four circumstances listed below are met:

- The police officer searches or seizes your body (e.g. you are taken into custody and/or searched); house (including the porch, garden etc.) or hotel room; papers; or any other personal belongings.
- The police officer physically entered your house, touched you, took your papers and/or personal belongings, or the officer did not respect what you reasonably expect your privacy to be.
- It must be your rights that were violated, not the rights of any other person. You must also have a reasonable expectation of privacy in the area where your property was taken.
- The police officer did not have a warrant (an official document) or the warrant was not proper e.g. did not cover the search.

If you think your rights have been violated:

- write down everything you remember, including the officer's name, badge and patrol car numbers and the agency they work for (e.g. the municipality or county of the office they work for);
- get contact information from witnesses; and
- take photos of any injuries.

Once you have all or some this information, you may file a written complaint with the City of Montgomery at <https://www.montgomeryal.gov/how-do-i/report/city-investigations>.

[Legal Source: <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

Additionally, complaints may be made by mail or in person at the below address:

Union Station, Suite 214
300 Water Street
Montgomery, Alabama 36104

The office of City Investigations can be contacted with any questions or issues at 334-625-2490.

If you think that it is in your best interest to get a lawyer to help in your complaint or other related legal action, the below resources can be helpful for finding a lawyer:

- <https://www.alabar.org/for-the-public/get-legal-help/>
- <https://legalservicesalabama.org/>
- <https://montgomeryvlp.org/>
- <https://www.legalaidoffices.com/city/al-montgomery>

ACLU (American Civil Liberties Union)

You could also send a copy of your City Investigation Complaint to the ACLU (Alabama branch) by filling out their [online form](https://action.aclu.org/legal-intake/al-legal-intake) available at: <https://action.aclu.org/legal-intake/al-legal-intake>.

[Your Rights \(montgomerydefender.org\)](https://montgomerydefender.org)

[FrequentQ \(montgomerydefender.org\)](https://montgomerydefender.org)

Montgomery County Public Defender's Office

(The following information is directly from the Office's [website](#))

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

Proposed Information

It is important to follow this advice:

If you are mistreated or harassed by the police, there are steps you can take:

Carefully write down everything you remember. Record the date, time, location, officer details (names, badge numbers, physical appearance), witnesses, conversation and actions of all participants, etc. with great detail. Your notes will be used as the basis for any formal complaint you may file later.

[Legal Source: <https://www.aclu.org/know-your-rights/stopped-by-police/>. Disclaimer: We are not promoting this article and cannot guarantee that it is regularly updated.]

Montgomery City Investigation Complaint

- To file a complaint against a police officer in the City of Montgomery, you will need to report the incident to the Office of City Investigations by completing the complaint form available at: <https://www.montgomeryal.gov/how-do-i/report/city-investigations>.
- You could also submit the complaint form by mail or in person at the following address:

Union Station, Suite 214
300 Water Street
Montgomery, Alabama 36104
- If you mail it, be sure to use certified mail, a service available at the postal office, to get proof that you mailed it.

ACLU (American Civil Liberties Union)

You could also send a copy of your City Investigation Complaint to the ACLU (Alabama branch) by filling out their [online form](https://action.aclu.org/legal-intake/al-legal-intake) available at: <https://action.aclu.org/legal-intake/al-legal-intake>.

[Your Rights \(montgomerydefender.org\)](https://montgomerydefender.org)

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Montgomery County Public Defender's Office

(The following information is directly from the Office's [website](#))

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:

You may have a legal claim that your rights have been violated (i.e. not respected) if you have been or will be injured and each of the four circumstances listed below are met:

- The police officer searches or seizes your body (e.g. you are taken into custody and/or searched); house (including the porch, garden etc.) or hotel room; papers; or any other personal belongings.
- The police officer physically entered your house, touched you, took your papers and/or personal belongings, or the officer did not respect what you reasonably expect your privacy to be.
- It must be your rights that were violated, not the rights of any other person. You must also have a reasonable expectation of privacy in the area where your property was taken.
- The police officer did not have a warrant (an official document) or the warrant was not proper e.g. did not cover the search.

If you think your rights have been violated:

- write down everything you remember, including the officer's name, badge and patrol car numbers and the agency they work for (e.g. the municipality or county of the office they work for);
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Once you have all or some this information, you may file a written complaint with the City of Montgomery at <https://www.montgomeryal.gov/how-do-i/report/city-investigations>

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If you think that it is in your best interest to get a lawyer to help in your complaint or other related legal action, the below resources can be helpful for finding a lawyer:

- <https://www.alabar.org/for-the-public/get-legal-help/>
- <https://legalservicesalabama.org/>
- <https://montgomeryvlp.org/>
- <https://www.legalaidoffices.com/city/al-montgomery>

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Law is generally described as of December 2022.

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