

**Baker
McKenzie.**

Real Rights: young people engaging with law enforcement

 Omaha, Nebraska



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?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?
- What can I do as a minor without my parent(s) or legal guardian(s)?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
See e.g., [Miranda v. Arizona](#), 384 U.S. 436 (1966); Neb. Rev. Stat. § 28-904
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

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See e.g., [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

Can the police arrest you for refusing to answer questions?

No, you are not required to speak with police. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

What if the officers do not identify themselves?

Omaha police are advised to identify themselves, or otherwise explain the situation's nature, if they have stopped or detained you. You can also ask if they are police and to show their badges. See e.g., [Civilian / Officer Interactions, Omaha Police Department § \(II\)\(A\)](#)

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

You are not required to speak with the police. If an officer begins speaking to you, you do not need to respond. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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

Omaha police are advised to identify themselves, or otherwise explain the situation's nature, if they have stopped or detained you. You can also ask if they are police and to show their badges. See e.g., [Civilian / Officer Interactions, Omaha Police Department § \(II\)\(A\)](#)

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

Yes, you have the right to have a lawyer present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

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

If you are under arrest, the police must tell you immediately that you are arrested, and the reason for your arrest. If the police start questioning you without telling you your **rights** (known as a **Miranda Warning**), then they can't use anything you say as direct evidence against you in court. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Neb. Rev. Stat. § 43-248.01](#); [Miranda Warning – Law of Interrogation, Omaha Police Department](#)

If I sit down, am I resisting?

Yes. You cannot sit down to avoid arrest or prevent the officer from doing his job in any way. The officer may view this as passively refusing arrest, thereby obstructing governmental operations. See e.g., [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

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

No, you cannot run from the officer if you think you are about to be arrested, even if others in your group run. Even if you are not being arrested, running from law enforcement is a bad idea. Doing so could give the officer the belief that you have been, are, or will be involved in criminal activity. See e.g., [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

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

No, you cannot tell someone else to run from the police. This may be viewed as interfering with an arrest. In addition, doing so could give the officer the belief that you have been, are, or will be involved in criminal activity. See e.g., [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

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

Yes, you can tell the officer that the officer's language is not your first language. This will not waive your rights if you tell the officer immediately after that you wish to remain silent. You are entitled to an interpreter for interactions between you and the police/court. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [Limited English Proficiency \(LEP\), Omaha Police Department](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

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

For a police officer to stop you, they must have a **reasonable** suspicion that you have been, are, or will be involved in criminal activity. Whether or not there is a reasonable suspicion depends on the situation, so it can be hard to determine if police are allowed to do so. Regardless of whether the officer is allowed to stop you or not, it is a bad idea to resist. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-904](#); [Searches – Persons, Omaha Police Department](#)

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 yourself.
- You have the right to say no to **searches** of your car, house, or other things you own or control.
- You cannot be arrested for refusing to **consent** (give permission) to a search without a **warrant**.
- A **warrant** is an official document from the court that allows police to search you or your belongings without your consent.

See e.g., [4th Amendment](#); [Neb. Rev. Stat. § 29-813](#)

- Police can conduct a brief search and can continue to conduct the search.

See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Neb. Rev. Stat. § 29-813](#); [Neb. Rev. Stat. § 29-829](#)

What if a police officer wants to search my phone?

Officers are prohibited from conducting **unreasonable** searches and seizures.

Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

When related to an arrest, Colorado police must obtain your permission, a **warrant** from the court, or have an **exigent circumstance** for a search before a phone or another hand-held device can be opened and searched. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Neb. Rev. Stat. § 29-813](#); [Neb. Rev. Stat. § 29-829](#)

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

You do not have to provide your password (this includes your fingerprint or face scan) unless the police have a warrant from the court. You may refuse to hand your phone over or provide a password to it, even if you are being arrested, so long as the police do not have a warrant from the court for the search of your phone. To give your password, fingerprint, or face scan is to give your consent; you can revoke your consent at any time during the search. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Neb. Rev. Stat. § 29-813](#); [Neb. Rev. Stat. § 29-829](#)

In addition, officers are prohibited from conducting **unreasonable** searches and seizures. **Unreasonable** can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

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

You may refuse to allow access to your phone if asked. If they do not have your permission or permission from the court in the form of a search warrant, they cannot force you to give them your password or any access to your phone. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Neb. Rev. Stat. § 29-813](#)

In addition, officers are prohibited from conducting **unreasonable** searches and seizures. **Unreasonable** can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

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

NOTE: Recent rulings by federal courts have largely agreed that your password and other forms of digital access are included in the [5th Amendment's protections](#), however this has not been settled at the time of writing. See e.g., [United States v. Apple MacPro Computer, 851 F.3d 238, 247 \(3rd Cir. 2017\)](#); [In re: Grand Jury Subpoena Duces Tecum Dated March 25, 2011 v. John Doe, 670 F.3d 1335, 1341 \(11th Cir. 2012\)](#)

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

If you are not under arrest, you do not have to give the police your password. Police cannot force you to give them your password, fingerprint, or face scan to unlock your phone. You can refuse to give them this information. However, it is important to note that if you do give them your phone or password, they have the right to search. You may revoke this consent at any time. See e.g., [Riley v. California, 573 U.S. 373, pg. 28 \(2014\)](#); [Neb. Rev. Stat. § 29-813](#)

In addition, officers are prohibited from conducting **unreasonable** searches and seizures. **Unreasonable** can refer to anything that is inappropriate, aggressive, over the top, or

harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

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

Police may use any tools that are not considered "unreasonable" to search you for evidence, as officers are prohibited from conducting "unreasonable" searches and seizures, Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

Police can, with a warrant, reasonable belief, or upon arrest, take fingerprints of you and cross check them against a database. Note that this policy varies depending on your age and degree of investigation. See e.g., [Davis v. Mississippi, 394 U.S. 721, 727 \(1969\)](#); [Juvenile – Fingerprinting / Photographing, Omaha Police Department](#)

Also, if you are arrested for a violent crime, police can take a DNA sample. See e.g., [Neb. Rev. Stat. § 29-4106](#)

The Omaha Police Department is advised to record all public interactions using body cameras. Police may also use hidden surveillance cameras in certain locations around cities, particularly in intersections. See e.g., [Body Worn Cameras \(BWC\), Omaha Police Department](#)

NOTE: As of October 2022, The U.S. Supreme Court has yet to decide whether the 4th Amendment prohibits the use of body and surveillance cameras. However, lower courts that have heard the case have ruled in favor of the federal government's support of them. See e.g., [United States v. Tuggle, 4 F.4th 505 \(7th Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7th Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6th Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9th Cir. 1991\)](#)

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

The police cannot search your backpack or any other item you're carrying without your permission or permission from the court, known as a warrant. You can withdraw your consent at any time, but until you do, the police can continue to conduct the search. See e.g., [4th Amendment](#); [Neb. Rev. Stat. § 29-813](#)

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a handgun in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-1204](#)

If you are arrested, the officer may search you and your belongings, as they have **probable cause** to do so. This may include your backpack if it is within arm's reach, or you are wearing it at the time. This may also include your vehicle if it's within your vicinity at the time of searching, or if you are driving it at the time of searching. See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [Searches – Persons, Omaha Police Department](#)

Can the police touch your clothing when they search you?

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a handgun in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-1204](#)

Can they take my picture or record me?

Yes, the Omaha Police Department is advised to record all public interactions using body cameras. Police may also use hidden surveillance cameras in certain locations around cities, particularly in intersections. During interrogation, you can also be photographed, but this policy varies on your age and the degree of investigation. See e.g., [Body Worn Cameras \(BWC\), Omaha Police Department](#); [Juvenile – Fingerprinting / Photographing, Omaha Police Department](#)

NOTE: As of October 2022, The U.S. Supreme Court has yet to decide whether the 4th Amendment prohibits the use of body and surveillance cameras. However, lower courts that have heard the case have ruled in favor of the federal government's support of them. See e.g., [United States v. Tuggle, 4 F.4th 505 \(7th Cir. 2021\)](#); [United States v. Mancari, 463 F.3d 590 \(7th Cir. 2006\)](#); [Bills v. Aseltine, 958 F.2d 697 \(6th Cir. 1992\)](#); [United States v. Taketa, 923 F.2d 665 \(9th Cir. 1991\)](#)

Can they ask me where I am going and why?

Yes, police can ask where you are going and why. If you are not being detained, you can exercise your right to remain silent. Responding to these questions means that you are consenting to the officer's requests. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

Reasons Police May Detain or Arrest You

Proposed Information

It is important to follow this advice:

The police may arrest or detain you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.

See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-404.02](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

Sometimes police have a warrant from the court, giving law enforcement the ability to search or arrest you, depending on what the warrant is for.

It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.

See e.g., [Neb. Rev. Stat. § 29-411](#)

If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.

If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [Searches – Persons, Omaha Police Department](#)

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

No, you are not required to speak with police. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

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

No, you are not required to speak with police. You have the right to remain silent. However, you should correct the officer whenever the officer misunderstands anything you say, or you tell the officer something that is incorrect. Failing to do so is illegal and punishable under state law. See e.g., [5th Amendment](#); [Neb. Rev. Stat. § 28-906](#); [Neb. Rev. Stat. § 28-907](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

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

You are not required to speak with the police. If an officer begins speaking to you, you do not need to respond. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

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

In either scenario, you are not required to speak with the police, and have a right to remain silent. If the police start questioning you without telling you your **rights** (known as a **Miranda Warning**), then they can't use anything you say as direct evidence against you in court. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Neb. Rev. Stat. § 43-248.01](#); [Miranda Waning – Law of Interrogation, Omaha Police Department](#)

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

Proposed Information

It is important to follow this advice:

- The Constitution prevents you from being searched in unreasonable circumstances.
See e.g., [4th Amendment](#); [Mapp v. Ohio, 367 U.S. 643, IV-V](#)
- You do have to identify yourself to the police when asked.
See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#)
- You can refuse to consent to a search, despite what a police officer may say.
See e.g., [Searches – Persons, Omaha Police Department](#)

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

The police cannot search your belongings without your permission or permission from the court, known as a warrant. You can withdraw your consent at any time, but until you do, the police can continue to conduct the search. See e.g., [4th Amendment](#); [Neb. Rev. Stat. § 29-813](#)

In addition, officers are prohibited from conducting "unreasonable" searches and seizures. Unreasonable can refer to anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Nebraska State Constitution, Article I § 7](#)

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

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a handgun in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-1204](#)

If you are arrested, the officer may search you and your belongings, as they have **probable cause** to do so. This may include your backpack if it is within arm's reach, or you are wearing it at the time. This may also include your vehicle if it's within your vicinity at the time of searching, or if you are driving it at the time of searching. See e.g., [United States v. Robinson, 414 U.S. 218, pg. 1 \(1973\)](#); [Searches – Persons, Omaha Police Department](#)

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

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

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- No, police officers can legally arrest you without a warrant in several circumstances:
 - when the crime is committed in front of the police officers.
 - when the officer has a reason to believe that you committed a felony, regardless of if the act was done in front of them.

See e.g., [Neb. Rev. Stat. § 29-404.02](#)

Even if I did not do anything, can they stop me?

For a police officer to stop you, they must have a **reasonable** suspicion that you have been, are, or will be involved in criminal activity. Whether or not there is a reasonable suspicion depends on the situation, so it can be hard to determine if police are allowed to do so. Regardless of whether the officer is allowed to stop you or not, it is a bad idea to resist. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-904](#); [Searches – Persons, Omaha Police Department](#)

Can I ask for the reason they stopped me?

You are allowed to ask if you are being detained and why you are being detained. Omaha police are advised to identify themselves, or otherwise explain the situation's nature, if they have stopped or detained you. You can also ask if they are police and to show their badges. See e.g., [Civilian / Officer Interactions, Omaha Police Department § \(II\)\(A\)](#)

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

Advocating for another young person stopped by police is risky, as you can be arrested for interfering with law enforcement in any way. See e.g., [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

However, you do have the right to observe and record what is taking place, so long as it does not interfere with law enforcement in any way. See e.g., [Neb. Rev. Stat. § 86-290](#)

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

If you believe your rights have been violated during your interaction with law enforcement, you can file a written complaint with the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). In addition, you are not required to speak with police or answer any questions they might ask you. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

However, resisting police is never a good idea, as you can be arrested for interfering with law enforcement in any way. See e.g., [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

It should be noted that you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

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

Whenever you are stopped, detained, or arrested, law enforcement in Omaha are advised to identify themselves, or otherwise explain the situation's nature. You can also ask if they are police and to show their badges. If you believe your rights have been violated during your interaction with law enforcement, you can file a written complaint with the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). See e.g., [Civilian / Officer Interactions, Omaha Police Department § \(II\)\(A\)](#)

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- You are likely under police custody if you do not feel free to leave an officer's presence, or if a person in your shoes would not reasonably feel free to leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you.
 - an officer forcibly holds you down.
 - an officer puts you into the back seat of a police car.

See e.g., [Handcuffs and Restraints, Omaha Police Department](#); [Civilian / Officer Interactions, Omaha Police Department](#); [Arrest Without Warrant, Omaha Police Department](#)

 - an officer warns you about your rights.
- An officer must only warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest without a Miranda Warning is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Miranda Waning – Law of Interrogation, Omaha Police Department](#)

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

You can ask the officer if you are being detained, being arrested, or are free to leave. If you are being detained/arrested and are unable to leave, it is not a good idea to resist. See e.g.,

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[Neb. Rev. Stat. § 28-904](#); [Neb. Rev. Stat. § 28-906](#); [Resisting Arrest – Assaulting an Officer, Omaha Police Department](#)

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

What is the difference between detention and arrest?

Detention refers to when law enforcement holds you under reasonable suspicion for the purposes of questioning or conducting a brief search of you and your possessions if they believe you are a threat to public safety. See e.g., [Neb. Rev. Stat. § 29-829](#); [Civilian / Officer Interactions, Omaha Police Department](#)

Arrest refers to when law enforcement holds you under **probable cause**, meaning that the officer has evidence of or more than a reasonable belief that you have been, are, or will be involved in criminal activity. When under arrest, the officer must identify themselves and the reason for arrest. See e.g., [Neb. Rev. Stat. § 29-404.02](#); [Arrest Without Warrant, Omaha Police Department](#)

If I am handcuffed, am I arrested?

Not necessarily. An officer may use nondeadly force (which presumably includes handcuffs) to stop and detain a person, including a brief detention. A police officer can also put you into handcuffs if they think it's necessary for their safety, even if they don't put you under arrest. See e.g., [Handcuffs and Restraints, Omaha Police Department](#); [Civilian / Officer Interactions, Omaha Police Department](#); [Arrest Without Warrant, Omaha Police Department](#)

If my liberty is restricted, am I under arrest?

If the restriction on liberty is significant, likely yes. You are deemed to be in custody when you are deprived of your freedom of action in any significant way. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

However, your liberty can also be restricted if you are being detained by police, not arrested. This detainment can take many forms. See e.g., [United States v. Hensley, 469 U.S. 221 \(1985\)](#); [Neb. Rev. Stat. § 29-829](#)

For example, the officer can ask for your identity, to which you must identify yourself (your name, address, and what you're doing) to a law enforcement officer if asked. You risk arrest if you fail to identify yourself in a situation where the police reasonably believes that you are involved in criminal activity or if they believe that you are a threat to public safety. However, you can tell the officer you wish to exercise your right to remain silent under the [5th Amendment](#). See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#)

The same applies if you are driving and you are pulled over for a traffic violation. In this case, the officer can require you to show your driver's license, vehicle registration, and proof of insurance as well. See e.g., [Neb. Rev. Stat. § 60-484\(1\)](#)

Police may pat down your clothing if they "reasonably" believe that you have a weapon, and that someone's safety may be at risk because of that weapon. If you are under 18 years old, it is illegal to carry a handgun in public or anywhere else where you do not have permission. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 28-1204](#)

What To Do After Being Warned of Your Rights

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right.
- You are also able to waive your rights (that is, not use them). This is not a good idea without a lawyer present.
- Make sure you know what you're doing in giving up your rights.

See e.g., [5th Amendment](#); [6th Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Neb. Rev. Stat. § 43-248.01](#); [Miranda Waning – Law of Interrogation, Omaha Police Department](#)

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

If the police start questioning you but haven't read you your **Miranda Rights** (right to remain silent, right to an attorney, etc.), then they can't use anything you say as direct evidence against you in court. Only after they read you your rights can they use anything you say against you in court. See e.g., [5th Amendment](#); [6th Amendment](#); [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Miranda Waning – Law of Interrogation, Omaha Police Department](#)

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

No. You must be read your rights upon arrest, no matter where you are being arrested. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Miranda Waning – Law of Interrogation, Omaha Police Department](#)

Police Questioning You

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions, or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.

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

- If police have arrested you and you are under the age of 18, police are required to immediately attempt to notify your parent, caretaker, or legal guardian.

See e.g., [Neb. Rev. Stat. § 43-250](#)

Am I required to make a statement?

No, you are not required to make a statement. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

Must police notify my guardian?

If you are taken into custody and if you are under the age of 18, law enforcement must try to notify your parent(s) or guardian as soon as possible and prior to questioning. Otherwise, you can still request that they do so. See e.g., [Neb. Rev. Stat. § 43-250](#)

Furthermore, if the police stop you and you are under the age of 14, the officer is required to notify your parent or guardian, even if it is determined that you were not involved in criminal activity. See e.g., [Civilian / Officer Interactions, Omaha Police Department](#)

Must I confess?

No, you are not required to confess to police, nor can police force you to do so. You have the right to remain silent. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

What adults can I ask to be with me?

If you are taken into custody and if you are under the age of 18, law enforcement must try to notify your parent(s) or guardian as soon as possible and prior to questioning. Otherwise, you can still request that they do so. See e.g., [Neb. Rev. Stat. § 43-250](#)

Furthermore, if the police stop you and you are under the age of 14, the officer is required to notify your parent or guardian, even if it is determined that you were not involved in criminal activity. See e.g., [Civilian / Officer Interactions, Omaha Police Department](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

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

If you are taken into custody and if you are under the age of 18, law enforcement must try to notify your parent(s) or guardian as soon as possible and prior to questioning. Otherwise, you can still request that they do so. See e.g., [Neb. Rev. Stat. § 43-250](#)

Furthermore, if the police stop you and you are under the age of 14, the officer is required to notify your parent or guardian, even if it is determined that you were not involved in criminal activity. See e.g., [Civilian / Officer Interactions, Omaha Police Department](#)

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.** This applies even if you are told that police only want to question you and/or you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you can still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

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

What if I am just a witness?

If you are just a witness, police may still question you. To detain you as a witness, the police must identify themselves. From there, police can demand identification, to which you must identify yourself (your name, address, and what you're doing) and provide any information

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you have about the crime. You risk arrest if you fail to identify yourself, provide false information, or refuse to assist the officer as a witness. See e.g., [Hiibel v. Sixth Judicial District Court of Nevada, Humboldt City, 542 U.S. 177, pg. 1 \(2004\)](#); [Neb. Rev. Stat. § 29-829](#); [Neb. Rev. Stat. § 29-404.03](#); [Neb. Rev. Stat. § 28-907](#)

However, you do have the right to remain silent, to which you should tell the officer you are exercising this right if so. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

Furthermore, if you are a witness to a crime, then you may be ordered to come to court to testify. You will be asked to swear under oath that what you say is true. Making a false sworn statement that you do not believe is true is known as perjury, which is also a crime. See e.g., [Neb. Rev. Stat. § 27-603](#); [Neb. Rev. Stat. § 27-614](#)

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

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

See e.g., [United States v. Russell, 411 U.S. 423 \(1973\)](#)

Can the police lie to me?

Yes, the police can lie to you. The police cannot physically hurt you, threaten you or use drugs to try to make you confess to something or to obtain information from you. See e.g., [United States v. Russell, 411 U.S. 423 \(1973\)](#)

Do I have to tell the police the truth?

Yes, lying to the police could result in you being charged with a crime. You risk arrest if you provide false information to law enforcement. See e.g., [Neb. Rev. Stat. § 28-906](#); [Neb. Rev. Stat. § 28-907](#)

However, you do have the right to remain silent, to which you should tell the officer you are exercising this right if so. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#)

You also have the right to have an attorney present during questioning, and one can be provided to you if you can't afford one. Any information you talk with your lawyer about will be kept private by your lawyer. See e.g., [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#); [Neb. Rev. Stat. § 43-248.01](#)

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

Complaints about officer behavior can be submitted to the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [Contact Us, Attorney General Mike Hilgers](#)

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

Proposed Information

It is important to follow this advice:

If you believe that you were a victim of discrimination or racism, you can file a complaint about officer behavior to the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Additionally, organizations like the [ACLU](#) specialize in assisting with discrimination claims. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [Contact Us, Attorney General Mike Hilgers](#)

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

Complaints about an officer you believe has exhibited discrimination or racism can be submitted to the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). You can also consider reaching out to the Federal Bureau of Investigation ("FBI") or the U.S. Department of Justice. Additionally, organizations like the ACLU specialize in assisting with discrimination claims. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [Contact Us, Attorney General Mike Hilgers](#)

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

Proposed Information

It is important to follow this advice:

If you believe that an officer improperly detained or searched you, a complaint can be submitted to the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [Contact Us, Attorney General Mike Hilgers](#)

What can I do as a minor without my parent(s) or legal guardian(s)?

Proposed Information

It is important to follow this advice:

Minors have the same rights under the law as adults during criminal detainments, arrests, and investigations. As a result, as a minor, you have the right to remain silent and the right to an attorney. See e.g., [5th Amendment](#); [Malloy v. Hogan, 378 U.S. 1, pg. 1 \(1964\)](#); [6th Amendment](#); [Gideon v. Wainwright, 372 U.S. 335 \(1963\)](#)

Your ability to afford a private lawyer is based off the financial situation of your parent(s) or guardian. If they cannot afford one, or if they are not available to you, you must be provided a lawyer by the government. In addition, if you are facing neglect in any way or have no adult figure (parent/guardian) in your life, you have the right to a court-appointed *guardian ad litem*, an advocate that will serve to provide context to the court about your situation. See e.g., [Neb. Rev. Stat. § 43-272](#)

If you believe that your rights were violated in any way by law enforcement, regardless of if you are a minor or not, you can file a complaint about officer behavior to the [Civilian Commendation and Complaint and Citizen Review Board, Omaha Police Department](#). You can also consider reaching out to the Federal Bureau of Investigation (FBI) or the U.S. Department of Justice. Additionally, organizations like the [ACLU](#) specialize in assisting with discrimination claims. Lastly, you can consider reaching out to a local attorney, who may be able to assist you with the process. See e.g., [Contact Us, Attorney General Mike Hilgers](#)

Glossary: Omaha, Nebraska

1. Search: An investigation or evaluation of a person, object, space, or vehicle aimed at finding evidence of criminal activity. See e.g., [Searches – Persons, Omaha Police Department](#); [Cornell Law School](#)
2. Consent: Permission. See e.g., [Cornell Law School](#)
3. (Search) Warrant: An official document from the court that allows police to search you or your belongings without your consent. See e.g., [Neb. Rev. Stat. § 29-813](#)
4. Stop and Frisk: A type of brief search of you and your surroundings with the belief that the person is involved in criminal activity or is a threat to public safety. See e.g., [Terry v. Ohio, 392 U.S. 1 \(1968\)](#); [Neb. Rev. Stat. § 29-829](#)
5. Reasonable: Rational or logical in the context of what is known in a situation. See e.g., [Cornell Law School](#)
6. Unreasonable: Anything that is inappropriate, aggressive, over the top, or harmful to you or anyone involved. See e.g., [4th Amendment](#); [Cornell Law School](#)
7. Exigent Circumstance: A situation where the officer reasonably believes that their intervention against a person is necessary to protect public safety. See e.g., [Cornell Law School](#)
8. Testimony: Evidence that can be used in court. See e.g., [Cornell Law School](#)
9. Right: A power or ability that you have as a person because it is outlined in a constitution, law, or ruling. See e.g., [Cornell Law School](#)
10. Exercise: To use or utilize. See e.g., [FindLaw](#)
11. Detain: To hold in custody by law enforcement under reasonable suspicion. See e.g., [Civilian / Officer Interactions, Omaha Police Department](#); [Cornell Law School](#)
12. Identify (To Police): (In Nebraska) To give your name, address, and explanation of your actions or plans to law enforcement. See e.g., [Neb. Rev. Stat. § 29-829](#)
13. Miranda Warning: A set of rights you have under the U.S. Constitution that law enforcement must tell you upon arrest. See e.g., [Miranda v. Arizona, 384 U.S. 436 \(1966\)](#); [Cornell Law School](#)
14. Probable Cause: Having a reasonable suspicion that you are, have been, or will be directly involved in criminal activity. See e.g., [Neb. Rev. Stat. § 29-404.02](#); [Cornell Law School](#)
15. Counsel: A lawyer, an attorney. See e.g., [Cornell Law School](#)

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Law is generally described as of December 2022.

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