

# Real Rights: young people engaging with law enforcement



American Samoa



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

## Rights:

### What rights do I have when I encounter law enforcement?

#### Question Asked

- You Are Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do The Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

### 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 are innocent or if you think the police are acting unfairly or unlawfully.

#### Can the police arrest you for refusing to answer questions?

No, not for simply refusing to answer questions.

However, the police may take you into custody if the officer believes you are a runaway or lost or if you are in violation of probation. Further, while the police generally need a warrant for your arrest, they may arrest you without a warrant if:

1. you commit a crime in the presence of an officer;
2. you are about to commit a crime in the presence of an officer;
3. you are found near the scene of a crime soon after it was committed and the police have reasonable suspicion that you have committed it;
4. you are disrupting or about to disrupt the peace;
5. you assault an officer or interfere with the officer while the officer is doing his job; or
6. you are in danger of hurting yourself and an arrest is necessary to protect you from harm.

[46.0805 Authority to arrest without a warrant when. - American Samoa Bar Association](#)

[45.0201 Taking children into custody. - American Samoa Bar Association](#)

### **What if the officers do not identify themselves?**

Police officers do not have a legal duty to disclose either their identities or their agencies of affiliation, even if you ask them directly.

Police officers can dress like regular people and do not have to wear police uniforms. Officers who want to blend in with the crowd are called **Plainclothes Officers**. The cars they drive are called “unmarked” cars.

[Microsoft Word - S.R. 2010-34 Police Service Regulations 2010 - Eng Already crssrd by Susie&Fono 19th July 2010](#)

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

You are not required to say anything to the officer.

The Revised Constitution of the American Samoa guarantees the right against self-incrimination (Art. 1, Section 6). Further, the courts in American Samoa have interpreted the right against self-incrimination by adopting *Miranda* rights that require the police to inform those in police custody of their right to remain silent and the right to counsel.

[5ASR3d77 - American Samoa Bar Association](#)

The Revised Constitution of American Samoa (Art. 1, Section 5) also provides for protection against unreasonable searches and seizures (or stops).

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

Police officers can dress like regular people and do not have to wear police uniforms. Officers who want to blend in with the crowd are called **Plainclothes Officers**. The cars they drive are called “unmarked” cars.

[Microsoft Word - S.R. 2010-34 Police Service Regulations 2010 - Eng Already crssrd by Susie&Fono 19th July 2010](#)

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

Yes. The Revised Constitution of the American Samoa guarantees the right against self-incrimination (Art. 1, Section 6) and requires confessions to be voluntary (Art. 1, Section 2).

Further, the courts in American Samoa have interpreted the right against self-incrimination by adopting *Miranda* rights that require the police to inform those in police custody of their right to remain silent and the right to counsel.

5ASR3d77 - American Samoa Bar Association

**If I sit down, am I resisting?**

No, although it is important that you follow the officer's orders and if they say to remain standing then you should remain standing. If you would like to sit, kindly ask the police officer if you may sit down.

46.4615 Resisting or interfering with arrest. - American Samoa Bar Association

**If I am stopped in a group, and some other kids run away, can I also run away?**

No. Running away can possibly create more problems or misunderstandings with the police. If you run, you are preventing the officer from making an arrest or asking questions to determine if a crime has been committed.

46.4615 Resisting or interfering with arrest. - American Samoa Bar Association

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

No. If you tell other kids, even your siblings, to run away then you may be preventing the officer from asking questions to determine if a crime has been committed.

46.4615 Resisting or interfering with arrest. - American Samoa Bar Association

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

Yes, kindly tell the officer know that the officer's language is not your first language and that you would like to speak to an attorney who is fluent in your language. Section 6 of the Revised Constitution of American Samoa provides you with the right to have an attorney represent you (without waiving your rights). Additionally, you are considered innocent until proven guilty by a court of law.

Revised Constitution of American Samoa - American Samoa Bar Association

**If I did not do anything wrong, can the police stop me?**

Yes, the police can stop you but only in certain situations.

Police officers are authorized to stop an individual, or a vehicle, when they have a reasonable suspicion that the person has been, is, or is about to be engaged in criminal activity.

American Samoa Gov't v. Kava - American Samoa Bar Association

Further, with respect to minors:

1. The police may take you into temporary custody without a court order if:
  - police have reason to believe you have committed a crime (felony or misdemeanor); but note that traffic violations are handled under different laws; or
  - you are lost, abandoned, or a danger to yourself or others; or
  - police reasonably believe that you have run away from your parents or legal guardian.
2. A juvenile officer may take you into custody:

- for any of the above reasons in section 1 above; or
- if you are under probation and have broken the rules of your probation.
- if a juvenile officer takes a child into temporary custody under section 2, note that this is not an arrest and should not lead to a police record.

[45.0201 Taking children into custody. - American Samoa Bar Association](#)

## **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.
- 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 do not have the right to search your phone without the proper search warrant from the court. You can refuse the phone search until a warrant is presented to you.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

The police do not have the right to ask for your password or search your phone without the proper search warrant from the court. You can refuse the phone search until a warrant is presented to you. You can hire a lawyer, who will most likely tell you the same thing - police will need to present a search warrant prior to getting your password.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

The police do not have the right to search your phone or ask for your password without the proper search warrant from the court. You can refuse the phone search or providing password to you phone until a warrant is presented to you.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

### **Do I have to give the police my device password if they demand it when I am not under arrest? What if the police just ask for the password to my phone?**

The police do not have the right to ask for your password or search your phone without the proper search warrant from the court. You can refuse the phone search until a warrant is presented to you. You can hire a lawyer, who will most likely tell you the same thing - police will need to present a search warrant prior to getting your password.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

In American Samoa, the Department of Public Safety is responsible for law enforcement and has jurisdiction throughout the territory. They have modernized their communications technology for first responders. This likely includes various tools for searches, but specific

details on the technology and tools used are not known. Police have used a variety of lawful technologies to enhance their work, including:

1. Connected devices and policy body cameras. These provide proof of evidence and can detect crime-related activity in real-time.

[blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement](http://blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement)

2. Mobile Applications. These assist officers in their daily duties.

[blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement](http://blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement)

3. Data Analytics. These are used for analyzing crime trends and patterns.

[blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement](http://blog.zencity.io/resources/top-technologies-shaping-future-of-law-enforcement)

4. Automated License Plate Recognition (ALPR). This helps in identifying vehicles related to crimes.

[Developing Effective Policies to Govern the Use of Technology in Law Enforcement | Working with BJA NTTAC \(ojp.gov\)](http://www.ojp.gov/working-with-bja-nttac/developing-effective-policies-to-govern-the-use-of-technology-in-law-enforcement)

5. Facial recognition applications. These aid in identifying individuals.

[Developing Effective Policies to Govern the Use of Technology in Law Enforcement | Working with BJA NTTAC \(ojp.gov\)](http://www.ojp.gov/working-with-bja-nttac/developing-effective-policies-to-govern-the-use-of-technology-in-law-enforcement)

For more detailed information, you may want to contact the American Samoa Department of Public Safety directly or check their official resources.

[HOME | AMERICAN SAMOA](#)

[Technology and Police Operations - National Policing Institute](#)

### **Can the police search my backpack or other items I am carrying?**

It depends. You have the right to refuse the search if police don't have a search warrant or "probable cause" (which is a reason to believe there is evidence of a crime in your backpack).

You can politely, but firmly, ask the officer if you are free to go.

If the police have a search warrant or probable cause, it is recommended that you cooperate, but you can still tell the police that you do not consent to the search. Remain calm and request to contact an attorney as soon as possible.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

[American Samoa Gov't v. Sefo, - American Samoa Bar Association](#)

### **Can the police take my picture or record me?**

If you are in a public place (like a restaurant, train station, sidewalk, etc.), the police have the right to photograph or record you. If you are in a private place (like inside your house), the police do not have the right to photograph or record you without cause.

[American Samoa Gov't v. Tauoa, - American Samoa Bar Association](#)

[CONSTITUTIONAL - American Samoa Bar Association](#)

Article I, § 5 of the Revised Constitution of American Samoa guarantees the right of individuals "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." [A.S.G. v. Dunham](#), 1 A.S.R.3d 176 (1997).

## Can the police ask me where I am going and why?

You have the right to remain silent and not answer questions by the police. It is helpful to tell police that you are choosing to exercise your right to remain silent. You also have the right to request a parent, guardian, or lawyer during questioning.

For example, you do not need to answer police questions about where you are going, where you are traveling from, what you are doing, or where you live.

If the police do not have a warrant or probable cause (meaning reason or suspicion to believe there is a crime), then you do not have to agree to a search of yourself or your belongings.

Note that your refusal to agree to may not stop the police from questioning or searching you, but calmly telling police that you are exercising your right to remain silent or that you do not consent to the search can help you preserve your rights if you end up in court.

[Stopped by Police | American Civil Liberties Union](#)

[American Samoa Gov't v. Sefo, - American Samoa Bar Association](#)

## Reasons the 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 the police/warrant carefully to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of more than three years), a misdemeanor for a less serious crime (with jail time of up to three years) or a violation (offense).
- 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?

It is not illegal to refuse to answer questions from the police. You have the constitutional right to remain silent and you cannot be punished for refusing to answer a question from the police. The Constitution protects citizens from self-incrimination, giving you the right to refuse to answer questions that a police officer asks you.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

You do not have any obligation to help the officer with the officer's investigation. In fact, under Section 6 of the Revised Constitution of America Samoa, you have the right against self-incrimination and can invoke it at any time.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

You can answer the officer's questions but are not required to do so. Section 6 of the Revised Constitution of American Samoa provides for a right against self-incrimination.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

## What is the legal difference between talking to a police officer without being told me that I am under arrest, versus talking to a police officer after being informed that I am under arrest?

The difference is that if an officer begins talking to you and does not tell you that you are under arrest, it is merely a consensual encounter or a casual conversation. However, when the officer tells you that you are under arrest, your constitutional rights begin, providing you with the right against an unreasonable search and seizure.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

## 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 (like my phone, person, backpack) and me agreeing to the search?

If the police decide to search you, they will need to have a reason to search you or provide a search warrant to search you.

If you tell the police they are allowed to search you, you are giving up your rights and allowing the police to use anything they may find against you in court.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

### What if the police tell me to give them information versus them asking and me providing answers voluntarily?

You have the right to remain silent and do not have to answer any questions. However, you should clearly tell the police that you are using your right to remain silent. You can volunteer information, but do not have to do so.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

## 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, as follows:
  - When the crime is committed in front of the police officers
  - When the officer has probable cause (reason to suspect) that the suspect has committed a felony, whether or not the act was done in front of them.

### Even if I did not do anything wrong, can the police stop me?

1. It depends. Police may take you into temporary custody without a court order if:
  - police have reason to believe you have committed a crime (felony or misdemeanor); but note that traffic violations are handled under different laws; or

- you are lost, abandoned, or a danger to yourself or others; or
- police reasonably believe that you have run away from your parents or legal guardian.

2. A juvenile officer may take you into custody:

- for any of the above reasons in section 1 above; or
- if you are under probation and have broken the rules of your probation.
- if a juvenile officer takes you into temporary custody under section 2, note that this is not an arrest and should not lead to a police record.

[45.0201 Taking children into custody. - American Samoa Bar Association](#)

**Can I ask the police for the reason they stopped me?**

You have a right to know why you are being stopped by the police. Always ask the officer if you are being detained. If you are not being detained, ask the officer if you are free to leave.

Additionally, Section 5 of the Constitution of American Samoa protects against unreasonable searches and seizures, which means you have the right to know why the police are detaining you.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

Yes, you can advocate for another young person stopped by police if you are stopped together, as long as you do so respectfully and without interfering with the police and always prioritize your own safety and avoid escalating the situation.

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

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

At the time of the stop, you must be careful not to resist or interfere, even if it is an unjustified stop, as this could be considered a crime. After the stop, it will be possible to sue the police in court for unlawful arrest.

[46.4615 Resisting or interfering with arrest. - American Samoa Bar Association](#)

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

If you engage with an officer, it is always a best practice to note details, including the name or information regarding the officer you engaged with.

At the federal level, in January 2021, the National Defense Authorization Act was passed. Section 1604 requires any federal law enforcement officer or personnel responding to civil disturbances to display their name or other individual identifying information and the name of the armed force, federal entity or other organization they are employed with. You can take note of this information.

Currently, there does not appear to be a similar requirement under local law in American Samoa. You can ask for their information, but the officer may not have to disclose this information.

[New Law Requires Federal Agents to Identify Themselves to Protesters | American Civil Liberties Union](#)

## 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 forcibly puts you into the back seat of a police car; or
  - you are in long-time investigation with lodging.
- 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 a warning of your rights is still a valid arrest; it just may mean that evidence collected from it is admissible in court later.

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

You can ask the police officer if you are under arrest or whether you are free to leave. If the police say that you are not under arrest and are free to go, you can do so.

If the police do not let you leave and you still do not know whether you are under arrest, you have the right to remain silent. Tell the police that you want to remain silent and that you want to speak to a lawyer.

To reduce risk to yourself:

- Stay calm. Don't run, resist, or obstruct police. Do not lie or give false documents. Keep your hands where the police can see them.
- Say you wish to remain silent and ask for a lawyer immediately.

[Stopped by Police | American Civil Liberties Union](#)

### What is the difference between detention and arrest?

The term "arrest" refers to when the police or law enforcement take you into custody under the authority of the law. It prevents you from the freedom of movement. Typically, an arrest requires a warrant (Title 46, Section 46.0801), but a police officer could arrest someone without a warrant under certain circumstances, as outlined in the laws of American Samoa, if there is a reasonable belief that the suspect committed or is about to commit a crime ("probable cause"), or if there is a reasonable belief the officer needs to prevent the suspect from escaping.

Detention, on the other hand, refers to when you are temporarily in the custody of law enforcement. An example of detention includes someone walking down the street who is then stopped by an officer. That would likely constitute a detention. Sometimes officers detain people when they do not have enough factual information to conduct an arrest.

[46.0805 Authority to arrest without a warrant when. - American Samoa Bar Association](#)

## If I am handcuffed, am I arrested?

If someone is handcuffed by law enforcement, that does not necessarily mean they are under arrest. They could be under arrest, or they might be temporarily detained if law enforcement does not have what is needed to conduct an arrest.

In order to arrest someone, law enforcement need a valid warrant, or one of the circumstances outlined in Title 46, Section 46.0805 of the Criminal Justice law must apply. Otherwise, someone placed in handcuffs by law enforcement is likely under a temporary detention.

[46.0805 Authority to arrest without a warrant when. - American Samoa Bar Association](#)

## If my liberty is restricted, am I under arrest?

Not necessarily. On occasion, an officer can take a person into “temporary custody” where their liberty is temporarily restricted for certain reasons, such as ensuring one’s safety, when more information is needed, or if there is suspicion that the person committed a crime. If criminal wrongdoing is determined, there are certain requirements that need to be met for a formal arrest to take place.

[45.0201 Taking children into custody. - American Samoa Bar Association](#)

## 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. For clarity, to use right to remain silent, you don’t have to tell to do.
- 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’s advice.
- Make sure you know what you’re doing in giving up your rights.

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

Police are required to read you your rights (also known as Miranda warnings) before they question you about a crime. After police read your rights to you, anything you say or any information you give the police can be used to charge you with a crime. You have the right to speak to an attorney immediately, or not say anything at all. After you ask for an attorney, the police should not ask you any questions. But if they do continue to ask you questions, you do not have to answer them.

The police have correctly given the Miranda warnings if either your parent or your counsel are present when the Miranda warning is read to you.

[Am. Samoa Gov’t - American Samoa Bar Association](#)

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

If you are with the police and are not free to leave, you are in police custody. Once in custody, if a police officer asks you questions, then they must read you your “Miranda rights.”

It does not matter where you are read your “Miranda rights,” as long as you are read them once you are in police custody.

## **Police questioning you**

### **Proposed Information**

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.
- If police has arrested you and if you are under the age of 20, police generally notifies your parent, caretaker or legal guardian immediately in practice.

### **Am I required to make a statement to the police?**

No. You have the right to remain silent.

[5ASR3d77 - American Samoa Bar Association](#)

### **Must the police notify my parent or guardian if I am taken into custody?**

Generally, yes. If you are under the age of 18 and detained for questioning, law enforcement is required to try to get your parent or guardian to attend the interview before questioning you.

If you are being held by the police, your parent or other guardian must be notified as soon as possible and within 12 hours.

[45.0204 Length of detention-Admissibility of evidence. - American Samoa Bar Association](#)

[45.0202 Notice to parents-Right to prompt hearing. - American Samoa Bar Association](#)

[45.0103 Definitions. - American Samoa Bar Association](#) ("A 'child' means a person under 18 years of age or... developmentally disabled person regardless of age")

### **Must I confess?**

No. You have the right to remain silent.

Confessions must be voluntary.

Under the American Samoa Constitution, no person is required to be a witness against themselves, and failure to testify/confess cannot be held against the accused person.

The American Samoa constitution also provides you with a right to an attorney.

[5ASR3d77 - American Samoa Bar Association](#)

[45.0204 Length of detention-Admissibility of evidence. - American Samoa Bar Association](#)

[Revised Constitution of American Samoa - American Samoa Bar Association](#)

### **What adults can I ask to be with me?**

You may request the presence of a parent, guardian, or attorney at any time during questioning.

[Am. Samoa Gov't - American Samoa Bar Association](#)

("Territorial law prohibits introduction into evidence of statements by child in response to interrogation by police unless a parent, guardian or legal custodian were advised, at the time of interrogation, of the child's right to remain silent, that any statements made may be used

against him in a court of law, of the right to the presence of an attorney during the interrogation, and of the right to have counsel appointed.”)

[45.0204 Length of detention-Admissibility of evidence. - American Samoa Bar Association](#)

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

If you are under age 18, and if you are arrested or subject to questioning while in custody of the police, law enforcement is required to try to get your parent or guardian to attend the interview before questioning you.

If you are taken into police custody, an adult who is responsible for you must be notified of your detention as soon as possible and within 12 hours. This is typically your parent, guardian, or other legal custodian. They may also notify the person with whom you live.

[45.0204 Length of detention-Admissibility of evidence. - American Samoa Bar Association](#)

[45.0202 Notice to parents-Right to prompt hearing. - American Samoa Bar Association](#)

## **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. In addition, you have the right to appoint a lawyer and to consult with him/her without any official being present, although a prosecutor or police officer may designate the date, place and time of the consultation when it is necessary for their investigation (Code of Criminal Procedure Articles 39(1) and 39(3).).

### **What if I am just a witness?**

If you are a witness in a court case, the court has to make sure that you are comfortable and feel supported, and that you are protected against being intimidated or coerced (that is, forced to do or say something).

You can contact and hire your own attorney to represent your interests, but you are not, in most circumstances, entitled to representation provided by the government at no cost. However:

- Family members and friends of an accused may be entitled to legal representation through the public defender's office, depending on the circumstances
- If you are a victim of a crime who will serve as a witness, you may have additional rights and should contact victim witness assistance programs for support and guidance

You may want to seek help from a lawyer, as there may be rights or privileges you can assert in court proceedings, especially if you could be implicated in the crime, or other crimes, as a result of testifying.

## **Do the police always have to tell the truth?**

### **Proposed Information**

It is important to follow this advice:

- No. Although a confession obtained through a lie by police may not be admissible as evidence at trial pursuant to certain court precedents, the police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

### **Can the police lie to me?**

Yes, the police can lie to you. The police may do this to try to get information from you or to get you to confess to a crime. They may say they have evidence or know things they actually don't have or know to get you to provide information or to confess.

Remember, you do not have to speak to the police or answer their questions. You have the right to remain silent and are not required to answer questions from the police without a lawyer present. For example, you may state "I want remain silent. I want to speak with an attorney."

[Chapter 46 - Offenses Against the Administration of Justice Archives - American Samoa Bar Association](#)

[Chapter 06 - DUTIES AND RESPONSIBILITIES OF LAW ENFORCEMENT - American Samoa Bar Association](#)

### **Do I have to tell the police the truth?**

Knowingly providing false information to the police can be crime.

You can tell the truth or remain silent and exercise your right to avoid self-incrimination.

Remember that you may have a right to counsel and can have a parent or other guardian present.

[Chapter 46 - Offenses Against the Administration of Justice Archives - American Samoa Bar Association](#)

[5ASR3d77 - American Samoa Bar Association](#)

[Am. Samoa Gov't - American Samoa Bar Association](#)

("Territorial law prohibits introduction into evidence of statements by child in response to interrogation by police unless a parent, guardian or legal custodian were advised, at the time of interrogation, of the child's right to remain silent, that any statements made may be used against him in a court of law, of the right to the presence of an attorney during the interrogation, and of the right to have counsel appointed.")

[45.0204 Length of detention-Admissibility of evidence. - American Samoa Bar Association](#)

## 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:

Contact the American Samoa Department of public safety or the Office of the Governor, or please consult a legal professional for further guidance.

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File a written complaint: provide a detailed account of the incident, including the date, time, location, and the names or badge numbers of the officers involved.

Gather any helpful evidence, such as witness statements, photos, videos, or other related information.

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

### Proposed Information

It is important to follow this advice:

Contact the American Samoa Department of public safety or the Office of the Governor, or please consult a legal professional for further guidance.

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File a written complaint: provide a detailed account of the incident, including the date, time, location, and the names or badge numbers of the officers involved.

Gather any helpful evidence, such as witness statements, photos, videos, or other related information.

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## How can I respond to circumstances involving discrimination?

### Proposed Information

It is important to follow this advice:

Contact the American Samoa Department of public safety or the Office of the Governor, or please consult a legal professional for further guidance.

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File a written complaint: provide a detailed account of the incident, including the date, time, location, and the names or badge numbers of the officers involved.

Gather any helpful evidence, such as witness statements, photos, videos, or other related information.

#### CONTACT US

## **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:

An aggrieved victim or witness who believes police engaged in misconduct or were negligent in their investigation may file a complaint with one or more of the following:

- the internal affairs department for the law enforcement agency
- a state or local police disciplinary board
- a state or local citizen oversight board, or a state or local citizen oversight board, or
- the U.S. Department of Justice or a state human rights department (to report civil rights violations)

[Department of Justice | Contact the Department](#)

## Resources

American Samoa resources:

[https://f.datasrvr.com/fr1/323/87275/Real\\_Rights - American\\_Samoa.zip?cbcachex=705946](https://f.datasrvr.com/fr1/323/87275/Real_Rights - American_Samoa.zip?cbcachex=705946)

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Law is generally described as of June 2025.

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