

Real Rights: young people engaging with law enforcement



St. Louis, Missouri



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?
- 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're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

Missouri has a stop and identify law, where a police officer may stop you and require that you state your name and where you are going.

Sources:

[Mo. Rev. Stat. § 84.710](#)

If you are arrested, you have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the police officer out loud.

Sources:

[Mo. Rev. Stat. § 211.059](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

What if the officers do not identify themselves?

There is no requirement that an officer identify themselves under the Fourth Amendment to the United States Constitution.

Sources:

[Jonathan Catlin v. City of Wheaton, et al, No. 07-3903 \(7th Cir. 2009\): Justia](#)

[Can Law Enforcement Officers Refuse to Identify Themselves? - Lawfare \(lawfareblog.com\)](#)

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

An officer cannot keep you and you do not have to reply, unless you are being arrested, stopped or detained. If you know the officer is arresting, stopping, or detaining you and you resist, you may be guilty of resisting arrest.

Source:

[Mo. Rev. Stat. § 575.150](#)

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

The same rules that apply to all other stops and questioning will apply. Under the Fourth Amendment to the United States Constitution, there is no requirement that an officer identify themselves.

Sources:

[Jonathan Catlin v. City of Wheaton, et al, No. 07-3903 \(7th Cir. 2009\): Justia](#)

[Can Law Enforcement Officers Refuse to Identify Themselves? - Lawfare \(lawfareblog.com\)](#)

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

In general, police officers do not have a duty to inform you of your right to remain silent until you are taken into custody or placed under arrest.

Sources:

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

[Miranda Rights for Criminal Suspects | Justia](#)

In Missouri, there are exceptions to your right to remain silent, which may mean that you have to speak to the police without a lawyer. A police officer can stop you if they reasonably

suspect you are committing, about to commit, or have committed a crime. If they stop you on these grounds, they can demand your name, address and ask you where you are going.

Sources:

[Mo. Rev. Stat. § 84.710\(2\)](#)

[Responding to the Police in Springfield, Missouri – Law Office of Adam Woody](#)

However, as a child, an officer has to stop questioning you if you are in custody and notify them that you want to stop being questioned.

Source:

[Mo. Rev. Stat. § 211.059](#)

If I sit down, am I resisting?

You are resisting if (i) you know you are being arrested, detained, or stopped; and (ii) you use violence, physical force or flee. Sitting down is unlikely to be considered resisting.

Source:

[Mo. Rev. Stat. § 575.150](#)

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

Running away from a law enforcement officer may be considered resisting or interfering with an officer's stop. Under Missouri law, it is illegal to resist if you reasonably know that an officer is trying to arrest, detain or stop you.

Source:

[Mo. Rev. Stat. § 575.150](#)

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

Running away from a law enforcement officer may be considered resisting or interfering with an officer's stop. Under Missouri law, it is illegal to resist if you reasonably know that an officer is trying to arrest, detain or stop you.

Source:

[Mo. Rev. Stat. § 575.150](#)

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

You can inform the officer that you don't speak the officer's language and state in English that you wish to remain silent to confirm you are not waiving your rights. You can also carry a card that explains you don't speak English and which language(s) you can speak. The officer should then provide an interpreter.

Sources:

[U.S. Constitution Fifth Amendment](#)

<https://www.raclawsj.com/blog/2021/12/3-things-to-do-when-youre-pulled-over-and-dont-speak-english/>

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

Yes. Police officers may stop you if they reasonably suspect you did something wrong, even if you actually did not do anything wrong.

When stopped, you may ask whether you can leave, but you should not leave until expressly authorized to do so, even if you think you were improperly stopped.

It is also possible for any sheriff, deputy sheriff, member of the Missouri state highway patrol, and county or municipal law enforcement officer (except in certain cases) to arrest you without a warrant if they have reasonable grounds to believe that you violated an ordinance or law of Missouri.

Source:

[Mo. Rev. Stat. § 544.216 \(2014\)](#)

When Can Police Search Your and Your Surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order so you have no choice but to consent.

What if a police officer wants to search my phone?

You do not have to let the police search your phone and you can tell the police that they do not have your permission to search your phone.

Sources:

[Missouri Electronic Data Protection Amendment \(2014\)](#)

[Mo. Rev. Stat. Art. I § 15](#)

However, the police may search your phone without your permission in the following situations:

- If the police have a search warrant for your phone;
- In some emergency situations, such as:
 - If the police think your phone has evidence that is about to be destroyed
 - If someone is in immediate danger and the police think searching your phone could give them evidence that would end the danger
 - If the police are pursuing a fleeing suspect and searching your phone could help them find the suspect; and
- If you are on probation or parole.

Source:

[Riley v. California: 573 U.S. 373 \(2014\): Justia US Supreme Court Center](#)

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

If the police ask you for the password to your phone, you do not need to give it to them.

The police usually need a search warrant to search your phone, unless you give them permission to perform a search. If you give them your phone's password, that may qualify as giving the police permission to access your phone.

Sources:

[Missouri Electronic Data Protection Amendment \(2014\)](#)

[Mo. Rev. Stat. Art. I § 15](#)

[Riley v. California: 573 U.S. 373 \(2014\): Justia US Supreme Court Center](#)

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

If the police demand the password to your phone, you do not need to give it to them.

The police usually need a search warrant to search your phone, unless you give them permission to perform a search. If you give them your phone's password, that may qualify as giving the police permission to access your phone.

Sources:

[Missouri Electronic Data Protection Amendment \(2014\)](#)

[Mo. Rev. Stat. Art. I § 15](#)

[Riley v. California: 573 U.S. 373 \(2014\): Justia US Supreme Court Center](#)

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

If the police ask for or demand the password to your phone, you do not need to give it to them.

The police usually need a search warrant to search your phone, unless you give them permission to perform a search. If you give them your phone's password, that may qualify as giving the police permission to access your phone.

Sources:

[Missouri Electronic Data Protection Amendment \(2014\)](#)

[Mo. Rev. Stat. Art. I § 15](#)

[Riley v. California: 573 U.S. 373 \(2014\): Justia US Supreme Court Center](#)

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

The police may use tools, like facial recognition and cameras, to observe public areas.

Sources:

[Katz v. United States: 389 U.S. 347 \(1967\): Justia US Supreme Court Center](#)

[Kyllo v. United States: 533 U.S. 27 \(2001\): Justia US Supreme Court Center](#)

If you have been arrested, the police may also use technology to take your finger print.

Source:

[Davis v. Mississippi: 394 U.S. 721 \(1969\): Justia US Supreme Court Center](#)

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

The police usually require a warrant to search you and your belongings, including a backpack. The following are some examples of situations where the police may search you without first getting a warrant:

- If someone is fleeing the police;
- If there is a danger that evidence may be lost or destroyed;
- When the evidence is in plain view;
- If the police received permission from either the person being searched, or the owner of the property being searched; or
- When the search is done in connection with a valid arrest, Terry stop, or automobile search.

The police need to have probable cause to detain you and cannot search your belongings without that probable cause, unless you give them permission.

Source:

[Mo. Rev. Stat. Art. I § 15](#)

Can they take my picture or record me?

The police may use tools, like facial recognition and cameras, to observe public areas.

Sources:

[Katz v. United States: 389 U.S. 347 \(1967\): Justia US Supreme Court Center](#)

[Kyllo v. United States: 533 U.S. 27 \(2001\): Justia US Supreme Court Center](#)

Can they ask me where I am going and why?

The police can ask you where you are going and why, but you do not need to provide them with an answer. If you have been arrested, the police must read you your Miranda rights, which are:

- The right to remain silent;
- The right to request that an attorney be present during police questioning; and
- The right to be provided with an attorney if you can't afford one.

These rights have to be read to you before the police question you. If you have been arrested and the police have read you your Miranda rights, you can remain silent and request to have an attorney present during any questioning by the police.

Source:

[Miranda v. Arizona: 384 U.S. 436 \(1966\): Justia US Supreme Court Center](#)

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.

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- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

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

If a police officer asks for your name, you must provide it. If you are driving, you must show the police your license, vehicle registration and proof of insurance. Other than these exceptions, you have the right to remain silent and do not have to provide any information to the police, whether in your home or in a public place. You cannot be held or arrested for refusing to answer questions.

If you wish to remain silent, tell the officer out loud. You can also ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

Sources:

[Mo. Rev. Stat. § 84.710](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

<http://www.saintlouiscriminallawyer.com/After-an-Arrest.aspx#Talk%20to%20Police>

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

No. You have the right to remain silent. You do not need to correct anything the police say. You can say nothing and express your intent to remain silent. The police cannot detain or arrest you for remaining silent. Even if the police say you should answer, you do not have to.

Sources:

[U.S. Constitution Fifth Amendment](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

<https://www.millerandhinelaw.com/blog/2021/july/missouri-criminal-attorney-know-your-rights-when/>

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

Stay calm. Don't run. Don't argue, resist or get in the way of the officer, even if you've done nothing wrong. Keep your hands where the officer can see them.

You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the police officer out loud.

If the officer asks you to identify yourself, give them your name. You are not required to give the officer any other information.

Ask if you are free to leave. If the officer says yes, calmly and silently walk away.

If you are under arrest, you have a right to know why. Even if the officer says you're under arrest, you still do not need to answer any questions other than giving your name.

Source:

[U.S. Constitution Fifth Amendment](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

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?

Whether or not you are under arrest, you are only obligated to provide your name. The police are not required to tell you if you are detained or under arrest, so it is recommended to remain silent in either case. You can ask if you are free to leave; and if the police say you are under arrest, you can ask why you are under arrest and whether they have a warrant. Although, the police can arrest you without a warrant, if supported by probable cause.

If the police place you under arrest, you are entitled to have a parent, guardian or custodian present and to consult with a lawyer. You should say that you wish to remain silent and ask for a lawyer immediately, without giving any explanations or excuses. Any statement you make after the police inform you that you are under arrest can be used against you. If you can't afford a lawyer, one will be provided under your Miranda rights.

Sources:

[Mo. Rev. Stat. § 84.710](#)

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

<https://www.findlaw.com/legalblogs/criminal-defense/do-police-have-to-inform-you-of-your-charges/>

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?

Generally, the police cannot search you without your consent or a search warrant. However, a police officer may "pat down" your clothing if they suspect you are carrying a weapon. If the police start to search you, express that you refuse to any further search, but do not physically resist. Make sure your hands are visible to the police officer so they don't suspect you have a weapon.

Sources:

[Mo. Rev. Stat. Art. 1 § 15](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement#:~:text=If%20you%20are%20under%20arrest,if%20instructed%20to%20do%20so>

<https://www.mopca.com/wp-content/uploads/2017SEARCHSEIZUREBOOK.pdf>

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

Regardless of the police asking or telling you to provide information, you are entitled to remain silent. You can choose to answer questions voluntarily, but you do not have to and you can't be punished for refusing to answer. If you want to remain silent, expressly tell the police that you would like to remain silent.

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Source:

[U.S. Constitution Fifth Amendment](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

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 officers may stop you if they reasonably suspect that you did something wrong, even if you did not do anything wrong.

When stopped, you may ask whether you can leave. However, you should not leave until expressly authorized to do so, even if you think you were improperly stopped.

It is also possible for any sheriff, deputy sheriff, member of the Missouri state highway patrol, and county or municipal law enforcement officer in the state (except in certain cases) to arrest you without a warrant if they have reasonable grounds to believe that you violated an ordinance or law of Missouri.

Source:

[Mo. Rev. Stat. § 544.216](#)

Can I ask for the reason they stopped me?

Yes. You may ask, but they are not obliged to give you a reason. You may always remain silent and not answer questions unless you are legally obliged to identify yourself (e.g., in the case of a traffic offense).

If you are held in custody and questioned as a suspect, other rules will apply; you will still be entitled to remain silent and will have the right to consult a lawyer.

Sources:

[U.S. Constitution Fifth Amendment](#)

[U.S. Constitution Sixth Amendment](#)

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

You may ask to advocate for another person stopped by the police, but you cannot interfere with the actions of the police officers. Both of you have the right to remain silent.

Sources:

[U.S. Constitution Fifth Amendment](#)

[Mo. Rev. Stat. § 575.150](#)

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

Never resist an arrest, even if you believe the arrest is unfair. You may always remain silent. You may also ask the reason for the arrest and whether you may leave. However, you should not leave unless explicitly authorized to do so by the police officer. Afterwards, you can file an official complaint against the police officer with the Civilian Oversight Board.

Sources:

[U.S. Constitution Fifth Amendment](#)

[File a Complaint Against a St Louis Metropolitan Police Officer \(stlouis-mo.gov\)](#)

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

Yes. You may commit to memory the officer ID or badge number. However, you should refrain from any action that could be misinterpreted as interference with the actions of the police officer.

Source:

[Mo. Rev. Stat. § 575.150](#)

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 you are unsure if you are under arrest, ask the police officer whether you are free to leave. If you are under arrest, you have the right to know why.

Source:

[U.S. Constitution Sixth Amendment](#)

<https://www.aclu-mo.org/en/know-your-rights/your-rights-law-enforcement>

What is the difference between detention and arrest?

Determining whether you've been arrested or detained can be difficult and will depend on the specific facts of your situation. However, generally speaking, you should consider the following:

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A detention may occur when a police officer reasonably suspects that you may have committed a crime, but the police officer does not have enough information (probable cause) to justify actually arresting you for a crime. A detention may turn into arrest if (i) significant force is used by the police, (ii) there was need for this force, (iii) your freedom of movement was restrained, (iv) there were many officers involved, or (v) you were stopped or detained for an extended period of time.

An arrest occurs when you are actually restrained by, or agree to be taken into custody by, a police officer pursuant to a warrant or other authority of the police officer (for example, if the officer either witnesses you committing, or reasonably believes you have committed, a crime). When being placed under arrest, the police officer must inform you what authority he or she is acting under to arrest you, and must show you the warrant (if applicable).

Sources:

[Missouri Code of Criminal Procedure Sec 544.180](#)

Missouri Code of Criminal Procedure Sec 544.216

[U.S. v. Vargas, 369 F.3d 98 \(2d Cir. 2004\)](#)

If I am handcuffed, am I arrested?

Not necessarily. While you may be handcuffed, if the police officer does not have control over your movements, you are not under arrest.

Source:

[Supreme Court of Missouri](#)

If my liberty is restricted, am I under arrest?

Yes. If the police officer is controlling your movements, you are under arrest.

Sources:

[Missouri Supreme Court](#)

[Missouri Code of Criminal Procedure Sec 544.180](#)

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?

After you've been read your Miranda rights:

- (1) you have the right to remain silent;
- (2) any statement you make to anyone can be used against you in juvenile court;

- (3) you have the right to have a parent, guardian or custodian present during questioning;
- (4) you have the right to talk with an attorney (one will be appointed to you if you cannot afford one);
- (5) you have the right to stop talking at any time; and
- (6) any statement you make to law enforcement can be used against you if you are transferred to a non-juvenile court.

After you've been read your Miranda rights by a police officer, you may (i) state that you do not want to be questioned, which means the police officer must stop asking you questions, and (ii) request for your parent, legal guardian, or custodian to be present.

Source:

Missouri Public Health and Welfare Code Sec 211.059

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

No. It does not matter where you are. If you are taken into custody, Miranda rights must be communicated to you before the police can ask you questions (interrogate you) about a suspected crime.

Source:

[Miranda v. Arizona, 384 U.S. 436 \(1966\)](#)

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

Am I required to make a statement?

No. You are not required to make a statement. Any statement you make can be used against you in juvenile court proceedings.

Sources:

[Mo. Rev. Stat. § 211.059](#)

<https://dps.mo.gov/dir/programs/jj/documents/mija-law-enforceemnt-guidelines.pdf>

Must police notify my guardian?

Yes. If you are taken into custody, law enforcement must notify your parent, guardian or custodian as soon as possible.

Sources:

[Mo. Rev. Stat. § 211.131](#)

Must I confess?

No. You do not have to confess. You have a Constitutional right against "self-incrimination," which means you do not have to say anything that would suggest or prove that you committed a crime.

Sources:

[U.S. Constitution Fifth Amendment](#)

[U.S. Constitution Fourteenth Amendment](#)

What adults can I ask to be with me?

You have the right to have a parent, guardian, or custodian present as well as an attorney.

Sources:

[Mo. Rev. Stat. § 211.059](#)

<https://dps.mo.gov/dir/programs/jj/documents/mija-law-enforceemnt-guidelines.pdf>

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

Law enforcement officials must immediately notify a Juvenile Officer that you were taken into custody. This notification must be done in writing and must include the following information: your full name, social security number, date of birth, address, telephone number, physical description, the name and address of your parents and/or legal custodian, and the reasons for taking you into custody.

Sources:

[Mo. Rev. Stat. § 211.411](#)

<https://dps.mo.gov/dir/programs/jj/documents/mija-law-enforceemnt-guidelines.pdf>

If you are taken into custody, law enforcement must also contact your parent, guardian or custodian as soon as possible.

Sources:

[Mo. Rev. Stat. § 211.131](#)

<https://dps.mo.gov/dir/programs/jj/documents/mija-law-enforceemnt-guidelines.pdf>

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?

Document everything. As a witness, contacting a lawyer is not required. However, if you plan to speak with law enforcement, contacting a lawyer first is a good idea to make sure you are not incriminating yourself. You have no obligation to come forward as a witness unless you are subpoenaed (required by a court order).

Source:

[Mo. Rev. Stat. Ch. 491](#)

<https://www.findlaw.com/legalblogs/criminal-defense/if-you-witness-a-crime-do-you-have-to-testify/>

If you feel like you are in danger, you can apply for the Protection Program for Victims/Witnesses of Violent Crime (PPVVC) that is administered by the Missouri Department of Public Safety (DPS). The request form is located at <https://dps.mo.gov/dir/programs/jj/ppvvc.php>.

You can also submit an anonymous tip to the police at https://www.slmpd.org/anonymous_tips.shtml

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

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

Can the police lie to me?

Yes. During interrogations, police officers can lie or try to trick you into confessing to a crime. They cannot use torture or physical coercion (like hitting you or making you stay awake for long stretches without food or water), but they can lie about what they know or what evidence they have against you.

Sources:

U.S. Constitution Eighth Amendment

<https://www.findlaw.com/criminal/criminal-rights/faqs-police-interrogations.html>

Police deception is currently allowed in every state.

Source:

<https://innocenceproject.org/police-deception-lying-interrogations-youth-teenagers/>

Do I have to tell the police the truth?

You cannot lie in an affidavit or statement where you swear that you are telling the truth. You also cannot make a false written declaration to a police officer.

Sources:

[Mo. Rev. Stat. § 575.050](#)

[Mo. Rev. Stat. § 575.060](#)

Otherwise, you may remain silent instead of providing the truth.

Missouri law prohibits the act of knowingly "giving false information" (lying) to a police officer, prosecutor, judge, or an emergency line operator for any reason. The offense can lead to criminal charges. For instance, calling for the arrest of your wife or husband claiming that he or she physically assaulted you when he or she actually never did qualifies as giving false information. Under MO Rev Stat 575.080, a person is guilty of providing false information if he or she knowingly:

- Gives false statements to a law enforcement officer who is conducting an investigation with the intention of obstructing justice;
- Provides false information to a law enforcement officer with the intention of implicating another person in an offense;
- Provides false information to a police officer that a crime has been committed or is about to be committed; or
- Provides false information or causes false information to be made to a police officer or an officer dealing with emergencies that an incident requiring an emergency response has occurred or is about to occur.

Source:

[Giving False Information to a Police Officer | Criminal Defense Firm \(kcdefensecounsel.com\)](https://www.kcdefensecounsel.com/giving-false-information-to-a-police-officer/)

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 can file a complaint against a police officer with the Internal Affairs Division of the St. Louis Metropolitan Police Department. You have the right to submit a complaint:

- In person at the following local police stations
 - North Patrol at 4014 Union, St. Louis, MO 63115
 - South Patrol at 3157 Sublette, St. Louis, MO 63139
 - Central Patrol at 919 N. Jefferson, St. Louis, MO 63106
 - Civilian Oversight Board at 1520 Market St. Room 4029, St. Louis, MO 63103, 314-657-1600;
- Over the phone (314-444-5405); or
- By mail addressed to "Civilian Oversight Board" at 1520 Market St., Room 4029, St. Louis, MO 63103, 314-657-1600.

Source:

St. Louis Metropolitan Police Department, Internal Affairs webpage, available at https://www.slmpd.org/internal_affairs.shtml, (last accessed January 10, 2023).

Complaint Form:

<https://www.slmpd.org/images/JOINT-CIVILIAN-COMPLAINT-FORM-fillable.pdf>

What happens and what should I expect after I submit my complaint?

Once your complaint is received by the St. Louis Internal Affairs Division, you will get a letter of acknowledgement stating your complaint is being reviewed.

You should expect to be contacted and interviewed by the St. Louis Internal Affairs Division and/or the Civilian Oversight Board to discuss your complaint. All complaints are coordinated and processed by the Internal Affairs Division.

The investigator will compile all relevant evidence pertaining to your complaint and complete a report of the investigation. The investigator will then provide a recommendation to the Bureau of Professional Standards and the Chief of Police.

Upon conclusion of the investigation, you will be notified of the decision on your complaint.

Source:

St. Louis Metropolitan Police Department, Internal Affairs webpage, available at https://www.slmpr.org/internal_affairs.shtml, (last accessed May 1, 2022).

Complaint Form:

<https://www.slmpr.org/images/JOINT-CIVILIAN-COMPLAINT-FORM-fillable.pdf>

Options after you receive a decision on your complaint

If you don't agree with the decision made on your complaint, you can appeal the decision and submit any additional information or evidence you think wasn't considered the first time.

The Secretary to the Board of Police Commissioners decides whether the appeal should be granted and can refer the appeal to Internal Affairs for a new investigation.

Sources:

St. Louis Metropolitan Police Department, Internal Affairs webpage, available at https://www.slmpr.org/internal_affairs.shtml, (last accessed May 1, 2022).

[Board of Police Commissioners - St. Louis County Police \(stlouiscountypolice.com\)](http://stlouiscountypolice.com)

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

Proposed Information

It is important to follow this advice:

You have the right to file a complaint with the St. Louis Police Department (see Sec. 11). You also have the right to file a Title VI complaint with the City of St. Louis Civil Rights Enforcement Agency.

You can file this complaint by completing a Charge of Discrimination Form and providing all necessary details of the incident. For example, this may include:

- Your full name and contact information (address and phone number);
- Bases of discrimination (race, color, sex, religion, national origin, age, sexual orientation or expression, marital status, disability);
- Dates discrimination took place;
- Name of person or officer accused of discrimination, address and contact information;
- Location where discrimination took place; and

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- A descriptive summary of what took place.

You may submit your complaint by email, by phone, by mail, or in person:

- By email: You can submit the form via email to crea@stlouis-mo.gov
- By phone: If you feel you have been discriminated against, you can call CREA at 314-622-3301
- By mail addressed to the "Civil Rights Enforcement Agency" at Carnahan Courthouse, 1114 Market St, Suite 626, St. Louis, MO 63103
- In person at the Civil Rights Enforcement Agency at Carnahan Courthouse, 1114 Market St, Suite 626, St. Louis, MO 63103

Sources:

<https://www.justice.gov/crt/addressing-police-misconduct-laws-enforced-department-justice#:~:text=Title%20VI%20of%20the%20Civil%20Rights%20Act%20of,2000d%2C%20et%20seq.%20and%2034%20U.S.C.%20%C2%A7%2010228%29>

<https://www.stlouis-mo.gov/government/departments/civil-rights-enforcement/report-discrimination.cfm>

Charge of Discrimination Form:

<https://www.stlouis-mo.gov/government/departments/civil-rights-enforcement/documents/upload/Complaint-of-Discrimination-form-20170606.pdf>

What are some resources to contact if you feel you were a victim of discrimination or racism?

American Civil Liberties Union of Missouri
<https://www.aclu-mo.org/>
 906 Olive Street, Suite 1130 63101
 314-652-3111

Arch City Defenders, Inc.
 440 North 4th St., Suite. 390 (New Address)
www.archcitydefenders.org
 314-361-8834
 855-724-2489

CREA ST. LOUIS
 CIVIL RIGHTS ENFORCEMENT AGENCY
 1114 Market St. Suite 626
<http://www.stlouis-mo.gov/government/departments/civil-rights-enforcement/>
 314-622-3301
 800-735-2966 (TTY)

MacARTHUR JUSTICE CENTER
 3115 South Grand Blvd. Suite 300 63118
www.macarthurjustice.org/missouri
 314-254-8540

SAINT LOUIS UNIVERSITY SCHOOL OF LAW--LEGAL CLINICS
 100 N. Tucker Blvd. 63101
www.slu.edu/law/experiential-learning/legal-clinics/index.php
 314-977-2778

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

You can file a complaint against a police officer (see Sec. 11).

You may also record your interactions with the police. Several Federal courts in different areas of the country have upheld that there is a First Amendment right to record the activities of police in public. There is no exact ruling for this issue in Missouri, but it is likely that it would be determined in the same way by a Missouri court. For additional information, please refer to Section 2.

Sources: [Glik v. Cunniffe](#), 655 F.3d 78 (1st Cir. 2011) (applies to Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island); [ACLU v. Alvarez](#), 679 F.3d 583 (7th Cir. 2012) (applies to Illinois, Indiana, Wisconsin); [Fordyce v. City of Seattle](#), 55 F.3d 436 (9th Cir. 1995) (applies to Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington); [Smith v. City of Cumming](#), 212 F.3d 1332 (11th Cir. 2000) (applies to Alabama, Florida, Georgia).

If it is a claim based on discrimination, you can also complain to the Department of Justice. They can enforce federal rules that prohibit the police from discriminating on the basis of race, age, disability, color, etc. If it is a complaint based on criminal law, you can file a complaint to the FBI or your State's attorney office. For a claim based on civil law (Police Misconduct Statute, Title VI, or the OJP Program Statute), contact the Justice Department at civilrights.justice.gov.

Source:

<https://www.justice.gov/crt/addressing-police-misconduct-laws-enforced-department-justice>

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:

Be sure to keep documentation of all the relevant details. When documenting police abuses, please note the following:

You have a First Amendment constitutional right to videotape or photograph anything in plain view in the public. Still, the police can harass you for documenting their activity, and there are some limitations to the right to film.

Limitations include the following:

- You cannot interfere with the scene.
- You cannot trespass onto private property to document.
- If you are on private property, you must follow the owner's rules.

What to document:

- Write down information about the police officer (name, badge number, car number).
- Write down details about what happened (date, time, location, what happened).

The police cannot search what you have documented. The police generally need a warrant to search your phone or documents. The police cannot delete your photos or video — this is tampering with evidence.

Although we have certain rights, we know that our rights are not always respected. The police sometimes do not understand the law or choose not to follow it. Document your encounters with law enforcement officials, especially if you think they are violating your rights!

Source:

[ArchCity Defenders A Guide To Knowing Your Rights With Police and Getting Out of Jail](#)

After documenting as much as possible, contact a lawyer or other legal organization promptly (see Sec. 12 for a list of civil rights organizations in St. Louis).

It is possible to sue for damages incurred during an illegal search and seizure, under federal law Section 1983, if you were arrested. You can sue for property damage, pain and suffering, lost wages and other expenses as well as attorney's fees.

Source:

[42 U.S. Code, Section 1983](#)

<https://www.rightslitigation.com/2019/08/26/can-i-sue-for-illegal-search-and-seizure-in-denver-co/>

Things you can do if you were improperly detained:

- (1) a complaint against the arresting officer with the police department,
- (2) a motion to suppress whatever evidence was obtained from the false arrest,
- (3) a lawsuit against the officer and department, demanding an injunction, and
- (4) a lawsuit against the officer and department, demanding monetary damages.

Source:

<https://www.shouselaw.com/ca/civil-rights/false-arrest/>

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Law is generally described as of December 2022.

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