

# Real Rights: young people engaging with law enforcement



Washington, DC

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](mailto: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?
- How do things change if I am read my rights by police?
- 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?

## 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?

They cannot arrest you just because you refused to answer their questions. The only information you have to provide is your name and possibly address.

[Legal Source: [DC Code § 23–581](#) and [DC Code § 22–405.01](#).]

[Legal Source: <https://www.acludc.org/en/know-your-rights-stop-and-frisk> and *Byrd v United States* (138 S. Ct. 1518) (2018). (The Fourth Amendment protects your right against government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy)

<https://policecomplaints.dc.gov/service/file-a-complaint>

Legal Source - D.C. Code § 50–2303.07. Identification of pedestrian offenders. (a) A pedestrian who is stopped by a police officer or other authorized official after the pedestrian has committed an infraction of these regulations shall be required to inform the officer or other official of his or her true name and address for the purpose of including that information on a notice of infraction; provided, that no pedestrian shall be required to possess or display any documentary proof of his or her name or address in order to comply with the requirements of this section.

## What if the officers do not identify themselves?

Law enforcement officers do not have a legal duty to disclose either their identities or their agencies of affiliation, even if asked directly. If a person is not in uniform or identified as an officer but you think you are speaking to a police officer, you may ask for identification but the policy have no requirement to disclose.

If you think it is an officer, then you have all other rights associated with a police stop. If the individual you think is an officer begins speaking to you but doesn't order you to do anything you can ask "am I free to go?". If they respond "yes" you can walk away. If the response is "no", do not walk away.

[DC Code § 23–581](#) and [DC Code § 22–405.01](#).

MPD officers policing a First Amendment assembly (such as a political march) are required to have enhanced identification, including uniforms and helmets that prominently identify the officers' affiliation with law enforcement.

[DC Code § 5–331.09](#).

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

You can ask the officer "am I free to go?" If they respond "yes" you can walk away. If the response is "no", do not walk away.

[Know Your Rights: Stop-and-Frisk | ACLU of DC \(acludc.org\)](#)

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

If you are stopped by someone you believe is a police officer, (not in uniform). If they tell you they are a police officer, you are able to respectfully ask to see identification, but they are not required to provide it.

If this is an officer, and they have not ordered you to do anything, you have all of the same rights, not to answer questions, and to ask if you are free to go. If you are told you cannot leave, you should stay, as it is illegal for you to resist someone you have reason to believe is a law enforcement officer.

[DC Code § 23–581](#) and [DC Code § 22–405.01](#).

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

Yes, you have the right to remain silent and can ask to speak to a lawyer at any time. Once you ask to speak to a lawyer, the police must stop questioning you.

*In re Gault, 387 U.S. 1, 2-3 (1967)* (the right to counsel for juveniles was established in 1967 by the Supreme Court).

## If I sit down, am I resisting?

If the police officer has ordered you to stand next to his car, and you sit, you may be considered to be resisting the officer, by not following directions, or may appear to protest the stop.

Neither of which is helpful. Resisting is a crime, and the other will prolong what could be a short encounter.

DC Code § 23–581 and DC Code § 22–405.01.

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

Running from an officer who has stopped the group, may be considered resisting arrest, which is illegal.

You may ask if you are free to go. If the answer is yes, you may leave. If the answer is no, you are only required to give your name and address. If you run, you will have committed a crime by running from the officer.

DC Code § 23–581 and DC Code § 22–405.01.

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

Yes, you have right to receive assistance in your first language.

[Under Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.), police agencies that receive any federal assistance must take reasonable steps to ensure that their services are meaningfully accessible to those who do not speak English well.]

# 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?

Without your consent or "probable cause" that you have committed a crime, police can't go beyond a frisk to search your bags, pockets, or underclothes. You do not have to give your consent.

Legal Sources: <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

A cell phone may not be searched incident to arrest.

*Riley v. California, 134 S. Ct. 2473 (2014)*

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

**Police can** lawfully ask you questions if you're in a public place. *You don't have to answer their questions.* The police can seize your phone with a warrant. Your passcode may be protected by Fifth Amendment rights, but a court could compel you to unlock the phone.

Legal Sources: <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

A cell phone may not be searched incident to arrest.

[Riley v. California, 134 S. Ct. 2473 \(2014\)](#)

[Andrews v. State of New Jersey](#)

[Fourth Amendment of the U.S. Constitution](#)

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

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

**Police can** lawfully ask you questions if you're in a public place. *You don't have to answer their questions.* Your passcode may be protected by Fifth Amendment rights, but a court could compel you to unlock the phone.

Legal Sources: <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

A cell phone may not be searched incident to arrest.

[Riley v. California, 134 S. Ct. 2473 \(2014\)](#)

[Fourth Amendment of the U.S. Constitution](#)

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

## 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?

**Police can** lawfully ask you questions if you're in a public place. *You don't have to answer their questions.* However, you do not have to agree to provide it.

Legal Sources: <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

A cell phone may not be searched as part of an arrest.

[Riley v. California, 134 S. Ct. 2473 \(2014\)](#)

[Fourth Amendment of the U.S. Constitution](#)

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

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

When practical, at least one officer equipped with a body-worn-camera (BWC) should be present, with the BWC activated, prior to a consent search being conducted.

[Know Your Rights: Stop-and-Frisk | ACLU of DC \(acludc.org\)](#)

Police can take your fingerprints with your consent. If you consent, police can take your fingerprints without a warrant or an arrest. If you do not consent and you have not been arrested, police would need to obtain a warrant to take your fingerprints. The police are entitled to take your fingerprints if you are arrested. Regardless of your consent, or a warrant, or an arrest, police typically can obtain your fingerprints that you leave on discarded items, such as a soda can in the trash.

See [The Use of Fingerprints in Pennsylvania Criminal Cases | Goldstein Mehta LLC](#) [DC-specific sources on this point are elusive, but the summary at this source reflects what appears to be the prevailing law in most/all states.]

The National Capital Region Facial Recognition Investigative Leads System (NCRFRILS), a facial recognition system that was used in D.C., was reportedly halted in DC in 2021.

[D.C.-area facial recognition system halted - The Washington Post](#)

Washington DC does not have any laws expressly permitting or prohibiting automatic license plate readers (ALPRs) (also referred to as automated license plate recognition).

[Automated License Plate Readers: State Statutes \(ncsl.org\)](#)

Washington DC uses gunshot detection systems. This technology detects the sound and location of gun fire, and alerts law enforcement.

[Gunshot detection firm ShotSpotter expands with new DC office | The Hill](#)

[DC police use ShotSpotter to analyze sound waves and detect gunshots in real time - The Verge](#)

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

Not without "probable cause" that you have committed a crime, or you give your consent.

Police can lawfully "frisk" you if you consent, or even without your consent if they have "reasonable suspicion" (that is, a specific, fact-based reason to believe) that you have a weapon. A frisk occurs when the police pat or sweep the outside of someone's clothes to check if they have weapons.

Police can't reach into your pockets and clothes or squeeze your body or pocket contents while frisking, unless they feel something like a weapon, or something else that is obviously illegal, based solely on their touch. Without your consent or "probable cause" that you have committed a crime, police can't go beyond a frisk to search your bags, pockets, or underclothes.

*Legal Sources:* <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

### **Can they ask me where I am going and why?**

Police can ask you questions if you're in a public place, but you do not have to answer them.

[Know Your Rights: Stop-and-Frisk | ACLU of DC \(acludc.org\)](#)

## **Reasons Police May Detain or Arrest You**

### **Proposed Information**

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.

[back to top](#)

- 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.

**Without your consent or "probable cause" that you have committed a crime, police can't go beyond a frisk to search your bags, pockets, or underclothes.**

You do not need to answer questions - you have the right to remain silent with the exception of providing your name and address. Legal Source: [DC Code § 50-2303.07](#)

You can say things such as "I don't want to talk to you" or "I don't want to answer that". Anything you say can be used against you in a court of law, and it is a crime to lie to the police.

If an officer begins speaking to you but doesn't order you to do anything you can ask "am I free to go?". If they respond "yes" you can walk away. If the response is "no", do not walk away.

<https://www.acludc.org/en/know-your-rights-stop-and-frisk>

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

You have no obligation to correct the police if they provide mistaken or false information. In fact, police may lie to you to prompt a correction or learn what you know. (<https://www.acludc.org/en/know-your-rights-stop-and-frisk>)

The only information you must provide is your name and address. [Legal Source: DC Code § 50-2303.07](#)

It is important to be careful when volunteering information to the police based on supposed facts or wrong information as they may use this approach to get you to speak and answer questions.

[Legal Source: The idea that confessions must be given voluntarily seems straightforward, but becomes complicated when one considers certain police behaviors. Although police have long been prohibited from using physical force, they are able to use a variety of powerful psychological ploys to extract confessions from criminal suspects, including the use of deception during interrogation. For example, the U.S. Supreme Court has allowed police to falsely claim that a suspect's confederate confessed when in fact he had not ([Frazier v. Cupp, 1969](#)) and to have found a suspect's fingerprints at a crime scene when there were none ([Oregon v. Mathiason, 1977](#)), determining such acts insufficient for rendering the defendant's confession inadmissible. State courts have permitted police to deceive suspects about a range of factual matters, including, for example, falsely stating that incriminating DNA evidence and satellite photography of the crime scene exist ([State v. Nightingale, 2012](#)).

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

If an officer begins speaking to you but doesn't order you to do anything you can ask "am I free to go?". If they respond "yes" you can walk away. (<https://www.acludc.org/en/know-your-rights-stop-and-frisk>) (<https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-questioning>)

You also have a right to remain silent under the US Constitution and have no obligation to answer a police officer's questions. You may be obligated to provide your name and address. Legal Source: [DC Code § 50-2303.07](#)

Lying to the police is a crime.



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

In DC, if you are arrested and questioned, the police must tell you your rights under Miranda - including your right to remain silent and your right to a lawyer. They must also let you know that anything you say may be used against you in a criminal proceeding. Importantly, if a police officer has not arrested you, **you still have all of those rights and obligations** - the police just do not have to remind you of that. Even if not arrested, anything you say may be used against you. (<https://www.findlaw.com/criminal/criminal-rights/miranda-rights.html>) (<https://www.acludc.org/en/know-your-rights-stop-and-frisk>)

Keep in mind if you are arrested and police are talking to you, that is "questioning" or an "interrogation" and Miranda rights must be read before that type of interaction. (<https://criminallawyerwashingtondc.com/arrest-process/miranda-rights/>)

The single biggest difference is when under arrest, you are not free to go. You will need to give the police officer your name and address, but you are not required to say anything more than that. Legal Source: [DC Code § 50-2303.07](#)

## **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?**

- Without your consent or "probable cause" that you have committed a crime, police can't go beyond a frisk to search your bags, pockets, or underclothes.
- You should repeat, "*I don't consent to this search,*" but to stay safe and avoid escalating the situation, you should physically cooperate with the officers.

<https://www.acludc.org/en/know-your-rights-stop-and-frisk>

Note that even if you refuse to consent, officers may still have authority to search you.

However, if you agree to the search, you may be waiving your rights to challenge the legality of the search, and the police may be able to use your consent to justify their otherwise improper search, and whatever they find may be used against you.

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

Police can lawfully ask you questions if you're in a public place. You don't have to answer their questions.

You should ask "am I free to leave?" If the officer says yes, you can walk away calmly. If the officer says no, ask "why" but don't leave.

Even if they "tell" you to give them information, they are really just asking you for information. You don't need to answer their questions. They cannot arrest you just because you refuse to answer their questions. The only information you have to provide is your name and possibly address.

Police can ask questions. They even can lie to extract information. However, you should not lie to the police. You don't have to answer their questions and can say "I don't want to talk to you" or "I don't want to answer that".

[Legal Source: [DC Code § 23-581](#) and [DC Code § 22-405.01.](#)]

[Legal Source: <https://www.acludc.org/en/know-your-rights-stop-and-frisk> and [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#). (The Fourth Amendment protects your right against



*government intrusion and has been interpreted by the Supreme Court as providing a general right to privacy)*

<https://policecomplaints.dc.gov/service/file-a-complaint.>]

## 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.

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

Police can stop you only if they have "reasonable suspicion" that you're involved in a crime. Reasonable suspicion must be based on specific facts. For example, police can stop you if you match the description of someone who just committed a crime. Police **cannot** stop you for a vague reason (because you just "look suspicious") or for a biased reason (because you are, for example, Black or transgender).

Ask if you are free to go. If yes, walk away. If no, ask what you are being detained for. They need to have a reason to arrest you.

### If you're stopped on the street:

Ask if you are free to go. If yes, walk away. If no, ask what you are being detained for. They need to have a reason to arrest you.

Police can pat you down during a stop. You can refuse to consent (agree) to a search, but they may still do it.

### If you're stopped in a car:

If you are driving, you must show your license, registration, and proof of insurance.

Keep your hands where police can see them.

You may refuse to consent to have your car searched, but police may have legal grounds to search it anyway.

Police may separate passengers and the driver to question them, but no one has to answer any questions.

<https://dctranscoalition.wordpress.com/know-your-rights-in-dc/your-rights-with-the-metro-police/>

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

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.

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

Ask for, and *write down*, the officer's name and badge number. Other helpful information includes: the officer's patrol car number the name and phone numbers of any bystanders, and any pictures of or medical records about any injuries you suffer.

File a complaint with the D.C. Office of Police Complaints (OPC). The hotline number is (866) 588-0569. The complaint is due to OPC within 90 days of the incident.

To file a complaint with the D.C. Office of Police Complaints (OPC), take the following steps:

- Fill out a Complaint form, which is available here:
  - <https://policecomplaints.dc.gov/node/161132>
- There are several ways to file a complaint:
  - In person at OPC's office located at 1400 I Street, NW, Suite 700
  - Calling (202) 727-3838, Monday-Friday, 8:30 am - 5 pm
  - Calling OPC's 24-hour, toll-free hotline at 866-588-0569
  - At any Metropolitan Police Department (MPD) district station
  - By email at [dcpolice.complaintsoffice@dc.gov](mailto:dcpolice.complaintsoffice@dc.gov) (scan and attach to email)
  - By fax to (202) 727-9182
- Send the complaint to OPC within 90 days of the incident.
- If you are going to file a complaint, it is a good idea to involve an adult (parent, friend, guardian, lawyer) in the process.
- You can also consider filing a civil rights lawsuit. Speak to a qualified attorney that specializes in this area.
- If you are arrested, ask to speak with a lawyer.

*Legal Sources:* <https://www.acludc.org/en/know-your-rights-stop-and-frisk>.

*These complaints are for Metropolitan Police Department (MPD) and D.C. Housing Authority Police Department officers:* <https://policecomplaints.dc.gov/service/file-a-complaint>.

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

Yes. Ask for, and *write down*, the officer's name and badge number. Other helpful information includes: the officer's patrol car number the name and phone numbers of any bystanders, and any pictures of or medical records about any injuries you suffer.

File a complaint with the D.C. Office of Police Complaints (OPC). Its hotline number is (866) 588-0569. The complaint is due to OPC within 90 days of the incident.

*Legal Sources:* <https://www.acludc.org/en/know-your-rights-stop-and-frisk>

## **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;

[back to top](#)

- 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 an officer begins speaking to you but doesn't order you to do anything, then you can ask "am I free to go?". If they respond "yes", then you can walk away. If the response is "no", then you cannot walk away.

DC Metropolitan Police Department (MPD) officers cannot force you to show ID unless you are driving. The only information you have to provide is your name and potentially your address.

Sources: <https://www.acludc.org/en/know-your-rights-stop-and-frisk> and [Byrd v United States \(138 S. Ct. 1518\) \(2018\)](#)

If you think the stop was unjustified, ask for and write down the officer's name and badge number so you can file a complaint later. File a complaint with the D.C. Office of Police Complaints (OPC). The hotline number is (866) 588-0569. You must make the complaint to OPC within 90 days of the stop.

Source: <https://policecomplaints.dc.gov/node/161132>

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

Detention is temporary and does not mean that you are being arrested.

**What is a "stop"?** When police act in a way that would make a reasonable person feel not free to leave, for example, by ordering you to stop or physically halting you, that is considered a "stop" under the Fourth Amendment.

**To clarify** whether you are being questioned, stopped, or arrested, ask "*am I free to go?*," and, if the officer says no, ask "*am I under arrest?*"

**Is the stop legal?** Police can stop you only if they have "reasonable suspicion" that you're involved in a crime. Reasonable suspicion must be based on specific facts. For example, police can stop you if you match the description of someone who just committed a crime. Police *cannot* stop you for a vague reason (because you just "look suspicious") or for a biased reason (because you are, for example, Black or transgender).

<https://www.acludc.org/en/know-your-rights-stop-and-frisk>

### If I am handcuffed, am I arrested?

Handcuffs alone do not mean you are under arrest. An officer can detain you with no intention of arresting you (i.e., for information). To be considered under arrest, the police officer has to detain you with the intent to arrest you.

If you are under 12, the MPD can only handcuff you if you present a danger to yourself or others; if you are aged between 13 and 17, they can handcuff you at their discretion based on the severity of the offense and circumstances of the interaction.

<https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>

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

Not necessarily.

- **What is a "stop"?** When police act in a way that would make a reasonable person feel not free to leave, for example, by ordering you to stop or physically halting you, that is considered a "stop" under the Fourth Amendment.
- **To clarify** whether you are being questioned, stopped, or arrested, ask "*am I free to go?*," and, if the officer says no, ask "*am I under arrest?*"
- **Is the stop legal?** Police can stop you only if they have "reasonable suspicion" that you're involved in a crime. Reasonable suspicion must be based on specific facts. For example, police can stop you if you match the description of someone who just committed a crime. Police cannot stop you for a vague reason (because you just "look suspicious") or for a biased reason (because you are, for example, Black or transgender).

<https://www.acludc.org/en/know-your-rights-stop-and-frisk>

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

### Proposed Information

It is important to follow this advice:

In DC, police are required to read your Miranda rights when taking you into custody and questioning you. As such, if you are read your Miranda rights, that generally means that you have been arrested, are in custody or are being questioned.

[Legal Source: DC Code § 5-115.01. Arrests

<https://code.dccouncil.gov/us/dc/council/code/sections/5-115.01> and

<https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>;

[www.mirandawarning.org](http://www.mirandawarning.org) (please note that this is an article and not legislation or case law.

We cannot be sure that such information is up-to-date. We do not promote specific websites) and <https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>].

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

If a police officer warns you about your rights, you are probably under arrest under the law. While no specific resource/citation that directly says so, the answer appears to be consistent with the law with the Metropolitan Police Ops Policy on interacting with Juveniles. <https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>

## Police Questioning You

### Am I required to make a statement?

No. You don't have to make a statement or answer questions. You never have to go anywhere with police, unless they have arrested you. LEGAL SOURCES: [DC MPD General Order on Interacting with Juveniles \(1/28/2020 Section II.H.3\)](#).

### Must police notify my guardian?

Yes. If you are arrested, and you're under 18, the police must immediately notify your parent or guardian or caretaker.

Legal Source: [DC MPD General Order on Interacting with Juveniles \(1/28/2020\) Section II.H.3](#)

[back to top](#)

## Must I confess?

You do not have to confess to a crime and you are not required to report to the police a crime that you have witnessed or heard about.

[Legal Source: [DC Code § 50-2303.07.](#)]

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

A parent, guardian or caretaker and the [DC MPD General Order on Interacting with Juveniles \(1/28/2020\), section II.H.3](#), requires that the police officers shall immediately notify them after arresting you if you are under 18.

You also have the right to speak to parents, a minister, or other advisor, but there is no state law or statute requiring a parent to be present, so the police are not required to grant this request.

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

Police can ask questions to a legal minor in a public place without contacting the parent or the legal guardian of the minor. However, if the police arrested you and if you are under the age of 18, police are required to immediately notify your parent, caretaker or legal guardian. If you are under the age of 12, police must contact the YFSD (Youth and Family Services Division) watch commander and be guided by his or her decision.

If the police did not contact the parent/caretaker/legal guardian when they are required to do so, you may ask for the police's information (name, badge number, patrol car number, etc.) and file a complaint with the DC Office of Police Complaints (OPC) within 90 days of the incident. The hotline number is 866-588-0569.

Sources: DC MPD [General Order](#) on Interacting with Juveniles (January 28, 2020), Section II.H.3;

ACLU District of Columbia website

<https://www.acludc.org/en/know-your-rights/know-your-rights-stop-and-frisk>

## 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?

Even if you are just a witness, and not under arrest or investigation, it is advisable to contact a lawyer as soon as you are questioned by the police. If you cannot afford one, the court will appoint one for you.

Sources:

It is advisable to always contact a lawyer if you are under arrest and/or before making any statements to anyone in a criminal case or investigation. You have the right to have a lawyer present during questioning even if you and your family cannot afford one. If you cannot afford a lawyer, the court will appoint one for you.

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 one yourself, 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 not speak until a lawyer is present.

The following are local sources for obtaining a lawyer for young people:

- DC Bar Pro Bono Legal Center (<https://www.dcbbar.org/pro-bono>)
- Legal Aid Society of the District of Columbia at ([www.legalaiddc.org](http://www.legalaiddc.org))

Youth Attorneys in the DMV:

- <https://www.hunterandjohnson.com/Criminal-Defense/Juvenile-Crimes.aspx>
- <http://patrickmconnelly.com/PracticeAreas/Juvenile-Delinquency.asp>

Organizations:

- <https://www.law.georgetown.edu/experiential-learning/clinics/juvenile-justice-clinic/>
- <https://www.law.udc.edu/page/YouthJusticeClinic>
- <https://njdc.info/about-njdc/faqs/>
- <https://www.pdsdc.org/>
- <https://njdc.info/contact/>
- <https://www.acludc.org/en/HELP>

## 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?

Police do not have a legal obligation to tell the truth. When asking you questions, the police may lie or mislead you to get information. You have the right to remain silent, but if you decide to answer, remember that it is a crime to lie to the police.

Sources:

*Frazier v. Cupp*, 394 U.S. 731 (1969), was a [United States Supreme Court](#) case that affirmed the legality of deceptive interrogation tactics. Later case law has interpreted *Frazier v. Cupp* as the case permitting police deception during interrogations. Later case law has interpreted *Frazier v. Cupp* as the case permitting police deception during interrogations.

[back to top](#)

[<https://www.acludc.org/en/know-your-rights-stop-and-frisk>. Please note that this is an article and not legislation or case law. We cannot be sure that such information is up-to-date. We do not promote specific websites.]

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

When interacting with police, you shouldn't lie. In general under certain circumstances, it is a crime to lie to the police. A person lying to the police can be charged with making a false statement, or obstructing a police officer, or perjury if the statement is made under oath.

[Legal Source: <https://www.acludc.org/en/know-your-rights-stop-and-frisk>. Please note that this is an article and not legislation or case law. We cannot be sure that such information is up-to-date. We do not promote specific websites.]

## **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:

Ask questions or file your concerns - for any type of police misconduct, including racism or discrimination (and you can file anonymously) - through the DC Office of Police Complaints (Source: Complaints Process) or the DC Metropolitan Police Department. File your complaint within 45 days of an incident where you believe there was unnecessary or excessive force or police used language or behavior that was insulting, demeaning or humiliating or discriminatory treatment or if there is retaliation for your filing a complaint.

You can also file a complaint with the Office of Police Complaints if the police officer did not wear identification/badge or refused you or anyone with you when you asked for his/her name and badge number.

If you feel you were harassed by the police, you have 3 ways to report police misconduct to the DC Police:

- File a Police Complaint
- Call the 24/7 Hotline - (202) 737-4404 or 311 for non-emergencies, or via the app
- When appropriate, consider engaging in mediation with the officer in question to help the officer understand your perspective

[Legal Source: <https://mpdc.dc.gov/page/how-file-citizen-complaint-or-commendation>]

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

Once you file a report with the DC Office of Police Complaints (OPC) or the DC Metropolitan Police Department (MPD), they will investigate the complaint.

MPD: Once the investigation is completed, you will be notified of the outcome of the investigation. If you do not agree with it, you may appeal the decision in writing by sending a letter to the Chief of Police at:

Chief of Police  
Metropolitan Police Department  
300 Indiana Avenue, NW, Room 5080  
Washington, DC 20001

OPC: If the investigation reveals reasonable cause to believe that police misconduct occurred, the complaint will be referred to an independent complaint examiner who will issue a written decision. OPC will notify the complainant and subject officer of the decision. You



will also be notified of the imposition of discipline and may respond to it in writing to the Chief of Police.

Source: [Filing Complaints Brochure ENG 0.pdf \(dc.gov\)](#), [How to File a Citizen Complaint or Commendation | mpdc](#)

## **Options after you receive a decision on your complaint**

Your options after receiving a decision on your complaint may vary based on where you've filed your complaint.

### **Office of Police Complaints (OPC):**

When a complaint is filed with the OPC, it is first assigned to an investigator who will investigate the matter and draft an investigative report which is then submitted, along with any corresponding evidence, to the investigator's supervisor for review. Once reviewed, the supervisor will submit the complaint to the executive director who will determine whether the complaint should be dismissed or referred to a complaint examiner for review and a decision based on the evidence.

If the complaint examiner sustains the allegations in the complaint, the matter is then submitted to the Chief of Police for appropriate action. If the Chief of Police disagrees with the complaint examiner's findings, the complaint is then submitted to a panel of 3 complaint examiners to determine whether to uphold the original examiner's findings. If the panel of examiners upholds the original decision that disciplinary action is necessary, the Chief of Police must then impose the appropriate discipline.

You will be notified of the discipline, and you may respond to it in writing by contacting the Chief of Police at:

Chief of Police  
Metropolitan Police Department  
300 Indiana Avenue, NW, Room 5080  
Washington, DC 20001

### **Metropolitan Police Department (MPD):**

When a complaint is filed with the MPD, the official responsible for reviewing will contact you and inform you of the investigation. The investigation will then proceed and the official investigating will collect and review evidence, take statements from witnesses and the officer who is the source of the complaint.

Once the investigation is completed, the official will issue a decision and notify you of the outcome. If you do not agree with the outcome of the complaint, you can appeal the decision in writing by sending a letter to the Chief of Police at:

Chief of Police  
Metropolitan Police Department  
300 Indiana Avenue, NW, Room 5080  
Washington, DC 20001

(Source: [Office of Police Complaints](#))

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

### Proposed Information

It is important to follow this advice:

If you feel you were a victim of discrimination or racism, you may either contact an attorney, and/or file a complaint with either the DC Office of Police Complaints (OPC) or the DC Metropolitan Police Department (MPD).

The OPC has authority to investigate complaints filed within 45 days of the incident, and that allege harassment; use of unnecessary or excessive force; use of language or conduct that is insulting, demeaning, or humiliating; discriminatory treatment; retaliation for filing a complaint with OPC; or failure to wear required identification or refusal to provide name and badge number when requested by a member of the public to do so.

The MPD investigates complaints filed at any time alleging any type of misconduct, including misconduct that can be investigated by OPC. It also investigates anonymous complaints.

Depending on the nature and severity of the harassment, you have three ways to report DC Police misconduct:

- File a Police Complaint
- Call the 24/7 Hotline
- When appropriate, consider engaging in mediation with the officer in question to help the officer understand your perspective.

(Source: [DC Metropolitan Police Department](#))

### Resources to contact if you feel you were a victim of discrimination or racism

There are several resources at your disposal that you may contact if you feel you were a victim of discrimination or racism including the following:

- **The D.C. Office of Police Complaints (OPC)**
  - Hotline Number: (866) 588-0569
  - Website: [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov)
  - Note: Complaints filed with the OPC are due within 45 days of the incident occurring.
- **The Internal Affairs Department of the D.C. Metropolitan Police Department (MPD)**
  - Hotline Number: 1-800-298-4006
  - Email: [citizen.complaints@dc.gov](mailto:citizen.complaints@dc.gov)
- **The DC ACLU**
  - Phone: (202) 601-4269
  - Email: [intake@acludc.org](mailto:intake@acludc.org)
  - Website: <https://www.acludc.org/en/help>
- If you've been arrested, contact a local attorney.

(Sources: [The District of Columbia ACLU](#), [The Metropolitan Police Department](#))

## How can I respond to circumstances involving discrimination?

### Proposed Information

It is important to follow this advice:

Write down the officer's name and badge number and gather as much other helpful information as possible, including the patrol car number, the name and phone numbers of any bystanders, and any pictures of or medical records about any injuries you suffer, and then file a complaint with the D.C. Office of Police Complaints (OPC). The hotline number is (866) 588-0569. The complaint is due to OPC within 90 days of the incident.

Source: [How to File a Citizen Complaint or Commendation | mpdc,   
https://www.acludc.org/en/know-your-rights/stop-and-frisk](https://www.acludc.org/en/know-your-rights/stop-and-frisk)

Below is a link to instructions on how to file a police complaint with the OPC:

<https://policecomplaints.dc.gov/service/file-a-complaint>

The following information is needed to file a police complaint, if possible:

- The day, time, and exact location of the incident
- The officer's name, badge number, and physical description
- Witnesses' names, addresses, and telephone numbers
- Vehicle or license numbers for any vehicles involved in the incident
- Any other evidence available, including copies of traffic tickets, police reports, photographs, and medical records (If you have injuries, describe their nature and extent.)

**If you are injured** as a result of alleged police officer misconduct, seek immediate medical attention and try to have your injuries photographed. Preserving evidence of your injuries is an important part of your complaint.

Source: <https://policecomplaints.dc.gov/page/complaint-process-opc>

## 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:

Write down the officer's name and badge number and gather as much other helpful information as possible, including the patrol car number, the name and phone numbers of any bystanders, and any pictures of or medical records about any injuries you suffer, and then file a complaint with the D.C. Office of Police Complaints (OPC). The hotline number is (866) 588-0569. The complaint is due to OPC within 90 days of the incident.

Source: [How to File a Citizen Complaint or Commendation | mpdc,   
https://www.acludc.org/en/know-your-rights/know-your-rights-stop-and-frisk](https://www.acludc.org/en/know-your-rights/know-your-rights-stop-and-frisk)

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[back to top](#)

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## Disclaimer

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Law is generally described as of December 2022.

[back to top](#)