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What To Do When Encountering Law Enforcement - Questioning ^[1]

This page tells you about your basic rights. It is not a substitute for legal advice. You should contact an attorney if you have been arrested or believe that your rights have been violated.

Related information:

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- II. [Stops and Arrests](#) ^[2]
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- IV. [Additional Information for Non-Citizens](#) ^[4]
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Intro.

This booklet addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers. This booklet is for citizens and non-citizens with extra information for non-citizens in a separate section. Another section covers what can happen to you at airports and other points of entry into the United States. The last section discusses concerns you may have related to your charitable contributions and religious or political beliefs.

This booklet tells you about your basic rights. It is not a substitute for legal advice. You should contact an attorney if you have been arrested or believe that your rights have been violated.

2.

Question

What kind of law enforcement officers might try to question me?

Answer

You could be questioned by a variety of law enforcement officers, including state or local police officers, Joint Terrorism Task Force members, or federal agents from the FBI, Department of Homeland Security (which includes Immigration and Customs Enforcement and the Border Patrol), Drug Enforcement Administration, Naval Criminal Investigative Service, or other agencies.

3.

Question

Do I have to answer questions asked by law enforcement officers?

Answer

No. You have the constitutional right to remain silent. In general, you do not have to talk to law enforcement officers (or anyone else), even if you do not feel free to walk away from the officer, you are arrested, or you are in jail. You cannot be punished for refusing to answer a question. It is a good idea to talk to a lawyer before agreeing to answer questions. In general, only a judge can order you to answer questions. (Non-citizens should see [Section IV](#) ^[8] for more information on this topic.)

4.

Question

Are there any exceptions to the general rule that I do not have to answer questions?

Answer

Yes, there are two limited exceptions. First, in some states, you must provide your name to law enforcement officers if you are stopped and told to identify yourself. But even if you give your name, you are not required to answer other questions. Second, if you are driving and you are pulled over for a traffic violation, the officer can require you to show your license, vehicle registration and proof of insurance (but you do not have to answer questions). (Non-citizens should see [Section IV](#) ^[8] for more information on this topic.)

5.

Question

Can I talk to a lawyer before answering questions?

Answer

Yes. You have the constitutional right to talk to a lawyer before answering questions, whether or not the police tell you about that right. The lawyer's job is to protect your rights. Once you say that you want to talk to a lawyer, officers should stop asking you questions. If they continue to ask questions, you still have the right to remain silent. If you do not have a lawyer, you may still tell the officer you want to speak to one before answering questions. If you do have a lawyer, keep his or her business card with you. Show it to the officer, and ask to call your lawyer. Remember to get the name, agency and telephone number of any law enforcement officer who stops or visits you, and give that information to your lawyer.

6.

Question

What if I speak to law enforcement officers anyway?

Answer

Anything you say to a law enforcement officer can be used against you and others. Keep in mind that lying to a government official is a crime but remaining silent until you consult with a lawyer is not. Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

7.

Question

What if law enforcement officers threaten me with a grand jury subpoena if I don't answer their questions? (A grand jury subpoena is a written order for you to go to court and testify about information you may have.)

Answer

If a law enforcement officer threatens to get a subpoena, you still do not have to answer the officer's questions right then and there, and anything you do say can be used against you. The officer may or may not succeed in getting the subpoena. If you receive a subpoena or an officer threatens to get one for you, you should call a lawyer right away. If you are given a subpoena, you must follow the subpoena's direction about when and where to report to the court, but you can still assert your right not to say anything that could be used against you in a criminal case.

8.

Question

What if I am asked to meet with officers for a "counter-terrorism interview"?

Answer

You have the right to say that you do not want to be interviewed, to have an attorney present, to set the time and place for the interview, to find out the questions they will ask beforehand, and to answer only the questions you feel comfortable answering. If you are taken into custody for any reason, you have the right to remain silent. No matter what, assume that nothing you say is off the record. And remember that it is a criminal offense to knowingly lie to an officer.

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