

THE SAINT MAICOL PORTAL

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Know Your Rights

A calm, plain-language guide for encounters with police and federal agents — organized by situation

What the law says, and what to say, at a traffic stop, on the street, at your door, during an arrest, at the airport and border, and when property is seized; plus how to file complaints and get records. Written with respect for officers and for the community. Every rule cites a numbered source.

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1 Traffic stop

Ground rules for every encounter (they protect you and the officer). General information, not legal advice; U.S. rules with California **CA** and New York **NY** examples.

1. **Stay calm. Keep your hands visible.** Don't run, don't argue, and tell the officer before you reach for anything.^[63]
2. **Never physically resist, even if you believe the stop, search or arrest is wrong.** Say so in words; challenge it later in court or with a complaint. Resisting can lead to injury and new charges.^[63,64]
3. **Never lie or show false papers.** Staying silent is legal; lying to a federal agent is a crime (18 U.S.C. § 1001).^[32,64]
4. **Use clear words:** **Am I free to go?** **I am using my right to remain silent.** **I do not consent to a search.** **I want a lawyer.**

What to do

- Pull over safely, turn on the interior light at night, and keep your hands on the wheel.^[63]
- The **driver** must show license, registration and proof of insurance when asked.^[69,63]
- Officers may order the driver^[7] and passengers^[8] out of the car. Passengers are also “seized” during the stop and may challenge it in court.^[9] In many states passengers need not show ID unless suspected of a crime; check local law.^[63]
- **CA** Since Jan. 1, 2024, a California officer must state the reason for a traffic or pedestrian stop before questioning, except when there is an imminent threat.^[70]

Searches and how long the stop lasts

- You may refuse consent to search the car: **I do not consent to searches.** Police may still search with probable cause, and after an arrest only in limited situations.^[11,12]
- A stop cannot be extended beyond its purpose (for example, to wait for a drug dog) without reasonable suspicion.^[10]
- Do not physically block a search. Say clearly that you do not consent; a lawyer can challenge it later.^[63]

2 Street stop

Three kinds of encounters

Type	What it means	Your move
Conversation (consensual)	An officer just talks to you. You may decline to answer and walk away; the test is whether a reasonable person would feel free to leave. ^[3]	Ask politely: Officer, am I free to go? If yes, calmly leave.
Detention (“Terry stop”)	A brief stop based on reasonable suspicion of crime. A pat-down of outer clothing is allowed only if the officer reasonably believes you are armed and dangerous. ^[2]	You are not free to leave. Stay calm; you may stay silent. I do not consent to a search.
Arrest	Requires probable cause. You will be taken into custody.	Do not resist. I want to remain silent. I want a lawyer.

Do you have to give your name? It depends on the state. The Supreme Court allows states to require a detained person to give their name (Hiibel).^[5] **CA** California has no general “stop-and-identify” law (its older ID law was struck down in *Kolender v. Lawson*),^[6] but giving a false name to an officer during a lawful detention or arrest is a crime.^[72] **NY** An officer who reasonably suspects a crime may demand your name, address and an explanation (CPL 140.50).^[86] Never give a false name.

3 Police at your door; warrants

Your home

- Police generally need a **warrant** to enter your home to arrest you (Payton) or to search it, unless you consent or there is an emergency (“exigency”).^[13,1]
- If officers knock without a warrant (“knock and talk”), you may speak through the closed door or step outside and close it behind you.^[14,63] Ask: **Do you have a warrant? Please slide it under the door.**
- If they have a warrant, read what it covers: the Fourth Amendment requires warrants to describe the place to be searched and the things to be seized.^[1] Even with a warrant, you can decline to answer questions without a lawyer.^[64]
- If officers enter anyway, say **I do not consent to this search.** but **do not physically resist.** Note names and agencies and write down what happens.^[64,63]

Judge-signed vs. agency-signed papers

Paper	What it is
Judicial warrant	Issued by a court and signed by a judge or magistrate. Required for police to enter a home without consent, except in emergencies. ^[13,1]
Administrative (ICE/ DHS) warrant	Signed by an immigration official, not a judge (8 C.F.R. § 287.5(e)(2)). The ACLU says a warrant or subpoena “issued and signed by ICE, DHS, or any other government agency does not count as a court order.” See Section 6. ^[34,65]

If the FBI or another federal agent calls or visits

- You may decline an interview and say you want to speak with a lawyer first. You can stop answering at any time.^[64]
- Write down the agent’s name, agency and phone number; if you have a lawyer, say your lawyer will contact them.^[64]
- Without a warrant, you do not have to let agents into your home, office, or other private areas.^[64]

4 Arrest and questioning

Silence and a lawyer: say it out loud

- **You must say it.** The Supreme Court has held that silence can be used against you if you did not expressly invoke the right (Salinas), and that a suspect must invoke it unambiguously (Berghuis).^[17,18] Say: **I am using my right to remain silent.**
- **Ask for a lawyer clearly.** Once you clearly ask for a lawyer during custodial questioning, police must stop questioning until a lawyer is present, unless you restart the conversation.^[19] Then stop talking.
- **Miranda warnings** are required before questioning someone in custody. If you are not in custody, or not being questioned, police need not read them.^[16]
- The Sixth Amendment guarantees the assistance of counsel in criminal prosecutions. If you are charged and cannot afford a lawyer, ask the court for the public defender.^[1,94]

Phones, trickery and force

- Police generally need a **warrant** to search the data on your phone, even after an arrest (Riley v. California).^[15] Say **I do not consent to a search of my phone.**
- In most states police may legally lie during questioning, for example falsely saying a friend confessed (Frazier v. Cupp).^[20] The safest response: stay silent and ask for a lawyer.
- Force must be “objectively reasonable” given how serious the crime is, whether the person is an immediate threat, and whether they are resisting or fleeing.^[21] If you were hurt, get medical care and records right away.

5 Recording police

You may record, without interfering

- Federal appeals courts covering most of the country, now including the Second Circuit (New York) in August 2026, recognize a First Amendment right to record police doing their jobs in public, subject to reasonable limits.^[27]
- The ACLU says you have a First Amendment right to record federal agents in public places when you are lawfully present, and agents may never delete your recordings.^[68]
- **CA** Recording an officer in a public place, or from where you have a right to be, is not by itself obstruction and is not grounds to detain or arrest you (Penal Code § 148(g)).^[71] **NY** The Right to Record Act (Civil Rights Law § 79-p) protects recording and keeping your device, and lets you sue for unlawful interference; it does not allow physical interference.^[87]
- At airport checkpoints, TSA “does not prohibit photographing, videotaping or filming,” as long as screening is not interfered with; you may not film shielded monitors.^[48]
- Keep a safe distance, announce that you are reaching for your phone, and follow lawful orders to step back.

6 Federal agents and immigration encounters

Immigration enforcement rules are being actively litigated. If you or someone you know is affected, contact a licensed immigration attorney.^[65]

Judicial vs. administrative warrants

Type	What the sources say
Administrative (ICE) warrant	Issued by immigration officials such as field office directors, special agents in charge, supervisory deportation officers and chief patrol agents, not by a judge. ^[34] An ICE- or DHS-signed warrant or subpoena “does not count as a court order.” ^[65]
Judicial warrant	Signed by a judge or magistrate. The ACLU advises not opening the door unless ICE shows “a judicial search or arrest warrant naming a person in your residence and/or areas to be searched.” ^[65]
No warrant	A warrantless immigration arrest is allowed when an officer has reason to believe the person is unlawfully present and “is likely to escape before a warrant can be obtained.” ^[33]

At home, at work, on the street

- **Home:** ask if they are immigration agents and why they are there; ask to see a badge through a window or peephole and to have a judge-signed warrant slid under the door. Don’t lie, don’t show false documents, and don’t sign anything without a lawyer.^[65] NBC News reported a May 2025 ICE memo saying officers may forcibly enter a home on an administrative warrant when the person has a final removal order.^[31] A federal judge in Minnesota held such an entry unconstitutional in one case (*Garrison G. v. Bondi*, Jan. 2026); that ruling applies to that case.^[29]
- **Work:** unless a court orders it, a business may decide whether to consent to a search of non-public areas or to hand over records.^[65]
- **Street or car:** you may remain silent and need not discuss immigration or citizenship status. Non-citizens asked for immigration papers must show them if carried. You may refuse consent to a search. Don’t run, resist or lie.^[65,32]
- **Courts in 2025-2026:** the Supreme Court stayed (Sept. 8, 2025) a lower-court order that had limited immigration stops in the Los Angeles area, pending appeal.^[25] On Sept. 16, 2026 it was reported that a federal judge in Los Angeles found agents likely violated federal law by making warrantless arrests without first assessing flight risk, and issued a preliminary injunction.^[30]
- **If detained:** in removal proceedings you may have a lawyer “at no expense to the Government” (8 U.S.C. § 1362); there is no right to a free government lawyer, but you can ask for a list of free or low-cost providers. Sign nothing without a lawyer; you may contact your consulate.^[36,65]

7 Airport and border

TSA vs. CBP: who does what

	TSA (airport security checkpoint)	CBP (border and international arrivals)
Job	Screens people and bags for flight safety. ^[47]	Inspects people and goods entering or leaving the United States. ^[45]
Can you walk away?	Once screening starts, you “may not withdraw from or refuse to complete” it without a Federal Security Director’s approval. A search based only on consent can be declined or stopped “at any time.” ^[46]	U.S. citizens cannot be denied entry. Lawful permanent residents must answer questions on identity and residency; visa holders must show they are admissible. ^[66,45]
Phones and laptops	TSA X-rays devices. It told the ACLU in 2018 that it “does not search electronic devices for the purpose of examining or extracting electronic content.” ^[47,50]	CBP may search device contents. A basic search is a manual look; an advanced search (copying or analyzing data) needs reasonable suspicion or a national-security concern and a manager’s approval. 55,318 travelers had devices searched in FY 2025. ^[45]
Passcode	Not applicable (no content search).	A U.S. citizen “will not be denied entry” for refusing to unlock a device, but it may be detained; a foreign national’s refusal may be weighed in deciding admissibility. ^[45]
Cash	“Traveling with large amounts of currency is not illegal.” TSA reports cash that appears linked to crime; you are “free to leave” once screening is complete. ^[46]	More than \$10,000 taken into or out of the U.S. must be reported (31 U.S.C. § 5316). ^[40]

At the TSA checkpoint

- You may “generally” decline the body scanner for a pat-down, unless your boarding pass shows enhanced screening.^[47] Pat-downs are done by an officer of **the same sex**; you may ask for **private screening** with a companion “at any time.”^[47]
- Facial comparison at the ID check is voluntary: you “may choose not to have a photo taken” and ask for a standard ID check.^[49]

Border phone searches in court (as of Oct. 8, 2026)

- On Sept. 17, 2026 the Second Circuit held that “no suspicion is required” for a manual phone search at the border (U.S. v. Alisigwe).^[28] In Anibowei v. Blanche (No. 26-208) the Supreme Court asked the government to respond by Oct. 29, 2026.^[26]

The 100-mile zone and checkpoints

- Immigration officers may board and search vehicles for people without legal status “within a reasonable distance” of the border, defined as 100 air miles; they may enter private land, but not dwellings, within 25 miles.^[33,35]
- Brief questioning at fixed interior checkpoints is lawful without individual suspicion (Martinez-Fuerte).^[23] A search of you or your belongings requires probable cause or your consent, per the ACLU.^[67] Roving patrols need specific facts, and apparent Mexican ancestry alone is not enough (Brignoni-Ponce).^[24]
- Outside ports of entry you may remain silent, whatever your citizenship; nonimmigrants (e.g., visa holders) must give status information if asked. Never flee a checkpoint.^[67]

8 Property and cash seizures

Forfeiture deadlines are strict; missing one can cost you the property. Speak with a licensed attorney promptly. ^[57]

Why cash can be seized

- Carrying cash is not a crime, but cash anywhere can be seized if agents believe it is drug money or was used to facilitate a drug crime (21 U.S.C. § 881(a)(6)). ^[41]
- At airports, train and bus stations, agents may approach and ask to search luggage without suspicion, as long as a reasonable person would feel free to decline; they do not have to tell you that you can say no. ^[4] You may calmly say **I do not consent to a search.** Do not physically resist. ^[64]

Getting it back: federal civil forfeiture (CAFRA)

Step	What the law says
Notice	Written notice to known owners generally no more than 60 days after a seizure; it is also posted online for 30 days (forfeiture.gov). ^[37,57]
Two options	(1) Petition the agency to return the property (remission or mitigation); the agency decides. (2) File a claim to send the case to federal court. You may do one or both. ^[57,39]
Claim deadline	The date in the notice letter, no earlier than 35 days after mailing ; if no letter arrived, 30 days after final publication . ^[37]
What a claim needs	Identify the property, state your interest, and sign under penalty of perjury. No special form and no bond required. ^[37]
Government's deadline	Within 90 days of a claim, the government must file in court or return the property (a court may extend this). ^[37]
Burden of proof	The government must prove by a preponderance of the evidence that the property is subject to forfeiture. ^[37]
Other protections	Innocent-owner defense; release during the case for substantial hardship in some cases; if you substantially prevail , the U.S. pays reasonable attorney fees and interest. ^[37,38]

State and local seizures follow state law, which differs. **State forfeiture rules are not covered here.**

9 Complaints and records

Most officers want bad actors removed as much as the public does. Write everything down first: date, time, place, names, badge and car numbers, witnesses, and what was said. Save video and medical records.

Who	What it handles	How to reach it
Local police department	Internal affairs investigates complaints about its own employees.	Any station, online, or e.g. LAPD 24-hour line (800) 339-6868. ^[84]
Civilian oversight (examples)	LA Police Commission Inspector General; NYC Civilian Complaint Review Board (CCRB).	LA OIG (213) 893-6400; CCRB 1-800-341-2272 or 311. ^[85,93]
State standards board (POST)	CA California POST can suspend or revoke an officer's certification for serious misconduct and accepts public complaints. NY New York has decertification under the Professional Policing Act of 2021. ^[81,83,92]	post.ca.gov/Public-Complaints ^[83]
DOJ Inspector General	Misconduct by DOJ employees, including the FBI, DEA, ATF and U.S. Marshals.	oig.justice.gov/hotline; (202) 514-3435 ^[58]
DHS Inspector General	Misconduct, fraud and abuse by DHS employees, including CBP, ICE and TSA.	oig.dhs.gov/hotline; 1-800-323-8603 ^[54]
DHS Civil Rights (CRCL)	Complaints that DHS policies or personnel violated civil rights or civil liberties. It does not provide individual legal remedies.	Online portal; keep the confirmation number. ^[55]

TSA	Ask for a supervisor at the checkpoint; civil-rights complaints about screening.	TSA Contact Center (866) 289-9673; AskTSA. ^[51,52]
DHS TRIP	Repeated extra screening, denied or delayed boarding or entry.	dhs.gov/dhs-trip ^[53]
U.S. DOJ Civil Rights Division	Federal civil-rights violations by any officer acting under color of law (18 U.S.C. § 242 makes willful violations a crime).	civilrights.justice.gov ^[59,43]
Civil lawsuit	42 U.S.C. § 1983 lets a person sue state and local officials who violate federal rights.	A civil-rights attorney; legal-aid directories. ^[42,94]

Getting records

Record	What the law or agency says
Federal records (FOIA)	Anyone can request DHS records; DHS takes requests through foia.gov or its portal (not mail or email since Jan. 22, 2026). ^[56] The CIA, NSA and DIA also accept FOIA requests. ^[60,61,62]
Records about you (Privacy Act)	An agency that keeps a system of records must, on request, let you review and copy your record and ask for corrections; some systems are exempt. ^[44]
CA Police misconduct and video	Records of shootings, serious force and certain sustained misconduct are open under the California Public Records Act; critical-incident video generally must be released, usually within 45 days. ^[79,77]
NY Discipline and video	Law enforcement disciplinary records are available under FOIL since the 2020 repeal of § 50-a; NYPD releases critical-incident body-camera video, generally within 30 days. ^[90,89]

10 California and New York notes

CA California

- Officers must state the reason for a traffic or pedestrian stop before questioning (Vehicle Code § 2806.5, since Jan. 1, 2024).^[70]
- Recording an officer from a lawful place is not obstruction (Penal Code § 148(g)).^[71]
- Uniformed officers must display a name or ID number.^[73]
- Deadly force is justified only when reasonably believed **necessary** to defend against an imminent threat of death or serious bodily injury, or in narrow fleeing-felon cases (Penal Code § 835a).^[74]
- Youth 17 or younger must consult a lawyer before custodial questioning, and threats, deception and manipulative tactics are banned with them (from July 1, 2024).^[75,76]
- Racial and identity profiling is prohibited, and agencies report stop data to the Attorney General (RIPA).^[80]
- A state prosecutor investigates police shootings that kill an unarmed civilian.^[78]
- POST publishes the names of officers whose certification is suspended or revoked.^[82]

NY New York

- An officer who reasonably suspects a crime may demand your name, address and an explanation (CPL 140.50).^[86]
- The Right to Record Act protects recording police and keeping your device (Civil Rights Law § 79-p).^[87]
- NYC Right to Know Act: officers must identify themselves and, in many encounters, offer a business card; officers asking for a consent-only search must explain that you can refuse.^[88]
- Disciplinary records are available under FOIL since the repeal of Civil Rights Law § 50-a (2020).^[90]
- NYPD releases critical-incident body-camera video, generally within 30 days.^[89]
- The Attorney General's Office of Special Investigation investigates deaths caused by police officers.^[91]
- Complaints in NYC go to the CCRB: 1-800-341-2272, 311, or any precinct.^[93]

Profiling. The Constitution's Equal Protection Clause forbids enforcement based on race; the Supreme Court has said such claims arise under equal protection rather than the Fourth Amendment.^[1,22]

Respect goes both ways. Most officers respond well to calm, clear statements of your rights. Your goal in the moment is to get home safely; your goal afterward is to set the record straight through the courts and the complaint channels in Section 9.

11 Tear-out pocket card

✂ ----- cut along the dashed line and keep in your wallet ----- ✂

Pocket card: your rights

1. **Stay calm. Hands visible.** Never run or resist; challenge it later in court.
2. **“Officer, am I free to go?”** If yes, leave calmly.
3. **“I am using my right to remain silent.”** Say it out loud.
4. **“I want a lawyer.”** Then stop talking.
5. **“I do not consent to searches.”** Me, my car, my bag, my home, my phone.
6. **“Is this warrant signed by a judge?”** Ask to see it; don’t open the door wide.
7. **Driving?** Show license, registration and insurance when asked.
8. **Never lie** or give a false name. Silence is legal; lying to a federal agent is a crime.
9. **You may record** from a safe distance without interfering.
10. **Get names, badge and car numbers.** Write everything down afterward.

Complaints: DOJ OIG (FBI, DEA, ATF, Marshals) (202) 514-3435 • DHS OIG (CBP, ICE, TSA) 1-800-323-8603 • U.S. DOJ civilrights.justice.gov • NYC CCRB 1-800-341-2272 • LAPD (800) 339-6868
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Sources for the card: ground rules and Sections 1–9 of this booklet. **[63,64,32,58,54,59,93,84]**

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12 Sources

Numbers in brackets in the text, e.g. ^[6], refer to this list. All web sources were accessed October 7–8, 2026 (Pacific Time). Where an official page has since been withdrawn, the archived copy used is listed. Dollar figures are nominal (not adjusted for inflation).

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