

WHAT TO DO IF THE FBI WANTS TO QUESTION YOU

KNOW YOUR RIGHTS:

- ◇ Check out the advice in this pamphlet about how to respond to law enforcement questions and requests to search you or your belongings at home and elsewhere.
- ◇ Practice with your family how to respond to telephone calls and visits to your home or office and how you can politely refuse to allow agents into your home by taking their business card and offering to have an attorney get in touch with them.
- ◇ You have the right to remain silent. Your refusal to talk to the agent will not be used against you.
- ◇ You have a right to have an attorney present during questioning.
- ◇ Even if you start talking without an attorney, you can stop at anytime. Tell the agent that you do not want to answer any more questions without a lawyer present.

SHOULD YOU TALK WITH THE FBI?

- ◇ Even if you have nothing to hide, it is easy to make mistakes in casual conversation, and there are serious consequences to giving incorrect information to a law enforcement officer. You should always have a lawyer present when speaking to the FBI.
- ◇ Take the agent's card and contact ALC, CAIR, or the ACLU (see back page for contact information). We can help you figure out the best way to proceed and either represent you in an interview or refer you to a lawyer who can best protect your rights.
- ◇ If you agree to an interview with the FBI, you have the right to choose when and where the interview is to take place, have a lawyer and/or companion present, limit the interview to certain subjects, and refuse to sign any documents. You can cancel the interview at any time.

OUR BEST ADVICE:

**CONSULT A LAWYER
BEFORE SPEAKING TO THE FBI**

If you find yourself speaking to the FBI without a lawyer, it's okay to stop the conversation and say, "Can I have your card? I will have my lawyer follow up with you."

**If you have been questioned, visited or
approached by the FBI:**

WE CAN HELP YOU

1. **Try to get the names, agencies, badge numbers, and business cards of ALL of the agents and officers who contact you.**
2. **Contact ALC, CAIR, or the ACLU to report the interview/incident and to discuss the next steps:**

ASIAN LAW CAUCUS 415.848.7714

**COUNCIL ON AMERICAN
ISLAMIC RELATIONS** 408.986.9874

**AMERICAN CIVIL
LIBERTIES UNION
OF NORTHERN CALIFORNIA** 415.621.2493
ext. 339

**To request a Know Your Rights presentation,
and for additional information and materials,
please contact ALC.**

**We speak Arabic, Dari, Farsi, Pashto, Hindi,
Spanish, Urdu, and other Asian languages.**

ASSERTING YOUR RIGHTS AFTER 9/11: UPDATES ON FBI PRACTICES AND DEALING WITH POLICE



MEMBER OF
ASIAN AMERICAN CENTER
FOR ADVANCING JUSTICE

THE PROBLEM: HEIGHTENED SURVEILLANCE AND DISCRIMINATION

ALC and the ACLU filed a lawsuit under the Freedom of Information Act against the FBI and have obtained nearly 30,000 pages of government documents showing targeted surveillance of the Arab, African, Middle Eastern, Muslim and South Asian (“AAMEMSA”) communities and political activists, including the following:

1. FBI has used “community outreach” visits to obtain intelligence information about individuals, organizations and institutions that participate.

Example: San Francisco, 2008: Ramadan Iftar Dinner held by a community organization: FBI obtained and recorded the names of attendees and content of participants’ conversations. After the event, internet searches were conducted to obtain further information on attendees.

2. Biased and Inaccurate Training Materials. Examples:

- ◇ “Wahabis control the Koran and it’s [sic] issuance and distribution worldwide. No Koran is distributed without the approval of the Saudi Arabian government’s religious institutions.”
- ◇ “If an Arab is scared, he will often lie to avoid trouble.”

3. Ethnic and Religious Mapping. The FBI is collecting demographic data to map different races, ethnic groups, and religious communities within geographical areas, reflecting the agency’s reliance on discriminatory factors to predict criminality. **Example:** Documents from San Francisco show mapping of Russian and Chinese communities.

WORKING TOWARDS SOLUTIONS:

ALC, ACLU, and CAIR are pushing back on these abusive practices by:

1. Providing Know Your Rights presentations to affected communities.
2. Working with community members and organizations to pass laws that prevent local police from participating in improper practices, e.g. Safe San Francisco Civil Rights Ordinance.
3. In response to ours and other people’s work to expose biased training materials, the FBI has reviewed and removed over 700 pages of materials that were determined to be Islamophobic.

YOU HAVE RIGHTS IF LAW ENFORCEMENT APPROACHES YOU

IF YOU ARE STOPPED ON FOOT:

- ◇ You do not have to answer any questions, but providing your name, address, and age if asked (and ID if you are being given a citation) may help you avoid arrest.
- ◇ If you choose to answer questions, do not give any false information—lying to the police can lead to serious consequences.
- ◇ The police may “pat down” your clothing if they suspect a concealed weapon. Do not physically resist, but tell them politely, “**I do not consent to a search.**”
- ◇ Ask the officer, “**Am I free to leave?**” If he/she says yes, calmly walk away.
- ◇ Do not “bad mouth” the officer, argue, or run away, even if you believe that what is happening is unfair. *This could lead to your arrest.*

IF YOU ARE PULLED OVER IN A CAR:

- ◇ Upon request, show your driver’s license, registration, and proof of insurance.
- ◇ Sign your ticket if you are given one, and contact the court by the date written on the ticket. The police may search your car without a warrant so long as they have **PROBABLE CAUSE**. To protect yourself, in the case of an unlawful search, say clearly and calmly, “I do not consent to a search.”

IF YOU ARE AT HOME:

SEARCHES: If law enforcement officers knock and ask to enter your home, step outside and close the door behind you when talking to agents. Do not consent to police, sheriffs or federal agents entering or searching your home. **They can enter without consent only in the following limited circumstances:**

1. The officers have a **WARRANT** signed by a judge — **ASK TO SEE IT!** Check the address and scope of area to be searched, and object to any search beyond what is listed in the warrant.
2. You are on **PROBATION** with a search condition.
3. There is an **EMERGENCY**, such as a person screaming for help inside your home or the police are chasing someone.

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

- ◇ You have the right to remain silent and do not have to discuss your citizenship status with police, immigration agents or any other officials.
- ◇ You do not have to answer questions about where you were born, whether you are a U.S. citizen, when or how you entered this country (separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers.) Any immigration information you give the police in response to these questions can be used against you in immigration court. Assert your rights to consult with an attorney before answering these questions if you have any concerns.
- ◇ While you do have the above rights, in limited circumstances, if you are not a U.S. citizen and an immigration agent requests your immigration papers you must present the papers if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have them, say you want to remain silent.
- ◇ Do not lie about your citizenship status or provide fake documents.

RIGHTS WHEN UNDER ARREST

IF YOU ARE ARRESTED:

- ◇ If you are under arrest, the police technically have a right to search you and the area close by you. However, to protect against unlawful searches, you always should state politely and clearly “**I do not consent to a search.**”
- ◇ The officer should read you your Miranda rights, which include your right to remain silent and your right to a lawyer. **EXERCISE your rights.** Say politely and clearly, “I want to speak to a lawyer and to remain silent.” Also, if you are under 18, ask to speak to your parent or guardian.
- ◇ You have a right to ask for the officer’s name and badge number. Remember this information.

The Right Behavior:

Keep your hands where the police can see them. Do not resist, run away, or touch the police officer. Stay calm and do not argue.