DENVER JUSTICE PROJECT
TRANSFORMING LAW ENFORCEMENT
ENDING MASS INCARCERATION
SEEKING RACIAL JUSTICE

KNOW YOUR RIGHTS
As an individual in our society, each person deserves to know what their rights are during interactions with law enforcement. This booklet is an introductory tool, but for more comprehensive and detailed scope of an individual’s legal rights, please visit resources provided by the ACLU or visit our website, DenverJusticeProject.org to schedule a Know Your Rights Training.
LEVELS OF INTERACTION

Each level of police interaction requires a different type of justification before police can legally limit your freedom to go about your day. They are:

1) Casual Questioning / Conversation- No justification.
2) Detention - "Reasonable suspicion" of a crime.
3) Arrest - "Probable cause" to believe crime committed.

Casual Questioning: Participation in casual conversation with cops can be risky. They can and in most cases will use this information against you and your friends. This is not illegal, however be cognizant of what is being asked and how you decide to respond. To find out if the cops are “casually questioning” you, ask if you’re being detained. If not, leave, create distance between you and that officer, if you can keep them in sight, say during a protest that can usually give you an upper hand.
Detention: If you’re being detained, ask why. Find out what the cops’ “reasonable suspicion” is that you have broken the law. Using these buzz words helps cops recognize that you know your rights. You are not under arrest at this point. Officers like to say that you are being detained for their safety or at times they may not even tell you why at all. You are legally entitled to articulable explanation for your detainment. (though they may not give it to you.)

Arrest: When you have been arrested, police can legally search your person and your bags, even strip search you. At times they may try to coerce you into more information.

If placed under arrest do not resist no matter how unfair it may seem. This can lead to force used against you and additional charges.

We recommend that in detention jail or prison do not talk about your case to others as this could negatively impact you later on.

Ultimately, interactions with law enforcement will vary, but always know that they can and will lie, that casual conversations may not be so innocent in nature, and even if you use key phrases and deny searches, they can and will still search, arrest, or brutalize you.
Remaining silent is your right: In speaking you provide information that may criminalize you involuntarily.

Anything you say may be used against you in court, but silence cannot be used against you. Important: You can stop talking at any time, even if you have begun a conversation with an officer.

Useful Phrases:
“Have I done something wrong?”
“Am I free to leave?”
“Am I being Detained?”
“I am going to remain silent.”
“I would like to speak to an attorney.”
RIGHT TO DENY CONSENT

If an officer asks to search your belongings without a warrant or probable cause, you may deny the search by refusing consent; this is your right. Say “I do not consent to a search.” It's important to note that if you are being searched, you are technically detained at that moment.

If an officer asks why you are denying the search, this is a good time to state that it is your constitutional right to. Refuse the search until a warrant or articulable probable cause is presented and state if you are being detained you want to remain silent.

NEVER TRY TO INTERFERE WITH A SEARCH!! Even if a search is being performed without your consent, never physically interfere with a search.
SEARCHES AND SEIZURES

If you are being searched, be sure to state, "I do not consent to a search." Try to say it loudly and often enough for witnesses to hear it. It sounds formal, but 'I do not consent to a search' is legally the safest thing to say. Otherwise, if you say something like 'I'd rather you didn't search my bag', the cops can testify that you reluctantly gave consent.

If cops are doing a lawful search, (you have a warrant or they can manufacture probable cause) it doesn’t matter whether you consent or not. If it’s an unlawful search but you do consent, they can also use the evidence.

If officers come to your house without a warrant you do not have to open the door and let them in. However if you choose to speak to them, step outside and close the door behind you.
CARRYING I.D. IN COLORADO

You only need to carry ID when you’re driving or if you aren’t a US citizen. You do have an obligation to identify yourself if police ask you to. You do legally have to give them at least your name, birth date, and street address, but nothing else of substance is required such as where you’re coming from, who you work for, who your friends are, or your country of origin (at the time of this publishing).

We do not advise giving a false name because that is a crime. You don’t have to show police your ID, but it speeds things up if the cops are going to give you a citation. If you do not present your ID, police may legally book you (fingerprint, take your photo, etc.) and keep you in jail until they can confirm your identity or until your trial, but this is almost never necessary. Some states require you to carry an ID on you at all times, but Colorado does not.
IF YOUR RIGHTS ARE VIOLATED

Identify the Officer(s) Involved:

If you can, you should try to learn and write down the name and badge number of the officer(s) who violates your rights, as well as the number of their patrol car. This will be important for holding them accountable.

If you can, ask for the officer’s business card. If an officer is the one who initiates the contact with a civilian, they are obligated to give you their business card. If they tell you “I’m out of cards,” remind them they are obligated to always carry them. Officers are also required to also have their badge number clearly displayed - if you don’t get a card, ask for their name and badge and write it down.
Recording/Documentation:

If you can safely record an interaction with police, you should do some from the earliest point in the interaction possible. Try to have your recording device out before the interaction, or announce clearly that you want to reach into your pocket/bag for a phone/recording device and do so slowly and calmly. If you are already being detained, be extremely careful and do not disobey the officer if they tell you not to reach for a recording device. Never make sudden moves that police might interpret as reaching for a weapon. You can always write down your version of the story if there is not a recording of the full event.

What to do if you sustain injuries by law enforcement:

Normally when you sustain injuries by law enforcement there will be a criminal charge attached, this does not mean you are guilty. However, you should attempt to obtain photos of your injuries prior to allowing any medical treatment for the records in your case. This will help you in the search of civil representation if you chose to pursue that route. These types of violence can be very traumatizing and it can be difficult to remember critical details later. So we encourage people to write down their own narratives ASAP. This is also very sensitive information so we advise only sharing it with your attorney or people you trust until the legal case is clearer.
The Office of Independent Monitor (OIM): Entity in the City and County of Denver that makes recommendations on how law enforcement who engage in misconduct should be disciplined. Anyone can file a complaint about Denver law enforcement misconduct online, in person, or over the phone.

Office of Independent Monitor  
101 W. Colfax Ave. Suite 100  
Denver, CO 80202  
Phone: 720-913-3306 Fax: 720-913-3305 Website: denvergov.org/oim  
Email: oim@denvergov.org  
Online complaint form: bit.ly/2qWgYkP

Denver Citizen’s Oversight Board: Oversees OIM, hosts public forums every three months. More info: denvergov.org/cob

Denver Police Internal Affairs Bureau: Also accepts complaints, but since they work directly with the police department, we recommend people file with the above two entities instead.
If you decide to make efforts to pursue a criminal or civil rights lawsuit over the incident, there is information below about civil attorneys in the Denver metro area who specialize in these types of cases.

**Holland, Holland Edwards & Grossman,**
Address: 1437 High St, Denver, CO 80218
Website: http://www.hheglaw.com/home
Phone: (303) 860-1331

**Killmer, Lane & Newman, LLP**
Address: 1543 Champa St # 400, Denver, CO 80202
Website: https://www.kln-law.com/
Phone: (303) 571-1000

**Rathod Mohamedbhai LLC**
Address: 2701 Lawrence St Suite 100, Denver, CO 80205
Website: http://www.rmlawyers.com/
Phone: (303) 578-4400
"Have I done something wrong?"

"Am I free to leave?"

"Am I being detained?"

"I do not consent to search."

"I am going to remain silent."

"I would like to speak to an attorney."
NAVIGATING INTERACTIONS WITH LAW ENFORCEMENT

Have I done something wrong?
- NO
- Am I free to leave?
  - NO
  - LEAVE
  - I do not consent to a search

- YES
- Am I being detained?
  - NO
  - I am going to remain silent
  - YES
  - I would like to speak to a lawyer

- YES