



Transforming Law Enforcement  
Ending Mass Incarceration  
Seeking Racial Justice

**KNOW YOUR RIGHTS**



# KNOW YOUR RIGHTS



As individuals in our society, each person deserves to know what their rights are while interacting with law enforcement. This booklet is an introductory tool. For a more comprehensive and detailed scope of an individuals legal rights, please refer to resources provided by the American Civil Liberties Union or visit our website at [denverJusticeproject.org](https://denverjusticeproject.org) for additional information or to schedule a Know Your Rights Training.

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# LEVELS OF INTERACTION

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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 a crime was committed."

**Casual Questioning:** Participating in a casual conversation with police officers can be risky. They can and in most cases will use this information against you or 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 are being detained. If not, leave, create distance between you and the officer. If you can keep them in sight, that can sometimes 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 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 tell you why at all. You are legally entitled to an articulable explanation for your detainment. (Though they may not give it to you.)

**Arrest:** When you have been arrested, police can legally search anything in the vicinity regarding the arrest without a warrant. This includes your person, your bags, your house and they can even strip search you if they suspect you are hiding illegal items in your clothing or body. 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.

**Ultimately, interactions with law enforcement will vary but always know that they can and will lie, that casual conversation may not be so innocent in nature, and even if you use a key phrase and deny searches, they can and will still search, detain, arrest, and possibly harm you.**



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# RIGHT TO REMAIN SILENT

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**Remaining silent is your right:** When 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 DO NOT CONSENT TO A SEARCH."**

**"I WOULD LIKE TO SPEAK TO AN ATTORNEY."**

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# RIGHT TO DENY CONSENT

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If an officer asks to search your belongings without a warrant or probable cause, you may deny the search by refusing to give 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 the 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 do so. Refuse the search until a warrant or articulable probable cause is presented and state that 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 consent, never physically interfere with a search.

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# SEARCHES **AND** SEIZURES

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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 officers can testify that you reluctantly gave consent.

If officers are doing a lawful search, (they have a warrant or alleged probable cause) it doesn't matter whether you consent or not. If it's an unlawful search but you DO consent, they can use any evidence found against you in court. Additionally, if a search is done unlawfully and you stay silent and say nothing, your silence will equal consent in court.

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



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# CARRYING I.D. IN COLORADO

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**You only need to carry I.D. when you're driving or if you are not a U.S. citizen.** You are obligated to identify yourself if police ask you to. Legally you have to give them at least your name, birthdate, and street address. 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 I.D., but it speeds things up if the officers are going to give you a citation. If you do not present your I.D., police legally book you (fingerprint, take your photos, 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 I.D. on you at all times, but Colorado does not.

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# IF YOUR RIGHTS ARE VIOLATED

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## 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 violate 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 that they are obligated to always carry them. Officers are also required to have their badge number clearly displayed. If you don't get a card, ask for their name and badge number and write it down.

**Recording/Documentation:** If you can safely record an interaction with police, you should do so from the earliest point of the interaction possible. Try to have your recording device out before the interaction, or announce clearly that you want to reach for your phone and do so slowly and calmly. If you are already being detained, be extremely careful and do not disobey the officers if they tell you not to reach for a recording device. **Never make sudden movements 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 choose to pursue that route. These violent interactions can be very traumatizing and it can be difficult to remember critical details later. We encourage people to write down their own narrative as soon as possible. This is also very sensitive information so we advise only sharing it with your attorney or people you trust until the legal case becomes more clear.

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# **COMMUNITY BASED EMERGENCY RESPONSE**

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If you find yourself in a non-violent emergency situation that involves behavioral health, trauma, addiction, or homelessness we recommend that you contact a community based alternative to police.

## **DENVER**

**Support Team Assisted Response (STAR) dial 911 or 720-913-STAR and request STAR.**

## **AURORA**

**Aurora Mobil Response Team dial 911 or 303-627-3100 and request the Aurora Mobile Response Team support.**

## **ARVADA**

**Support Team Assisted Response (Starvada) dial 911 or 303-424-3012 and request STARVADA.**

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# FILE A REPORT

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**The Office of Independent Monitor (OIM):** is the 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  
Ph: (720) 913-3306  
Web: [denvergov.org/oim](http://denvergov.org/oim)  
Email: [oim@denvergov.org](mailto:oim@denvergov.org)



**Denver Citizen's Oversight Board:** Oversees OIM and hosts public forums every three months. More Info: [denvergov.org/cob](http://denvergov.org/cob)

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# APPLY FOR A PUBLIC DEFENDER

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Use this QR code to access the application for a Colorado Public Defender. If you live in the city or county of Denver you can complete the application and send to the email address below.

**E-mail: [Denver@coloradodefenders.us](mailto:Denver@coloradodefenders.us)**

Phone: 303 620-4999

**Criminal defense attorneys:**

**Jamie Cowan** (Criminal Defense)

720-640-5515

[www.jaimecowandefense.com](http://www.jaimecowandefense.com)



# FILE A LAWSUIT

If you decide to make the effort to pursue a lawsuit over civil rights violations regarding the incident, we have included information below about civil attorneys in the Denver Metro Area who specialize in these types of cases.

## **Holland, Holland Edwards & Grossman** (Civil Rights)

1438 High St., Denver, CO 80218  
www.hheglaw.com | (303) 860-1331

## **Killmer, Lane & Newman, LLP** (Civil Rights)

543 Champa St. #400, Denver, CO 80202  
www.kln-law.com | (303) 571-1000

## **Rathod Mohamedbhai LLC** (Civil Rights)

2701 Lawrence St. Suite 100, Denver, CO 80205  
www.rmlawyers.com | (303) 578-4400

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# ADDITIONAL ATTORNEYS

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## **Adam Frank** (Civil/Criminal)

1133 N Pennsylvania St. Denver, CO 80203  
[www.franklawoffice.com](http://www.franklawoffice.com) | (303) 800-8222

## **Tyrone Glover** (Civil/Criminal)

2590 Walnut St. Denver, CO 80205  
[www.tyroneglover.com](http://www.tyroneglover.com) | (303) 577-1655

## **Patrick J Mulligan** (Criminal Defense)

475 W. 12th Ave. Suite D, Denver, CO 80204  
[www.mulliganbreit.com](http://www.mulliganbreit.com) | (303) 295-1500



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# TREATMENT SERVICES

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## Creative Treatment Options

[www.creativetreatmentoptions.com](http://www.creativetreatmentoptions.com)

(303) 467-2624

## HEART Counseling

[www.myheartcounseling.com](http://www.myheartcounseling.com)

(720) 379-6995

## ParkHill Counseling

(720) 532-5787

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# **USEFUL PHRASES**

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**"HAVE I DONE SOMETHING WRONG?"**

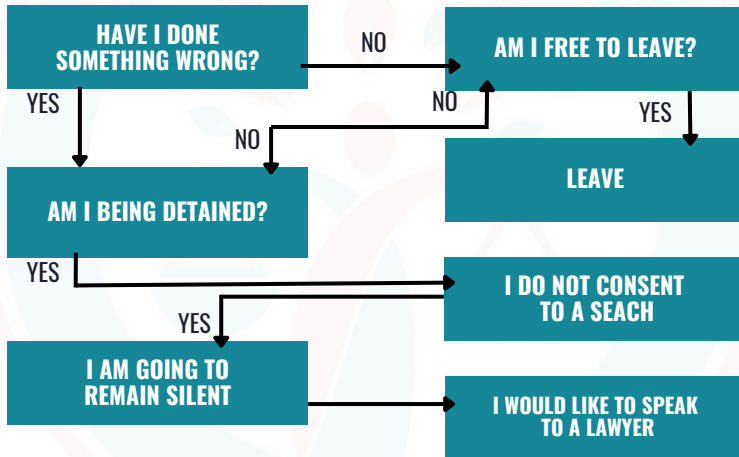
**"AM I FREE TO LEAVE?"**

**"AM I BEING DETAINED?"**

**"I DO NOT CONSENT TO A SEARCH."**

**"I WOULD LIKE TO SPEAK TO AN  
ATTORNEY."**

# NAVIGATING INTERACTIONS WITH LAW ENFORCEMENT



# CONTACT US

@denverjusticeproject

[www.denverjusticeproject.org](http://www.denverjusticeproject.org)

1600 N Downing St Denver, CO 80218

**FOR MORE RESOURCES VISIT OUR WEBSITE**



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