

# NLG Chicago - Mass Defense Committee's Know Your Rights: A Guide for Chicago Activists

It is important to know your rights so you can be well informed; however, the police can and do arrest folks even if the law doesn't support them. The time to make arguments and legal defenses is in the courtroom, after the arrest or citation. The information in this guide is intended to inform social justice activists and is not a substitute for legal advice from a licensed attorney.

If you or a friend are arrested at a protest or have a case related to a protest call **872-4NLG-CHI (872-465-4244)** to be connected to legal support through NLG Chicago.

## ***What to Expect if Arrested***

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The Chicago Police Department can hold you in custody for up to 48 hours without charging you. Typically, you will be released after 3-18 hours, though this period could be longer if you have an outstanding warrant, are charged with a serious crime, or if processing is delayed due to mass arrests. You will not have access to your personal effects— everything but the clothes you wear will be confiscated, and not returned until you are released. You will not have your phone, so write a contact number on your arm so you have a number to call (phone calls are usually allowed only after many hours in custody). You probably will not have access to medications or medical care—it's up to the police, and they are not generous with attention to medical needs. **Tell the officers at the station if you are taking any medication or need immediate medical attention.**

## ***Know Your Rights During a Police Encounter***

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### **Police Encounters**

Police have the discretion to arrest you or issue a citation. When dealing with the police, you may want to keep your hands in view and avoid sudden movements. You may also want to avoid passing behind them. If you touch the police or their equipment (vehicles, flashlights, animals, etc.), you may get beat up and/or charged with assault or battery. You cannot know for certain what you will be charged with until after you have been arrested. In felony cases, the prosecutor is the only person who can actually charge you.

### **Stopped on the Street**

If you are stopped on the street, you can and should ask if you are **“free to go.”** If the answer is yes, consider just walking away. If the police say you are not under arrest, but are not free to go, then you are being detained (police are temporarily restricting your movement). The police can pat down the outside of your clothing if they have reason to suspect you might be armed and dangerous. If they search any more than this, say clearly, **“I do not consent to a search.”** They might keep searching anyway. If you resist, you might be charged with assault, battery or resisting arrest. You do not have to answer any questions. You do not have to open bags or any closed container. Tell the officers you do not consent to a search of your bags or other property.



# Cont., Know Your Rights During a Police Encounter

## Identification

Police can ask you to identify yourself, but you do not have to answer them. You can provide your name and date of birth; don't provide more information than that. If you choose to provide information, don't lie; police may arrest you for obstructing an investigation. The safest choice is to say nothing or give only your name and date of birth, nothing more. If you are going to hand an officer your ID, say so, and do not reach into your pocket until you tell the officer what you're doing.

## Police Interrogations & "Miranda" Warnings

If you are questioned by the police on the street or after you have been arrested, you should not talk to the police and assert your Fifth Amendment right to remain silent by saying, **"I am going to remain silent. I want to see a lawyer."** (Note: You must affirmatively state that you will remain silent in order to properly assert your Fifth Amendment rights.) The police do not have to read you your rights (a "Miranda" warning). The police regularly intentionally violate Miranda, and though your rights have been violated, it's possible that what you say can be used against you. For this reason, it is better not to wait for the cops to tell you your rights. You can invoke them by using the language above.

## Immigration Status Questions

Regardless of if you are undocumented, out of status, a legal permanent resident (green card holder), or a citizen, you do not have to answer any questions about your immigration history.

## Police Mistreatment

You have the right to ask for an officer's name and badge number. If you are mistreated, try to obtain this information as well as contact information for witnesses. If you resist or fight back, you can be charged with assault or battery to an officer.

## Recording Police Activity

It is a protected right under the First Amendment to record police officers when they are performing duties related to their job. Despite this, it used to be a felony to record police under Illinois law, and many cops still respond as though it is illegal for you to film them. Despite the fact you can no longer be directly charged for recording police, officers have many other discretionary charges (such as disorderly conduct) that they can use to get you off the streets in that moment.

## About the National Lawyers Guild



The National Lawyers Guild (NLG) is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.

## Want to Learn More?

Scan the QR code to learn more about your rights while protesting, potential charges and consequences of an arrest as well as a guide detailing what to expect if you've been arrested at a protest.

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

