

# WHAT TO DO IF YOU'RE STOPPED BY POLICE OR IMMIGRATION OFFICIALS in NEW JERSEY



## KNOW THESE BASIC RULES:

**Remain calm.** Don't run. Speak carefully. Anything you say can be used against you.

**Don't touch officers.** Keep your hands where they can see them.

**Don't resist,** even if you're innocent or if you think the police or ICE are acting unfairly or unlawfully.

**You have the right to say no to searches of your car, house or person.** You cannot be arrested for refusing to consent to a search.

**If you're stopped by police or ICE, ask them "Am I free to leave?"** If you are and do not wish to talk, calmly walk away.

**You do not have to speak to the police or ICE.** Immigrants with lawful status must show proof of that status to ICE agents if asked, but not to police officers.

If you are arrested:

- Ask for a lawyer
- Tell authorities you're going to remain silent
- And say nothing else.

## IF YOU ARE STOPPED ON THE STREET:

**Police may not hold you unless** they suspect you're involved in criminal activity. ICE can't hold you unless they have reason to think you are in the country without authorization. For police and ICE, race or ethnicity alone is not a valid reason to stop you. If you're stopped by police or ICE, ask "Am I free to leave?" If you can go and do not wish to talk to them, calmly walk away.

**Police may not "frisk" or "pat down" your outer clothing unless** they suspect you have a concealed weapon.

**Police and ICE may not search you or your pockets or bags unless** they have probable cause to believe they will find evidence of a crime or they are arresting you. If police or ICE try to search you or your property, say, "I do not consent to this search." Don't physically resist.

**Police in New Jersey may not request your ID or demand your name unless** they are already issuing you a court summons.

**You do not have to talk about your immigration status with police or ICE.** Immigrants with lawful status must show proof of that status to ICE agents if they ask, but not to police officers. If you do not have valid immigration documents, tell them that you want to remain silent. Don't lie about your citizenship or provide fake documents.

## IN A CAR:

**Police may stop your car** only if they have reasonable suspicion that you committed a crime or a traffic offense.

If stopped in a car, the **driver must show license, registration, and insurance card.**

**Police can search your car** if they have a warrant, if you give permission, or if they develop probable cause after they stop your car that they will find something illegal or evidence of a crime.

**Police cannot ask to search your car unless** they have specific suspicion that evidence of a crime is inside.

**Police may order a driver out of the car**, but not a passenger unless they have a specific safety concern.

**If you are suspected of driving under the influence (DUI)**, you may be required to take an alcohol screening test. If you refuse, you will face the same loss of driving privileges as for a DUI offense.

## IN YOUR HOME:

**Police and ICE agents must have a warrant to enter your home**, except in emergency situations (e.g. a person screaming) or if you let them in. If police or ICE say they have a warrant:

- Ask to see it—have them slip the warrant under the door or hold it up to a window
- Make sure the information listed is correct
- Make sure that a judge has signed it.

When police ask to enter or search your home without a warrant, **you may refuse** to allow them.

If you are arrested in your home, **the police can search you and the area close by**, which rarely includes more than the room you are in.

**Prepare yourself and your family in case you are arrested.** Memorize your family's and lawyer's phone numbers. Make emergency plans, like a power of attorney, especially if there are children or medical needs. Keep copies of documents with someone you trust.

## STAND UP FOR YOUR RIGHTS:

Sometimes police stop, frisk, or arrest people in violation of their rights. **If this happens to you, or if there is an ICE raid, write down everything ASAP**, including badge and patrol car numbers. If injured, seek medical attention and take photos.

**If you are not under arrest, you have the right to photograph or film police or ICE activity** in public unless you physically interfere. If you have a right to be somewhere, you can record from there.

**Police can't search your phone without a warrant.** You can record audio or video that goes directly to the ACLU-NJ using the Mobile Justice app, available at: [www.aclu-nj.org/TheAppPlace](http://www.aclu-nj.org/TheAppPlace). The more documentation you have, the better.

If you were arrested or have been a victim of police misconduct, **contact a lawyer** as soon as possible.

Don't sign any documents without talking to a lawyer.

## RIGHTS VIOLATED?

**File a police complaint** with the police department's internal affairs division, which must accept complaints from anyone (including anonymous sources) anytime. To file a complaint about ICE, contact the Office of Professional Responsibility at [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov) or **1-877-2INTAKE**.

You can also contact the ACLU-NJ: [www.aclu-nj.org/complaint](http://www.aclu-nj.org/complaint) or call **973-642-2084** on weekdays

Download Mobile Justice: [www.aclu-nj.org/TheAppPlace](http://www.aclu-nj.org/TheAppPlace)



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