



Your Rights When You Are Arrested

Categories : [Criminal Justice System](#)

The material provided on the 211 eLibrary is for informational purposes only. It is not intended to be and should not be construed as legal advice.

The following includes excerpts from "[What To Do If You're Stopped By The Police, Immigration Agents or the FBI](#)" by the American Civil Liberties Union.

What are Your Rights When You are Arrested?

In the United States, anyone who is arrested has certain rights under the U.S. Constitution. These rights were outlined by the U.S. Supreme Court in the case of *Miranda v. Arizona*: "...the person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him." A law officer making an arrest will read a statement based on this rule, which is usually called "reading your rights" or "Miranda rights". If the police fail to advise you of your rights, any statements you make could be excluded if you were put on trial.

How to Behave When You are Arrested:

If a law officer places you under arrest:

- Do not argue or resist arrest. Stay calm and be polite. If you are present when someone else is being arrested, do not interfere with the police, as this may result in your being arrested.
- If you feel that your rights have been violated, do not complain to the arresting officer. You can make a formal complaint later, with the police department's internal affairs division or civilian complaint board.

Where to Get More Information:

Findlaw: What Procedures Must the Police Follow While Making an Arrest?: <http://criminal.findlaw.com/criminal-procedure/what-procedures-must-the-police-follow-while-making-an-arrest.html>

SOURCES: What To Do If You're Stopped By The Police, Immigration Agents or the FBI, American Civil Liberties Union; [MIRANDA V. ARIZONA 384 U.S. 436, U.S. Supreme Court](#)

PREPARED BY: 211/kq

CONTENT LAST REVIEWED: April 2019