If You Want to File a Complaint Against a Precinct Holding Cell...

You have the right to be protected from harm, including rape and beatings, while held by the police before you are arraigned. You also have the **right to have your medical and mental health needs met and your religion and gender identity respected**.

You have the right to make grievances or complaints against the precinct if you believe you have been mistreated. However, it is possible that the police will retaliate against you. You have to decide what will be safest and best for you. You do not need to do this alone; you can speak with your attorney about your conditions.

If you are injured while in a holding cell take photos of the injuries as soon as possible, but make sure to get medical attention first. Ask for copies of your medical treatment files.

You can contact the NYC Bar Association at 212-626-7373 for a referral to an attorney who can fully assist you in the process of bringing a complaint against the precinct.

IDs...

In New York, you are not required to carry ID, and you don't have to show ID to a police officer. A cop can demand to see an ID if they reasonably expect that you are involved in a crime.

Our community's experience is that the police will probably arrest you if you refuse or fail to show ID. If you are arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.

Immigration Concerns...

You do **NOT** have to disclose your immigration status with the police or immigration officials. **If you are an immigrant and get arrested, make sure your lawyer knows this and figures out how a plea would affect your status. DO NOT** answer questions about your immigration status or where you were born from anyone else.

Read all papers fully and do not sign anything that you do not understand. You have the right to have your lawyer look at any papers that the police give to you. You may request an interpreter if you need one.

SYLVIA RIVERA LAW PROJECT

The Sylvia Rivera Law Project works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence.

SYLVIA RIVERA LAW PROJECT
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NEW YORK, NEW YORK, 10011
T. 212-337-8550 • F. 212-337-1972
WWW.SRLP.ORG

KNOW YOUR RIGHTS

Tips for Trans People Dealing with Cops

On the Street and in Public...

If you are stopped by the police, try to stay calm and limit your interactions to 5 words. Don't get into an argument with the police. Don't run and don't touch any police officer.

The police must refer to you by the name, titles of respect ("Ms.", "Mr.", etc.), and pronouns that you use.

The police are prohibited from making "discourteous or disrespectful" comments about your gender identity, gender expression, or sexual orientation.

You do not need to respond to a cop's questions and you can say, "I would like to remain silent." Not responding at all may aggravate a situation.

An undercover cop does **NOT** have to tell you the truth if you ask them if they're a cop.

You do **NOT** have to disclose your immigration status with the police or immigration officials.

If a cop stops you, you can ask if you are being detained:

If the answer is **"no,"** you are free to go. Cops have a right to detain you for a short period of time if they have reasonable suspicion that you have or are about to commit a crime;

If the answer is **"yes,"** and you are under arrest, you have a right to know why.

You **NEVER** have to consent to a search of your self or your possessions. If a cop asks to search you or your bag, saying **"I do not consent to a search"** helps protect your rights. If the cops find condoms on you, you do not have to explain why you have them.

Police may still search your possessions or your person even if you said you do not consent and there is no warrant. If this happens, try your best

to remain calm and do not interfere with or obstruct their search. You can be arrested for interfering or obstructing even if the police are behaving unlawfully.

Cops are allowed to conduct a "pat down" if they believe that you may be armed.

The police cannot strip search you to determine your gender. The police may only do a "body cavity" search if they have a warrant that specifically says so, if you are at an airport or border, or after you have been incarcerated.

If you are being mistreated/expect a situation to escalate, ask for the officer's name and badge number. That information is useful if you want to file a complaint later. If the cops are unwilling to provide their name and badge number, try to remember their physical description, the number on their patrol car, or any other useful identifying information.

In Your Home...

You **NEVER** have to consent to a search of your house. **If the police do not have a search warrant say "I do not consent to this search."** This may not stop the search from happening, but it will protect your rights if you have to go to court.

If the police do have a search warrant, ask to see it before you let them in. Check the warrant to make sure that it has the correct address. Check to see if the warrant limits the search in any way.

If you are arrested in your home or office, the police can search you and the area immediately surrounding you or where evidence of criminal activity is in plain view.

Do not interfere with or obstruct the police. This includes if they are doing a search after you did not consent. You can be arrested for it.

In the Car...

Upon request, show the police your driver's license, registration, and proof of insurance. **If the police ask to search your car, say "I do not consent to this search."** This can help preserve your rights if you have to go to court. Police may search your car under certain circumstances even without a warrant and even if you do not consent. If this happens, try your best to remain calm and do not interfere with or obstruct their search. You can be arrested for interfering or obstructing even if the police are behaving unlawfully.

If You Have Been Arrested...

If you are under arrest, **you have the right to remain silent.** If you choose to exercise that right, tell the police immediately. We recommend you keep this as straightforward as possible: **"I want to remain silent."** Don't tell the police anything except your name and address. Don't give any explanations or excuses.

You have the right to talk to a lawyer before you talk to the police. We recommend you keep this as straightforward as possible: "I want to talk to a lawyer." Do not talk to the cops without a lawyer. The cops can and will lie. Cops may say that they will give you a break or it will be better if you don't have a lawyer. The cops are not there to help you and it is your right to have a lawyer. If you can't afford a lawyer, you have a right to have one appointed when your case goes to court.

You have the right to make a local phone call. The police cannot listen in if you call an attorney. They can listen in if it is not an attorney call so do not discuss your case.

You may request to be searched by an officer of the gender that you identify as. The police may not honor this request. If the police do not honor your request, they are required to document the reason. You have the right to see that documentation. If you are searched, there should only be enough cops present as are needed to conduct the search.

While You are Being Held...

You have the right to be held in cells consistent with your gender identity, unless it is not safe. If this request is not fulfilled, the police have to document the reason why.

If you are concerned about your safety in the general population, you can ask to be treated as a "special category" arrestee, which may mean you will be placed in a cell by yourself. If you are deemed a "special category" arrestee, the police **CANNOT** handcuff you to rails, bars, or chairs for an unreasonable period of time.

If you were taking hormones before you were held, you have a right to keep receiving them. It can help to have a letter from your doctor or a copy of your prescriptions that your friend or advocate has access to. The same is true for any prescription medication you were on prior to your arrest.

Taking a plea often makes a lot of sense. A plea can affect your life in a lot of ways, though—it's a good idea to get as much information and take as much time as you can to think about your options. If you take a plea or get convicted after a trial, you will **NOT** be able to sue the cops for falsely arresting you.

If Your Friend or Loved One Gets Arrested...

If your friend or loved one gets arrested, stay involved! It can make a big difference to your friend to remember that you love them and care for them. It can also help to keep them safe by

letting the precinct officers know that your friend is part of a loving community. Sometimes it can make an importance in the case if you stay in touch throughout.

If You Want to File a Complaint Against the Police...

If you have experienced or witnessed police misconduct, you may file a complaint with the NYC Civilian Complaint Review Board (CCRB), which investigates and mediates complaints about excessive or unnecessary force, abuse of authority, discourtesy, and/or offensive language. It is important to remember that if you are a defendant in a criminal case, you should discuss with your criminal attorney any action you might consider taking in connection with your mistreatment by the police. CCRB complaints may be filed in person, by telephone, or by mail. Complaint forms are available at all New York City police stations. The NYC CCRB is **NOT** part of the Police Department. The CCRB has authority to investigate complaints and to recommend departmental action against offending officers.

Civilian Complaint Review Board (CCRB)
40 Rector St., 2nd Floor
New York, NY 10006
212-442-8833

If you want to file a lawsuit against the NYPD, you have 90 days from the date of your arrest to file a "Notice of Claim." You must file this to preserve your right to sue under state law. You should talk with your lawyer before filing or signing any written statements about events that led to your arrest.

If you are injured, take photos of the injuries as soon as possible, but make sure you get medical attention first. Ask for copies of your medical treatment files.