

## KNOW YOUR RIGHTS IN THE DISTRICT OF COLUMBIA

### LEGAL HOTLINE:

#### IF YOU ARE CONFRONTED BY POLICE

- ✓ You **NEVER** have to speak to police. You **ALWAYS** have a right to remain silent.
- ✓ You can **ALWAYS** ask if you are being detained. IF police are **NOT** detaining you --- you can **ALWAYS** leave.
- ✓ You should **ALWAYS** tell police you **DO NOT** consent to a search. Interfering physically with a police search may result in **VERY SERIOUS** charges.
- ✓ You should **ALWAYS** remember what witnesses were present during the confrontation.

#### IF YOU ARE ARRESTED IN THE DISTRICT OF COLUMBIA

(You May Not Have Access To An Attorney, Or To A Telephone, Before Making Important Decisions, Or Before Appearing In Court, So Please Study This Section Carefully!!!!)

- ✓ You **ALWAYS** have a right to remain silent. To exercise this right say: "I am going to remain silent. I want to speak to an attorney." You may be asked, but are **NOT REQUIRED**, to sign a "rights card." If you do sign a "rights card" always indicate that you **DO NOT** waive your rights and **DO NOT** wish to speak without an attorney by checking those boxes on the card.

You will *most likely* be taken to a police station or other processing center and

<b>Held</b> until presented before the court (usually the next day but within 48 hours). This will definitely happen if you refuse to give your name.	or	<b>Released on Citation</b> Police may release some individuals who give an address within 25 miles of D.C. and have I.D. if they sign a paper promising to appear in court on a future date. <b>Future court appearance is REQUIRED.</b>
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or

<b>Offered Post and Forfeit</b> Police sometimes offer the option to "post and forfeit" which means to post a bond (usually \$50.00-\$100.00) and to forfeit the right to a trial. You <b>WILL NOT</b> have a conviction on your record, <b>WILL NOT</b> have to return to court, <b>WILL NOT</b> get a trial, and <b>WILL NOT</b> get your money back. NOTE: You can ask to "post but not forfeit" if you want to be released but also want a trial.
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**NOTE:** If you want a trial, you will not want to post and forfeit. However, If you **CANNOT** return to the District of Columbia for future court appearances, and wish to **GIVE UP** your right to a trial, **THEN** "Post and Forfeit" is an option which **WILL** accomplish this. **ALL OTHER OPTIONS** will preserve your right to a trial but will **REQUIRE** future court appearances. Failure to appear in court can result in an **ARREST WARRANT** which can be executed in **ANY** state. People with **PENDING CRIMINAL CASES**, on **PROBATION** or **PAROLE**, have an **INCREASED RISK** of being held.

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## OTHER D.C. ARREST ISSUES

**Over Charging** This section discusses possible "charges" resulting from activities that police may allege -- and should not be construed to mean that the government can necessarily obtain a conviction just because you are "charged" with a crime. Police and prosecutors sometimes engage in "over charging" (charging people with exaggerated offenses). For example, in cases where police use unreasonable force in making an arrest it is not unusual for police to then charge the arrestee with Assault on a Police Officer. Resisting arrest by using ANY physical force whatsoever, can be charged as a felony Assault on a Police Officer. Destruction of Property, valued over \$250.00, including fences, barricades and other devices used to inhibit First Amendment rights, can be charged as a felony. Using ANY object whatsoever (even your foot/shoe) in a threatening manner could be charged as a felony Assault with a Dangerous Weapon. Other examples of over charging may include engaging in, or inciting, a riot which can be charged as a felony in cases involving serious bodily injury or destruction of property valued over \$5,000.00. NOTE: Felony charges carry substantial criminal penalties and increase the chance of being held.

**Non - Citizens** **Non-Citizens who are arrested RISK immigration consequences including deportation, exclusion from admission, or denial of naturalization depending on the seriousness of the charges and the end result of the case. If Detained or arrested, do NOT sign anything without a lawyer present.**

**Medication** It is possible that people who need medication or medical attention MAY NOT be given the medication or treatment they are entitled to while in police custody. People with SERIOUS medical conditions should demand to be taken to a treatment facility. Treatment will PROBABLY result in a delay in release. It is recommended that medication be carried, or given to a support person, in the appropriate marked container together with a letter from a doctor explaining the need for the medication.

**Minors** People under 18 are segregated from adults and are SOMETIMES released without charges but are also SOMETIMES charged and held until released to a parent or custodian. Thus, charges against minors ARE NOT automatically dismissed.

[The above provided for informational purposes only by the  
D.C. Chapter of the National Lawyer's Guild: 09/01]

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