

Don't Answer Questions, Especially If You're Innocent

Do I have to answer police questions if I don't want to?

The short answer is no, you don't. The long answer is yes but only questions about who you are. For example, if the police ask you if you've been drinking, you do not have to answer. But you do need to give the officer your name.

Some times the police get upset when a person does not answer their questions. A way to avoid this is to answer every question like this: "I would like to speak to a lawyer." Most police will not get upset with this answer, and they shouldn't. If you give this answer, and then get arrested, it is because the police were already going to arrest you before you gave that answer. The only reason they did not arrest you before you gave the answer is they wanted to question you without reading you your rights.

Can I leave if I tell police I don't want to answer questions?

That depends on whether the police have detained you or not. A good question to ask, after telling them you do not want to answer questions or would like to speak with a lawyer, is "am I free to leave?" The police will have to answer you one way or the other. If they say "yes," then you're free to go. If they say "no," then they cannot ask you any more questions without reading you your rights -- your right to remain silent and not answer questions, your right to an attorney. If you previously told the police that you would like to speak with an attorney -- a great way to answer any question -- then all questioning should stop as soon as they tell you that you're not free to leave.

Are there any questions that I am required to answer?

If police contact you in connection with a criminal investigation and ask your name, you can be required to give them your name. Failure to give your name can result in a criminal charge against you. Giving a false name can also result in criminal charges. But unless you are driving, police normally cannot require you to show them ID.

What if they ask to search my car/house/room/etc.?

Always say "no" when asked permission to search you, your house, room, car, etc. However, if the police say they are going to search it anyway, even without your permission, do not try to stop them. Tell them you do not want them to search the car (house, room, etc.) but that you will comply with an order from a law enforcement officer. Be careful because sometimes the police are tricky. They will say "I suspect there are drugs in your car, so I am going to search it, do you mind?" Here the police are hiding a request for permission inside a statement that sounds like an order. Always say "I do not give permission for any searches."

What if I am innocent or if I have nothing to hide?

This is the most important time to remain silent, ask for a lawyer, and not give permission to search anything. If the police are questioning you it is because they already think you are guilty. They are asking the questions they need to prove that you are guilty, not to prove that you are innocent. Remember, the statement police often repeat when arresting someone is “*anything you say may be used against you in a court of law.*” They do not say it “may be used to help you.” So answering their questions, even if you think your answers are helping, can only make it worse. Saying you want to talk to a lawyer can never hurt you but talking to the police can. So don’t answer questions, especially if you’re innocent.