

### Border Patrol and Police Create “Checkpoint Society”

In San Diego & Imperial Counties we have seen a proliferation of checkpoints on our roads. Some are operated by Border Patrol, which has the authority to set up temporary or permanent checkpoints anywhere within 100 miles from the border to search for individuals unlawfully present in the United States. Other checkpoints are operated by state or local law enforcement agencies, which have the authority to set up checkpoints to identify drunk drivers and verify that drivers have valid licenses, registration, and insurance.

Checkpoints are intimidating and can lead to harassment or an abuse of your rights. Know what your rights are before you pass through a checkpoint. **If you feel your have been mistreated and you want to report an abuse, please call the Know Your Rights Hotline at 800-495-7811.**

### Carrying Identity Documents

**U.S. citizens are not required to carry documents proving their citizenship** unless they are leaving or re-entering the United States. Lying about your citizenship is against the law.

**Non-citizens are required to carry their immigration documents at all times** if they are over 18 years of age. A non-citizen must present these documents to Border Patrol if asked.

**If you are a driver in a car** and are asked for your driver’s license, vehicle registration or proof of insurance by state or local law enforcement officers, you must show these.

### Right to Remain Silent & Record

**Right to remain silent.** No one — citizen or non-citizen — is obliged to answer questions at a checkpoint. Even a non-citizen who is not carrying immigration papers has the right to remain silent. Remember that anything you say can be used against you. Instead of answering questions, you can simply ask, “Am I being detained? Am I free to go?” You can also ask to speak to a lawyer or, if you are a non-citizen, you can ask to speak to your consulate before answering.

**Right to Record.** You have the **right to photograph, videotape, or record** uniformed Border Patrol or law enforcement officers who are performing their duties in public.

### Car Searches

**Officers can never search your car unless you consent** to the search or the officers have probable cause to believe that you have committed a crime or that the car contains someone unlawfully present in the United States.

### Limits on Stops and Searches

**A person’s race, ethnicity or ancestry is not enough by itself to justify reasonable suspicion** to detain someone, or probable cause to search their car.

**Reasonable suspicion.** Outside of an authorized checkpoint, officers cannot detain a car or its drivers or passengers without reasonable suspicion to believe that a crime or traffic infraction has been committed or that the vehicle is transporting a person unlawfully present in the United States.

**Officers cannot keep you at a checkpoint longer than a “reasonable” amount of time** to satisfy the purpose of the checkpoint, which

can include the time to search your car if a search is legally justified. If you are unsure of whether you are free to leave, ask “Am I being detained? Am I free to go?” When leaving, be sure to follow the rules of the road. Speeding away might provide an officer with sufficient cause to detain you and your vehicle.



### If You’ve Been Mistreated. . .

**If you feel that you have been mistreated**, please note:

- Length of time you were detained
- Names of any officers involved
- Any other details that seem relevant

To learn more about your rights and to report an abuse, **call the Know Your Rights Hotline at 1-800-495-7811.**