

Know Your Rights

by

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This presentation is not offering legal advice in any manner it is only for educational and informational purposes only.

For legal advice please consult a licensed attorney.

Some Background Information

In the United States of America our rights come from the United States Constitution.

The United States Constitution was drafted (written) in 1787 and went into effect in 1779.

The Bill of Rights (which are the First 10 Amendments to the United States Constitution) was added on December 15, 1791.

A Brief Outline of the Bill of Rights

- [Amendment 1](#) Freedom of Religion, Speech, Press; Right to Petition Government; and Peaceful Assembly
- [Amendment 2](#) Right to Bear Arms
- [Amendment 3](#) No Quartering of soldiers in People Homes
- [Amendment 4](#) **Rights against unreasonable Searches and Seizures**
- [Amendment 5](#) Grand Jury Indictment, No Double Jeopardy, **Rights Against Self-Incrimination**, Due Process of Law, Government Must Pay For Private Property Taken for Public Use
- [Amendment 6](#) Right to a Speedy and Public Trial; Trial by Jury; Right to Know What you are Charged With; Right to Confront Witnesses; Right to Have Your Witnesses; **Right To a Lawyer**
- [Amendment 7](#) Rights to a Jury in civil cases
- [Amendment 8](#) No excessive Bail, Fines, or Cruel and Unusual Punishment
- [Amendment 9](#) Rights retained by the People (People Have Rights)
- [Amendment 10](#) States' rights (States Have Rights)

The Fourth Amendment

(A really important Amendment!!!)

(But they are all important)

The Fourth Amendment Prevents Unreasonable Conduct (Actions, Behavior) By The Government

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Examples of Fourth Amendment Violations by Police Officers

Waterbury officer placed on administrative leave

https://www.youtube.com/watch?v=ov1u8oFL6cQ&ab_channel=WFSB3

This video is 2:24 minutes.

Sacramento deputy accused of forcefully pushing elderly woman appears in court

https://www.youtube.com/watch?v=kGizdJy_HLg&ab_channel=FOX40News

This video is 2:27 minutes

Police chief on leave after video shows him pulling gun on motorcyclist while in plainclothes and un

https://www.youtube.com/watch?v=VkDlkHyx9uc&ab_channel=FOX43News

This video is 3:15 minutes

Cop Yanks Autistic Kid Out of His Home, Onto the Ground

https://www.youtube.com/watch?v=Vud0v67GAy0&ab_channel=TheCivilRightsLawyer

This video is 12:58 minutes

The Fourth Amendment Prevents Government Official (including the Police) from Using Powers That they Do Not Have.

This is called preventing “Government Overreach”.

Overreach is when the government and/or its agents (like the police) are using powers that they does not have. That is, they are breaking the law and violating the U.S. Constitution.

Throughout the country, there are issues with police abuse of power. This is seen commonly in the use of excessive force, improper pedestrian stops, pretextual traffic stops, invasive surveillance tactics, and the misuse of asset forfeiture.

These common abuses leave the people and communities most affected with lasting harms — including physical injuries, trauma, and estrangement from public institutions. In the case of killings by police, it includes the irrevocable loss of life. Where people are wrongfully arrested, the harms from police abuse compound the harms from mass incarceration.

What to Do?

If you are in New York State (or any part of the State) and are stopped by the police, ask them the follow question.

What Level of Encounter is This?

Why Do You Ask This Question?

The leading New York State case on street encounters is People v. De Bour 40, N.Y. 2d 210, where the Court of Appeals (the highest court in New York State) set forth four (4) levels of permissible police conduct when confronting individuals on the street.

Level 1 deals with a police officer who has an **objective credible reason** to approach someone. If a police officer has such a reason, De Bour says he/she may approach that person to request information.

Level 2 involves a **founded suspicion** regarding a person. If a police officer has a founded suspicion, he may engage that person in the **common law right of inquiry**.

Level 3 deals with a police officer who has a **reasonable suspicion** regarding an individual. In such case, the police officer may forcibly stop such person and if the police officer is in fear of weapons, may frisk the person for such weapons.

Level 4 deals with a police officer who has **probable cause** regarding a person. If a police officer has probable cause, he may arrest and search such person.

Debour's Four Levels of Encounters

Nassau County Police Department guide instructing their officers.

https://nassau18b.org/search_seizure/debours%20four%20levels.pdf

New York Police Department (NYPD)

PATROL GUIDE Section: Command Operations Procedure No: 212-11
INVESTIGATIVE ENCOUNTERS

https://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/212-11.pdf

What about **ICE** (Immigration and Customs Enforcement)?

Don't be Fooled when ICE says that they have a Warrant.

American Cops can legally tell lies.

https://youtube.com/shorts/jmf16H_Hdk?si=qw3XCsf8G71Ep1Qf

<https://www.legalservicesnyc.org/resources/what-do-i-do-if-ice-shows-up-at-my-home/>

<https://immigrantjustice.org/for-immigrants/know-your-rights/ice-encounter/>

An Example of a Judicial Warrant and an Administrative Warrant

<https://waisn.org/wp-content/uploads/2025/05/ENGLISH-KYR-Know-Your-Rights-With-ICE-4.2025.pdf>

The Fifth Amendment

The five (5) Rights in the Fifth Amendment

1. The right to indictment by the grand jury before any criminal charges for felonious crimes
2. A prohibition on double jeopardy (No Double Jeopardy)
3. A right against forced self-incrimination (Right to Remain Silent)*
4. A guarantee of Due Process of Law (Notice and The Opportunity to be Heard) **and**
5. A guarantee that the government cannot seize private property without making a due compensation at the market value of the property.

We will focus on your right against self incrimination.

Your right to **remain silent**.

This is simply your right to **shut up!!!!**

Stop Talking!!!!!!!!!! **DO NOT** Answer Questions

It is Never a Good Idea to Talk to the Police

- Anything you say to a police office can and will be used against you in a court of law of other proceeding.
- Remember in the United States police office (law enforcement) can lie to you.
- It is **NEVER** a good idea to lie to the cops or give false information. So just don't talk to them.

DONT TALK TO COPS says NYPD Detective

https://www.youtube.com/watch?v=ok3Kh8726m8&t=1s&ab_channel=SovereignLove

This video is 6:59 minutes.

Busted! How to Handle the Police Until You Get a Lawyer - by Mary Griego

https://www.youtube.com/watch?v=bmtlizXdh88&t=5s&ab_channel=ignitenm

This video is 5:27 minutes

10 Police Interrogation Techniques That You Need To Know About: How Do Police Extract Confessions?

https://www.youtube.com/watch?v=js4X-JdciHU&t=4s&ab_channel=RanywayzRandom

This video is 10:04 minutes

The Sixth Amendment

The Sixth Amendment has six (6) Specific Rights that are guaranteed to all criminal defendants

- The right to a Speedy and Public Trial
- The right to a Trial by Jury
- The Right to Know the Nature of the Charges
- The Right to Confront Witnesses
- The Right to Have your own Witnesses
- The **Right to a Lawyer***

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The right to a lawyer applies whenever you are being questioned by the police.

State Police arrest woman for refusing to answer questions

https://www.youtube.com/watch?v=_cx2Fkp6Cmw&t=4s&ab_channel=NJ.com

This video is 3:31 minutes.

The right to have an attorney

https://www.youtube.com/watch?v=nrcTqx3t8Gg&ab_channel=CBSNews

This video shows that the U.S. Constitution applies to defendants even if they can't afford one.

This video is 6:08 minutes.

Why You Get a Lawyer If You Can't Afford One | Gideon v. Wainwright

https://www.youtube.com/watch?v=3YSypB3nP2g&ab_channel=Mr.Beats

This video is 5:38 minutes

The Right to **Remain Silent** and the **Right to a Lawyer** is called the Miranda Warning.

The Miranda Warning comes out of a case called **Miranda v. Arizona** (1966)

The Miranda Warning

Miranda Rights Explained

https://www.youtube.com/watch?v=pNF8dIT63eg&ab_channel=LawOfficeofJohnGuidry%2CP.A.

This video is 2:06 Minutes

Other Ways to Police that Are Better than the American Model

Swedish cops makes arrest in New York City subway

https://www.youtube.com/watch?v=pBekdnGWAcs&ab_channel=KaylenCovington

This video is 2:06 minutes

Cops From Around the World React to U.S. Policing | NYT Opinion

https://www.youtube.com/watch?v=V83mytQX37A&ab_channel=TheNewYorkTimes

This video is 7:23 minutes

Thank You For Your Attention

Any Question?????