

Know Your Rights: Police Interactions

This fact sheet is for educational purposes only. Nothing here should be considered legal advice. Please consult a lawyer for more specific information. Updated as of March 2026

Definitions and Keywords

- **Search and Seizure:** Protected by the 4th Amendment; generally requires a warrant or "probable cause" to believe a crime has occurred.
- **Free to Leave:** The point at which a police encounter becomes a "seizure." If a person cannot walk away, they are technically being detained.
- **Reasonable Suspicion:** A lower standard than probable cause; it allows police to briefly detain you if they have specific, articulable facts suggesting criminal activity.
- **Youth:** Minors (under the age of 18), and in some cases those under the age of 21.
- **Department of Children and Families (DCF):** The state agency that gets involved when a caretaker is accused of child abuse or neglect.
- **Committee for Public Council Services:** Provides legal representation in Massachusetts for those unable to afford an attorney in all matters in which the law requires the appointment of counsel.
- **Child Requiring Assistance (CRA):** A court case where parents, guardians, or school officials ask the court to help supervise a child.

Fundamental Rights

- Miranda Warnings
 - **WHEN:** Police are only legally required to read your Miranda rights if you are (1) in physical custody (not free to leave) and (2) being interrogated (asked questions intended to elicit an incriminating response).
 - **WHAT:** The SCOTUS ruled in Vega v. Tekoh that Miranda warnings are intended to protect the 5th amendment, not to be a constitutional right. So, now you cannot sue a police officer for monetary damages because they failed to read you your rights.
 - If you feel that your rights have been violated and a statement is being used against you, your lawyer can argue that any statements you made should be blocked from being used as evidence against you in court.
- Recording the Police
 - In Massachusetts, you have a First Amendment right to openly record the police performing their duties in public spaces.

Laws Affecting Youth

- Running Away
 - Running away is not a criminal offense in Massachusetts. You cannot be arrested for the act of running away itself.
 - It is illegal to "knowingly" provide shelter or hide a youth who has run away from home or legal guardians. This is a criminal offense for the person providing the shelter.
- Marijuana
 - Under the age of 18: Possession is illegal. While it may not lead to a traditional "arrest" for less than 2 ounces, it typically triggers a civil citation, parent notification, and mandatory drug awareness programs.
 - If you are in possession of over 2 ounces it is more likely to be a criminal matter.
 - If you're under 21, the police can search your entire car just by smelling weed. It counts as "probable cause" because you aren't legally allowed to have it.

Interactions with Police

- **Traffic Stop**
 - Slow down and pull over safely to the right.
 - Keep your hands visible (on the steering wheel).
 - Provide your license, registration, and proof of insurance when asked.
 - You have the right to remain silent beyond providing identifying documents.
 - Do not exit the vehicle unless instructed to do so.
- **Reporting Police Mistreatment** (if you believe your rights have been violated, or you were mistreated).
 - Record Everything: Keep a detailed log of the date, time, location, officer names, and badge numbers.
 - It is completely within your right's to record police officers, ask for verification of their department, and to ask for identifying information (i.e. badge number).
 - Seek Legal Counsel: Contact a qualified civil rights attorney.
 - File a Complaint: Use official internal affairs channels or oversight boards, but consult an attorney first to ensure your statements are protected.
- **Warrantless Searches** (police do not need a warrant when):
 - **Consent:** you give permission for the search.
 - **Plain View:** if an illegal item is left in the open and the police have permission to be in that location.
 - **Exigent Circumstances:** prevent immediate physical harm or destruction of evidence.
 - **Hot Pursuit:** police are actively chasing someone who just committed a crime.
 - Terry Frisk: police have "reasonable suspicion" you are armed and dangerous allows them a brief pat-down of outer clothing to check for weapons.
- **Providing Identification**
 - In Massachusetts, you do not have to present identification if a police officer asks, unless you are driving a vehicle.

Resources

- **Homeless Youth Handbook**
 - <https://www.homelessyouth.org/en/us/massachusetts>
- **Mass Bar Dial-A-Lawyer**
 - First Wednesday of every month 5:30-7:30 PM
 - <https://www.massbar.org/public/dial-a-lawyer>
- **Mass Legal Answers**
 - <https://mass.freelegalanswers.org>
- **Filing a Complaint Against the Police:**
 - ACLU of Massachusetts: <https://www.aclum.org/>
 - POST Commission Complaint Form: <https://www.mass.gov/info-details/complaint-and-incident-reporting>
- **Marijuana Pardon Certificate:**
 - <https://www.mass.gov/info-details/apply-for-a-marijuana-pardon-certificate#what-offenses-does-this-pardon-cover->
- **Lawyers for Civil Rights**
 - Call: (617) 482-1145
 - <https://lawyersforcivilrights.org/>

