



## **KNOW YOUR RIGHTS - STOPS AND SEARCHES ON THE MBTA**

The Fourth Amendment of the U.S. Constitution and Article 14 of the Massachusetts Declaration of Rights protect everyone against unreasonable searches. ACLU opposes the MBTA policy as ineffective for security and an infringement on your rights in a free society.

*The information below will help you understand MBTA's new policy and your rights.*

<b>MBTA POLICY: Searches on Entering the T</b>	<b>Your Constitutional Rights</b>
<b>Bags will be tested</b> as people enter the MBTA system. Searches will be truly <b>random</b> , picking people based on when they walk in.	<b>It is illegal to target people for search</b> based on personal characteristics like race, gender, age or religion.
Tests will be of <b>bags only</b> (including purses, backpacks, <i>etc.</i> ) Bags may be exposed to electronic bomb detectors, sniffed by dogs, or opened and looked through by the police.	You may watch while police test your bags. <b>It is illegal to search your person, including your clothes and pockets</b> , without probable cause to believe you are involved in a criminal activity.
<b>If you do not wish to be tested</b> , MBTA policy says you may refuse and leave the T. If you refuse to be tested but enter the T anyway, you may be arrested and prosecuted for trespassing.	<b>Police cannot detain you or require you to answer questions</b> simply because you refuse to have your bag tested.
If you consent to be searched and <b>police find anything illegal</b> , including drugs or weapons, you may be arrested and/or prosecuted. Police may search you completely if you are arrested.	If you are arrested, <b>you do not have to answer questions</b> . If the police wish to question you, <b>you must be given the opportunity to consult with a lawyer</b> .

## MORE INFORMATION ABOUT YOUR RIGHTS

The MBTA's "behavioral recognition" teams plan to stop and question people "appearing suspicious" to them. The ACLU is monitoring this initiative to prevent discrimination and Constitutional violations.

INVESTIGATIVE STOPS	Your Constitutional Rights
<p>If the police have <b>reasonable suspicion</b> that you are involved in a criminal activity, they may detain you briefly to investigate.</p>	<p><b>You are not required to answer police questions or explain yourself.</b> A Massachusetts state statute requiring people to identify themselves to police when not under arrest was declared unconstitutional in 1967, but if you refuse to give police your name, they might arrest you anyway.</p> <p>If police have reason to fear for their safety, <b>they may "pat down" your clothing to look for weapons.</b> They may not search inside your bags or pockets unless they feel something that could be a weapon or drugs. If the police search further, <b>state clearly that you do not consent</b> to be searched.</p>
<p>Police are allowed to approach you in any public place and ask questions.</p>	<p><b>You do not have to cooperate.</b> Remember, <b>anything you say to the police can be used against you.</b> If you do not wish to interact with police, ask if you are free to go. If the answer is yes, you may just walk away.</p>
<p>Police may ask you <b>voluntarily</b> to identify yourself, show them your belongings, or go with them,</p>	<p><b>If you give permission</b> for the police to look at any of your belongings, anything they find can be used against you. <b>You have the right to stop voluntarily cooperating with the police at any time.</b></p>

Always be **polite, respectful and calm** when interacting with the police. If you provoke or bad-mouth police, resist physically, or run away, you might be arrested. **You cannot be arrested for asserting your legal rights.** If you believe that your rights have been violated, don't argue with or threaten the police. You can discuss the matter with an attorney afterwards or file a complaint with the MBTA. **State clearly that you do not consent** to what the police are doing. Ask any witnesses for their names and phone numbers. Write down the officer's name and badge number and everything you remember as soon as possible.

***The Constitution protects everyone from unreasonable unwanted police intrusion. While safety on the T is important, the MBTA policy will not make us more safe - just less free.***

**IF YOUR RIGHTS ARE VIOLATED, CALL THE ACLU OF MASSACHUSETTS AT 617-482-3170 OR EMAIL [INFO@ACLUM.ORG](mailto:INFO@ACLUM.ORG)**