



Protect Yourself: Know Your Rights

**Key information for Scientists, Scholars and Researchers Contacted by Law Enforcement,
Government Officials and Employers Related to their Alleged Connections with China**

Anti-Racial Profiling Project

If you do not have your own attorney and would like a legal referral, contact Advancing Justice | AAJC at 202-935-6014 using the Signal app for the contact information of attorneys who have experience with cases involving the targeting of Asian American and Asian immigrant scientists, scholars and researchers particularly those of Chinese descent. A staff member from Advancing Justice | AAJC will reach out to you directly.

Know Your Rights: When approached by law enforcement (including the FBI, Special Agents from an agency's Office of Inspector General or security office, or other Federal, state or local police):

- **You have the right to remain silent. You do NOT have to answer any questions from law enforcement.** In some states you must give your legal name. It is fine to confirm or provide your name.
- **You have the right to have an attorney present.** If you decide you want to speak with law enforcement, you have the constitutional right to confer with an attorney first, to insist on scheduling any interview at a time and place that is convenient, and to have the attorney present when questioned by law enforcement. This should be your own attorney and not an attorney hired by your employer or academic institution. Having an attorney present when questioned by law enforcement is the best way to protect yourself, even if you believe that you did nothing wrong. Having an attorney present is in no way an indication of guilt. Rather, it is the smart choice. By being present at an interview, an attorney can try to avoid any confusion you may have regarding law enforcement's questions, and by taking notes to minimize any misquoting of what you say.
- Invoking the right to an attorney can be a stronger protection than simply refusing to answer questions. You may say, ***"I want to have an attorney present before I answer any questions."*** If they do not leave or if you are not sure if you are being arrested, ask, ***"Am I free to go?"*** If law enforcement does not have a legal basis to detain you, this should end the conversation.
- **If you decide not to exercise your right, ANY information that you provide to the FBI or law enforcement can be used against you.** If you choose not to exercise your right to remain silent, know that any information you provide can be used against you. The information you provide must be accurate and truthful. Even honest mistakes can result in you being charged for false statements. It is a federal crime to lie to FBI agents and law enforcement. And, again, having an attorney present at any interview may help avoid any misunderstandings about what you have said.

- **Contact your attorney.** Regardless of whether you answer questions or not, make sure to contact your attorney (or find an attorney) as soon as possible after an encounter with law enforcement. Let your attorney know what types of questions law enforcement asked you and if you received any threats or were harmed.
- **Request business cards and information from those who have contacted you(i.e. the Agents' names, badge numbers, contact information and agency) and let them know that you will have your attorney contact them.** Keep these business cards for your attorney and your records.
- **Do not attempt to mislead law enforcement.** It is a crime to give them false information of any kind. Even an honest mistake on a date and time or saying "I don't know" can lead to additional criminal charges. If you believe an honest answer to a question would reflect badly on you, simply indicate that you prefer not answer questions until you have an attorney present. It is better not to respond at all than to respond untruthfully..
- **Law enforcement may mislead you in an attempt to get you to talk. For example, they could misleadingly suggest that they will not serve a subpoena on you if you agree to speak with them on-the-spot. Because of this you should exercise caution, remain calm, and not respond.**
- **Do not sign any documents without consulting your attorney.**
- **If you are arrested and you do not have an attorney yet,** then you may contact an attorney of your choice or you may be provided a public defender.

Know Your Rights: When law enforcement comes to your house:

- **Do not panic and stay calm.** It is important to remain calm at all times when dealing with law enforcement. Law enforcement may exercise various tactics to catch you off-guard such as coming to your door at odd hours, being very friendly or providing accusations that may not be factual or verified to get you to talk to them.
- **Step outside as soon as possible and close your door. Ask for their identity and credentials.** First, check the identity of the law enforcement officials. Do not hesitate to ask for their credentials. Allowing law enforcement past your door may be construed as consent for them to enter and/or search your home.
- **Do not let law enforcement into your house unless they show you a judicial warrant signed by a judge.** Although the FBI and law enforcement may come knocking on your door at any time to request to question you and/or other members of your household, they cannot enter your house without a judicial warrant signed by a judge or your permission or the permission of someone else who lives with you.
- **If law enforcement have a search warrant,** call your attorney immediately. Remember that you have the right to remain silent and have an attorney present for ANY conversations with law enforcement even if they have a warrant. You may refuse to answer any questions or provide information. Just because law enforcement has a warrant does not mean that you lose your rights.



- Make sure to **read the warrant** and see what the warrant allows law enforcement to search and/or seize. A search warrant allows law enforcement to enter and search your home without your consent. However, there are still limitations to what law enforcement can search based on the warrant. A valid search warrant should have your address and what is allowed to be searched.
- Do **NOT** interfere with their execution of the search warrant. You will need to cooperate with law enforcement within the limits of the search warrant.
- Do **NOT** give law enforcement permission to search beyond what is already listed in the search warrant. Although you must cooperate with law enforcement and let them execute the search warrant, you do not need to grant them permission to search beyond the terms of the search warrant.
- **If law enforcement has a search warrant for your home and searches your home**, make sure to **watch and document** to see whether they followed the terms of the search warrant and what they took. For example, it may only allow law enforcement to come into your house to seize your computer. That would not allow them to search your entire house. If law enforcement fails to follow the terms of the search warrant, inform your attorney immediately to let them know and provide a list of the items searched and/or seized.
- **Talk to members of your household.** They should not let law enforcement in or answer any questions either and follow the guidance above.

SPECIFIC PRECAUTIONS FOR SCIENTISTS, SCHOLARS AND RESEARCHERS

If your employer, funder or other government agencies approach and question you about any connections to China, you should consult an attorney. Funding agencies and your employer may be working with law enforcement. You may be under investigation based on a suspicion that you can be influenced by the People’s Republic of China (PRC) based on your connections to China. You must take this very seriously as there may be serious consequences such as termination of employment or even criminal prosecution with the possibility of significant imprisonment. Potential ramifications are not limited to just criminal prosecutions, but potentially employment, tax, grant, and immigration issues. Treat these conversations as if you were being interviewed by law enforcement and have an attorney present. **Do not sign any documents or give an interview without consulting with an attorney first.**

You should not try to represent yourself without an attorney. You cannot solve these legal problems on your own. The law is a specialized area, and you will need a legal expert to handle your case. Your scientific training and education will not be sufficient.

A university hired attorney does not represent your interests. Even if your employer seeks to assist you, their attorney does not represent you. It is important to have your own attorney who is legally and ethically obligated to represent your best interests. A university hired attorney represents your academic institution.

The university’s interests and your interests may not always align and their attorney’s obligation is



to represent the best interests of the institution. Everytime a university official is speaking with you with the university's general counsel present, you should have your own attorney present.

You should not speak to anyone besides your attorney including your co-workers. You should not consult or discuss with your colleagues and peers at work about any of the allegations that your university or government may have against you. Correspondences between you and your attorney are considered privileged and protected information, provided that you do not use your work email to communicate with your attorney; you must use your personal email address and do not carbon-copy anyone else on these communications. However, information you share with others including family (other than your legal spouse), friends, co-workers and employers can be used against you. The government cannot force you or your attorney to reveal your correspondences with each other. The government can generally force other people in your life to divulge the contents of your conversations with them. Spouses are typically protected from testifying against each other, but not other family members. Law enforcement may also have access to your electronic communications, particularly emails. Your employer may voluntarily hand over your computer, phone records or email records even without a court order.

If you are not a U.S. citizen, you should consult an immigration attorney. Being a U.S. citizen will **NOT** protect you from government prosecutions. However, if you are not a U.S. citizen, you should consult an immigration attorney, particularly before engaging in any guilty pleas. Criminal charges, even some relatively minor ones can result in loss of immigration status, including for lawful permanent residents. It is important that your criminal defense attorney has information about the immigration impacts before recommending any plea deal, should that be an issue. For statuses that require enrollment in school or employment, termination of enrollment or employment may result in loss of immigration status.