



How to Speak to Law Enforcement*

Officer, my name is [give your real name].

Am I free to go?

If I am not free to go, please explain to me your probable cause for stopping me.

I politely refuse to give you any further information.

I do not consent to any search of me or my belongings, tent, vehicle or camp.

Remember that your best defense against citation or arrest may be politeness. However, nothing requires you to incriminate yourself, and an officer may cite you for revealing any illegal behavior.

* This is not legal advice. This is information digesting the general state of the law. We urge you to consult a lawyer for legal advice about a particular legal question or issue you may have. If you believe you are coerced into giving consent for a search, or that you are searched without probable cause, you may wish to contact the ACLU of Nevada, at www.aclunv.org.

Law Enforcement at Burning Man.

While Burning Man is a remote and freewheeling place, numerous law enforcement agencies patrol Black Rock City day and night. Some law enforcement officers conduct surveillance undercover or in costume, looking like the rest of us. Any illegal action witnessed by law enforcement can lead to a citation or your arrest. Therefore, your best protection is to obey the law. People who ask for gifts of drugs or ask to trade drugs are acting outside of our 10 Principles and should not be trusted. Please read the law enforcement section of the Survival Guide for more detailed information.

If you do have an encounter with law enforcement at Burning Man, we want to know as much as possible about the interaction. Please fill out a Law Enforcement Agency Feedback Form at our Black Rock Ranger headquarters in Center Camp or the outposts in the 3 o'clock & 9 o'clock plazas. We need both positive and negative feedback: Did an officer help you? Do you feel that an officer treated you unfairly? Be sure to obtain as much information as you can for the Feedback Form including the officer's name, state agency (e.g. federal BLM; Pershing County), vehicle license plate number, badge number, time of day, details of the event, and the names of any witnesses. You may also contact Lawyers For Burners, a volunteer organization that helps Participants find lawyers after they have been cited or arrested at the event or otherwise have issues with treatment by law enforcement personnel (www.lawyersforburners.com), or the ACLU of Nevada, a non-profit organization that accepts complaints about police misconduct and other constitutional violations (www.aclunv.org).

When Can the Police Stop and Search Me?**

The Supreme Court has ruled that law enforcement may briefly stop you to ask for your identity without probable cause of a crime; if this occurs, you should be truthful, as lying to an officer may be a crime. However, an officer may not require you to answer additional questions, detain, or search you without either 1) consent or 2) probable cause.

An officer may ask your consent to search you or your belongings, but in order to be valid consent, a reasonable person must understand that he or she could refuse to cooperate. This means that intimidating tactics, such as blocking a door or surrounding a person with numerous officers, are likely coercive situations where consent is not truly voluntary. Your refusal to give consent does not constitute probable cause for search.

Without consent, the Fourth Amendment states that warrantless searches and arrests can only be performed when there is probable cause that a crime has occurred. An officer must be able to point to specific facts indicating criminal activity that give rise to probable cause; mere suspicion or a “hunch” is not enough. Nor should otherwise legal items alone – a mint tin, rolling papers, or a cigar, for example – be used to support probable cause without additional evidence of illegal activity.

**This information is provided as a courtesy from Lawyers for Burners. Visit www.lawyersforburners.com for more information. Remember, this is legal information, not legal advice, which is an interpretation of applicable law to specific circumstances. We urge you to consult a lawyer for legal advice about a particular legal question or issue you may have.

