

Rights in relation to the police

What are the police allowed to do?

The police are allowed to ask for your ID. If you are not suspected of any specific offence, or there is no proof that there is another suspicious person with you, the police are not allowed to search you. This also applies to your home: Your home may only be searched if you are suspected of an offence, or if the police believe there is a suspicious person in your home. However, if the police say they want to search you or your home, you must say that you do not consent. If you say nothing, you are considered to have given consent. Did you say no? Did the police search your home anyway? Then the police have committed an offence. In this case, contact an advice centre or a lawyer. You have the right to make phone calls during a search. You can also ask someone to come to you. This person can then be a witness and can help you. The police usually need a warrant from a judge.

💡 Women are permitted to ask for a female police officer if they are to be searched.

If you are travelling with a vehicle, the police are permitted to ask for your ID, driving licence and vehicle registration document. The police can also require you to stop and get out of your vehicle. The police are also allowed to check if you have a warning triangle and a first aid kit in your vehicle. However, the police are not permitted to search your vehicle or to test if you are fit to drive (e.g. by asking you to walk in a straight line) if there is no clear evidence that you have alcohol or drugs. If the police do this or demand this from you anyway, you must refuse to consent. If the police force you to do this, they are committing an offence.

💡 If you say nothing, you are considered to have given consent.

The police are only allowed to carry out a blood or urine test if you are accused of an offence. The police usually require permission from a judge for this. The police can only act without a judge's permission if they need to respond immediately (for example, if they will not be able to prove drug or alcohol consumption later on). However, it is important that there is real evidence of alcohol consumption or drug use. The police are not allowed to carry out these tests at random. If a police officer tries to carry out a blood or urine test without a plausible reason, you can refuse to consent.

The police are not allowed to take you to a police station if they don't have a reason. If a police officer demands that you go with them, you can refuse to consent. If the officer takes you with them anyway, they are committing an offence. In this case, you should contact a lawyer. If you don't know any lawyers, you can call the "[emergency lawyer service for criminal cases \(Anwaltliche Notdienst in Strafsachen\)](#)" run by the Vereinigung Berliner Strafverteidiger e.V. on [01723255553](tel:01723255553) to ask for help. The staff there can be contacted day and night. 📞

If you are questioned by the police, you have the right to remain silent. In other words: You don't have to answer their questions. You should not answer their questions without a lawyer. If you receive a written invitation from the police, you don't have to go. The only invitations you must follow are from the public prosecutor's office (Staatsanwaltschaft) or a court. Make sure you contact a lawyer beforehand.

You have the right to ask for a police officer's official ID and to write down their details. This is important if you wish to make a criminal complaint against the officer later. It's also always helpful to ask passers-by to monitor the situation. That means you have witnesses. Important: A criminal complaint must be made within three months of the incident. You can file this complaint at the public prosecutor's office (Staatsanwaltschaft). That means you don't have to go to the police.

