

RIGHTS

OBLIGATIONS

RIGHTS AND OBLIGATIONS

during a police check

Designed by the service for multicultural cohesion
and the Neuchâtel Police

Democratic Foundations

The foundations, objectives and areas of activity of the police are regulated by the Constitution, federal and cantonal laws, and international conventions. The cantonal authorities administrate their own police forces, while the Federal office of Police (fedpol) is responsible for national issues.

The police **enforce the law** under the supervision of the authorities, **in accordance with fundamental rights and constitutional guarantees**. In certain circumstances provided for by law, police forces may be required to restrict certain rights and freedoms.

The purpose of this brochure is to provide information about your rights and obligations during a police check, in order to foster a climate of mutual respect and calm.

Role of the police

The role of the police is to ensure respect for the Rule of Law by guaranteeing public safety, maintaining order and enforcing the law. They act in accordance with the principles of exemplarity, proportionality and impartiality. Identity checks are part of their prerogatives.

Police checks

Police officers and customs officers are the only people authorised to carry out police checks.

Here are the main actions that they can take:

- **Identity check:** you must provide your surname, name, date of birth, address, profession, and parents' names. If you do not have identity documents, other documents or identification methods may be requested to establish your identity. Public security officers may also carry out identity checks.
- **Transportation to the police station:** if suspicion of an offence is raised, you may be taken to the police station. Police custody is limited to 24 hours, unless it is extended by the public prosecutor or the judge.
- **Search:** Your clothes, luggage or vehicles may be searched. Intimate body searches must be carried out by a person of the same sex or a doctor, except in emergency situations. A search in public should only involve minor inspections (e.g.: superficial examination of clothes) and respect the dignity of the individual.
- **Mobile phone:** The police can seize someone's phone for investigation purposes, but access to its contents requires the consent of its owner or a court order.
- **Use of force:** The use of force is justified only if the individual's resistance represents an obstacle to the lawful execution of an operation, such as an arrest or questioning, or if it is to protect others.
- **Handcuffs:** only used if there is a risk of danger to yourself or others, or if there is a risk of escape.
- **Detention in a cell:** temporary detention for disturbing public order, imminent danger, risk of escape, of collusion or of repeat offense.

Your rights during a police check

1. Right to remain silent

- You do not have to answer all questions, besides those concerning your identity. You can say: "*I choose to remain silent.*"

2. Right to legal representation

- If you are arrested, you have the right to consult a lawyer from the start of the proceedings, possibly at your own expense.

3. Rights concerning your personal belongings

- The police can seize your phone, but they cannot access its contents without your authorization or that of a criminal justice authority.
- You are not under any obligation to provide your code without a warrant from a judge.

4. Right not to be subjected to unjustified searches

- Searches must be justified by legal reasons (for example security, suspicion of a crime or offence).

5. Protection against abuse

- You have the right to be treated with respect, without discrimination or excessive force.

6. Specific provisions for individuals under 18

- If you are under 18, your legal representatives must be informed in the event of an arrest or seizure of possessions.

Your obligations during a police check

1. Provide your personal information

- Name, surname, date of birth, address.
- The refusal to provide information or the provision of false information may result in penalties.

2. Follow orders

- You must follow the officers' orders to ensure safety.
- If you consider the check to be unjustified, you can contest it at a later stage.

3. Respect and responsible behaviour

- Behave in a respectful manner.
- Avoid any abrupt movements that could be misinterpreted.

4. Obligation to remain on site

- If the police ask you not to leave the scene, you must comply with their order.

5. Do not obstruct the action of the police

- Do not interfere with an investigation or conceal information.

What can you do in the event of a contentious situation?

1. Take notes

- Note down names, identification numbers, the date, time and location of the check.
- Document any problematic behaviour or comments.
- Identify witnesses and collect their contact details.

2. Seek legal advice

- Consult a lawyer or a rights defence association.
- Contact the service for multicultural cohesion (COSM) for assistance and/or support.

3. File a complaint

- If you believe you have been discriminated against, or in case of abusive behaviour, lack of objective grounds, or repeated checks without valid reason, you can submit your complaint to the police hierarchy, the Public Prosecutor's Office, or the COSM.

Consulting or reporting a case to the **service for multicultural cohesion:**

Consultation office

Consultations are available to anyone who has been a victim of or a witness to racism and/or discrimination, regardless of their residence status. Consultations are free and confidential, with the assistance of an interpreter if necessary.

Complaints office

The service for multicultural cohesion is responsible for receiving, informing, and supporting individuals who wish to file criminal complaints against public officials for acts related to discrimination, racism or violence.

Cases can be reported online, at a service desk or by email.

Opening hours of the service desks

La Chaux-de-Fonds

Place de la Gare 6

Tel. 032 889 74 42

Email : cosm@ne.ch

Monday to Friday: 8:00 am -12:00 pm and 1:30 -5:00 pm

Neuchâtel

Tivoli 22

Monday to Thursday: 2:00 -5:00 pm or by appointment

Fleurier

Rue du Temple 8

Monday: 2:00 -5:00 pm or by appointment



© Sarah Zaffferri

Reference documents

- Swiss Criminal Procedure Code (CPP)
- Swiss Criminal Code (CP)
- Police Act of the State of Neuchâtel (LPol)
- Act on Integration and Multicultural Cohesion (LICM)