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Rights During Police Stops in Germany

ID requirements, right to remain silent, search procedures, and complaint rights — what you need to know during a police stop.

Deutsche Begriffe: Polizeikontrolle | Ausweispflicht | Aussageverweigerungsrecht | Durchsuchung | Richtervorbehalt | Dienstaufsichtsbeschwerde

ID Checks — Obligation and Limits

In Germany, there is an **Ausweispflicht** (ID requirement), but **no obligation to carry ID**. This means: you must have a valid ID card or passport, but you don't need to carry it at all times. If you don't have an ID during a stop, you can provide your name and address verbally. Police may then briefly take you into custody for ID verification — however, this is **not an arrest**.

For foreigners: You must be able to present your residence document (eAT, visa, or Duldung) on request. It's advisable to keep a copy on your phone.

Right to Refuse to Answer Questions

You are **only** required to provide personal information (name, date of birth, address). Beyond that, you have the right to **refuse to answer questions** — and you should do so if in doubt. Politely say: "I don't wish to provide further information."

Important: Everything you say can be used against you in later proceedings. Speak with a lawyer first, then answer questions.

Search — Only With Court Order

Police may only search your home with a **court order**. Exception: "imminent danger" (e.g., screams from an apartment). In this case, police may act without a court order but must obtain judicial confirmation afterward.

Street searches: Police may only search your clothing and belongings if there is **concrete suspicion** — for example, that you are carrying weapons or drugs. A general stop is not sufficient.

Arrest and Rights

If you are arrested, you have the following rights:

- **Right to a lawyer** — immediately, even before questioning
- **Right to remain silent** — no obligation to answer beyond basic personal information
- **Right to an interpreter** — if you don't speak German
- **Right to notify** a trusted person (e.g., family)

Right to Complain

If you feel you have been treated unfairly, you have several options:

1. Dienstaufsichtsbeschwerde — written complaint to the police authority's superior. Record: date, time, location, names/badge numbers of officers

2. Criminal complaint — to the public prosecutor if you suspect abuse of office or coercion

3. Independent police complaints office — available in some federal states (e.g., Schleswig-Holstein, Baden-Württemberg)

Tip: Ask for the name and badge number of the officers conducting the stop — you have the right to this information. Remain calm and polite.