

## **Know Your Rights - Protect Yourself**

If you are questioned about your gender identity, medical history, or any related matter, remember that you have rights under the Uniform Code of Military Justice (UCMJ). You are not obligated to answer questions that could incriminate you or lead to disciplinary action.

- **You Have the Right to Remain Silent and Not Sign Any Document**
  - Under Article 31 of the UCMJ, you have the right to remain silent or decline to sign any statement if your answers could be used against you in a court-martial or other proceedings.
  - You have the right to consult with a lawyer (Defense Attorney), or civilian counselor any time.
- **You Have the Right to Legal Counsel**
  - You have the right to consult with a military defense attorney or civilian counsel before answering any questions or making any statements.
  - **Waiving your rights** may have significant or adverse consequences.
  - Under Article of the UCMJ, you have the right to remain silent if investigated.
- **You have the Right to not Consent to Search or Seizure**
  - If asked to provide access to personal medical records, electronic devices, or other private information, do not consent without consulting legal counsel.
- **Do Not Make Assumptions About Confidentiality**
  - Conversations with your chain of command, medical professionals, or peers may not be confidential. Exercise caution when discussing sensitive matters.

\*This is not an exhaustive list of all of your rights  
<https://modernmilitary.org/report-an-incident/>

# **How to Exercise Your Rights**

- 1) Stop answering Questions and Volunteering Information.**
- 2) Say “I am exercising my 5th Amendment Rights.”**
- 3) Say “I want to speak with a lawyer before any further questioning.”**
- 4) Say “I want to want to end the interrogation now.”**
- 5) Stop Talking and remove yourself from the situation.**

## **WARNINGS:**

- Ask a military attorney if they are a defense attorney and if your conversation is confidential. If “Yes,” you can trust them; if “No,” you cannot.
- Command Legal Officers work for the commander, not you- anything you say to them may be used against you.
- Anything you say to military doctors and psychologists may used against you. Know who you can trust: Do Not Make Assumptions About Confidentiality, but seek mental health as needed and rely on your support systems.
- Some military chaplains leak personal information that can be used against service members. See a defense attorney, not a chaplain, for legal issues.
- Statements to friends, family, civilian, and military police can be used against you.
- Computer based systems, texts, chats, workplace emails may be used against you. They are not confidential. Personal use of work computers violates most policies and is a bad practice.
- Personal items at work, such as diaries, letters, photos, and computer files may be used against you.