

## **WHAT TO DO IF YOU'RE ENCOUNTERED BY THE POLICE**

**Think carefully** about your words, movement, body language, and emotions.

**Don't get into an argument** with the police.

Remember, **anything you say or do** can be used against you. More people talk themselves into trouble than talk themselves out.

**Keep your hands** where the police can see them.

**Don't run.**

**Don't touch** any police officer.

**Don't resist** even if you believe you are innocent.

**Don't complain** on the scene or tell the police they're wrong or that you're going to file a complaint.

**Do not make any statements** regarding the incident. **Always ask for a lawyer immediately upon your arrest.**

You must show your driver's license and registration when stopped in a car. Otherwise, you don't have to answer any questions if you are detained or arrested, with one important exception. The police may ask for your name if you have been properly detained, and you can be arrested in some states for refusing to give it. If you reasonably fear that your name is incriminating, you can claim the right to remain silent.

You don't have to consent to any search of yourself, your car or your house. If you **DO** consent to a search, it can affect your rights later in court. If the police say they have a search warrant, **ASK TO SEE IT.**

Do not interfere with, or obstruct the police -- you can be arrested for it.

### **IF YOU ARE STOPPED FOR QUESTIONING**

You must show your driver's license and registration when stopped in a car. Otherwise, you don't have to answer any questions if you are detained or arrested, with one important exception. The police may ask for your name if you have been properly detained, and you can be arrested in some states for refusing to give it. If you reasonably fear that your name is incriminating, you can claim the right to remain silent. It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you.

Police may "pat-down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.

Ask if you are under arrest. If you are, you have a right to know why.

### **IF YOU'RE STOPPED IN YOUR CAR**

Upon request, show them your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for refusing to consent to a search.

If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.

If you're suspected of driving under the influence and refuse to take a blood, urine or breath test, your driver's license will be suspended for a period of six months.

## **IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION**

You have the right to remain silent and to talk to a lawyer before you talk to the police. **Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.**

Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a court appointed attorney, and should ask the police how the lawyer can be contacted. **Don't say anything without a lawyer.**

Within a reasonable time after your arrest, or booking, you have the right to make a local phone call: to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer. A lot of police stations and jails monitor phone calls and have video cameras operating.

Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge on the next court day after arrest.

Do not make any decisions in your case until you have talked with a lawyer.

## **IN YOUR HOME**

If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.

However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.

If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in. Searches are fought on a case by case basis and every fact about it is important. Physical confrontations with the police are very bad decisions and should be avoided even when you believe you are right and they are wrong. Show respect at all time. Let your attorney fight the battles in the courtroom.