

ENCOUNTER WITH LAW ENFORCEMENT WHAT SHOULD | DO?

WHAT TO DO WHEN STOPPED BY THE POLICE:

- Stay calm and keep your hands where the police can see them.
- Don't argue, complain, bad-mouth or resist arrest, even if the police are unreasonable; it will only make your situation worse.
- Always say, "I have nothing to say"; then make no statements or comments.
- Remember anything you say can and will be used against you, even if officers have not read you the "Miranda Rights"!
- Remember police badge numbers and patrol car numbers.

- If not in custody, write down everything that happened, ASAP.
- Try to find witnesses, get their names and phone numbers.
- If you are injured, seek medical attention, but also get photographs of the injuries, ASAP.
- If arrested, ask for a lawyer immediately.

1) You don't have to answer a police officer's questions, but you must show your license, registration and insurance when stopped in a car. In other situations, you can't legally be arrested for refusing to identify yourself to an officer.

2) You don't have to consent to any search of your person, your car or your house - and therefore you should not consent. If the police say they have a warrant, ask to see it. Still; do not consent to a search even if they have a warrant, make them rely on the warrant; warrants can be defective.

3) You can be arrested for obstructing or interfering w/police.

IF YOU ARE STOPPED FOR QUESTIONING:

1) It's not a crime to refuse to answer questions. You can't be arrested merely for refusing to identify yourself on the street. You can hand them your "Rights" card and say nothing. If in a car you must supply license, registration and proof of insurance.

2) Police may stop and detain you only if they have a reasonable suspicion that you have committed, are committing or are about to commit a crime.

3) If police have a reasonable suspicion to believe you have a weapon they may perform a frisk and pat down your clothing. Don't

physically resist, but you can make it clear you don't consent to such a search or any further search.

4) You can ask if you are under arrest. If you are, you have a right to know, and a right to know why.

IF YOU ARE STOPPED IN YOUR CAR:

1) Upon request, show 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, you should make it clear that you do not consent to any search. It is not legal for the police to arrest you simply for refusing to consent to a search.

2) If you're given a ticket, you can be arrested for refusing to sign it. If you sign, you can still fight the charge in court.

3) If you're suspected of drunk driving and refuse to take a breath, urine or blood test, your license may be suspended and your car taken away. If possible, insist on a blood test; it is harder to tamper with, it is easier to challenge in court, and usually takes longer to administer - sometimes you must go to a hospital and wait hours for a doctor or nurse.

IF THE POLICE COME TO YOUR HOME:

1) Don't admit the police without a warrant signed by a judge. Block the door and don't let them squeeze past.

2) However, in emergency situations (e.g., person screaming, chasing a suspect) police are allowed to enter and search your home without a warrant.

3) If you are arrested in your home or office, police can search you and the area within your reach, and can also search any criminal items or activity in plain view.

IF ARRESTED OR TAKEN TO A POLICE STATION:

1) You have the right to remain silent and/or to talk to a lawyer before you talk to the police. Tell the police you will not answer any questions or that you will not answer questions without a lawyer. Then don't answer questions!

2) If you have a lawyer, ask to see him immediately. If you can't afford a lawyer, you have a right to a free one once your case goes to court. You can ask the police how a lawyer can be contacted. Don't say anything else about your case without a lawyer.

3) Within a reasonable time after your arrest or booking, you can ask the police to contact a family member or friend. If you are permitted to make a phone call, be aware anything you say may be recorded or listened to! Be very careful of what you say and never talk about the facts of your case over the phone.

4) Sometimes you can be released without bail, or have bail lowered. You must be taken before the judge within 24 hours after your arrest.

IF IN COURT:

1) Let your lawyer handle everything.

2) Never admit to anything at all. Your only defense to anything asked should be "I don't recall". They cannot prove that you cannot recall.

CONCLUSION:

The police are not your friends. That friendly cop that is having a polite discussion with you is only doing this to get his promotion or to look good to the rest of the local law enforcement. The police are their own gang who operate on their own rules, you cannot talk your way out of **any** situation with them simply because they have years of

training and practice to get you to say what they need you to say.

Your best defense will always be the five words; "I have nothing to say". Even lying to the police is dangerous, only because the police, the FBI, and whoever else may be speaking to you are trained professionals at detecting lies and manipulating the conversation to get you to give them evidence, **even if you are completely innocent**.

YOUR RIGHTS CARD:

If you wish to say absolutely nothing (even the five words "I have nothing to say"), we have provided you with a "Rights Card" that you may just hand over to a police officer.

The instructions are simple, just hand them the card and keep your mouth shut. If arrested, as said above, tell them you will not say anything until you speak with a lawyer.

CUT OUT OR COPY "RIGHTS" CARD, BELOW. FILL IN NAME, ADDRESS AND DATE OF BIRTH; FOLD AND PUT IN WALLET. IF STOPPED, PRESENT CARD TO POLICE, AND THEN MAKE NO OTHER STATEMENTS.

To: LAW-ENFORCEMENT OFFICERS: [print clearly]
My name: My address:
My date of birth:
 FORMAL LEGAL NOTICE UNDER THE UNITED STATES CONSTITUTION, per ACLU: 1) I do not wish to answer any questions without first speaking to an Attorney. 2) I do not consent to any search whatsoever; including but not limited to a search of my home, my car, my baggage or my person. 3) I do not consent to being in a line-up or a show-up, or any display of any type. 4) I do not and will not waive any of my Constitutional Rights whatsoever.