

# National Coalition for Sexual Freedom

Education Outreach Program (EOP)

*Protect Your Legal Rights: Police Interactions*



## Your Basic Rights & Responsibilities

Your basic legal rights and responsibilities may not always be clearly defined by law enforcement officials. If stopped or detained, politely ask the police officer “why” in a manner that is not confrontational. Remember, your priority should be to alleviate or minimize the potential charges and/or use of excessive force against you. In some states, there are no clear statutes or laws which delineate the use of deadly force by law enforcement officials. In these instances, the courts will decide, on a case-by-case basis, what is considered deadly or excessive force.

### If You Are Stopped on the Street

- Answer all questions. Your answers should be factual to the best of your knowledge.
- Remember, you are not required to give testimony against yourself. You have Fifth Amendment rights.
- Do not “bad mouth” or walk away from law enforcement officials, even in instances where you feel they are wrong. If the police officer behaves inappropriately, report his or her misconduct to a superior police officer at a later time.
- If an officer has a “reasonable suspicion” that you may be carrying a weapon or illegal substance, you may be subjected to a “pat-down” search. Do not resist the search. Obey all requests made of you unless the request poses a risk to your personal safety or well-being. In that case, ask for a meeting with the officer’s supervisor.

### If You are Stopped in Your Car

- Slow down; pull over safely when you can. If the police vehicle is unmarked and you cannot identify the driver as a uniformed police officer, drive below the speed limit to a well-lit, populated spot and then pull over.
- Stay in the driver’s seat with both hands in sight on the steering wheel. Do not exit your car unless asked to do so. Getting out of your car can be perceived as aggressive behavior and a threat to the officer’s safety. Turn on your interior light if stopped at night.
- Comply with the officer’s request to see your driver’s license and/or registration. If they are in the glove box or under the seat, state that and then retrieve them slowly.
- If the officer has “probable cause,” your car can be searched without a court-issued warrant. If you are the driver and/or owner of the car and do not want your vehicle searched, clearly inform the officer of your non-consent in a polite manner.
- If you are issued a ticket, sign it. Signing a ticket is not an admission of guilt—only an acknowledgment of receiving the ticket. However, refusal to sign a ticket could result in you being arrested and facing additional charges.
- If you are suspected of drunk driving, cooperate with the officer(s) on the scene. If you refuse to submit to breath, blood or performance tests, your refusal may be interpreted as an indication of guilt in later court proceedings. This could result in loss of driving privileges and/or heavy fines.
- Get out of the automobile if asked to do so.
- Most officers will not provide specific reasons for the stop until they have your license and registration in hand. Therefore, they will avoid having to debate the reason for the stop before they receive these items from you.
- If you wish to offer an explanation of your circumstances when stopped, do so before the officer returns to his vehicle.

Disclaimer: The material presented is not offered as legal advice. Many options are suggested for dealing with law enforcement and other authorities. The best course of action for you to take in a given situation is dependent on that situation and is entirely up to the parties involved. No single option is always going to work. Remember that situations, laws, and attitudes will vary from place to place and from time to time.

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The officer cannot void the ticket once it has been written. If you believe you have been treated unfairly, present your case in traffic court and not to the officer along the roadside.

### **If Law Enforcement Comes to Your Door**

First, make sure each individual is really a law enforcement representative by requesting to see a police badge and/or identification card. Be pleasant but serious.

Make sure the officers are at the correct house by asking, “How can I help you?” They should have a warrant, be actively investigating a crime, or be in “hot pursuit” of an individual suspected of committing a crime and running into your house. If the officers do not have a warrant or are not in hot pursuit, you can deny entry.

Determine the type of warrant—body or search. A body warrant means that the officers are seeking an individual and, therefore, cannot search drawers and places not large enough for an individual to hide. A search warrant allows officers to search all places in which the items listed on the warrant can be hidden.

### **If You are Arrested**

Before the police takes you into custody, make sure that your house or car is secure. Make sure you have been informed as to why you are being arrested.

***NOTE: A lawyer should be called as soon as possible. The advice of an attorney is extremely important early in the process.***

Under no circumstances should you make incriminating statements which might be used against you at a later time.

In most states, you must be taken before a judge, magistrate, constable or court commissioner within 24 hours of your arrest. You should secure legal representation before this initial court appearance.

Ask to telephone your parent, guardian, or lawyer immediately. You have the right to make **one** phone call to the person of your choice; use it. You also have the right to privacy during the call. If this right is denied, do not cause a confrontation that might result in additional charges being filed against you.

You should always have the number of a lawyer or a person you can rely on to get you an attorney if your lawyer is unavailable. Keep a record of that number, as well as the name and number of a lawyer in your wallet or purse

### **Police Officer Misconduct and Your Response**

Law enforcement misconduct is loosely defined as “improper and/or illegal action(s) and/or conduct by an officer.” Some of the more frequent types of misconduct are:

- Physical Abuse—slaps, kicks, punches, choke-holds, beatings, flashlight and night stick blows, tight handcuffs, and unnecessary use of firearms.
- Verbal Abuse—name calling, use of racial slurs.

The best way to avoid officer misconduct is to not provoke the officers while having a discussion about law enforcement matters. Showing off for friends and family will only get you arrested and possibly injured. Comply first then seek an explanation from the officer or his/her supervisor later.

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Innocent individuals are often offended, angered, or both as a result of being detained by an officer for questioning. Although the delay might be inconvenient for you, the officer believes that there is a reason (probable cause) to stop you and ask questions. Examples of probable cause might include questions about a crime or incident which occurred recently in the area, someone placing a complaint about your presence, or suspicious activity. The police officer usually does not want to detain you any longer than necessary. A few minutes of cooperation will speed up the process and get you on your way.

- Do not resist arrest for any reason.
- Control you emotions.
- Do not make threatening motions or statements to the officers talking to you.
- Never attempt to interfere with the arrest of others who may be with you.
- Always note the name of the officers with whom you come in contact.
- Report cases of officer misconduct immediately following your release from police custody.
- Record, document and describe any case of officer misconduct in a typewritten statement. Have your summary of the incident notarized within 72 hours of its occurrence.

### **A Word of Caution**

Laws and law enforcement procedures may vary from state to state. You should consult an attorney or law enforcement representative who is familiar with the laws in your state.

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