

CARE

A 501(c)(3) approved organization

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What to do if you are stopped by the police

TIPS ON HOW TO PROTECT YOURSELF

AFTER A POLICE ENCOUNTER. If you have a Police Encounter, You Can Protect Yourself.

- What you say to the police is always important. What you say, can, and will be used against you, and it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.
- You don't have to consent to a 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**. If they don't, use the phrase " **I do not consent to this search**".
- Do not interfere with or obstruct the police. You can be arrested for it.

IF YOU ARE STOPPED FOR QUESTIONING:

- Police may stop and detain you only if there is a reasonable suspicion that you committed, are committing or are about to commit a crime.
- You can ask if you are under arrest or free to leave. If you are arrested, you have a right to know why.
- Police can't lawfully require that you identify yourself or produce ID if they do not reasonable suspect you of a crime. But **use your judgement**-refusal could lead to your arrest even if unjustified.
- If police reasonably suspect you pose a danger to them or others, they may pat down your outer clothing. Don't physically resist, but say you don't

consent to the search. If an officer ask you to empty your pockets before he pats you down- even if he says you won't get in trouble, decline to do so. Use the phrase " **I do not consent to this search**".

- Don't bad-mouth a police officer or run away even if you believe what is happening is unreasonable. That could lead to your arrest.

IF YOU ARE STOPPED IN YOUR CAR:

- Upon request, show the police your driver's license, registration and proof of insurance. In certain cases, your car can be searched without a warrant. To protect yourself later, you should state 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 drunk driving (DWI) you will be asked to take a breath-alcohol and coordination test. If you fail the tests, or if you refuse to take them, you will be arrested, your driver's license may be suspended and your car can be taken away.

IF POLICE COMES TO YOUR HOME:

- The police can enter your home without permission if they have a warrant or if it is an emergency situation. If the police say they have a warrant, ask to see it. They must show it to you when they are able to do so safely.

- If you are arrested in your home or office, the police can search you and the area immediately surrounding you or where evidence or criminal activity is in plain view.

IF YOU ARE 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. **Don't tell the police anything 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.
- If you have a lawyer, ask to see your lawyer 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 to contact a lawyer. **Don't say anything about a lawyer.**
- Within a reasonable time after your arrest or booking, you should ask a police to contact a family member or friend. If you are permitted to make a phone call, anything you say at the precinct may be recorded or listened to. Be very careful. Never talk about the facts of your case over the telephone.
- Do not make any decisions in your case until you have talked with a lawyer.

HERE'S SOME TIPS ON WHAT YOU SHOULD DO IF YOU'RE STOPPED BY THE POLICE

- ✓ **Stay calm and in control** of your words, body language and emotions.
- ✓ **Don't get into an argument** with the police.
- ✓ Never bad-mouth a police officer.
- ✓ Remember, **anything you say or do** can be

used against you.

- ✓ **Keep you 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** at the scene or tell the police they're wrong or that you're going to file a complaint.
- ✓ **Do not make any statement** regarding the incident.
- ✓ **Ask for a lawyer** immediately if you are arrested.
- ✓ Remember **officers' badges and patrol cars** numbers.
- ✓ **Write down everything** you remember ASAP.
- ✓ Try to find **witnesses**, their names and phone numbers.
- ✓ If you are injured, **take photos of the injuries** as soon as possible, but make sure **you get medical attention first.**

ADDITIONAL MATERIALS

To keep our members and friends informed about current civil rights, financial, political and business issues we recommend that you read our CARE publications, which can be found at CARE's website: www.ourcare.org.

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