

KNOW YOUR RIGHTS:

What To Do If You're Stopped By The Police

Law enforcement officers play an important role in our criminal justice system. We rely on the police to keep our communities safe, and to treat us fairly regardless of race, ethnicity, national origin, gender, or residence. This document provides useful tips on interacting with the police and understanding your rights. If you have an encounter with the police, have questions, or want more information, visit us at: www.silentmarchnyc.org

KNOW YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud. In some states, you have to say your name.
- You have the right to refuse to a search of yourself, your car, or your home.
- If you are not under arrest, you have a right to calmly leave.
- If you are arrested, you have the right to a lawyer. Ask for one immediately.

PROTECT YOURSELF

- Stay calm and in control.
- Don't argue with, run from, interfere with, or resist the police.
- You don't have to speak to the police. Say, "I would like to remain silent." In some states, you must tell police your name if they ask you to identify yourself.
- You don't have to agree to a search. Say, "I do not consent to a search."
- Ask, "Am I free to leave?" If you are free to leave – leave calmly.
- If you are arrested, ask for a lawyer immediately.
- Write down everything you remember, including badge numbers, car numbers, and any other details.
- Tell your parents or guardian what happened.
- Report it: If you believe your rights have been violated, file a complaint with the agency's internal affairs division or a civilian board.
- If you are questioned about your immigration status, you have the right to remain silent. You do not have to discuss your immigration status.
- If the police or immigration agents come to your home, you do not have to let them in unless they present a warrant. You still have the right to remain silent.

Visit us at: www.silentmarchnyc.org, silentmarchnyc.tumblr.com, or <http://bit.ly/K2KbPG>

This information is not intended as legal advice.



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STOP

- The police may stop and question you because you are a witness, not a suspect. This is called a “Terry Stop.”
- If you are a suspect, it may be because you fit the description of someone involved in a crime.
- They can ask about your name, address and age, or request your I.D.
- The police must have a **reasonable suspicion – meaning a clear, specific and unbiased reason for suspecting** that you committed, are committing, or are about to commit a crime. They cannot stop you simply because you “look suspicious.”
- **Do’s:** Ask “Am I under arrest?” and “Am I free to go?”
- **Don’t:** Run away, or bad-mouth an officer.

SEARCH

- If the police begin searching you or your personal belongings, this is called a “Stop and Frisk” or a “Terry Frisk.”
- The police must have a **reasonable suspicion – meaning a clear, specific and unbiased reason for suspecting** that you have been involved in a crime, and/or are armed and dangerous.
- When the police search you they may pat down your outer clothing only. He cannot squeeze or reach into your pockets unless he believes he has felt a weapon after patting you down.
- **Do’s:** Say “I do not consent to a search.”
- **Don’t:** Empty your pockets voluntarily, or reach towards your waistband as the officer approaches.

CAR STOP

- If you are stopped while in a car, the police must have **probable cause – meaning a strong, unbiased, factual reason** for believing that you have committed a traffic violation.
- The police may ask for your license, registration, and proof of insurance.
- If they see anything illegal, this may create probable cause for them search you or your car. They cannot search the trunk unless they have probable cause, a search warrant, or believe you may be armed and dangerous.
- **Do’s:** Stop immediately and turn off your car engine, place your hands on the wheel, say “I do not consent to a search,” and write down everything that happened.
- **Don’t:** Do not consent to a search of your car or personal belongings, or reach for any items in your clothing or car without specific instructions from the police.

ARREST

- If you are arrested by the police, remember that a judge determines whether you are charged, what the charge will be, and when you will go home – not the police.
- If the police arrest you, they must have **probable cause – meaning a strong, unbiased, factual reason** for believing that you have committed a crime.
- **Do’s:** Remain silent or say “I do not want to answer any questions,” request an attorney immediately, and write down everything you remember ASAP. If you are hurt, get medical attention and take photos of your injuries ASAP.
- **Don’t:** Run, resist or fight back, reach suddenly for any items in your pockets or clothing, consent to any searches, give up your right to a lawyer, or answer any questions without your lawyer.

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Glossary of Terms

Arrest: to catch, take, or hold a person in legal custody

Example: The police arrest a suspect that has committed a crime. The suspect has the right to remain silent and to request an attorney.

Attorney: also known as a *lawyer*; a person that is qualified to represent you in legal proceedings

Example: A suspect is arrested and requests an attorney. The attorney instructs their client to remain silent.

Consent: to agree to, or give permission

Example: Police: "Can I open the trunk of your car?" You: "No, I do not consent to a search of my car."

Law Enforcement: also known as *the police*; an organized force that maintains order, detects and prevents crime, and enforces the law

Example: Law enforcement officers or school resource officers may stop you to ask questions.

Probable Cause: a police officer must have strong, unbiased, fact-based reason to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property.

Example: A police officer stops your car and arrests you because he believes, based on observation that you were driving while intoxicated.

Reasonable Suspicion: a police officer must have a clear, specific, and unbiased suspicion that you committed, are committing or are about to commit a crime, or are armed and dangerous. They must be able to point to specific, objective factors showing the basis for her suspicions, not just that you look suspicious.

Example: When patting down your clothing, an officer touches an object that feels like a weapon. The officer suspects that you are armed.

Terry Frisk: when a police officer begins to pat down your outer clothes to determine if you have a weapon or other illegal items. They may not squeeze or manipulate your clothing, or go into your pockets.

Example: A police officer stops you on the street and pats down your clothing. The officer asks you to empty your pockets, but you refuse by saying, "I do not consent to a search."

Terry Stop: when a police officer stops you to ask specific or more direct questions, like where you were at a certain time, where you are going, or whether you have anything illegal on you.

Example: A resource officer stops you in the hallway to ask you if you witnessed a fight that recently occurred or were involved in it.