

## **When Stopped By the Police A Community/Citizen Guide**

### **FOREWORD**

The basic materials in this pamphlet were prepared by Police and Community Enterprises -- Project PACE. The National Black Police Association, an umbrella organization representing more than 35,000 dedicated African American police officers nationally, stands for unity, justice, and peace. The NBPA exists to help prod law enforcement agencies to be sensitive to the needs and concerns of minorities, women, and the poor. We hope this pamphlet will be helpful. We urge, however, that you do not rely on it as a legal advisor. But we hope the information presented here will keep you from having to go to jail.

### **It Could Happen To You**

*What is your name?*

*Where do you live?*

*Have you got any identification?*

These are very simple questions which can be easily answered by almost everyone. But when a police officer is involved, it can cause a lot of problems both for the officer and for YOU. Most of the time, there is a reason for the officer to question you -- even if it may not seem so at the time. The officer may be investigating a complaint in the neighborhood, or following up on a radio call concerning a crime committed in the area. For one reason or another, you may be the individual the police suspect. You may have knowledge that will help in the investigation, or the officer may think that you are experiencing some kind of trouble.

Sometimes the manner in which the police question you may involve not respecting YOUR RIGHTS. Sometimes you may overreact to the questions and create an even more serious situation. We will attempt to explain your rights, what to remember, and what to expect when an officer starts asking you a lot of questions ... it could save you from answering a lot more unnecessarily.

### **If You Are Stopped By The Police In Your Car**

If you are driving a vehicle, the police can ask you to pull over at any time. The best thing to do in this situation is to pull over and follow the directions of the officer. You will probably be asked to produce your driver's license and registration of the vehicle. This you must do if asked. If you are stopped at night, turn on your dome light and show the officer that nothing is wrong. It is best to do nothing which may give reason to search further. Having your lights on and keeping your hands on the steering wheel will usually put the officer's mind at ease.

Chances are that the officer is going to write out a ticket for a traffic violation. Of course, you may start to explain at this point but you should limit your comments. Be careful how you protest. A simple traffic violation may start costing you a fortune in fines for other violations. If you think that the ticket is incorrect, then carry your protest to Traffic Court.

### **If You Are Stopped By The Police On The Street**

Most of the problems you may encounter with the police can be avoided. Remember, they think they have reason (probable cause) to stop you and ask questions. At this time, you should stop, collect your thoughts, and remain calm. Whether or not you are arrested may just depend on how calm and prepared you are at this time.

There are many factors that the police may take into consideration when observing you. Every situation is different and the officer may consider the following factors:

- When you are running and a crime has been reported in the area.
- If you are hanging around with people under police investigation.
- You are near an area where a crime has just been reported.
- You are in an area which the police believe to be abandoned or unoccupied.
- You are acting in a manner which appears to be suspicious.
- The police believe you are in possession of stolen property.
- When stopped while walking or driving your car, you refuse to answer police questions and/or give false, evasive, or contradictory information.
- You have been identified to the police by someone else.
- When you use derogatory or offensive language ... you may be saying the wrong thing at the wrong time.

While these things are taken into consideration when questioning you, the police **MUST STILL RESPECT YOUR RIGHTS TO NOT ANSWER QUESTIONS THAT SOUND ACCUSATORY.**

### **If the Police Come Knocking At Your Door**

If the police knock at your door, you do not have to let them in unless there is a signed warrant. Always ask to see the warrant. If it is proper on its face, you must step aside and let them into your home. If it is an arrest warrant, look at the name on the warrant to make certain they have the right person. If it is a search warrant, make sure the address is correct and note what is specifically listed on the warrant to be searched for in your home. If the police do not have a warrant, you do not have to let them in unless they insist. Perhaps you can settle this matter at the door. If they do insist, over your objections, then be careful to:

- First, ask for a police badge.
- Second, ask the purpose of entering your home.
- Third, let them in only after they insist.
- Fourth, if you object, make sure that the police know that you do not consent to any search of your home.
- Fifth, remember badge numbers, officer's faces, and the time of day. Write this information down.

The police are not required to give you a receipt for property they intend to book as evidence such as stolen goods, guns, etc. However, when property is taken from your home, ask the police for a receipt. The police may also search without a warrant whenever arresting an individual. They may search the individual under arrest, the area near the arrest, and the room where the arrest was made if inside the home. They may also search after consent is given. Police may also search when there is an emergency (for example, someone screaming for help inside your home), or when chasing you or someone else inside your home.

### **Remember**

**If the police have stopped you, they believe there is a reason to do so. It is best to be calm and identify yourself.**

In many situations, you can talk your way INTO jail as well as talk yourself out of jail. By yelling or threatening an officer, the BEST you can do is get yourself arrested ... and who needs that.

