



## Know Your Rights: When Stopped by Police

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities – especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment. If your rights are violated, don't try to deal with the situation at the scene. You can talk to a lawyer afterwards, or file a complaint with the Internal Affairs or Civilian Complaint Board.

### GENERAL GUIDELINES

**Think carefully** about your words, movement, body language, and emotions.

**Don't get into an argument** with the police.

Remember, **anything you say or do** can be used against you.

**Keep your 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** on the scene or tell the police they're wrong or that you're going to file a complaint.

**Do not make any statements** regarding the incident.

**Ask for a lawyer** immediately upon your arrest.

Remember **officers' badge & patrol car** numbers.

**Write down everything** you remember ASAP.

Try to find **witnesses** & their names & phone numbers.

If you are injured, **take photographs of the injuries** as soon as possible, but make sure you **seek medical attention** first.

If you feel your rights have been violated, **file a written complaint** with police department's internal affairs division or civilian complaint board, or call the ACLU hotline, **1-877-6-PROFILE**.

### IF YOU ARE STOPPED FOR QUESTIONING

1. It's not a crime to refuse to answer questions, except that you can be required to state your name. Some localities also require you to provide ID when asked. It is not clear whether these laws are constitutional, but refusing to comply could lead to criminal charges.
2. Police may "pat-down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.

3. Ask if you are free to leave. If the officer says you are not free to leave, ask why.
4. Ask if you are under arrest. If you are, you have a right to know why.
5. Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.
6. Never consent to a search of your cell phone. Police cannot search your cell phone without either a warrant or your permission. If police want to search your phone, tell them to get a warrant.

### **IF YOU ARE STOPPED IN YOUR CAR**

1. Upon request, show them your driver's license, registration, and proof of insurance. Your car can be searched without a warrant as long as the police have probable cause. Make it clear that you do not consent to a search. Police may not arrest you for refusing to consent to a search.
2. If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.
3. If you're suspected of drunk driving (DWI), refusing to take a blood or breath test may result in suspension of your driver's license. Police cannot force you to take any field sobriety tests. Field sobriety "tests," such as walking in a straight line or reciting the alphabet, will be used as evidence against you at trial. Suspension of your license can only happen because of a failure to take a blood or breath test, not because you refuse field sobriety tests.

### **IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION**

1. You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing 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.
2. Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one. Ask the police how the lawyer can be contacted. **Don't say anything without a lawyer.**
3. Do not make any decisions in your case until you have talked with a lawyer.

### **IN YOUR HOME**

1. If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
2. In some emergency situations, however (like when a person is screaming for help inside, or when the police are chasing someone), officers are allowed to enter and search your home without a warrant.
3. If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

#### **Contact the ACLU of Virginia**

*If you feel that a law enforcement officer has violated your rights, please contact us.*

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