

Rights During a Police Encounter

In a police encounter these rules will help protect your civil rights and improve your chances of driving or walking away safely. (Only exceptions are border searches and airport searches.)

1) Keep Private Items Out of View

This is common sense: Always keep any private items that you don't want others to see out of sight. Legally speaking, police do not need a search warrant in order to confiscate any illegal items that are in plain view.

2) Be Courteous & Non-Confrontational

The first thing you should say to the officer is, "**Hello officer. Can you tell me why I am being stopped?**" The officer may give you a hard time or say, "Why do you think I stopped you?" Tell the officer you don't know. Most importantly, do not apologize after you get stopped, because that can be considered an admission of guilt and could be used against you later in court.

Show your identification if it's requested. Be respectful and non-confrontational. Refer to the police as "Sir," "Ma'am," or "Officer." Remain calm and quiet while the officer is reviewing your documents. If the officer writes you a ticket, accept it quietly and never complain. Listen to any instruction on paying the fine or contesting the ticket, and immediately leave.

If you are pulled over in a car, the first thing you should do is turn your car off, turn the dome light on (if it's nighttime), roll down the window, and keep your hands on the steering wheel. Don't immediately reach into your glove compartment for your license and registration. Officers want to be able to see your hands for their own safety. Wait until the officer asks to see your paperwork before retrieving your documents.

3) Say No to Search Requests

If a police officer asks your permission to search, the answer is always no. You should refuse to consent by saying, "**Officer, I do not consent to any searches of my private property.**"

You are under no obligation to consent. The only reason an officer asks your permission is because he doesn't have enough evidence to search without your consent. If you consent to a search request you give up one of the most important constitutional rights you have—your Fourth Amendment protection against unreasonable searches and seizures.

Police officers are not required to inform you of your rights before asking you to consent to a search. If the officer searches you in spite of your objection, your attorney can argue that any evidence found during the search was discovered through an illegal search and should be thrown out of court.

4) Determine if You Can Leave

You have the right to terminate an encounter with a police officer unless you are being detained under police custody or have been arrested. The general rule is that you don't have to answer any questions that the police ask you. This rule comes from the [Fifth Amendment](#) of the U.S. Constitution,

which protects you against self-incrimination. If you cannot tell if you are allowed to leave, say to the officer, "**I have to be on my way. Am I free to go?**"

If the officer says "Yes," tell him to have a nice day, and leave immediately. If the officer's answer is ambiguous, or if he asks you another unrelated question, persist by asking "**Am I being detained, or can I go now?**" If the officer says "No," you are being detained, and you may be placed under arrest. If this is the case, reassert your rights as outlined above, and follow Rules #5 and #6.

5) Remain Silent and Ask for an Attorney

Do not answer questions without a lawyer representing you present. Even seemingly casual small talk can come back to haunt you. Anything you say can, and probably will, be used against you.

In just about any case imaginable, a person is best off not answering **any** questions about his involvement in anything illegal. Assert your [Fifth and Sixth Amendment](#) rights by saying these exact words: "**Officer, I'd like to remain silent and I'd like to speak with a lawyer.**"

Keep in mind the credo: *If no one talks, everyone walks.* Regardless of what you are told by an investigating officer, you have nothing to gain by talking to the police... and everything to lose.

6) Do Not Try to Bargain

Police officers will often tell you that your cooperation will make things easier for you, and many people hope to be let off easy if they are honest and direct with the police. The only thing it makes easier is the officer's job. Do not let the threat of arrest scare you into admitting guilt. Ask to speak with a lawyer, and remain silent.

7) Do Not Physically Resist

If the police proceed to detain, search, or arrest you despite your wishes—do not physically resist. You may state clearly but non-confrontationally: "**Officer, I am not resisting arrest and I do not consent to any searches.**" Or you may assert your rights by simply saying nothing until you can speak with an attorney.

8) Where to Go For More Help

If you feel your rights are being violated, hold tight until you can talk to a lawyer. If you don't have your own lawyer the court will appoint the public defender to defend you. However, there may already be legal help in your community that will specifically help you if you are a senior, low-income, homeless, or an emigrant. Start here:

California Rural Legal Assistance/Legal Aid Society	
Watsonville	831-724-2253
Santa Cruz	831-458-1089
Senior Citizens Legal Services	831-426-8824
Centro De Familia / Familia Center	
North County	831-423-5747

For more information about your rights, law education, and what to do if your rights were violated, check out:

Midnight Special Law Collective	
www.midnightspecial.net	510-261-4843
ACLU Santa Cruz	www.aclu.org 831-429-2262
National Lawyers Guild	www.nlg.org/sf 415-285-5067