

What to Do If You Are Stopped By The Police

In order to avoid miscommunication or violence with law enforcement, it is important to know what to do when you are pulled over or confronted by the police.

If You Are Pulled Over

- If a police car is tailing you and its emergency lights or siren are on, pull over to the right side of the road quickly and safely, coming to a complete stop, using the appropriate traffic signals to do so.
- Once you are situated as far to the right side of the road as possible to make way for the police car, turn off your engine.
- Discard any gum, candy or cigarette you may have in your mouth.
- While the officer approaches the vehicle, do not shuffle around for your license, registration or proof of insurance. The officer could mistake your sudden movements for drawing a weapon. Keep your hands where the officer can see them at all times.
- Place your hands on the steering wheel and, if it is dark, turn on your interior light. Remember, police officers can be as afraid of their encounter with you as you are with them.
- Remain as level headed and courteous as possible when a police officer confronts you, even if your first inclination is to feel defensive.
- Do not provide your license and registration or step out of the vehicle unless you are instructed to by the police officer.
- If you are given a ticket, politely take it and ask if you are free to go. If you are under arrest, you have the right to ask why.
- If the officer begins to question you, you have the right to remain silent under the Fifth Amendment. If you wish to remain silent, tell the officer out loud and state your name in order to identify yourself.
- If the police officer has probable cause to arrest you for driving under the influence of alcohol, you are required by law to take a chemical test. You can choose between a blood test or a breath test.
 - Blood tests are more easily preserved and accurate.
 - Breath tests have a greater margin of error and cannot be accurately retaken like blood tests.
- If an officer asks to search your vehicle, you can refuse. However, if police believe your car contains evidence of a crime, your car can be searched without your consent.
- If you are a passenger in a car that has been pulled over, you have the right to ask if you are free to leave. If the officer says yes, sit quietly in the passenger seat while the driver and officer talk or calmly leave the vehicle. If the officer says no, you have the right to remain silent.

If You Are an Immigrant

If you are not a citizen of the United States and are being questioned about your immigration status, you must show your immigration papers. If you do not have your papers with you, say you wish to remain silent. Even if you are not a U.S. citizen, you still have the right to remain silent and refrain from discussing any

questions about your citizen status. However, if you are at an international border or at an airport, separate rules may apply. Never lie about your citizenship status to police officers or provide fake documents.

If the police or an immigration agent comes to your home, they cannot enter unless they have a valid warrant. Ask the officer to slip the warrant underneath your door so you can take a look at it. According to the American Civil Liberties Union, a search warrant allows police to enter the address listed on the warrant, but officers can only search the areas and for the items listed. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside. A warrant of removal /deportation (ICE warrant) does not allow officers to enter a home without consent. If you choose to speak with the officer, step outside and close the door.

If You Are Taken Into Immigration Custody

In immigration custody, you still have the right to remain silent. Do not discuss your immigration status or sign papers without first consulting a lawyer. If you do not have a lawyer, ask for a list of free or low-cost legal services. Unfortunately, you do not have the right to be appointed one by the government if you are not an American citizen. However, you do have the right to contact your country's consulate directly or ask an officer to inform the consulate of your arrest on your behalf.

If You Believe Your Rights Have Been Violated

- Never engage in an argument or physical altercation with police officers.
- Do not resist arrest or threaten to file a complaint against the police.
- Write down all of the details you can remember about your police encounter. Take note of the officer's name, badge, agency, patrol car number, and any other details that may be relevant to your case.
- Ask or track down the contact information of any witnesses so that they can testify on your behalf in court, if necessary.
- After seeking medical attention, take pictures of any injuries you may have received from the accident.
- Use all of the information you have gathered to form a written complaint with the agency's internal affairs division or community complaint board. Seek legal advice if necessary.

Resources

- United States Department of Justice: <https://www.justice.gov/crt/addressing-police-misconduct-laws-enforced-department-justice>
- American Civil Liberties Union: www.aclu.org