

WHAT YOU NEED TO KNOW ABOUT POLICE ENCOUNTERS

Keep Your Private Items Out of View

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. The *plain view rule* gives police the right to search you.

Be Courteous & Non-Confrontational

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. Do not physically resist. Ever.

Just Say "No" to Warrantless Searches

Warning: If a police officer asks your permission to search, you are under no obligation to consent. The only reason he's asking you is because he doesn't have enough evidence to search without your consent. If a person consents to a warrantless search, the search automatically becomes reasonable and therefore legal.

What if the police call in drug-sniffing dogs?

Your rights do not disappear if the officer threatens to call in the dogs, so don't let this all-too-common tactic intimidate you into consenting to a search. Before the dogs arrive, you have the right to dismiss yourself by asking if you are free to go. But if the officer detains you until the dogs come, remain silent and refuse to consent to any searches. Be polite, do not say anything.

If a K-9 unit arrives, you should never consent to a dog sniff even if the officer claims you have to (which would be a lie). Remember: Unlocking your car at the officer's request or handing the officer your keys is the same as consenting to a search.

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Regardless of what the officer says, there is no reason they need to be allowed into your home. This includes your dorm room or other group living situation. Without a warrant, police officers absolutely cannot enter without your permission or an emergency circumstance that could justify their entry. *Never leave your door open during a party.*

Determine if You Can Leave

You have the right to terminate an encounter with a police officer unless you are being detained in police custody, or have been arrested. Say to the officer, "I have to be on my way. Am I free to go?" If he says "Yes," leave. If he says "No," you are probably under arrest, or are being detained.

Do Not Answer Questions without an Attorney

There is no reason to worry that your failure to answer the officer's questions will later be used against you. The truth is just the opposite: Anything you say can, and probably will, be used against you. A person is best off not answering any questions about his involvement in anything illegal. It's OK to say, "Officer, I have nothing to say until I speak with a lawyer."

To learn more, watch the film:

BUSTED: The Citizen's Guide to Surviving Police Encounters

Narrated by Ira Glasser, retired director of the ACLU, available from: www.FlexYourRights.org

Copies of the film are free to campus living groups and student organizations. To receive a copy of the DVD, call the Drug Policy Forum of Kansas (785) 841-8278, or send an e-mail, info@dpfks.org.

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KNOW YOUR RIGHTS! DURING POLICE ENCOUNTERS



Content provided by FLEX YOUR RIGHTS



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HOW TO PROTECT YOUR CIVIL RIGHTS DURING A TRAFFIC STOP

- Turn off the car, and put both hands on the steering. At night, turn on the dome light. Wait for the officer to walk up to the window before rolling it down *only two inches*.
- Hand the officer your license and registration, *after* he asks. If the officer asks, "do you know why I pulled you over?" Say **NO**. *Never admit to a police officer you broke the law.*
- If he asks you to step out of the car, lock the car behind you, and put the keys in your pocket.
- If he asks to search your car, tell him politely: "*I know you are doing your job officer. I do not consent to a search of my car.*" If he says he smells marijuana, repeat: **I DO NOT CONSENT.**
- If the officer says he can search the car without your permission, repeat: **I DO NOT CONSENT.**
- The officer may say he's going to get a drug dog, ask: **AM I BEING DETAINED?** Be polite *always*.
- He may say he will go lightly if you cooperate, tell him: **I CHOOSE TO REMAIN SILENT. I HAVE NOTHING TO SAY WITHOUT MY LAWYER PRESENT.** Wait for the officer to either arrest you or let you go. If you are unsure if you can leave, ask: **AM I UNDER ARREST OR AM I FREE GO?**
- If you are arrested, state firmly and loudly: **OFFICER, I AM NOT RESISTING ARREST. I DO NOT CONSENT TO A SEARCH OF MY CAR.** Then go quietly and don't speak until you see a lawyer.

HOW TO PROTECT YOUR CIVIL RIGHTS AT HOME

- When a police officer knocks on your door, step outside and close the door behind you.
- Politely ask the officer what the trouble is. He may say there was a noise complaint, or that he would like to talk to you inside. He may say he is looking for someone. Be calm and respectful.
- If the officer would like to come inside and take a look around, tell him: **I'M TERRIBLY SORRY FOR THE LOUD MUSIC** [barking dog, illegally parked car, etc.] **IT WON'T HAPPEN AGAIN.**
- If wants to make sure everything is OK inside the house, tell him: **I KNOW YOUR ARE JUST DOING YOUR JOB, AND I APPRECIATE YOU TAKING THE TIME TO TALK WITH ME ABOUT THE LOUD MUSIC** [barking dog, illegally parked car...] **I CAN NOT ALLOW YOU INSIDE WITHOUT A SEARCH WARRANT, IS THERE ANY THING ELSE I CAN HELP YOU WITH?**
- If he says he will get a warrant, so you should let him in now, say: **I'LL WAIT FOR YOUR RETURN.**
- If you host a party, and have more than entrance, post a trusted friend at the back door. Make sure you are in control of the front door at all times. ***If a door is open, the police will come in.*** They will also look through open windows for contraband so they can search your house legally.

HOW TO PROTECT YOUR CIVIL RIGHTS ON THE STREET

- ◆ If you are stopped by a police officer on the street, remain calm. ***Don't ever, under any circumstances, talk back or raise your voice to a police officer.*** You have nothing to gain, and everything to lose, by escalating the hostility level of the encounter.
- ◆ Police may initiate a conversation with any citizen for any reason; however they may not detain you without *reasonable suspicion* that you are engaged in criminal activity. Ask the officer: **"Why am I being stopped?"**

As a general rule, reasonable suspicion applies to situations in which police have reason to believe you're up to something, but they don't know what it is.

- ◆ If the officer does not indicate that you are suspected of a specific crime, then this is a casual stop and you should be allowed to terminate the encounter at any time.
- ◆ If the officer indicates that you are suspected of criminal activity, you are being *detained*. At this stage, the officer is attempting to find evidence on which to establish *probable cause* necessary to arrest you.

Probable cause generally means police know what crime they suspect you of and have discovered evidence to support that belief. Common examples include seeing or smelling evidence which is in plain view, or receiving an admission of guilt for a specific crime.

In just about any case imaginable, a person is best off not answering any questions about his involvement in anything illegal. Say these exact words: **"Officer, I have nothing to say until I speak with a lawyer."** Then be quiet!