

WHAT TO DO IF YOU'RE STOPPED BY THE POLICE

KNOW YOUR RIGHTS



IF YOU HAVE A POLICE ENCOUNTER, YOU CAN PROTECT YOURSELF.

1. What you say to the police is always important. Everything you say can be used against you.
2. You have the right not to speak. To exercise this right, you should tell the police, "I would like to remain silent."
3. You never have to consent to a search of yourself, your belongings, your car, or your house. In New York City, police are required by law to let you know when they're asking for your consent to a search and to let you know that you have the right to say no. If you do consent to a search, it can affect your rights later in court. If the police say they have a search warrant, ask to see it. If they don't, say "I do not consent to this search." Police cannot arrest or ticket you simply for refusing to consent to a search. This may not stop the search from happening, but it will protect your rights if you have to go to court.
4. Do not interfere with or obstruct the police—you can be arrested for doing so.

IF YOU ARE STOPPED, QUESTIONED, AND/OR FRISKED:

1. Police may stop and briefly detain you only if there is reasonable suspicion that you committed, are committing, or are about to commit a crime.
2. You should ask if you are under arrest or free to leave.
3. In New York, you are not required to carry ID, and you don't have to show ID to a police officer. If you are issued a summons or arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.
4. In New York City, if officers are investigating criminal activity, they're required to identify themselves and let you know the reason for the interaction. If they don't arrest or ticket you, officers are required to give you a business card at the end of the encounter. Regardless of the circumstances, unless an officer is responding to an emergency situation, local law requires any officer to provide their identification and a business card upon request.

5. Don't bad-mouth a police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.

IF YOU ARE STOPPED IN YOUR CAR:

1. Upon request, show the police your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant. To protect yourself later, you should state that you do not consent to a search.
2. If you're suspected of drunk driving, you will be asked to take a breath-alcohol and coordination test. If you fail the tests, or if you refuse to take them, you will be arrested, your driver's license may be suspended, and your car may be taken away.
3. If you are arrested, your car will be subject to a search.

IF POLICE COME TO YOUR HOME:

1. The police can enter your home without your permission if they have a warrant or if it is an emergency. If the police say they have a warrant, ask to see it. Check to make sure the warrant has the correct address.
2. If you are arrested in your home or office, the police can search you and the area immediately surrounding you or where evidence of criminal activity is in plain view.

IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION:

1. You have the right to remain silent and the right to talk to a lawyer before you talk to the police. Don't tell the police anything 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. If you have a lawyer, ask to see your lawyer immediately. If you can't afford a lawyer, you have the right to a free one once your case goes to court. You can ask the police how to contact a lawyer. Don't say anything to police without speaking to a lawyer first.
3. Within a reasonable time after your arrest or booking, you should ask the police to contact a family member or friend. If you are permitted to make a phone call, anything you say at the

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities — especially in our interactions with the police. This card tells you what to do if you are stopped, questioned, arrested, or injured in your encounter with the police and how to file a complaint.

To File a Police Misconduct Complaint in New York City: Contact the Civilian Complaint Review Board by calling 311 or by visiting www.nyc.gov/html/ccrb.

precinct may be recorded or listened to. Never talk about the facts of your case over the telephone.

4. Do not make any decisions in your case or sign any statements until you have talked with a lawyer.

WHAT TO DO IF YOU'RE STOPPED BY THE POLICE

- Stay calm and in control of your words, body language, and emotions.
- Don't get into an argument with the police.
- Never bad-mouth a police officer.
- Remember that 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.
- If you complain at the scene or tell the police they're wrong, do so in a non-confrontational way that will not escalate the situation.
- Do not make any statements regarding the incident.
- If you are arrested, ask for a lawyer immediately.
- Remember officers' badge numbers, patrol car numbers, and physical descriptions.
- Write down everything you remember as soon as possible.
- Try to find witnesses and their names and phone numbers.
- If you are injured, take photos of the injuries as soon as possible, but make sure you get medical attention first. Ask for copies of your medical treatment files.

NYCLU

ACLU of New York

www.nyclu.org