



YOUR RIGHTS AND THE POLICE

Practical Tips from the
ACLU of Northern California

If you are stopped for questioning, DO...

- ◆ **DO give** your name and the information on your drivers' license. If you don't, you may be arrested, even though the arrest may be illegal.
- ◆ **DO remember** you have the right to remain silent. You cannot be arrested or detained for refusing to answer questions. But it can look suspicious to the police.
- ◆ **DO show** an ID if you are getting a ticket so that you can be released.
- ◆ **DO ask** the police to see a search warrant if they want to search you or your home.
- ◆ **DO make sure** the officer knows you do not agree to be searched (they might search you anyway, but make your opposition known. You can say "I do not consent to a search.>").
- ◆ **DO ask** if you are free to leave. If they say 'yes,' leave; if they say 'no,' DO ask to know why.

If you are stopped for questioning, DON'T...

- ◆ **DON'T disrespect** a police officer. Although you have a Constitutional First Amendment right to do so, it could lead to your arrest.
- ◆ **DON'T refuse** to give your name, you could be arrested.
- ◆ **DON'T agree** to be arrested if you don't know why. If you are arrested anyway...
- ◆ **DON'T run away** or physically resist a "pat-down" or search. The police can pat you down if they suspect you are carrying a weapon, but you can ask why you are being detained or arrested.
- ◆ **DON'T lie.** Don't talk if you don't have anything to say. Tell the police you don't want to talk to them; you do not have to give additional information besides your name and basic identifying information.
- ◆ **DON'T discuss** your citizenship or immigration status with anyone other than your lawyer.

If you are arrested or taken to a police station, DO...

- ◆ **DO tell** the police your name and basic identifying information. **BUT NOTHING ELSE.**
- ◆ **DO tell** the police you want to remain silent and want to talk to a lawyer. They should stop questioning you after that.
- ◆ **DO ask** if you can park your car in a safe place or have a licensed driver take it away, to avoid towing or impoundment fees.
- ◆ **DO make sure** you get your 3 phone calls within 3 hours of getting arrested or immediately after being booked. You can call a lawyer, bail bondsman, relative, or any other person. If you have children under 18, you get 2 additional calls to arrange childcare.
- ◆ **DO memorize** phone numbers for three family members or friends who you can call.
- ◆ **DO assume** the police are recording your calls (except the call with your lawyer).

If you are arrested or taken to a police station, DON'T...

- ◆ **DON'T give** them any information except for your name and basic identifying information.
- ◆ **DON'T give** explanations, excuses, or stories.
- ◆ **DON'T talk** to the police about the situation without your lawyer.
- ◆ **DON'T talk** about your case on the phone; the police might be recording your 3 allotted phone calls (except those to your lawyer).
- ◆ **DON'T forget** the fact that if you cannot afford an attorney, one must be provided free of charge for you in court, if you are facing jail time.
- ◆ **DON'T make** any decisions in your case without talking to a lawyer.
- ◆ **DON'T explain** your defense in the police station. Do it in court, once you talk to your lawyer.
- ◆ **DON'T discuss** your citizenship or immigration status with anyone other than your lawyer.

If you are stopped in your car, DO...

- ◆ **DO show** your license, registration, and proof of insurance when asked (you have to if you're stopped while driving).
- ◆ **DO keep** your hands on the wheel and let the officer know what you are doing ("I'm going to reach for my registration now, officer. . .").
- ◆ **DO make** it clear that you do not agree to have your car searched (they may do it anyway if they suspect you have contraband or evidence).
- ◆ **DO sign** your ticket if you are given one. Otherwise, you may be arrested. Your signature only means you agree to go to court; you can always fight the case in court later. If given a ticket, do contact the court by the date written on the ticket; failure to appear may lead to arrest and a suspended license.
- ◆ **DO take** the blood, urine, or breath test, unless you are willing to risk your license being suspended.
- ◆ **DO keep** your car interior clear of unnecessary objects. It may give the police reason to search the car.

If you are stopped in your car, DON'T...

- ◆ **DON'T physically resist** a search, but make it clear you **DO NOT AGREE TO A SEARCH** (this may protect you in court later).
- ◆ **DON'T refuse** to sign a ticket. You can be arrested for it.
- ◆ **DON'T search** for your license or registration until asked. It may look as if you are trying to hide something.
- ◆ **DON'T refuse** a blood, urine, or breath test unless you want your license suspended.
- ◆ **DON'T disrespect** the officer. Although you have a Constitutional First Amendment right to do so, it could lead to your arrest.
- ◆ **DON'T attempt** to bribe the police.
- ◆ **DON'T play** music loudly when the police walk up to your car.
- ◆ **DON'T have** any objects hanging from your rearview mirror. It may provide a pretext to pull you over.

Whether you are released or remain in jail, once given a court date, DO...

- ◆ **DO remember** that you have the right to an attorney and one must be provided to you free of charge, if you are facing jail time.
- ◆ **DO ask** the judge if you can be released without bail (on O.R.) or have the bail lowered.

This guide is meant to offer some basic "DO's and DON'Ts"
when interacting with police officers.

This list applies to the state of California only.

This is not complete advice. Be sure to consult a lawyer.

This brochure is available in English and Spanish.

Esta tarjeta también se puede obtener en inglés y español.



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