



**This is a special  
Know Your Rights  
Guide for Black  
and Brown people.**

Why is it necessary? Because they often have a very different experience with the police than white people do. Black and Brown people get stopped more because of their skin color even though racial profiling is illegal.

Black and Brown people are also more likely to be detained, handcuffed, searched, and have police point guns at them. These encounters aren't just stressful; as history and recent events have shown, they can be deadly.

**Here is information to let you know what your constitutional rights are during police interactions. But it's important to remember that even though you have legal rights, you must use good judgment in deciding when to exercise them.** If a law enforcement officer starts acting in an aggressive way toward you, it might not be wise or safe to assert your rights in that moment. If you believe your rights were violated, you can file a complaint against the law enforcement officer once you are no longer in a potentially harmful situation.

## The Do's and Don'ts of Police Pedestrian Stops

### If you are stopped for questioning, DO...

- ♦ **DO** know that the police may stop and question you for any reason at all. You don't have to look suspicious or be a potential witness to a crime.
- ♦ Unless police have a reasonable suspicion for suspecting that you committed, are committing, or are about to commit a crime, you are generally free to leave.
- ♦ During a stop, the police can ask about your name, address, and age. In California, you cannot be arrested for refusing to provide your I.D.
- ♦ **DO** ask am I free to leave?' If they say yes, calmly leave.
- ♦ **DO** exercise your right to remain silent. Say **"I want to remain silent."** You legally cannot be arrested or detained for refusing to answer questions. However, it could look suspicious to the police if you answer questions and then suddenly stop, which could lead to an illegal arrest. Make it your practice to always remain silent.

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

- ♦ **DON'T** try to run away. Many Black and Brown people have been shot in the back while running away from the police.
- ♦ **DON'T** physically resist a "pat-down" or search because this could lead to an officer illegally using force against you. Say "I do not consent to a search."
- ♦ **DON'T** disrespect a police officer. Although you have a constitutional right to do so, it could lead to your arrest or physical harm.
- ♦ **DON'T** lie. Say **"I want to remain silent."**

- ♦ **DON'T** forget that police are legally allowed to lie, intimidate, and bluff.
- ♦ **DON'T** discuss your citizenship or immigration status with anyone other than your lawyer.

### If you are searched, DO...

- ♦ If the police begin searching you or your personal belongings, they must at least have a reasonable suspicion that you have been involved in a crime, and/or are armed.
- ♦ **DO** make sure the officer knows you do not agree to be searched (they might search you anyway, but calmly and safely make your opposition known). Say "I do not consent to a search."
- ♦ When a police officer searches you, they may pat down your outer clothing only. Police cannot squeeze or reach into your pockets unless they believe they have felt a weapon or contraband (like a baggie of unlawful drugs) after patting you down. If the police develop probable cause for believing that you have committed a crime, they can broaden their search.
- ♦ If you are being given a ticket, **DO** give your name and birth date, and sign the ticket. If you don't, you may be arrested.

### If you are searched, DON'T...

- ♦ **DON'T** empty your pockets or reach towards your waistband as the officer approaches. Many Black and Brown people have been shot by police officers who falsely claimed they were reaching for a gun in their waistband.



## The Do's and Don'ts of Police Car Stops

If you are pulled over in a traffic stop and have a hands-free phone station in your vehicle, consider turning on your camera to record the interaction. Make sure to do this before the officer gets out of the police car so they don't see you and mistakenly think you are reaching for a weapon.

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

- ♦ If you are stopped while in a car, the police must have a reasonable suspicion for believing that you have committed a traffic violation or criminal offense.
- ♦ **DO** keep your hands on the wheel and let the officer know what you are doing for your safety. ("I'm going to reach for my registration now.") Many Black people have been shot and killed when police claimed they made sudden hand movements.
- ♦ **DO** show your license, registration, and proof of insurance when asked.
- ♦ **DO** sign your ticket if you are given one. Otherwise, you may be arrested.
- ♦ **DO** take the DUI test if you are arrested, unless you are willing to risk your license being suspended. Before you are arrested, you may refuse to take the Preliminary Alcohol Screening (PAS) breathalyzer test, unless you are under the age of 21.
- ♦ **DO** keep your car interior clear of unnecessary objects. It may give the police reason to search the car. If they see anything illegal, this may create probable cause for them

to search you or your car. They cannot search the trunk unless they have your consent, a search warrant, or probable cause to believe the trunk contains evidence of a crime.

- ♦ **DO** say "I do not consent to a search."

*NOTE: An AB 60 license, issued with proof of identity and California residency, should be accepted by state and local law enforcement in California, the same as other state-issued IDs.*

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

- ♦ **DON'T** physically resist a search. Say "I do not consent to a search."
- ♦ **DON'T** refuse to sign a ticket. You can be arrested for it.
- ♦ **DON'T** search for your license or registration until you are asked to provide it. Let the officer know what you are doing for your safety. ("I'm going to reach for my registration now.") Many Black people have been shot and killed when police claimed they made sudden hand movements.
- ♦ **DON'T** disrespect the officer. Although you have a constitutional right to do so, it could lead to your arrest.
- ♦ **DON'T** attempt to bribe the police.

## The Do's and Don'ts of Arrests

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

- ♦ **DO** ask if you can park your car in a safe place or have a licensed driver take it away if you are arrested. This will avoid expensive towing or impoundment fees.
- ♦ If the police arrest you, they must have probable cause for believing that you have committed a crime.
- ♦ **DO** tell the police your name and basic identifying information. But nothing else.
- ♦ **DO** say "I want to remain silent" and clearly state "I want to talk to a lawyer." They should stop questioning you after that. If they do not stop questioning, calmly and clearly repeat that you want to remain silent and that you want to speak to a lawyer.
- ♦ **DO** make sure you get your three phone calls within three 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 two additional calls to arrange childcare. Memorize phone numbers ahead of time.
- ♦ **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** try to run, resist, fight back, or reach suddenly for any items in your pockets or clothing as this could lead to law enforcement causing you physical harm.
- ♦ **DON'T** give them any information except for your name and basic identifying information.
- ♦ **DON'T** give explanations, excuses, or stories. Say "I want to remain silent" and "I want to talk to a lawyer."
- ♦ **DON'T** consent to any searches or give up your right to a lawyer.
- ♦ **DON'T** talk about your case on the phone. The police might be recording your phone calls (except those to your lawyer).
- ♦ **DON'T** make any decisions in your case without talking to a lawyer first.
- ♦ **DON'T** discuss your citizenship or immigration status with anyone other than your lawyer.



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