



WHAT TO DO IF YOU'RE STOPPED BY THE POLICE...

STOPPED BY THE POLICE? FOLLOW THESE BASIC RULES:

Remain calm. Don't run. Think about your words, movement, body language and emotions.

Don't argue, swear, or threaten a complaint. Anything you say or do can be used against you.

Speak carefully. It's not illegal to decline to answer questions, but bad-mouthing an officer isn't helpful.

Keep your hands where officers can see them.

Don't touch any police officer.

Don't resist, even if you think you're innocent.

Don't make statements about the incident.

Never interfere with or obstruct police — you can be arrested for it.

Write down everything you remember ASAP, including badge & patrol car numbers.

Never consent to searches of your car, house or person. You cannot be arrested for refusal to consent. **If you consent, it can affect your rights later in court.**

Injured in a police confrontation? **Take photos.** (but get medical attention first!)

IF YOU ARE STOPPED FOR QUESTIONING:

Police may “pat down” your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further searches.

Ask if you are under arrest. If yes, you have a right to know why. If you are arrested, the police can search you. If you are not under arrest — you are free to leave.

If asked for your name, you may have a right not to give it, but that right is not certain, so if you can give it, it is best. However, if you reasonably fear that your name is incriminating, you can claim the **right to remain silent**, which may be a defense if you are arrested anyway. Don't lie or provide false information or documents.

IN YOUR HOME...

If the police say they have a search warrant, ask to see it. You don't have to let them in unless they have a warrant signed by a judge.

However, even without a warrant, police may enter your home if an **emergency condition** exists [e.g. a person screaming].

If you are arrested, the police can search you and the area close by, which rarely includes more than the room you are in.

IN YOUR CAR

If stopped in a car: the driver **must** show license, registration and insurance.

IN YOUR CAR *continued...*

Police cannot ask to search your car unless they have reasonable suspicion that there is evidence of a crime inside. If police do ask for your consent to search, you have the right to refuse. In certain cases, the police can search your car without your consent and without a warrant if they have “probable cause” to believe there’s evidence of a crime inside.

If you are suspected of **driving under the influence** (DUI), you may be required to take a Breathalyzer test. If you refuse to take the test, you will face the same loss of driving privileges as for a DUI offense.

IF YOU ARE ARRESTED:

Police can arrest you when (1) they have a warrant for your arrest, (2) they see you violating, or attempting to violate, the law, or (3) they have good reason to believe you violated the law.

Immediately ask for a lawyer. If you can’t pay for a lawyer, you have the right to a free one and you should ask the police how the lawyer can be contacted.

Don’t say anything without a lawyer. You have the right to remain silent.

Within a reasonable time of your arrest or booking, you have the **right to make a local phone call** to your lawyer, a bail bondsman, a family member, or any other person. The police cannot listen to a call to your lawyer.

RIGHTS VIOLATED?

Contact a lawyer.

File a police complaint with the police department's internal affairs division and with the county prosecutor.

You also need to file a Notice of Tort Claim within 90 days or you may lose your right to sue. Ask the police department for that form and make sure it is filed in time.

You can also call the ACLU hotline:
973-642-2084 or visit
www.aclu-nj.org/profiling to report your race or ethnicity-based traffic or pedestrian stop.

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