

Student Legal Services

**Interacting with Law Enforcement:
the DO'S and DON'TS**

DON'T ever physically resist, run from or verbally abuse a law enforcement officer.

Even if you've done nothing wrong or believe the officer is doing something illegal, you can be arrested and charged with a crime for responding this way.

DON'T make any sudden movements or throw something out of the window when pulled over in your car.

Any of these actions can give an officer legal cause to search your car. Just roll down your window slightly, place your hands on the steering wheel, and look for your license and registration after the officer asks for them.

DON'T lie.

Never provide a fake ID or lie about your identity or age. It virtually never works, and will often get you charged with an additional crime.

DON'T try to talk your way out of trouble.

Most of the time, you will do more harm than good. In general, if an officer has probable cause to arrest you, s/he will. It's much better to be quiet, and to politely ask questions if you have them.

DON'T admit any wrongdoing.

Under the 5th Amendment, you do not have to confess or admit to wrongdoing. Wait for the officer to tell you why you have been stopped or detained. When an officer pulls you over in your car, you are technically under arrest until the officer gives you a ticket and sends you on your way. This means that you have the right to remain silent, and anything you say to the officer can be used against you.

DON'T volunteer information.

You may want to be "helpful," but very often people unwittingly incriminate themselves by doing so. If you are arrested (at which time the police must read you your rights), and you request an attorney, law enforcement is not allowed to ask you any more questions without your lawyer present. If you are not arrested, **DO** ask: "Am I free to go?"

DON'T consent to a search if you do not want yourself, your car or your home searched.

Be clear and firm that you are NOT consenting to a search, because silence may be interpreted as consent. If the officer has "probable cause" or tangible evidence to conduct a search, s/he will not need to ask. Most searches, however, are done based on consent rather than probable cause. Make sure you are aware of tricks or ambiguous questions from the police. Remember, your rights don't disappear with threats (such as search dogs or jail) or with offers to help (such as "ripping up the ticket"). Also remember that for home searches, an officer MUST obtain a search warrant. Once you have made your objection clear, do not obstruct an officer's search.

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DO provide your name and photo ID if requested.

In general, this is the only information you are legally required to provide. When stopped while driving, you must also show current auto registration and proof of insurance. If stopped for a DUI, you can have your license suspended if you don't provide a blood, breath, or urine sample.

DO have a reputable, sober witness observe all interactions, if possible.

When it's solely your word against the officer's, yours will seldom prevail.

DO be aware that law enforcement officers can (and sometimes do) lie to suspects.

Examples include telling suspects that a lighter punishment will be recommended if the suspect confesses, or that suspects will be released if they cooperate.

DO be very careful whom you talk to about your case.

Phone calls from jail are recorded, other detainees may share what you say, and the police or prosecutor can question your friends and require them to testify.

DO be careful about posting incriminating information on the Internet.

This includes video content, pictures or comments, even if you are posting to a private site or personal profile. Law enforcement can (and often does) use this information against people.

KNOW YOUR RIGHTS!

When interacting with law enforcement, you always have the right to NOT consent to a search and to NOT admit any wrongdoing. Remembering this can save you in the tough, stressful situations that often arise when interacting with the police.