

the law offices of
JUDIE SAUNDERS



Your Guide to Police Encounters.

LEGAL DISCLAIMER:

All information contained herein is for educational purposes only. This information does not create an attorney-client relationship. You must contact an attorney about your unique circumstances. DO NOT rely on any information contained herein.

You Have Been Stopped by the Police



THE APPROACH

When approached by police only do what is necessary to hear instructions (i.e. only open car window 1-2 inches, or less)

BE SEEN, NOT HEARD

You have a right to not make incriminating statements or answer questions.

DO NOT SPEAK

Do not offer information (i.e. "I was in a rush, I'm late for work, I'm sorry or What did I do wrong?")

REMAIN CALM

Stay calm. Do not try to argue your case or persuade law enforcement.



The Questions



"GET OUT OF THE CAR!"

If instructed to exit your car, remain calm and follow instructions.

"WHERE ARE YOU GOING?"

Politely state that you will not make any statements or answer any questions.

"CAN I SEARCH YOUR CAR?"

NEVER, NEVER consent to the search of your car, person, premise or property. If law enforcement conducts the search - DO NOT make any comments before, during or after the search.



Talk, or You're Under Arrest



"TALK OR YOU ARE UNDER ARREST"

You have a right to not incriminate yourself or make statements against your interests. Do not make any statements.

"THREATENED WITH ARREST"

The threat of arrest usually ends in an arrest. Making statements and answering questions will hurt you and help the prosecution and law enforcement.



Can We Have a Look Around?



"CAN I SEARCH YOUR CAR?"

You should say NO! You can not search my car, person or property. If police are going to search your car do not give them your consent.

"YOU CAN HELP YOURSELF BY COOPERATING"

Again, do not consent to a search. You have a right to not consent to searches of your person and property.

"IF YOU DON'T CONSENT, WE WILL KEEP YOU HERE FOR A WARRANT"

If you are threatened with a search warrant, consenting to a search will not change the outcome. Do not consent.



The Bargain



"OFFICER, I'LL DO ANYTHING, WHAT DO YOU WANT TO KNOW?"

Remain Calm.

If you are handcuffed you will be transported and detained. Do not bargain. Do not make statements or answer questions.

Say, "I want an attorney."



What Happens Next?



AT THE POLICE STATION

Ask for an attorney. You will be "processed," held or released.

REPEAT AS NEEDED

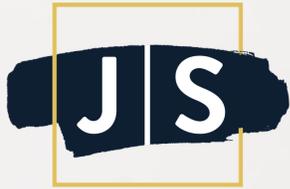
Assert *early and often* that you do not wish to speak, make a statement or be video taped.

RELEASE OR DETAIN

The decision to release or detain is NOT in your hands. Your statements will NOT help you or change the mind of law enforcement.



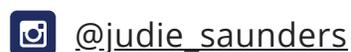
You can be informed and confident.



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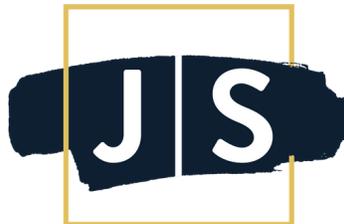


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YOU HAVE BEEN STOPPED BY POLICE.

- Open window 1-2" to hear instructions
- Do not offer information ("I was running late")
- You have a right to not answer questions
- Stay calm. Do not argue or try to persuade

"CAN WE TAKE A LOOK AROUND?"

- Say NO! Do not give consent to search your car, person or property.
- If threatened with a warrant, consenting to a search will not change the outcome

QUESTIONS FROM LAW ENFORCEMENT.

- If instructed, exit car and follow instructions
- DO NOT consent to search of car, person, premise or property
- If search is conducted, DO NOT comment before, during or after the search
- Politely state that you will not make any statements or answer any questions

"TALK, OR YOU'RE UNDER ARREST."

- You have a right to not incriminate yourself or make statements against your interests
- Politely state that you will not make any statements or answer any questions
- The threat of arrest usually ends in an arrest. Making statements will help the prosecution and law enforcement

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THE BARGAIN (BEING DETAINED).

- Do not bargain
- If you are handcuffed you will be transported or detained
- Do not make statements or answer questions
- **Say, "I want an attorney"**

WHAT HAPPENS NEXT (ONCE ARRESTED).

- **Ask for an attorney.**
- You will be "processed," held or released
- The decision to release or detain is NOT in your hands
- Your statements will NOT help you change the mind of law enforcement
- Assert early and often that you do not wish to speak, make a statement, or be video taped

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