

If the Police Come Knocking At Your Door? . . .

If the police knock at your door and ask to come into your home you do not have to let them in unless they have a warrant that has been signed by a judge. If they do not have a warrant, ask for a copy of it first. If it is an arrest warrant make sure that you look at the name on the warrant to make sure they have the right person. If it is a search warrant make sure it is for your specific address and note to see what is listed on the warrant to be searched for in your home. With this warrant, if it is proper on its face, you must step aside and let them into your home.

If the police do not have a warrant you may but do not have to let them in unless they insist on coming in. Perhaps you can settle this matter at the door. If they do insist, over your objections then be careful to:

First, ask for a police badge.

Second, ask them what their purpose is in coming into your house.

Third, let them in only after they insist upon coming in.

Fourth, if you object then make sure you tell them you do not consent to any search of your home.

Fifth, remember the badge numbers, what they look like and the time of day. Write it all down.

Whenever the police take any of your property they are required to give you a written receipt for it. If the police don't offer you one then don't hesitate to ask them for it. They are not required to give you a receipt for property they intend to book as evidence such as stolen goods, guns, etc.

The police may also search without a warrant whenever they have arrested a person. They may search his person and the area close by where the arrest was made. If made in the home that means the room where the arrest was made.

They may also search after consent is given, so if you object be sure to make it clear that you do not agree to any kind of search. They may also search when there is an emergency (for example, someone screaming for help inside your home), or when they are chasing you or someone else into your home.

REMEMBER

1. If the police have stopped you they think they have reason to do so.
2. It is best to be calm and identify yourself.
3. In many situations, you can talk your way INTO jail just as well as you can talk yourself out of jail. By yelling or threatening a police officer, the BEST you can do is get yourself arrested . . . and who needs that.

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National Black Police Association

WHAT TO DO WHEN STOPPED BY THE POLICE



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FOREWORD

The basic materials in this manual were prepared by Police and Community Enterprise—Project PACE.

The National Black Police Association, an umbrella organization representing over 30,000 dedicated Black police officers nationally, stands for unity, justice and peace.

The NBPA exists to help prod law enforcement agencies to be sensitive to the needs and concerns of firstly Blacks, other minorities, women and poor people.

We hope that this pamphlet will be helpful. We urge, however, that you do not rely on it as a legal advisor. But we hope the information presented here will keep you from having to go to jail.

It Could Happen To You

What is your name?

Where do you live?

Have you got any identification?

These are very simple questions. They can be answered very easily by almost everyone. But when a police officer asks these questions, it can cause a lot of problems both for the police officer and for YOU. Most of the time there is a reason why he is asking you such questions although it may seem to you that there isn't. He may be investigating a complaint phoned into the police by someone in the neighborhood. He may have been informed by police radio that there has just been an armed robbery. For one reason or another you may be the person he suspects. You may have knowledge that will help him in his investigation. Or, he may think that you are having trouble.

Sometimes he may be going about getting his answers in the wrong way by not respecting YOUR RIGHTS. Sometimes you may over-react to his questions and create an even more serious situation.

We will attempt to explain what rights you have, what things you should remember and what you can expect when a police officer starts asking you a lot of questions . . . it could save you from answering a lot more unnecessarily.



If You Are Stopped By The Police In Your Car

If you are driving a vehicle the police officer can ask you to pull over at any time. You will probably be asked to produce your driver's license and registration of the vehicle. This you must do if he asks for them. The best thing to do in this situation is to pull over and sit tight. If you are stopped at night, turn on your dome light and show him that nothing is wrong. It is best to do nothing that would give him reason to search further. Having your light on and keeping your hands on the steering wheel will usually put his mind at ease. Then, when he asks you for your ID you can go about getting it.

Chances are that he is about to write you out a ticket for a traffic violation. Of course, you may start to explain at this point but that is as far as you should take it. Be careful about how you protest. He may start checking your whole car out for Vehicle Code Violations. It is unfortunate but true. A simple traffic violation stop may start costing you a fortune in fines for other violations. If you think that he gave you a bum ticket then carry your protest to Traffic Court.

If You Are Stopped By The Police On The Street? . . .

Most of the problems that you may have with the police can be avoided at the time they first stop and question you. Remember, they *think* they have reason (probable cause) to stop you and ask you some questions.

At this point you should stop and get yourself together. Whether or not you are arrested may just depend on how much of you have gotten together by the time you have to answer who you are.

There are many factors that a police officer will take into consideration when he is observing you and thinks you are up to no good. Every situation is different and he will usually consider the following factors:

1. When you are running and a crime has just been reported in the area.
2. If you are hanging around with some people who under police investigation for one thing or another.
3. You are near an area where a crime has just been reported.
4. You are somewhere where he thinks people have no reason to be that time of day and night.
5. You are acting in a way that appears to him to be very suspicious, and you act even more suspiciously when he sees that you have spotted him.
6. He thinks that you have stolen property in your possession.
7. He stops you walking on the street or driving in your car and you refuse to answer simple questions, give false or evasive answers or make contradicting statements.
8. Someone has pointed you out to him.
9. When you tell him that police are pigs, or start bad-mouthing him . . . you may be saying the wrong things at the wrong time.

While all these things are taken into consideration by the officer in determining whether he should stop you or ask more questions HE MUST STILL RESPECT YOUR RIGHTS NOT TO ANSWER ANY QUESTION THE MINUTE THE QUESTIONS SOUND LIKE YOU ARE BEING ACCUSED OF ANYTHING.