

We all recognize the need for law enforcement, but we should also understand our rights and responsibilities, especially in our relationship with police. Everyone, including minors, has the right to courteous and respectful police treatment. While what you say to the police is always important and can be used against you, if you feel your rights have been violated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney or file a written complaint with the Police Department's Internal Affairs Division. If you are not satisfied with the outcome of the Internal Affairs Investigation, you may file a complaint with the Civilian Law Enforcement Review Board.

# WHAT TO DO IF YOU ARE STOPPED BY THE POLICE



## Civilian Law Enforcement Review Board

Benjamin L. Hooks Central Library  
3030 Poplar Ave.  
Memphis, TN 38111  
Human Resources, First Floor  
(901) 636-6840



## If You Are Stopped By The Police Remember To:

- Be polite and respectful. Never bad-mouth a police officer.
  - Stay calm and in control of your words, body language and emotions.
  - Don't get into an argument with the police.
- Remember anything you say or do can be used against you.
- Keep your hands where the police can see them.
  - Do not run. Don't touch any police officer.
  - Do not resist, even if you believe you are innocent.
  - Do not interfere with or obstruct the police; you can be arrested for it.
  - Do not complain on the scene or tell the officer he/she is wrong or that you're going to file a complaint.
  - Remember the officer's name and/or badge number and patrol car numbers.
  - Write down everything you remember ASAP.
  - Try to find witnesses & their names & phone numbers.
  - If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.

## If You Are Stopped In Your Car:

1. Upon request, show them your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is unlawful for police to arrest you simply for refusing to consent to a search.
2. If you are given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.
3. If you're suspected of drunk driving (DUI) and refuse to take a blood, urine or breath test, your driver's license may be suspended.



## If You Are Arrested or Taken to a Police Station:

1. You have the right to remain silent and to talk to an attorney before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later in court, based on what you and your lawyer decide is best.
2. Ask to see a lawyer immediately. If you cannot pay for a lawyer, you have the right to a free one and should ask the police how the lawyer can be contacted. Don't say anything without a lawyer.
3. Within a reasonable time after your arrest or booking, you have the right to make a local phone call to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.
4. Do not make any decisions about your case until you have talked with a lawyer.



## In Your Home:

1. If police officers knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
2. However, in some emergency situations (like when a person is screaming for help inside or when the police are chasing someone), officers are allowed to enter and search your home without a warrant.
3. If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

## If You Are Stopped For Questioning:

1. It is not a crime to refuse to answer questions, but refusing to answer can make the police suspicious of you.
2. Police may "pat down" your clothing if they suspect a concealed weapon is present. Don't physically resist, but make it clear that you don't consent to any further search.
3. Ask if you are under arrest. If you are, you have a right to know why.
4. Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. This could lead to your arrest.

## If The Police Approach You on the Street:

Innocent individuals are often offended or angered because an officer has detained them for questioning. Although the delay might be inconvenient for you, the officer believes there is a reason (probable cause) to stop you and ask questions. Most stops are not officer-initiated. The following are the most common reasons an officer may stop you.

1. Your clothing might be similar or identical to clothes worn by the perpetrator of a crime.
2. You might be one of only a few people walking around in the vicinity where a crime has recently occurred.
3. Someone may have called the police complaining about your presence or that you looked "suspicious."
4. Someone might have pointed you out to the police officer.
5. You might be acting in a manner that an officer considers "suspicious," and you may act even more suspicious after realizing that the officer is observing you.