

PROTECT YOUR RIGHTS



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What You Don't Know Can Hurt You

by Ronda Dixon, Esq.

Sometimes clients do and say things that reduce their options and compromise their rights in the earliest moments of their interactions with the police. Often they make these mistakes from ignorance or because they do not understand their rights. Sometimes, in an honest desire to be helpful and truthful in speaking to the police, they put themselves in very bad situations they could easily avoid. Sometimes they fail to exercise rights they have that could have protected them and their families. Sometimes they do things after an arrest, or after they have been charged, that make things worse.

This guide is designed to give you an introduction to some legal fundamentals and some guidelines that will, in most situations, help you minimize the the rights you give away and maximize the ability of an attorney to defend you.

When You Are Stopped on the Street

If you are stopped by police on the street, they can ask you questions, but you are not legally required to answer them. They may search you only with probable cause, and they may not detain you indefinitely. You are obligated to obey their instructions. **To protect yourself, stay calm, don't run, don't argue. Keep your hands where police can see them. Never resist or obstruct the police, even if you are innocent or the police are violating your rights.** Ask why you are being stopped. Ask if you are free to go. If questioned, tell the officers you wish to remain silent, then remain silent. Never consent to a search. If you are arrested, ask for a lawyer immediately.

Immigration Status Issues

You have constitutional rights regardless of your immigration or citizenship status. You have the right to remain silent and cannot be punished for refusing to answer questions. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. If you are over 18, always carry your immigration documents with you. If you do not have immigration papers, tell officers you want to remain silent. Never lie about your citizenship status or provide officers with fake documents. Instead, exercise your right to remain silent and ask for an attorney.

Note: Other rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers. If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must provide them if you have them with you.

For Example

You: Why am I being stopped, Officer?

Officer: You fit the description of a suspect in a local robbery. I'd like to ask you some questions.

You: Am I being arrested?

Officer: No, you are free to go.

OR

Officer: Yes, you are being arrested.

You: Then I am asserting my right to remain silent and I want to speak to a lawyer. I do not consent to any searches.



Police Officers are legally allowed to lie, intimidate, and bluff. When you remain calm and follow these instructions you protect yourself, and you give your lawyer the maximum possible help in defending you.

When You Are Stopped in a Car

- Don't panic, don't run, don't argue. Never resist or obstruct the police, even if you are innocent or the police are violating your rights.
- Roll down your window part way as soon as you are pulled over. Turn off the radio. Ask passengers to be quiet.
- When the officer approaches the window, ask why you are being stopped.
- Keep your hands on the wheel and ask for permission before you reach for anything.
- You must provide your drivers license, car registration, and car insurance information if you are driving and an officer requests them. Keep them where they can be easily reached, not in the glove compartment.
- Tell the officer if you have a gun in the car.
- Exit the car if the officer asks you to.
- If arrested, ask if you can move your car to a safe place or have a licensed driver drive it away. Ask for an attorney.
- If the officer gives you a ticket, sign it when asked.
- Ask if you are free to go.



What not to do . . .

- Do not consent to the PAS test.
- Do not consent to a search.
- Do not have open alcohol containers, guns, drugs, or other contraband in the car.
- Do not try to explain anything officers find in the car, whether it belongs to you or to anyone else. Assert your right to remain silent and then do so.
- Do not resist arrest.
- Do not refuse a roadside DUI test or you will be arrested and cited as guilty for refusal.
- Do not refuse a blood test. You must submit or you will be cited for refusal and your license will be suspended.

You Are Being Recorded

Almost all Officers now wear cameras so their interactions with you can be recorded. Remaining calm and respectfully asserting your rights helps your lawyer defend you if you do get arrested. **Remaining silent** after you provide license, registration, and insurance document, and after you provide your name, address, age, and birthday, ensures you aren't causing more problems for yourself and your attorney later.

Am I Free to Go?

You have a right to ask police officers if you are free to go. They do not have a right to detain you without cause. Asking "Why am I being stopped?" compels them to legally justify why you cannot go on your way.

IF YOU GET ARRESTED

In the Police Car and at the Police Station

- Tell the officers only your identifying information and nothing else. Do not offer any additional information, make accusations, try to explain anything, or make conversation.
- State that you want to remain silent and you want to speak to a lawyer. You are entitled to 3 phone calls within 3 hours of getting arrested. Call a lawyer, bail bondsman, or relative who will call a lawyer on your behalf. If you have children under 18 you get 2 additional calls. You are entitled to ask for these calls. If you have children make sure you let the officers know.
- If you don't have a lawyer, you can ask that one be appointed for you. You can change lawyers after arrest if desired.
- Do not assume that the police are recording your calls, except calls you make to your lawyer.
- Do not talk about your case on the phone to anyone except your lawyer.
- Do not make any decisions in your case until you speak to your lawyer.
- You are innocent until proven guilty. Police officers are responsible for making arrests and gathering data for your prosecution. They are not your judge, jury, or attorney. When you understand this, it is easier to feel more comfortable being polite, respectful, and silent while you are being held.

After You Are Released

Do not talk about your case to family or friends. Do not discuss the case with witnesses or other people who were with you when you were arrested. Do not contact your accuser, if you have one, or try to talk anyone into doing anything or saying anything on your behalf. Anyone you talk to can be called as a witness. It's possible to tell them things which make them party to a crime without intending to. The only person you need to talk to about your case is your attorney. You need to be truthful with your attorney so she can help you.

If You Are Helping Someone Who Has Been Arrested

Help them find an attorney and, if necessary, licensed mental health care to cope with the stress of being arrested and/or charged. Do not talk to them about their case or advise them to make legal decisions before they have conferred with their attorney. You protect their interests best when you get them the help they need.

Call for a Free Case Evaluation 1-877-384-5239