

## WHAT TO DO IF YOU'RE STOPPED BY THE POLICE

### YOU HAVE THE RIGHT TO REMAIN SILENT AND NOT MAKE A STATEMENT. EXERCISE THIS RIGHT!

- Remember, anything you say or do can be used against you.
- Think carefully about your words, movement, body language, and emotions.
- Don't get into an argument with or lie to the police.
- Keep your hands where the police can see them.
- Don't run. Don't touch any police officer. Don't resist even if you believe you are innocent.
- Don't complain on the scene, tell the police they are wrong or that you are going to file a complaint or lawsuit.
- Do not make any statements regarding the incident.
- In order to preserve your right to remain silent, you must clearly tell the police officer that you are invoking your right to remain silent and then be silent.
- Ask for a lawyer immediately upon your arrest.
- Write down everything you remember ASAP. Remember officers' badge and patrol car numbers. Try to find witnesses and their names, addresses and phone numbers.
- If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.

and officers may search your vehicle if they believe it contains evidence related to your arrest.

- If you're given a ticket, you should sign it; otherwise you can be arrested. You can object later in court.
- If you're suspected of drunk driving (OVI), the police may require you to take a physical or chemical test. If you refuse, your driver's license will be suspended immediately. If you take the test and are over the limit, your license will be suspended immediately. You may appeal the license suspension later in court. If you have a prior OVI and refuse a test, you may face increased penalties if convicted.

## IN YOUR HOME

- If the police ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
- However, in some emergency situations (if a person is screaming for help inside or the police are chasing someone who runs into your house) officers are allowed to enter and search your home without a warrant. This may include situations in which the police have approached your home, identified themselves, and then hear sounds or other activity that leads them to believe evidence is being destroyed.

- What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you, and search you and your car especially if you bad-mouth a police officer.
- You don't have to answer any questions asked by the police. However, you are required to provide your name, address, and date of birth upon request. You can be arrested in Ohio for refusing to provide this information.
- You should never consent to any search of yourself, your car, your cell phone or your house. If you DO consent to a search, it can affect your rights later in court. If the police say they have a search warrant, ASK TO SEE IT.
- Do not interfere with or obstruct the police—you can be arrested if you do.

## IF YOU'RE STOPPED FOR QUESTIONING

- You are required to provide your name, address, and date of birth if a law enforcement officer asks. You may refuse to answer any additional questions.
- Police may pat down your clothing if they suspect you are carrying a weapon. You may not physically resist, but you should clearly state that you do not consent to any search.

- If you are arrested, the police can search you and the area close by, which usually means just the room you are in. Police may need a warrant to search other rooms in the home.

## IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

- You have the right to remain silent, but you must clearly tell the police officer that you are invoking it. Tell the police nothing except your name, address, and date of birth, if requested. Don't give any explanations, excuses or stories. You can make your defense later in court, based on what you and a lawyer decide is best.
- Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one, and should ask the police how a lawyer can be contacted. Don't say anything without a lawyer.
- 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 any calls made between you and a lawyer. Other phone calls, however, could be recorded, and what you say could potentially be used against you later in court.
- You are entitled to be taken before a judge on the next court day after you are charged. Sometimes you can

- Ask if you are under arrest. If you are, you have a right to know why. If you are not under arrest you have the right to leave.
- Don't bad-mouth a police officer or run away, even if you believe what is happening is unreasonable. This could lead to your arrest.

## IF YOU'RE STOPPED IN YOUR CAR

- If you're stopped in a car, you must show the officer your driver's license, registration, and proof of insurance upon request. In addition, your passengers must provide name, date of birth, and address upon request.
- Police may frisk anyone in the car they believe may be armed.
- Your car can be searched without a warrant if the police have reason to believe that criminal activity is likely taking place, you have been involved in a crime, or you have evidence of a crime in your car. This includes containers in your car and the belongings of your passengers. To protect yourself later, you and your passengers should make clear that you do not consent to a search.
- If the stop leads to your arrest, the police may search the area of your vehicle that is within your reach at the time

be released without bail or have bail lowered. Ask your lawyer about this possibility.

- Do not make any decisions in your case until you have talked with a lawyer.

*We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities, in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment. If your rights are violated, don't try to deal with the situation at the scene. You can talk to a lawyer afterwards, file a complaint with the Internal Affairs Division or Civilian Complaint Board, or with the ACLU of Ohio at <http://acluohio.org/about/ComplaintForm.htm>.*

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