

⊕

Tips for Black Males When Stopped by the Police

Compiled by the American Civil Liberties Union

To fight police abuse effectively you need to know your rights. There are some things you should do, some things you must do, and some things you cannot do. If you are in the middle of a police encounter, you need a handy and quick reference to remind you what your rights and obligations are.

Please visit www.aclu.org to get the following for *free*, as a download, so that you can carry it with you at all times.

THE BASICS, Part 1

1. Think carefully about your words, movement, body language, and emotions.
2. Don't get into an argument with the police.
3. Remember, anything you say or do can be used against you.
4. Keep your hands where the police can see them.
5. Don't run. Don't touch any police officer.
6. Don't resist even if you believe you are innocent.

Tips for Black Males When Stopped by the Police

7. Don't complain on the scene or tell the police they're wrong or that you're going to file a complaint.
8. Do not make any statements regarding the incident. Ask for a lawyer immediately upon your arrest.
9. Remember officers' badge and patrol car numbers.
10. Write down everything you remember ASAP.
11. Try to find witnesses and their names and phone numbers.
12. If you are injured, take photographs of the injuries as soon as possible, but make sure you seek medical attention first.
13. If you feel your rights have been violated, **file a written complaint** with the police department's internal affairs division or civilian complaint board.

THE BASICS, Part 2

1. 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, especially if you badmouth a police officer.
2. You must show your driver's license and registration when stopped in a car. Otherwise, you don't have to answer any questions if you are detained or arrested, with one important exception. The police may ask for your name if you have been properly detained, and you can be arrested in some states for refusing to give it. If you reasonably fear that

Tips for Black Males When Stopped by the Police

your name is incriminating, you can claim the right to remain silent, which may be a defense in case you are arrested anyway.

3. You don't have to consent to any search of yourself, your car, 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*.
4. Do not interfere with or obstruct the police—you can be arrested for it.

IF YOU ARE STOPPED FOR QUESTIONING

1. It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you. If you are asked to identify yourself, see paragraph 2 above.
2. Police may “pat down” your clothing if they suspect a concealed weapon. 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 badmouth the police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.

IF YOU'RE STOPPED IN YOUR CAR

1. Upon request, show them your driver's license, registration, and proof of insurance. In certain cases,

Tips for Black Males When Stopped by the Police

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 not lawful for police to arrest you simply for refusing to consent to a search.

2. If you're 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 drunken driving and refuse to take a blood, urine, or breath test, your driver's license may be suspended.

IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

1. You have the right to remain silent and to talk to a lawyer 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 can't pay for a lawyer, you have a 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.

Tips for Black Males When Stopped by the Police

4. Sometimes you can be released without bail or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge on the next court day after arrest.
5. Do not make any decisions about your case until you have talked with a lawyer.

IN YOUR HOME

1. If the police 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 (such as 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.
4. We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities—especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment.
5. If your rights are violated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney afterward or file a complaint with the internal affairs or civilian complaint board.