



## **KNOW YOUR RIGHTS**

# **Stopped by Police**

Being stopped by police is a stressful experience that can go bad quickly. Here we describe what the law requires and also offer strategies for handling police encounters. We want to be clear: The burden of de-escalation does not fall on private citizens — it falls on police officers. However, you cannot assume officers will behave in a way that protects your safety or that they will respect your rights even after you assert them. You may be able to reduce risk to yourself by staying calm and not exhibiting hostility toward the officers. The truth is that there are situations where people have done everything they could to put an officer at ease, yet still ended up injured or killed.

## **I've been pulled over by the police**

### **Your rights**

- Both drivers and passengers have the right to remain silent.
- If you're a passenger, you can ask if you're free to leave. If yes, you may silently leave.

### **How to reduce risk to yourself**

- Stop the car in a safe place as quickly as possible.
- Turn off the car, turn on the internal light, open the window part way, and place your hands on the wheel. If you're in the passenger seat, put your hands on the dashboard.
- Upon request, show police your driver's license, registration, and proof of insurance.
- Avoid making sudden movements, and keep your hands where the officer can see

them.

## **What to do if you are arrested or detained**

- Say you wish to remain silent and ask for a lawyer immediately. Don't give any explanations or excuses. Don't say anything, sign anything, or make any decisions without a lawyer.
- If you have been arrested by police, you have the right to make a local phone call. The police cannot listen if you call a lawyer. They can and often will listen to a call made to anyone else.

## **If you believe your rights were violated**

- Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses.
- If you're injured, seek medical attention immediately and take photographs of your injuries.
- File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish.

## **What you can do if you think you're witnessing police abuse or brutality**

- Stand at a safe distance and, if possible, use your phone to record video of what is happening. As long as you do not interfere with what the officers are doing and do not stand close enough to obstruct their movements, you have the right to observe and record events that are plainly visible in public spaces.
- Do not try to hide the fact that you are recording. Police officers do not have a reasonable expectation of privacy when performing their jobs, but the people they are interacting with may have privacy rights that would require you to notify them of the recording. In many states (see [here](#)) you must affirmatively make people aware that you are recording them.
- Police officers may not confiscate or demand to view your photographs or video without a warrant, and they may not delete your photographs or video under any circumstances. If an officer orders you to stop recording or orders you to hand over your phone, you should politely but firmly tell the officer that you do not consent to doing so, and remind the officer that taking photographs or video is your right under the First Amendment. Be aware that some officers may arrest you for refusing to comply even though their orders are illegal. The arrest would be unlawful, but you will need to weigh the personal risks of arrest (including the risk that officer may search

you upon arrest) against the value of continuing to record.

- Whether or not you are able to record everything, make sure to write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, how many officers were present and what their names were, any use of weapons (including less-lethal weapons such as Tasers or batons), and any injuries suffered by the person stopped. If you are able to speak to the person stopped by police after the police leave, they may find your contact information helpful in case they decide to file a complaint or pursue a lawsuit against the officers.

### **Additional resources**

If you need more information, contact your [local ACLU affiliate](#).

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