

KNOW YOUR RIGHTS: POLICE INTERACTIONS

Below are some basic tips for police interactions. First and foremost: Please always be polite and respectful with police. Anything contrary to that will not play out in your benefit.

TWO MAIN THINGS TO REMEMBER: 1. Right to Remain Silent. 2. Never Consent to a Search.

I cannot tell you how many times I have had clients get into bad situations for volunteering information or for consenting to a search. Please NEVER forget your RIGHT TO REMAIN SILENT. If a police officer asks “have you been drinking?” Your answer is: I am exercising my right to remain silent. Now, you may ask, “But doesn’t that make me look guilty?” The answer is NO. This is one of our basic “Miranda” rights. Remaining silent can NEVER be used against you in court. If you say “yes” to the officer’s question about whether you’ve been drinking, then that WILL be used against you. If you say “no” and the officer obtains evidence to the contrary, the lie will be used against you in court to attack your credibility.

Next, NEVER CONSENT TO A SEARCH. If the officer still decides to search you, do not resist it. You have made your record that you do not consent and it can later be deemed invalid if the cop did not have “probable cause” to search you. If you do consent, whatever they find CAN and WILL be used against you and no “probable cause” is needed. KEEP IN MIND: Cops often won’t use the word “search,” rather they will try and say something much more subtle like, “Can I take a look?” Your answer is always the same: NO, I do not consent to any searches.

PULLED OVER?

1. Be polite and respectful.
2. DO: Provide DL, Insurance, and Registration.
3. DO: Sign your ticket (or you could be arrested).
4. DON’T: Consent to a search. If the officer asks, kindly say, “I don’t consent to a search.”

DUI INVESTIGATIONS

1. PLEASE DON’T DRINK/SMOKE AND DRIVE!
2. DON’T: Volunteer information. You have the RIGHT TO REMAIN SILENT, use it! You don’t have to answer the officer’s questions about what you did that night/day and what you have had to drink. “Officer, I’d like to exercise my right to remain silent.”
3. DON’T: Agree to Field Sobriety Tests (FST). Even sober people don’t do well on them and they can be used against you in court.
4. DON’T: Refuse a breath test or blood test. Your license will be suspended for one year. You must do ONE-- either breath or blood. Blood is more accurate and buys more time (because they need to take you to the hospital).

CALL GOULD & JEFFERSON LLP ANYTIME FOR FURTHER INFORMATION: (310) 899-9529