

# KNOW YOUR RIGHTS

## WHAT YOU SHOULD DO IF YOU HAVE AN ENCOUNTER WITH THE POLICE

### 1. What should I do if I am stopped by the police?

Being respectful, calm and avoiding arguing are the most important things to remember when stopped by an officer. Keep your hands where they can be seen by the police officers and do not run. Also, it's good to try and memorize the police officers' names.

If you're stopped in your car, place your hands on the steering wheel as the police approach. Show the officer your driver's license, registration and proof of insurance upon request. In certain cases, your car can be searched without a warrant, so to protect yourself later, you should state that you do not consent to a search. It's unlawful for an officer to arrest you for refusing to consent to a search. If you're asked to sign a ticket, sign it. You can always fight it later. And if you are suspected of drunk driving, you will be asked to take a breath-alcohol and coordination test. If you fail or refuse

to take the test, you will be arrested. Also your license may be suspended, and your car may be impounded.

### 2. What should I do if I am questioned by the police?

You should always give your correct name and general identification information. Remember to carry some form of ID with you at all times. Make sure that you know the phone numbers where your parents, guardian or relatives can be reached.

If you are in your home and the police ask to enter, you don't have to let them in unless they have a warrant signed by a judge. Only in an emergency situation, will an officer be allowed to enter without a warrant. If you are arrested in your home or office, the police can search you and the area immediately surrounding you or where evidence of criminal activity is found.

### 3. What should I do if I am arrested by the police?

Again being respectful, calm and avoiding an argument are all important. Also, do not resist the arrest. Look around to see if there are any witnesses and ask for a lawyer. Do not make any statements.

Remember that you have the right to remain silent and to consult with a lawyer. Give the police your name and address, but do not give any explana-

tions, excuses or stories about the matter for which you are being arrested. You can make your defense later in court, after consulting with your lawyer.

If you have a lawyer, ask to see him or her immediately. If you can't afford a lawyer, you have a right to have one appointed when your case goes to court. You can ask the police to contact a lawyer, but remember not to say anything without a lawyer.

Within a reasonable time after your arrest or booking, you should ask the police to contact a family member or friend. If you are permitted to make a phone call, anything you say at the precinct may be recorded or listened to. So be careful, never talk about the facts of your case over the phone.

Remember not to make any statements or decisions without talking to a lawyer first.

### 4. What if I have been mistreated by the police?

It is important to remember that if you are a defendant in a criminal case, you must discuss with criminal attorney any action you might consider taking in connection with your mistreatment by the police.

There are several government agencies that review complaints against the N.Y.P.D. Anyone can file a complaint by contacting the Civilian Complaint Review Board:

- **Civilian Complaint Review Board (C.C.R.B.)**

40 Rector St. 2nd Floor.  
New York NY 10006  
Phone: (212) 442-8833

C.C.R.B. complaints may be filed in person, by telephone, or by mail. Complaint forms are available at all New York City police stations. The C.C.R.B. has authority to investigate and to recommend departmental action against officers engaging in excessive force, abuse of authority, discourtesy, and offensive language.

Complaints about stealing, bribe receiving or “moonlighting” by police should be referred to the N.Y.P.D. Internal Affairs Division by calling 1-800-PRIDE-PD, or (212) 741-8401. Complaints can also be made in person at:

- **Internal Affairs Division**

315 Hudson Street, 3rd floor  
New York, NY 10013

Recurrent discriminatory practices at the precinct level should be referred to the State Attorney General, Civil Rights Bureau at (212) 416-8000 or by writing to:

- **New York State Attorney General**

Civil Rights Bureau  
120 Broadway, 25th floor  
New York NY 10271

It's important to remember that if you are a criminal defendant, or if you, a friend or a relative has been seriously injured by the police, you should consult an attorney before making a complaint to any government agency. Your statement to the government agency may be used against you in your criminal case, or may hurt your chances of winning a civil case. We strongly advise against initiating a civilian complaint on your own while a criminal or civil action is pending. The officer you are complaining about will be shown your C.C.R.B. complaint against him before your case is presented in court.

Both the C.C.R.B. and the I.A.D. will accept a complaint that is filed by your lawyer, and postpone taking your statement until your case is over.

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MAKING THE CASE FOR HUMANITY

The Legal Aid Society  
199 Water Street  
New York, NY 10038  
Phone: 212-577-3300  
Fax: 212-509-8432  
[www.legal-aid.org](http://www.legal-aid.org)



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