

*& A workshop in rights and responsibilities
when a citizen is stopped by a
police officer*

You've Been Stopped!

& On the Street or in Your
Car: Does this Look
Familiar?

& It doesn't have to be this
way.

Police Contact

- ⌘ Etiquette: Politeness and Respect is your base for all social contacts:
Control your emotions no matter what.
- ⌘ This is especially important if you have had negative experiences (harassed) with the police
- ⌘ When you control your emotions you control everything else around you.
This includes the police officer, witnesses, friends and everyone else in the criminal justice system.

Maintaining Your Base

- ⌘ Neither friendly nor hostile – the officer is not your friend; he may be a friend in another social situation, like a community meeting. He is not your friend in this encounter – be formal, don't joke around.
- ⌘ Civil is not hostile. Hostility is exhibited in tone, gestures, and body language, as well as words. You should express yourself in a formal and civil manner. You may not feel like it, but don't show a negative attitude.
- ⌘ When this isn't done, and you exhibit a hostile attitude this causes the officer to feel out of control and disrespected. The officer will often try to establish control through harshness and disrespecting you.

Formal and Civil

& The police officer, like a fireman or coal miner is required to go into dangerous situations. He/She does this to protect citizens from crime. You personally benefit because he does this, even if he is stopping you for no reason or disrespecting you. Consider a city without police; this is what the projects were like in the 80s and all cities were like less than 200 years ago. Consider the officer's state of mind and then consider how to maintain control.

Understanding the Officer

- ⌘ The officer may be afraid. He can be afraid physically; that he will be shot, stabbed or hit. This fear is the usual cause when innocent citizens get hurt or killed, Your first goal is to alleviate the officer's fear of physical injury.
- ⌘ The officer's job is to go into out of control situations – robberies, assaults and domestic violence calls. Your second goal is to make the officer feel in control.
- ⌘ You control the officer's fear as well as making him feel in control in three ways. Politeness, compliance, and not asking questions. Mind your PCQ's.
- ⌘ PCQ's serve you very well if things move to point step 'B' and/or step 'C' described below.

Manage the Officer's Fear and Need for Control

- ⌘ A police officer is allowed to lie to you. The officer is allowed to trick you as well as intimidate you through threats.
- ⌘ Police will often take advantage of the citizen's desire to be forthcoming and cooperative to find something damaging to use against them
- ⌘ If you lie to the police this will be used against you in future court hearings.
- ⌘ This situation is remedied by not talking to the police

Basic Police Rules

- ⌘ While you can refuse to say anything as well as refuse to identify yourself, exercising your 5th Amendment rights, it might be practical to answer some questions as well as identify yourself to avoid arrest.
- ⌘ The less you say the better it is. This is not the time to 'tell your side'
- ⌘ If you are arrested the rules change. You always and only say, "I chose not to speak. I want a lawyer." This is especially important if you are totally innocent. Totally innocent people are sent to jail because they violate this rule and talk to police. Check the Innocence Project for examples.

Answering Questions

- ⌘ Don't answer statements; they are not questions.
- ⌘ Don't volunteer – to excuse is to accuse.
- ⌘ Polite, with clear but minimal energy.
- ⌘ Answering questions allows you to demonstrate politeness and make the officer feel in control.
- ⌘ Repeat, don't elaborate.
- ⌘ Beware of trying to convince the officer of something, like your innocence. The more you try to convince the less respect the officer has for you. Silence is the best way to demonstrate innocence.

Too many words

- ⌘ The right to be silent: “I chose not to speak. I want a lawyer”
- ⌘ The right to not consent to searches. “I do not consent to searches”
- ⌘ The right to walk away: “Am I being detained? If not, I want to leave.
- ⌘ Repeat these statements, politely, don't explain or say why.
- ⌘ Don't tell the officer about your rights, do your rights.

Citizen: Basic Rights

- ⌘ Acting on your rights is not being pro-crime or uncooperative. It is being a patriot. The police are bound by the constitution and effective police work is done by not doing things that violates the citizen's constitutional rights.
- ⌘ By asserting your rights you are helping the police do better police work. This is particularly so since effective police work requires the support of the community. This support is compromised when you don't assert your rights effectively by acting in a polite and cooperative manner.

Citizen: Basic Responsibility

& Let's revisit the young man
in his car.

& What he should do and
how it plays

The Right Way

⌘ The officer must have 'probable cause' to arrest you. **What is probable cause?**

*“Apparent **facts** discovered through **logical inquiry** that would lead a reasonably intelligent and prudent person to believe that an accused person has **committed** a crime, thereby warranting his or her prosecution.*

⌘ The probable cause requirement comes from the Fourth Amendment of the U.S. Constitution

Rules of Police Contact

⌘ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon **probable cause**, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be searched."

The 4th Amendment

⌘ “Police may **briefly detain** and conduct a **limited search** of a person in a public place if they have a reasonable suspicion that the person has committed a crime. Reasonable suspicion is a level of belief that is **less than probable cause**. A police officer possesses reasonable suspicion if he has enough knowledge to lead a **reasonably cautious** person to believe that criminal activity **is occurring** and that the individual played some part in it. In practice this requirement means that an officer need not possess the measure of knowledge that constitutes probable cause to Stop and Frisk a person in a public place”.

Reasonable Suspicion: Stop and Frisk

- ⌘ An officer may **not arrest** a person on reasonable suspicion; he/she must have probable cause.
- ⌘ You cannot be arrested, searched or detained more than a **short period** if the officer does not advance to probable cause.
- ⌘ How does the officer advance to probable cause? Often **it's because of you**. You incriminate yourself by talking too much or you give permission to the officer to search you, your car, or your house.

Reasonable Suspicion: Limitations

- ⌘ **Slow and easy**, remember your goal is to cause the officer to feel in control.
- ⌘ **Don't reach into anything**, like your pocket to get identification, without the officer's permission.
- ⌘ Always slow and **show your hands**, especially in a car
- ⌘ Other than 'yes officer' **be silent** as you comply.
- ⌘ **Don't question the officer**, it creates confrontation and may confuse the police as they are trying to control a situation. You will find out anything important eventually.

Compliance

- ⌘ Compliance does not mean that you give up your rights.
- ⌘ Compliance does not mean you consent to a search just because the officer tells you to.
- ⌘ Compliance does not mean that you don't check to see if you are being detained and walk away if you are not.
- ⌘ Compliance doesn't mean that you answer questions that you don't want to.
- ⌘ Compliance means that you cause the officer to feel safe and in control. It does not mean that you help him incriminate you or give up your constitutional rights.

Compliance and Your Rights

⌘ There are three basic steps in the criminal justice system; starting with police contact:

⌘ A. Police Contact to Arrest

⌘ B. Arrest to Trial

⌘ C. Trial to Judgment

⌘ You want to act during police contact in a way during stage A that serves you in Stage B and C. Minding the PCQ's is extremely valuable to not go to step B and if you are arrested is even more valuable in Court.

Criminal Process: Three Basic Steps

& Say nine and only nine words.

& “I chose not to speak. I want a lawyer”

If you are Arrested

- ⌘ What do you do if an Officer is violent with you while you are being polite but are asserting your rights like refusing to give permission for a search?
- ⌘ Don't tell him what you are going to do or say you are going to report him. Stay calm and polite. No matter what don't put your hands on the officer or resist in any way. Severe abuse can lead to considerable money in civil damages if you do not resist.
- ⌘ After the officer is gone, write, write, write (one advantage of going to school):
 - ⌘ Immediately write down what happened and as much information you have concerning the identity of the officer.
 - ⌘ As quickly as possible find witnesses, get their contact information and write down what they tell you.
 - ⌘ Find anyone that might have videoed the encounter.
- ⌘ File a complaint with the Civilian Complaint Review Board.

What if Things Get Bad?

- ⌘ Not part of the police department
- ⌘ You can file the report on line and monitor it on line.
- ⌘ It works, even if your complain isn't acted on the way you want, you are creating a track record on the officer.
- ⌘ Four areas of complaint; **inappropriate force, abuse of authority, discourtesy** and **offensive language**.
- ⌘ Study the Board's web site:
www.nyc.gov/html/ccrb/html/home/home.shtml or
google search on "NY police review".

Civilian Complaint Review Board

- ⌘ If you have weed never take it out of your pocket or consent to a search. If the officer reaches into your pocket and takes it out he can only give you a citation. He will try and trick you into taking it out yourself so he can charge you with a misdemeanor and add you to his misdemeanor quota.
- ⌘ Calm, Cool, Compliant and Polite at all times and obviously never resist arrest. Pulling away for example is a crime in itself.
- ⌘ Again study the Review Board's website, particularly where they tell which complaints were upheld and which ones weren't, as well as the rules concerning Stop and Frisk.

Final Points

- ⌘ Always polite, respectful and emotionally controlled.
- ⌘ First and always, make the officer feel physically safe and in control. This is your responsibility as a citizen.
- ⌘ Second assert your rights to be silent, not give permission for a search, and being able to confirm if you are being detained or can walk away as needed. This is your responsibility as a citizen.
- ⌘ As long as the officer feels physically safe and in control, his upset and anger over you not cooperating in giving up your rights should be politely ignored. This is your responsibility as a citizen.
- ⌘ Be OK with the fact that the officer has been trained in conversational judo and will lie to trick you. But don't be played.
- ⌘ Silence is golden. Repeat the key phrase, over and over politely until the officer gives up on trying to intimidate you into giving up your rights.

Summary