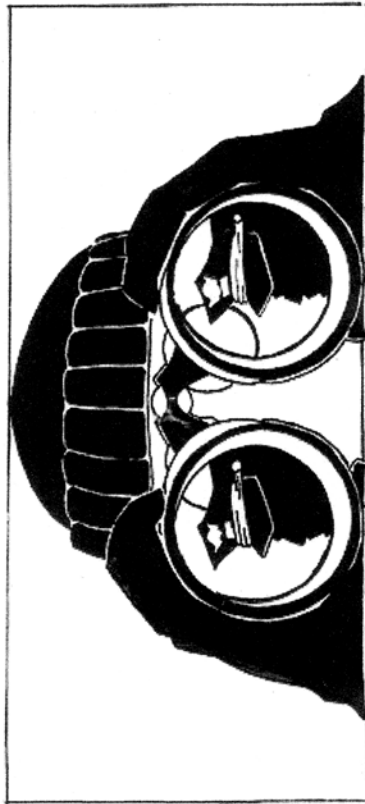


KNOW YOUR RIGHTS



**COPWATCH
OF EAST ATLANTA**

Copwatch0EA.org

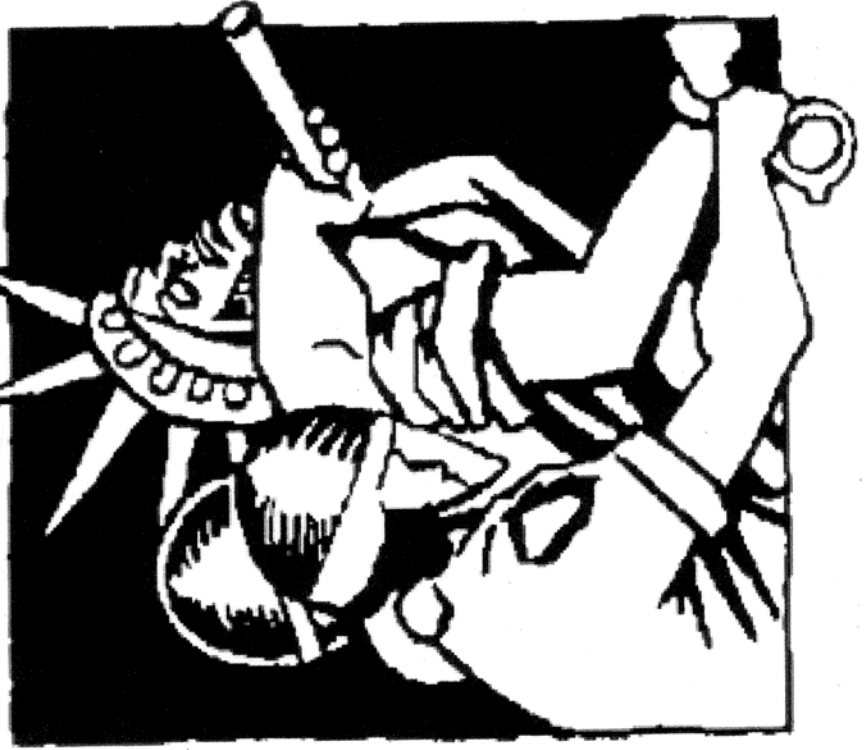
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**KNOW
YOUR
RIGHTS**



When dealing with the police

Why should I

Cops are not always here to protect and serve you. Unfortunately, there are crooked cops out there who will break the law and violate your rights. But even in these situations, it is important to still assert your rights - that will help you most later on. Cops also are not responsible for telling you your rights while you are being detained. It is up to you to know and confidently assert your rights!

Asserting your rights can be pretty scary. Most people are very intimidated in police situations and will comply with whatever the cops want. We forget that cops are supposed to be here to serve and protect us.

But what if you are in a situation in which you think you don't have anything to hide? Should you not assert your rights? Well, we have to remember that **it is the police's job** to suspect you and get you arrested. They want to be able to find some reason to take you downtown. So even if you think you haven't done anything wrong, police can manipulate your words and trick you into confessing a crime you weren't aware of. For example, a cop could ask you if you were at the scene of an accident. If you respond that no, you were just walking through the park, the cop could arrest you for being in the park past hours.

At your door

- Keep blinds drawn so police can't claim they see something inside
- Non-residents should not speak to the police or deal with them at all
- If you go to talk to the cops, bring a witness out with you. This person can witness you refusing searches, or police misconduct
- Step outside and lock the door behind you. **Do not allow them in**
- If they do have a warrant, ask to see it. make sure all info on it is correct, e.g. name, date, address. If not, send them away
- **Do not consent to a search EVER, even if they have a warrant:** if something's found later that was wrong with the warrant, it will still come down to whether you consented.
- Leaving the door open for them constitutes consent
- Do not physically resist
- You don't have to stay talking to them until they go away: You can go back inside and leave them on your doorstep (in fact, you don't have to answer the door at all)

In jail

Hey, even if you know your rights front and back and assert them perfectly, you might still get arrested.

- When cops are trying to interrogate you, they'll use tactics like snitch/countersnitch (Cops tell you your friend has rolled over on you) Even if it is true, it won't help you to talk. It is never in your best interest to talk to the police. Stay silent!

Remember, in jails, squad cars, etc., everything is being recorded. Some "prisoners" are actually plants, so don't talk about the incident in jail.

On the street

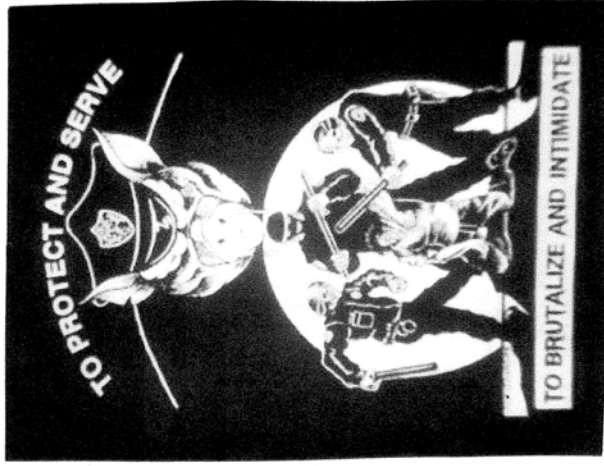
- Don't talk to cops
- Don't allow the cop to search you
- Ask if you're being detained or free to go, repeat until you're free to go.

In your car

- You have a right to pull over in a public, well-lit place if you're pulled over
- Only open your window a little way so they can't stick their head in all the way and say they smell something
- Keep hands in plain view on the wheel
- Leaving door open invites cop to smell/look in car, can lead to them trying to stick you with something
- handing over keys is consenting to a search
- Say "I don't consent to a search"
- Get out and lock the door behind you
- Ask, "am I being detained? Am I free to go?" until they say yes (or arrest you)
- Keep private items out of sight. If something is in plain view in your car (e.g. on the seat), cops have the right to seize it.
- Cops may make it seem like you will not be punished or not be punished as harshly if you "comply" (incriminate yourself)—don't believe their lies!!!! If they are planning to search you, they will search you. Telling them anything more only hurts YOU!



Know My Rights?



Cops will lie to you, and are legally allowed to do so. Lying is considered an accepted and effective interrogation technique. Cops are allowed to lie and say they're not cops - otherwise they wouldn't be effective undercover. Undercovers are also allowed to break the law - same reason. **This isn't entrapment.** To use the entrapment defense, the cops basically have to coerce you into breaking the law, and you have to look like an angel to the jury (no previous record, etc.). The entrapment defense is almost impossible to use successfully.

"Am I being Detained?"

There are three types of interactions with police:

Voluntary stop, Detention, and Arrest

A **voluntary stop** is any conversation with police. Cops don't need any reason or suspicion to do this, and it may be something as simple as "hi, do you live around here?" This kind of stop is completely voluntary, meaning you can leave any time. Often, the purpose of a voluntary stop is to get enough information from you to justify detaining or arresting you!

Cops have the right to **detain** you temporarily to investigate a possible crime—they need "**reasonable suspicion**" to be allowed to detain you. When you are being detained, you are not free to go, cops can hold you until they've investigated their suspicions. Then they must release or arrest you. While detaining you, cops are allowed to pat you down (more later on pat downs).

For an **arrest**, cops need **probable cause**, a stricter standard than reasonable suspicion. When you're arrested, you'll be taken downtown and "booked".

CONSENT SEARCH

"why not let the cops search me if I don't have anything illegal?"

- If you know you're carrying something illegal, agreeing to search won't help you
- Cops won't go easy on you if you make their job easier
- If you refuse the search, and they do it anyway illegally, whatever they find may get thrown out in court
- You might have something illegal without realizing it
 - e.g. you're wearing your friend's jacket, didn't realize it had a pot seed in a pocket
- even if there's nothing illegal, legal stuff can increase suspicion or even be incriminating
 - e.g. if cops are looking for a graffiti artist and you have markers in your bag
 - e.g. if cops suspect you were going to buy drugs and you have a lot of cash

I DO NOT TO A

If you're being detained, cops are allowed to do a "pat down" for weapons—they can feel the outside of your clothes **only**. If they feel something they think is a weapon, they can go in your pocket to get it, but nothing else. *They're not allowed to do anything beyond that*, e.g. looking in your pockets, backpack without either probable cause or consent from you. Consent means you voluntarily allow the search. This can be verbal ("Yes, you can search." "I guess so." "Go ahead...") or it can be physical (Opening a bag, emptying pockets, lifting your shirt). If they tell you to show or open something, they're asking for your consent (If they didn't need your consent, they'd just go into your pocket, not say "empty your pockets"). They might not ask nicely! It might not sound like a request: "Open your backpack!" Say "I don't consent to any searches." Be clear and loud, so witnesses around can hear.

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"Am I Free to go?"

If a cop is talking to you, odds are good they're gathering evidence in hopes of making an arrest. Often their best source of evidence is YOU—some information you give them by talking to them. So if you're allowed to leave, **LEAVE!** How do you tell whether you can go? Ask: "**Am I being detained? Am I free to go?**" You may need to repeat yourself—cops might ignore the question. If the answer is not "yes you're being detained", you can just say you're going to leave, then leave. Remember: even once you are detained, cops can't keep detaining you without cause. The most likely way for them to GET cause is something you tell them, or something they find on you. **So DON'T talk to them and DON'T consent to any searches!**

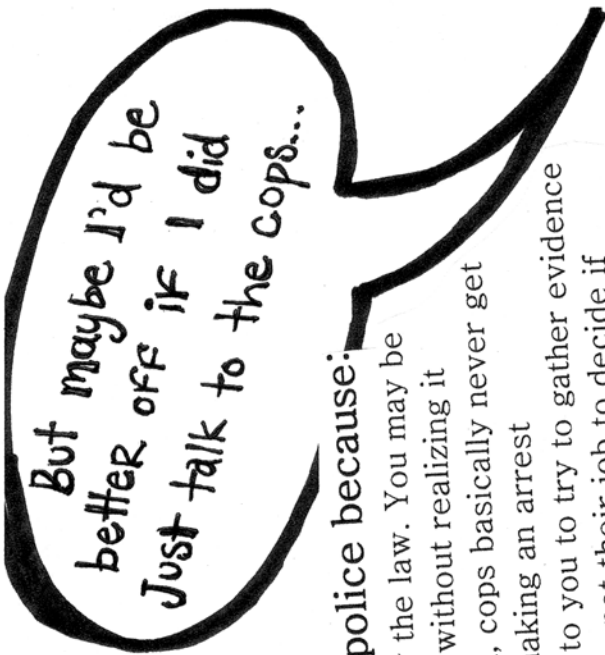
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'I'm going to remain SILENT. I want to speak to a lawyer.'

Q: What do I have to tell police?
A: Your name and your address. That is all you have to tell them, ever. If you're detained, you have to identify yourself. Either give ID or tell your name & address. But that's all! If a cop says you have to tell them something else, they're lying!

So how do you assert your right not to talk to cops? Say "I'm going to remain silent, I want to speak to a lawyer". This makes them stop questioning you.

Don't talk to the police—police want you to think that if you talk to them, you can explain yourself or get on their good side. This happens approximately once in a blue never. If they want to arrest you, they're looking for evidence against you, not for reasons to let you go. Even small talk can give them cause to detain you. You have a constitutional right to remain silent, and you can't legally be punished for asserting it.



Don't talk to the police because:

- You don't know the law. You may be breaking a law without realizing it
- It doesn't work, cops basically never get talked out of making an arrest
- Cops only talk to you to try to gather evidence against you. It's not their job to decide if you're guilty or not, they assume you are.
- You may accidentally confess to something without realizing
 - e.g. "I was nowhere near there, I just came through the park!" Well, being in the park after sunset is trespassing
- Even if you're innocent, you may accidentally tell a "white lie", which can incriminate you
 - e.g. "No, I was nowhere near there, I've never seen the place." But you were there a few months ago
- Even if you don't lie, your statements can be taken out of context to make you seem suspicious
 - e.g. "Yeah, some of my friends are into graffiti, but we only ever do it on legal walls."
- Cops may be investigating someone else, your statements could get them in trouble