

WHAT TO DO... WHEN STOPPED BY THE POLICE



*Allegheny County
Chiefs of Police Association*

IN PARTNERSHIP WITH THE
ALLEGHENY COUNTY DISTRICT
ATTORNEY'S OFFICE

ALLEGHENY COUNTY
CHIEF EXECUTIVE

FRATERNAL ORDER OF POLICE
LODGE # 91

PENNSYLVANIA
ATTORNEY GENERALS OFFICE

PENNSYLVANIA
HUMAN RELATIONS COMMISSION

UNITED STATES
ATTORNEY'S OFFICE

AND
OUR COMMUNITIES

FOREWORD

The basic materials in this pamphlet were reproduced by the Allegheny County Chief's of Police Association with permission from Deputy Chief Ondra Berry of the Reno NV. Police Department. **The guidelines have been modified, when appropriate, to reflect the operations of the various MUNICIPAL Police Departments in Allegheny County. It is designed to encourage cooperation and improve relations between the police and the citizens that we serve in the culturally diverse communities of Allegheny County.**

The information contained in this pamphlet is for your information and assistance. If you should have any additional questions about what the police can and cannot do, please contact your local police department or the District Attorney's Office.

IT COULD HAPPEN TO YOU...

What is your name?
Where do you live?
Do you have any identification?

These are simple questions that under **certain** circumstances police officers have the right and sometimes the obligation to ask. They can be answered easily by almost everyone. However, when a police officer asks these questions, it could cause problems for the police officer and YOU. Most of the time there is a reason why the officer is asking you such questions even though it may seem to you at the time that there isn't a reason.

The officer may be investigating a complaint phoned into the police by someone in the neighborhood. The officer may have been informed by the police radio that a crime has just been committed in the area. For one reason or another, you may be the person he or she suspects **may be** involved. You may have knowledge that will help the officer in the investigation, or the officer may think you are in need of assistance or help.

The officer has a responsibility and an obligation to obtain pertinent information to resolve any calls or incidents that he or she is involved in. Part of the investigative process is to ask questions that are relevant to the information the officer has received regarding the assignment. If you overreact to the officer's questions, you may create an even more serious situation.

We will attempt to explain what rights you have, things you should remember and what you can expect when a police officer starts asking you questions.....

IF YOU ARE STOPPED BY THE POLICE IN YOUR CAR...

While you are driving a car, if a police officer has reasonable suspicion or probable cause to believe that a violation of the Vehicle Code has been committed or a crime has occurred, you may be pulled over. You will probably be asked to show your drivers license, the registration to the vehicle, and proof that the vehicle is insured. You must comply with these requests. The best thing to do in this situation is to pull over, **stay cool and calm and remain in your car, unless told to do otherwise by the police officer(s).** If you are stopped at night, turn on your dome light and show the officer that there is nothing wrong, or any reason to fear for his or her safety. It is best not to make any sudden movement or do anything that would give the officer a reason to search further. Having your light on and keeping your hands on the steering wheel will usually put the officer's mind at ease. Remember the officer cannot read your mind, he or she does not know if you're a law-abiding citizen or a criminal, and unfortunately for his or her safety, must assume the worse case scenario at first. Only, when you are asked for your ID, should you go about getting it.

At this point, you may start to explain or question what you were doing that caused you to get stopped, but that is as far as you should take it. There is a chance that the officer will write you a ticket or warning notice for a traffic violation. When the officer asks you to sign the ticket or warning notice, it is **not an admission of guilt**, you are simply acknowledging that you received it. If you refuse to sign, the officer will still issue the ticket but will mark it "Refused." The officer may legally start to check your car for equipment code violations under the vehicle code. Be careful about how you protest. This is not the place to argue your case. If you feel that you are getting a ticket for something you **didn't do** or for something that is **not fair**, you should take your protest to court and explain your case to the Judge. Just because the officer gives you a ticket, **does not** automatically mean that you are guilty, or will be found guilty, or that you will have to pay a fine. **Remember, in America, you are innocent until proven guilty. You have the right to go to Court and to have the Judge hear your explanation, and if you don't agree with the Judge's decision, you can appeal.**

IF YOU ARE STOPPED BY THE POLICE ON THE STREET ...

Most of the problems that you may have with the police can be avoided at the time they first stop and talk with you

Remember, they think they have a reason (reasonable suspicion or probable cause) to stop and ask you some questions.

When the officer(s) approaches you, you should stop and again, remain cool and calm. There are many factors that a police officer will take into consideration when he or she is observing you and thinks you **may be** breaking the law or doing something suspicious. Every situation is different and the officer will usually consider the following factors;

1. Do you appear to be running away and a crime has just been reported in the area?
2. Are you hanging around with some people who are under police investigation for one thing or another?
3. Are you at or near where a crime has just been reported?
4. Are you somewhere where the officer thinks people have no reason to be at that time of day or night and your presence is suspicious, and you act even more suspiciously when the officer sees that you have spotted him or her?
5. The officer thinks that you may have stolen property in your possession.
6. The officer legally stops you on the street or while driving in your car and you refuse to answer simple questions, give false or evasive answers or make contradicting statements.
7. Someone has pointed you out as a possible suspect involved in a crime.
8. Are you hanging around places and people who are using or selling drugs?
9. Are you using obscene language, acting disorderly, or drunk and/or high in a public place?

While all of these things are taken into consideration by the officer in determining whether he or she should stop you or ask you more questions, remember the officer has the right and the obligation to find out what is going on. If the officer feels, after talking to you, that you have committed a crime and places you under arrest, he or she will inform you that, you have the right to remain silent; anything you say can and will be used against you in court; you have the right to talk to a lawyer for advice before you answer any questions and to have a lawyer with you during questioning; if you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. The officer will ask you if you understand your rights, and are you willing to answer some questions, or make a statement. If you don't want to talk after you have been informed of your rights, then you **DO NOT** have to.

IF THE POLICE COME KNOCKING AT YOUR DOOR..

If the police knock at your door and **ask** to come into your home, you **do not** have to let them in **unless** they have a warrant that has been signed by a judge, or under emergency circumstances, or the officer is in pursuit of a suspect. Ask to see the warrant. If it is an **ARREST WARRANT**, make sure that you look at the name on the warrant to be sure the police have the right person. If it is a **SEARCH WARRANT**, make sure it is for your specific address and check to see what is listed on the warrant to be searched for in your home or location. The warrant gives the officer(s) the legal right to temporarily seize the listed property on the warrant.

The police may also search **without** a warrant whenever they have arrested a person. They may search his or her person and the immediate area where the arrest was made.

The police may also search after **consent** is given. If you object to their request to search, be sure to make it clear that you **do not** agree to any kind of search. They may also search when there is an emergency situation (for example, someone screaming for help inside your home) or when they are chasing you or someone else into your home (hot pursuit).

If the police do not have a warrant, you **may**, but **do not** have to let them in, **UNLESS** they demand to come in. Perhaps you can settle this matter at the door, if they do insist on coming in over your objections then:

- Ask to see identification or a police badge.
- Let them in only after they demand to come in.
- If you object, then make sure you tell them that you **DO NOT** consent to **any** search.
- Remember the badge numbers and the names of the officers. Write it all down. The officers usually have business cards, feel free to ask the officer(s) for one.

REMEMBER

1. If the police have stopped you, they **THINK** they have a reason to do so.
2. It is best to be cool and calm and identify yourself.
3. **If an unmarked car signals you to pull over at night and you are not sure the person is a Police Officer, put your 4-way flashers and dome light on and SLOWLY drive to the nearest well lit public area. Unmarked police cars used for traffic stops are equipped with RED & BLUE lights.**

4. DON'T THREATEN OR TOUCH THE OFFICERS. Keep your hands and your feet to yourself, doing otherwise will probably get you arrested. . . DON'T MAKE THE SITUATION WORSE THAN IT ALREADY IS.

5. Under Pennsylvania law, you may not use force to resist a legal or illegal arrest. Remember you have the right to contest the validity of your arrest later on in court.

6. If you are given a ticket, you have a right to a hearing in front of the District Justice, if you do not agree with the District Justice's decision you have a right to appeal.

7. If you are arrested you have the right to a preliminary hearing, in which the police must show why you were arrested.

8. If you feel you were legitimately treated unfairly by a **MUNICIPAL POLICE OFFICER(S)** you have the right to file a complaint with the Chief of Police or Superintendent of Police. If you are dissatisfied with the Chief's or Superintendent's response, you can file a complaint with the Elected Officials who oversee the Police Department such as the Mayor, Police Commissioner or Township Manager. If you are dissatisfied with that response, you have the right to file a complaint with the Allegheny County District Attorney's Office, and if you choose, you can pursue a civil action.

IMPORTANT NUMBERS

ALLEGHENY CO. DISTRICT ATTORNEY'S
OFFICE
412-350-4400

ALLEGHENY CO. PUBLIC DEFENDERS
OFFICE
412-350-2401

FEDERAL BUREAU OF INVESTIGATIONS
412-432-4000

LOCAL POLICE DEPARTMENT
BLUES PAGES OF PHONE BOOK

PA. HUMAN RELATIONS COMMISSION
412-565-5395

U.S. ATTORNEY'S OFFICE
412-644-3500