



Police Encounters

We rely on the police to keep us safe and treat us all fairly, regardless of race, ethnicity, national origin or religion. This page provides tips for interacting with police and understanding your rights.

Your Rights and Responsibilities

An overview of your rights and responsibilities during police encounters in the State of Mississippi provided by the American Civil Liberties Union (ACLU).

Your Rights

- You have the right to remain silent. If you wish to exercise that right, **[say so out loud.](#)**
- You have the right to refuse to consent to a search of yourself, your car, or your home.
- If you are not under arrest, you have the right to leave calmly.
- **Regardless of your immigration or citizenship status, you have constitutional rights.**

Your Responsibilities

- **Do** stay calm and be polite.
- **Do not** interfere with or obstruct the police.
- **Do not** lie or give false documents.
- **Do** prepare yourself and your family in case you are arrested.
- **Do** remember the details of the encounter.
- **Do** file a written complaint or call your local ACLU if you feel your rights have been violated.

You Have a Right to Film, Photograph, and Record the Police

You have the right to film and record the police—here's why and how.

- The Fifth Circuit in *Turner v. Driver* found that "[t]aking photographs and videos of things that are plainly visible in public spaces is a constitutional right—and that includes police and other government officials carrying out their duties." This right is subject to "reasonable time, place, and manner restrictions," although the court in *Turner* stated these restrictions must serve a "significant government interest."
- Mississippi is a one-party consent state, meaning **you can record your interactions** with officers without violating wiretap statutes.
- When you are on private property, the property owner may set rules about taking photographs, filming, or recording.
- **Police officers may not confiscate or demand to view your cell phone, digital photographs, or video without a warrant.**
- **Police may not delete your photographs, videos, or recordings under any circumstances.**
- Police officers may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.
- The right to photograph, video, or record does not give you the right to break any other laws.

What if?

Your guide to common police encounters, including what to do if you're stopped for questioning, if you're stopped in your vehicle, or if you're arrested.

What do I do if I'm stopped for questioning while walking?

- Stay calm. Don't run. Don't argue, resist, or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where police can see them.
- **Ask if you're free to leave.** If the officer says yes, calmly and silently walk away. **If you are under arrest, you have a right to know why.**
- **You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud.**
- You **do not** have to consent to a search of yourself or your belongings. Police may "pat down" **your clothing** if they suspect a weapon. You should not physically resist, but you have the right **to refuse** consent for any further search. **If you do consent, it can affect you later in court.**

What do I do if I'm stopped in my vehicle?

- Stop the car in a **safe place** as quickly as possible. Turn off the car, turn on the internal light, open the window part way, and place your hands on the wheel.
- Upon request, show police your driver's license, registration, and proof of insurance.
- You **can refuse** to consent to the search if an officer asks to look inside your car. But if police believe your car contains evidence of a crime, your car can be searched without your consent.
- Both **drivers and passengers** have the right to remain silent. If you are a passenger, **you can ask** if you are free to leave. If the officer says yes, silently or calmly leave. Even if the officer says no, you have the right to remain silent.

What do I do if I'm arrested?

- **Do not** resist arrest, even if you believe the arrest is unfair.
- **Say** you wish to remain silent and ask for a lawyer immediately. Don't give any explanations or excuses. If you can't pay for a lawyer, you have the right to a free one. **Don't say anything, sign anything, or make decisions without a lawyer.**
- If you have a lawyer, keep their business card with you. Show it to the officer, and ask to call your lawyer.
- Get the name, agency, and telephone number of any law enforcement officer who stops or visits you, and give that information to your lawyer.
- You have the right to make a local phone call. **The police cannot listen if you call a lawyer.** They can and often will listen to a call made to anyone else.
- Prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication.

What do I do if law enforcement shows up at my home?

- **Do not** invite the officer into your house. Talk with the officer through the door and ask them to show identification.
- You **do not** have to let them in unless they show you a warrant signed by a judicial officer that lists your address as a place to be searched or your name on it as the subject of an arrest warrant. **Ask the officer to slip the warrant under the door or hold it up to the window so you can read it.** A search warrant allows police to enter the address listed on the warrant, but officers can only search the areas or items listed.
- ***Even if officers have a warrant, you have the right to remain Silent. Do not answer questions or speak to the officers while they conduct their search. Sit silently and observe what they do, where they go, and what they take. Write down everything you observed as soon as you can.***
- If you are a guest and answer the door, make clear to the police that you are a guest and do not have the authority to let them inside without the homeowner's permission.

Witnessing Police Brutality

What to do if you believe you are witnessing police brutality.

1. **Stand at a safe distance** and, if possible, **use your phone to record a video**. As long as you do not interfere with what the officers or doing or obstruct their movements, you have the right to observe and record events that are plainly visible in public spaces.
2. **Do not** try to hide the fact that you are recording. Police officers do not have a reasonable expectation of privacy when performing their jobs.
3. Police officers **may not** confiscate or demand to view your photographs without a warrant and **may not** delete your photographs or videos under any circumstances. If an officer orders you to stop recording or hand over your phone, you should politely but firmly tell them that you **do not consent** to do so and that taking photographs or videos is your right under the First Amendment. Be aware that some officers may arrest you for refusing to comply even though their orders are illegal. The arrest would be unlawful, but you will need to weigh the personal risks of arrest (including the risk that of officers may search you upon arrest) against the value of continuing to record.
4. Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, how many officers were present, and what their names were. Also, record any use of weapons (including less-lethal weapons such as Tasers or batons) and any injuries suffered by the person stopped. If you can, speak to the person stopped by police after the police leave, they may find your contact information helpful, if they file a complaint or pursue a lawsuit against the officers.

If You Feel Your Rights Have Been Violated

Here are the steps to take if you feel your rights have been violated.

- Remember: police misconduct cannot be challenged on the street. Don't physically resist officers or threaten to file a complaint.
- Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses. If you are injured, take photographs of your injuries (but seek medical attention first).
- File a written complaint with the agency's internal affairs division or a civilian complaint board. In most cases, you can file a complaint anonymously if you wish.
- **Call the ACLU of Mississippi at 601-354-3408, fax in a complaint to 601-355-6465 or fill out our online complaint form.**

Please note that this information is for informational purposes only and does not, and is not intended to, constitute legal advice by the ACLU of Mississippi.

Information Source: American Civil Liberties Union
Go to www.thiswhatsup.com to see additional options.