

WHEN STOPPED BY THE POLICE

Being stopped by the police can be an unsettling experience. Many people do not understand the circumstances surrounding being stopped, do not know what to do or how to act, or what their rights are. Interactions with law enforcement are proscribed by many documents, such as the US Constitution, the New York State Constitution, the New York State Criminal Procedure Law, and various appellate court decisions. It is also determined by the law enforcement agency's policies and procedures. However, there are many common things you should know about the process.

Maintaining a high level of trust between the community and its police department is a vital component to effective law enforcement in any community. Not every encounter with a police officer is for professional reasons; officers may just be trying to have a conversation or otherwise interact with the community. If the officer has a specific purpose for engaging you, they will tell you.



If the police have stopped you, they are doing so for a reason. It is best to remain calm and identify yourself if asked to do so.

The officer should tell you why you have been stopped. You may be required to identify yourself depending on the circumstances; if you do not wish to identify yourself, say so. The officer will advise you if you are required to identify yourself in the particular situation.

In many situations, the attitude of you and that of the people you are with can positively or negatively affect the outcome of your encounter with the police.

DO NOT RUN. This will raise the officer's suspicions that you may be involved in a criminal act.

YOUR RIGHTS

1. You have the right to remain silent. If you wish to exercise that right, say so out loud.
2. You have the right to refuse to consent to a search of yourself or your home. If the officer has a warrant to search you or your premises, you will be advised. The officer does not have to have the actual warrant in their hand, but authorization must have been given by a judge.
3. You have the right to a lawyer if you are arrested. You do not have a right to consult with an attorney at that time unless you have been arrested. You may record the encounter so long as such recording does not interfere with the officer's performance of their duties; the officer is likely recording the encounter as well.

YOUR RESPONSIBILITIES

- Stay calm and be polite. Injecting anger into the process will not help anyone.
- Do not interfere with or obstruct the officer. This includes while attempting to record the encounter. If you do not wish to answer a question, simply say "I do not wish to answer".
- Do prepare yourself and your family in case you are arrested
- Do remember the details of the encounter
- Do **NOT** argue with the officer or otherwise resist being detained. The time to pursue complaining about the encounter is not on the curb or street. You can file a complaint afterwards if you feel your rights have been violated or the officer was unprofessional

TRAFFIC STOPS – IMPORTANT THINGS TO REMEMBER

1. Pull to the right shoulder **and stop**.
2. Do **NOT** get out of your car. This is inherently dangerous to you and heightens the officer's concern for their safety.
3. Roll down the window (if it's not pouring rain), then keep your hands on the wheel. At night time turn on the overhead light. Do not rummage around looking for anything until the officer requests it.
4. Remain calm, and if you have passengers ask them to remain calm.
5. Advise the officer right away if there are any weapons in the vehicle. This will greatly diffuse any safety concerns.
6. Provide your driver's license, registration, and insurance card when asked. These are required by State law to operate a motor vehicle. New York State allows an insurance card to be displayed electronically, such as from an app or an e-mail.
7. Don't be alarmed if another police car appears; this is for the officer's safety.
8. The officer will likely ask you generic questions, such as your destination or origination points, or if you are aware of the reason for the traffic stop. Avoid becoming argumentative. The officer is doing two things:
 - Determining any impairment/intoxication
 - Making a determination if a traffic citation is warranted
9. Other than providing the required documentation, you do not have to answer any questions from the officer. However, this will greatly limit the officer's ability to take any mitigating circumstances into account. It is in your best interest to answer in an honest and forthright manner. A good axiom to remember is "you can't talk yourself out of a ticket, but you can certainly talk yourself into one".
10. If you are asked to get out of the vehicle, do so calmly and promptly. The officer does have the authority to ask the driver to get out of the vehicle, or any passengers to get out for a specific reason. Again, do **not** argue with the officer; this will unnecessarily escalate the situation.
11. You have the right to deny a request by an officer to search your vehicle; however, if the officer has probable cause or you have been arrested, the officer can search your vehicle without your consent.
12. If you don't understand why a ticket was issued, it is OK to ask the officer to explain the ticket.
13. Above all, **COMPLY** with the officer's instructions. Most encounters with police end badly when the citizen does not follow directions. On the roadside is not the time to argue; you may do so at a later time and with the officer's supervisor if necessary.



MAKING A COMPLAINT

Police officers must be aware of the rights of all people and retain the ability to use their best judgment while enforcing the law in a manner that is fair and equitable, without fear of reprisal or undue criticism. It is therefore the policy of every law enforcement agency to accept any and all personnel complaints from citizens.

Once a complaint is filed, it will be investigated by a person designated by that agency to do so. Some may have Internal Affairs or Professional Standards investigators; others may have sergeants or supervisors investigate complaints. The purpose of the personnel complaint process is to provide for a proper and effective investigation of all complaints, resulting in corrective actions when appropriate. A concomitant purpose of this process is to ensure that the integrity of the police department is upheld by a prompt and thorough investigation of actual or alleged misconduct. It is not to demoralize employees of the agency in the performance of their duties as the process will also allow for the protection from and support against mistaken or malicious allegations.



Once the investigation is completed, you will typically receive notification from the agency indicating the conclusion of findings. Please understand that internal investigations and the review of the complaint, including review of video/audio evidence, interview of witnesses, and administering discipline when necessary is a very time-consuming process. Please be patient.

Filing a complaint does not bar the filing of a civil lawsuit for damages or injury.

MAKING A COMPLIMENT

At the same time, officers (like everyone else) appreciate when excellent service is recognized and complimented. If you are very pleased with how your particular encounter was handled, the same or similar process for a complaint can typically be used to commend an officer for outstanding service. Officers (and supervisors/administration) need to know about their performance, and hearing about the positive encounters is just as important as hearing about negative ones. Even an e-mail or quick note to the agency is always appreciated. The e-mail address, mailing address, or phone number can usually be found in their Web or Facebook page.

IT IS CRITICAL FOR EVERYONE INVOLVED IN AN ENCOUNTER WITH LAW ENFORCEMENT TO REMAIN CALM, ACT RESPONSIBLY AND FOLLOW DIRECTIONS. The news is full of reports of bad interactions with police, and it almost always comes back to the citizen failing to follow directions and escalating the encounter. The vast majority of law enforcement interactions are professional and brief. The roadside or incident scene is **NOT** the place to challenge the authority of law enforcement. Compliance and courtesy (on everyone's part) will keep each encounter safe for all involved.