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TOP TEN LIST FOR DEALING WITH THE POLICE

1 MUST I SPEAK WITH THE POLICE?

Nobody has an obligation to speak with the police other than when asked for one's name (see the next paragraph for dealing with requests for one's name or identification).

2 MUST I GIVE MY NAME IF I AM NOT DRIVING A CAR?

To refuse to provide one's name to the police can be risky, absent a later Catch-22 court ruling that the police had no reasonable suspicion to stop the person.

3 MUST I SHOW THE POLICE MY IDENTIFICATION IF I AM STOPPED WHILE DRIVING?

It can be risky for a driver to refuse to give a driver's license and registration to the police.

4 IF THE POLICE STOP ME, WHAT DO I DO?

You can assert your rights without being confrontational. For instance: POLICE OFFICER: Where are you going? CIVILIAN: I choose not to speak, officer.

5 IF THE POLICE UNLAWFULLY DETAIN ME, MAY I USE PHYSICAL FORCE?

Even if you believe your arrest is unlawful, a judge or jury may not agree. Moreover, some jurisdictions prohibit physical force even against an unlawful police arrest.

6 MUST I AGREE TO A SEARCH OF MY PERSON, PROPERTY, CAR OR HOUSE?

No. If you do not agree to a search, clearly say so. However, do not physically interfere with any search by the police.

7 IF THE POLICE SHOW ME A SEARCH WARRANT, MUST I ASSIST IN FINDING THE ITEMS THEY SEEK, AND IN OPENING LOCKED OR PASSWORD-PROTECTED ITEMS?

No. Generally, you have the right passively to resist the police, by not showing any physical obstruction, on the one hand, and by not providing assistance, on the other.

8. MUST I REMAIN WITH THE POLICE MERELY BECAUSE THE POLICE ARE SPEAKING TO ME? If you are unsure whether you are free to leave, ask if you are free to leave. If the police do not allow you to leave, ask the reason.

9. WHAT DO I DO IF SUSPECTED OF DRINKING AND DRIVING? See practical suggestions at www.katzjustice.com/drunkdiriving.htm.

10. WHAT DO I DO IF THE POLICE THREATEN ME WITH ARREST, ARREST ME, SEIZE MY PROPERTY, OR MISTREAT ME?

Consult a qualified criminal defense lawyer to level the playing field in dealing with the police and the criminal court system.

DISCLAIMER: Nothing in this article should be taken as legal advice for any individual case or situation. The information is intended to be general and should not be relied upon for any specific situation. For legal advice, please consult a qualified attorney. The fuller version of this list is at www.katzjustice.com/rights.htm.