

Your Rights and Responsibilities When Interacting with the Police

Adapted from: "Your Rights and Responsibilities When Interacting with the Police: A Community Guide," New York City Police Department; "Know Your Rights," ACLU.

This brochure is designed to provide very basic information on the rights and responsibilities of the public and police during the most common types of interactions. For more information, please contact a lawyer.

A police officer may speak to you for many reasons, most of which do not mean that you have done something wrong. There are also many circumstances when the police can ask you a general question like, "What is your name?" You are not required to answer any additional questions asked by the officer, even if asked. You cannot be punished for refusing to answer questions asked by the officer. However, it is always good to be polite and respectful to police officers, even when declining to answer questions. You should remain calm and keep your hands visible at all times.

When can an officer stop you in your car?

A police officer has the right to stop and question you if the officer thinks that you have broken any law including traffic violations. An officer may also stop your car at a DUI or safety checkpoint where cars are being randomly stopped. Police officers are not to use race, religion, or ethnic background as the only reason for stopping your car.

What are your rights when you are stopped in your car?

If the police signal you to stop, you must stop your car. You should remain in your car and allow the officer to approach you. The officer may ask for your name, driver's license, vehicle registration, and proof of vehicle insurance. If you have them, you should show these documents to the officer. The officer may also ask you to step out of the car. You must do as you are asked, or you may be arrested.

What are your rights when you are questioned by a police officer on foot?

After being approached by an officer (s)he may tell you that you are not free to go. In these situations it is good to give the police your name without saying anything more. You may not be free to leave until the officer can find out who you are. The officer may ask for picture ID like any government issued card including a Vermont Driver's License or Non-Driver Identification Card, which you should produce if you have it. You are not required to provide proof of immigration status to the officer. You can ask the officer if you are free to go. If the officer says yes, you may leave without answering any additional questions. Remember, police may ask to speak with you even if an officer does not think that you committed a crime.

What are your rights if the police want to search your home, business, or car?

You do not have to open the door of your home, business, or car to a police officer unless the police officer has a letter from the judge, called a search warrant. A search warrant is a legal document that allows the officer to enter a home, business, or vehicle to search your property for specific evidence as part of a criminal investigation. You may ask to see and read this warrant before allowing the officer to conduct the search. Generally, the search warrant can only be used to enter your home between 6 AM and 10 PM unless otherwise ordered by the judge.

If you are arrested by the police...

An officer may arrest you if (s)he believes that you committed a crime. An arrest means that you are no longer free to leave. The officer then has the right to ask you your name, address, telephone number, and other identifying information necessary to confirm you are who you say you are and to ensure that you will appear in court as directed.

If you are not free to leave and the officer wishes to ask you additional questions about the crime, the officer must first tell you that you have the right to not answer these questions. The officer must also tell you that you have the right to speak with a lawyer before you decide to answer. The officer will contact a lawyer for you. If you cannot afford to pay a lawyer, the officer will call a public defender for you. Remember, if you decide to speak with the officer with or without the officer questioning you, the officer police can use this information against you in court.

- **You have the right to wait to speak with a lawyer before answering questions from the police.**
- **You do not have to sign anything that is given to you by the police without first speaking with a lawyer.**
- **You should not sign anything in a language that you do not read without the assistance of both an interpreter and your lawyer.**

You may wish to contact the police in the following situations:

- If you believe you or someone you know is the victim of a crime;
- If you see what you believe to be a crime;
- If you have a complaint about loud music, public urination, disorderly youth, or other disturbances;
- If you believe a child or spouse has been harmed by a family member; or
- If you believe the police have acted wrongly.

To report an emergency, dial 911.