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### **What to Do if You are Stopped or Arrested (Compiled by the NYCLU)**

- Be **polite and respectful**. Never bad-mouth a police officer.
- Stay calm and in control of your words, body language and emotions.
- **Don't get into an argument** with the police.
- Remember, **anything you say or do** can be used against you.
- **Keep your hands** where the police can see them.
- **Don't run. Don't touch** any police officer.
- **Don't resist** even if you believe you are innocent.
- **Don't complain** on the scene or tell the police they're wrong or that you're going to file a complaint.
- **Do not make any statements** regarding the incident.
- **Ask for a lawyer** immediately upon your arrest.
- Remember **officers' badge & patrol car** numbers.
- **Write down everything** you remember ASAP.
- Try to find **witnesses** & their names & phone numbers.
- If you are injured, **take photos of the injuries** as soon as possible, but make sure you **seek medical attention first**. The police are obligated to take you to an emergency room if you request medical attention.

If you feel your rights have been violated, **call in or file a complaint** with the Civilian Complaint Review Board (In New York City, 1-800-341-2272).

1. What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.
2. You don't have to answer a police officer's questions, but you must show your driver's license and registration when stopped in a car. In other situations, you can't legally be arrested for refusing to identify yourself to a police officer.



## What To Do If You Are Arrested (continued)

3. You don't have to consent to any search of yourself, your car or your house. If you **DO** consent to a search, it can affect your rights later in court. If the police say they have a search warrant, **ASK TO SEE IT.**
4. Do not interfere with, or obstruct the police—you can be arrested for it.

### If You Are Stopped For Questioning

1. It's not a crime to refuse to answer questions. You can't be arrested merely for refusing to identify yourself on the street.
2. Police may stop and detain you only if they have a reasonable suspicion that you have committed, are committing or you are about to commit a crime.
3. If police have reasonable suspicion to believe you have a weapon they may perform a frisk and pat down your clothing. Don't physically resist, but make it clear that you don't consent to any further search.
4. Ask if you are under arrest. If you are, you have a right to know why.
5. Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.

### If You're Stopped In Your Car

1. Upon request, show them your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for refusing to consent to a search.
2. If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.
3. If you're suspected of drunk driving (DWI) and refuse to take a blood, urine or breath test, your driver's license may be suspended and your car may be taken away.

### If You're Arrested or Taken To a Police Station

1. You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.



## What To Do If You Are Arrested (continued)

2. If you have a lawyer, ask to see your lawyer immediately. If you can't afford a lawyer, you have a right to a free one once your case goes to court. You can ask the police how a lawyer can be contacted. **Don't say anything without a lawyer.**
3. Within a reasonable time after your arrest, or booking, you should ask the police to contact a family member, or friend. If you are permitted to make a phone call anything you say at the precinct may be recorded or listened to. Be very careful, and never talk about the facts of your case over the telephone.
4. Sometimes you can be released without bail, or have bail lowered. You must be taken before the judge within 24 hours
5. Do not make any decisions in your case until you have talked with a lawyer.

### In Your Home

1. If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by judge.
2. However, in some emergency situations (like when a person is screaming for help inside, or when the police are charging someone) officers are allowed to enter and search you home without a warrant.
3. If you are arrested in your home or in your office, the police may search you and the "grabbable area" immediate surrounding you or where criminal activities are in plain view.

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities - especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment.

If your rights are violated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney afterwards, or call in or file a complaint with the Civilian Complaint Review Board (In New York City, 1-800-341-2272).