Terry Stop = a brief detention of a person by police on reasonable suspicion of involvement in criminal activity but short of probable cause to arrest. Mere hunches, even though based on good faith, are simply not enough. The P.O. must be able to point to clear facts that would reasonably lead the officer to believe that an intrusion upon an individual is warranted. Reasonably believes that criminal activity is "afoot."

A probie cannot automatically replace the reasonable suspicion that Terry requires to validate a "stop."

Approaching a person based upon a drug courier profile is considered to be a "seizure" for the purpose of the 4th Amendment.

## What To Do If You're Stopped By The Police

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 **officer's badge & patrol car** numbers.
**Write down everything** you remember ASAP.
Try to find **witnesses** & their names & phone numbers.
If you are injured, **take photographs of the injuries** as soon as possible, but make sure you **seek medical attention** first.
If you feel your rights have been violated, **file a written complaint** with the police department's internal affairs division or civilian complaint board.

**KEEPTHISCARD HANDY!**
**IFYOUHAVE A POLICEENCOUNTER, YOU CANPROTECTYOURSELF.**

**ACLU**
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**4.** Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge within 48 hours after arrest.
**5.** Do not make any decisions in your case until you have talked with a lawyer.

### INYOURHOME

**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 a judge.
**2.** However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.
**3.** If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

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 file a complaint with the Internal Affairs or Civilian Complaint Board.

**Produced by the American Civil Liberties Union.**

### IF YOU ARE STOPPED FOR QUESTIONING

1. It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you. You can't be arrested merely for refusing to identify yourself on the street.
2. Police may "pat-down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.
3. Ask if you are under arrest. If you are, you have a right to know why.
4. 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.

### IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

1. You have the right to remain silent and 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.
2. Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one once your case goes to court, or during an interrogation. You should ask the police how the lawyer can be contacted.
**Don't say anything without a lawyer.**
3. Within a reasonable time after your arrest, or booking, you have the right to make a local phone call: to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.

Probable cause = "a fair probability that contraband or evidence of a crime will be found."

4th Amendment → unreasonable searches + seizures

(1) - Free to leave + not answer = no seizure
(2) "stopped" + not free to leave = seizure
(3) arrested + placed in custody = seizure