

WHAT DO YOU DO IF:

THE POLICE KNOCK ON YOUR DOOR

- If the police knock on your door and ask to come inside, you don't have to let them inside unless they have a warrant.
- Police may come inside without a warrant if they are chasing a suspect and think she/he may be inside, if there is an emergency, such as someone screaming, or if you consent to it.
- Remember you do not have to consent to the police entering your house at any time. However, if the police enter your home without your permission, do not argue or interfere with them; take the issue up with your attorney at a later time.

YOU ARE STOPPED ON THE STREET

- A police officer may stop and talk to anyone.
- A police officer may stop an individual to check on her/his well-being.
- A police officer may, in order to investigate circumstances which give her/him reason to suspect that criminal activity might be afoot, forcibly detain an individual for a brief period of time, and in doing so, may ask the individual questions.
- Do not run away or lie. Even if you have not done anything wrong, you could end up getting arrested if you run, lie, or create a public disturbance.

YOU ARE STOPPED IN A VEHICLE

- Michigan law requires that an individual who is stopped while driving provide identification, proof of insurance, and registration.
- If the police have probable cause (good reason), your vehicle may be searched without a warrant.
- Remain in your vehicle unless instructed otherwise. Do not make any sudden movements or do anything else which may cause the officer to investigate further.

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THE LAW & YOU



ARREST

- If you are being arrested, nothing you can say to the police will change their minds. In fact, you're likely to make things worse by talking to the police. You have a constitutional right to remain silent, and your silence does not imply guilt. You also have the right to an attorney. Break your silence just long enough to let the police officer know you want the assistance of an attorney, and, from that point forward, the police cannot ask you any questions until you have an attorney present (unless you initiate the conversation). Play it safe! Do not sign or say anything until you speak with an attorney. Be calm, polite, and whatever you do, don't say or do anything that could be interpreted as resisting arrest. That could lead to additional charges being brought against you.
- Normally any incriminating statements or confessions made prior to the reading of your Miranda rights will be inadmissible in court if you made the statements while in police custody and in response to police interrogation. However, police are allowed to stop, question and sometimes frisk people when they suspect specific unlawful behavior. Often these brief "stop-and-frisk" investigations do not place you in police custody and the Miranda warning may not be required. This is a complex area of law, and the admissibility of statements in court depends on the specific facts and circumstances of each case. Rather than trying to decide how much you can safely say to the police, you should just remain silent and take the issue up with your attorney at a later time.
- If you are unsure whether you are being arrested, or just stopped for investigation due to suspicious behavior, politely ask the police if you are being arrested. If the answer is no, you should still ask permission to leave before departing.

SEARCH

- Generally, the police must have a warrant before they can conduct a search, unless you consent to the search. If you consent to a search, either through words or actions that imply consent (e.g. opening your trunk or backpack, or by inviting police into your home), a search that might otherwise be illegal will likely become legal.
- Consenting to a search can be very risky, and by giving consent, you are giving up a valuable right. If you believe that you are being searched illegally, look for witnesses and loudly, but politely, tell the police that you are not consenting to the search.
- The police may search without a warrant under certain circumstances:
 - If searched incident to (accompanies) an arrest.
 - If exigent (emergency) circumstances exist, which includes the "community-caretaking function" of the police. For example, police may enter a house without a warrant to aid an individual whom they reasonably believe is in danger.
 - If contraband or evidence are in plain view of the police.
- Do not act suspicious if stopped. Doing so could give the police reasonable grounds for a search. Remain calm and make no sudden movements which might be considered "furtive" or imply that you have something to hide.
- When police are searching, do not move around. In a private area, especially at home, police can only search the area within your immediate control. Do not move around the house because this only gives the police a greater area to search. Sit down and stay put while they finish in order to limit the area they may legally search.

DO'S AND DON'TS IF STOPPED OR ARRESTED

DO'S

1. Do remain silent and speak only with your attorney about the matter . . . do not discuss it with anyone else.
2. Do stay calm and be polite toward the police. Cooperate with the police in such things as following their instructions to get in and out of the police vehicle and walking with them while in custody.
3. Do try to remember exactly what happened before, during and after the arrest.
4. Do treat the police as you would have them treat you.

DON'TS

1. Don't make statements to the police on the belief that if you cooperate, the police will let you go (it is already too late once an arrest has occurred).
2. Don't volunteer any information to the police except your name and address.
3. Don't become hostile or abusive toward the police or try to run away. A search or arrest is not the time for vehemently demanding protection of your constitutional rights.
4. Don't lie or provide false information to the police if you choose to say something.