



IF YOU ARE STOPPED FOR QUESTIONING.

- Stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where police can see them.
- Ask if you are free to leave. If the officer says yes, you have the right to calmly and silently walk away. If you are not free to leave, you are under arrest and you have a right to know why.
- You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud.
- You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

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WHAT TO DO IF YOU'RE A VICTIM

What to do if you're stopped, searched, questioned, and/or arrested by the police



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POLICE VICTIM BROCHURE

You can protect your legal rights if you know what to do.

IF YOU ARE STOPPED IN YOUR CAR:

- Stop the car in a safe place as quickly as possible.
 1. Turn off the car,
 2. Turn on the car's inside light,
 3. Open the window part way, and
 4. Place your hands on the wheel.
- Upon request, show police your driver's license, registration and proof of insurance.
- If the police ask to look inside your car, you can refuse to give permission to the search. But if police reasonably believe your car contains evidence of a crime, your car can be searched without your consent.
- Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

IF YOU ARE ARRESTED:

- Do not resist arrest, even if you believe the arrest is unfair.
- Say you wish to remain silent and ask for a lawyer immediately.
- Don't give any explanation or excuses. If you can't pay for a lawyer, you have the right to a free one. Don't say anything, sign anything or make any decisions without a lawyer.
- You have the right to make a local phone call. The police cannot listen if you call a lawyer.
- Prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and your lawyer. Make emergency plans if you have children or take medication.

AFTER YOUR ARREST:

- First time seeing the judge: If you take a plea to anything, even disorderly conduct which is a violation and not a crime, you will be giving up your opportunity to pursue a claim for false arrest.

If you feel like you have been falsely arrested and/or physically abused, contact us for a free consultation.

IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED:

- Remember: police misconduct cannot be challenged on the street. Don't physically resist officers or threaten to file a complaint.
- Write down everything you can remember, including:
 - Officers' badge and patrol car numbers.
 - Which agency the officers were from, and any other details.
 - Get contact information for witnesses. If you are injured, take photographs of your injuries (but seek medical attention first).
- File a written complaint with the police agency's Internal Affairs Bureau (AIB) or Civilian Complaint Review Board (CCRB).

In most cases, you can file a complaint anonymously if you wish.

CCRB Hotline 24 hours a day:

1-800-341-CCRB or call 311

IAB can be reached 24 hours a day:

(212) 741-8401 or by E-mail to IAB@NYPD.org

YOUR RIGHTS

- You have the right to remain silent. Tell the police that you're exercising this right.
- You don't have to agree to a search of yourself, your car, or your house. If the police say they have a search warrant, ASK TO SEE IT.
- Find out if you are under arrest. If you're not, then you have the right to calmly leave.

- If you are arrested, you have the right to a lawyer. Ask for a lawyer immediately or ask the police to call our office, and don't talk to anyone until you speak with a lawyer.

YOUR RESPONSIBILITIES

- Do stay calm and be polite.
- Do NOT interfere with or obstruct the police. Let the police do what they need to do.
- Do NOT lie or give false documents.
- Do prepare yourself and your family in case you are arrested. Memorize the phone numbers of your family and lawyer.
- Do remember the details of the encounter. For example: Police names, badge numbers, what was said to you.
- Do file a written complaint or call our office if you feel your rights have been violated.

This pamphlet is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem. Use of pamphlet does not create an attorney-client relationship between the Law Offices of Michael S. Lamonsoff and the user.

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