



ATLANTA BAR ASSOCIATION

EQUAL JUSTICE IN LAW ENFORCEMENT INITIATIVE

KNOW YOUR CONSTITUTIONAL RIGHTS: WHAT TO DO IF THE POLICE IN GEORGIA STOP YOU

IF A POLICE OFFICER STOPS YOU OUT IN PUBLIC AND ASKS FOR IDENTIFICATION, WHAT SHOULD YOU DO?

- Remember, the Police Officer may think he or she has something called reasonable articulable suspicion which is a legal basis to stop you and ask questions. He or she can even frisk you to make sure you do not have a weapon.
- Provide your name. If a police officer has reasonable articulable suspicion that you are engaged in criminal activity, he or she may ask you to identify yourself and ask you to explain your presence. Failure to give your name under those circumstances may be grounds for detention.
- Do not run under any circumstances.
- Stay calm and be respectful.
- If a Police Officer asks for permission to search you, what do you do?
- Police officers have the right to pat down your clothing if they suspect a weapon.
- Calmly say no to anything other than a pat down.
- If the police officer insists, don't physically resist, but calmly make it clear verbally that you do not consent to further search.
- Remain respectful of the police officer.
- A valid consent to a search eliminates the need for either probable cause or a search warrant
- Ask if you are under arrest or if you are free to leave. If not under arrest, ask if you can leave. If he or she does not object, then calmly leave.

IF YOU ARE PLACED UNDER ARREST, WHAT DO YOU DO?

- Do not start talking. You have the right to remain silent. Tell the officer "I would like to remain silent."
- Do not answer any questions except your name, address and date of birth.
- Ask for a lawyer immediately. Be specific in your request for an attorney. Remain silent until you get an attorney. Remember what you say or do can and will be used against you.
- Remember anything you say when arrested, even if simple conversation in the back of the patrol car or the jail, can be used against you. Other than basic identification information you have the right to wait to talk to a lawyer about concern with your arrest. Even if you are not read your rights at the scene of contact with the police, anything you say or do may possibly be used against you.
- If you are questioned about your immigration status, you have the right to remain silent. You do not have to discuss your immigration status.

IF YOU ARE IN A CAR AND PULLED OVER BY THE POLICE, WHAT DO YOU DO?

- Slow down and look for a safe well-lit location at night, especially if you are alone. Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way and place your hands on the wheel. Keep your hands in plain sight at all times.

- Remain calm and be respectful of the officer. Do not make sudden movements.
- Upon request, show police your driver's license, registration and proof of insurance.
- If your license or purse is not near you, you may say to the officer "Officer my wallet or purse is (on the floorboard, glove compartment, backseat, or in my back pocket) may I get it?" Keep your movements slow. Telling the officer may protect you and may keep officer from thinking you are reaching for a weapon.
- If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search.
- If the police officer sees anything illegal in plain sight, that may provide a legal reason for the officer to search your car. The officer may not search your trunk.
- Both the driver and the 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.

DO'S AND DON'TS

- DO KEEP YOUR HANDS WHERE THE POLICE CAN SEE THEM. THE STEERING WHEEL IS THE BEST PLACE.
- DO NOT RUN, PLEASE!
- DO NOT TOUCH ANY POLICE OFFICER.
- DO NOT COMPLAIN TOO STRONGLY OR TELL THE POLICE OFFICER HE OR SHE IS WRONG.
- DO ASK FOR A LAWYER.
- DO RECORD THE OFFICER'S BADGE NUMBER AND PATROL CAR NUMBER AND WRITE EVERYTHING DOWN.
- DO NOT LIE OR GIVE FALSE INFORMATION.

FOURTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES AND GEORGIA:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

MIRANDA WARNING:

- You have the right to remain silent when questioned.
- Anything you say or do may be used against you in a court of law.
- You have the right to consult with an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
- If you cannot afford an attorney, one will be appointed for you before any questioning.
- If you decide to answer any questions now, without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.
- Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?

THIS INFORMATION WAS ADAPTED FROM DOCUMENTS CREATED BY:

"Know Your Rights", Barton Juvenile Defender Clinic

"Know Your Rights: What to Do if You're Stopped by The Police." Lawyers Committee for Civil Rights Under Law and End Stop and Frisk

"What to do when stopped by the police", A publication of the National Black Police Association, Inc.

"What To Do If You're Stopped by Police, Immigration Agents or the FBI", ACLU

Find out more at by visiting <http://www.atlantabar.org/?page=EJLE>.

THIS INFORMATION IS NOT INTENDED AS LEGAL ADVICE