

Know your Rights: Police Stops

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A police officer needs **probable cause** or **reasonable suspicion** to stop you.



You are driving on a highway above the speed limit. A police car approaches you with its siren blaring and/or emergency lights flashing. He has probable cause to pull you over because you have committed a traffic violation. But he may not have probable cause for a search of your vehicle.



You are walking down the street. A robbery in a bank occurred some minutes ago on this street. A police officer approaches you. He may have reasonable suspicion to stop you because you are at the scene of a crime. But you can object to the stop and any search.



During police stops, **you have rights regardless of your immigration or citizenship status.**

YOU HAVE THE RIGHT TO:

- Remain silent and refuse to answer any questions.
- Refuse consent to be retained and searched if you are not arrested.
- Know if you are being arrested; if not, you have the right to leave.
- An attorney, if you have been arrested.



Stay calm, be respectful and **do not obstruct the police**, even if your rights are being violated. **Do not lie or give false documents.**

EXERCISING YOUR RIGHTS

You have the right to remain silent. If you decide to remain silent, say loudly but politely:



"I'm not going to answer any questions."



You are not required to answer questions about your immigration status. You cannot be punished for choosing to remain silent and not answer these questions.



During a vehicle stop, the police officer will require your driver's license, vehicle registration and proof of insurance. The police officer has the authority to make you stay in your car or get out.

EXERCISING YOUR RIGHTS, CONT.

You have the right to refuse consent for any searches. If you decide to refuse consent, say loudly but politely:



"I do not consent to this search."



A police officer has the right to search anywhere evidence of probable cause for stopping you can be located.



A vehicle stop due to a traffic violation does not give the police officer probable cause to search any part of your vehicle. However, if during the encounter the officer suspects another crime, the officer may have probable cause to search for evidence of this crime. But you can still not consent to the search.



A police officer may pat down your body and outer clothing or car area for weapons if he or she believes you are armed and may be dangerous.

You have the right to know if you are being arrested; if you are not, you have the right to leave. You can say loudly but politely:



"Am I being detained? Am I arrested? Am I free to go?"



If you are arrested, the police officer can now conduct a search of you and the area immediately around you or your car.

You have the right to an attorney if you have been arrested. You can say loudly but politely:



"I want to speak to an attorney."



In Idaho, for a DUI (drinking under the influence), you may not have a right to an attorney until the completion of a urine, blood or breath test. But it is important to invoke your right to an attorney.

NOTE: This handout does not offer or substitute for legal advice.

Sources & Resources:

- ACLU, American Civil Liberties Union, www.acluidaho.org
- Idaho State Police, www.isp.idaho.gov

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