

Dealing with the Police

You have rights guaranteed by the federal and state constitutions, but it is your responsibility to know those rights when confronted by the police.

1. You do not have to talk to the police. You have the right to remain silent and you should exercise it. Many times, we have been able to help our clients successfully avoid harsh sentences by the simple fact that our client kept their mouth shut.
 2. You have the right to a lawyer. If you are confronted by the police, demand to have your lawyer present. You must do this unequivocally saying things like “I think I need a lawyer,” or “Should my lawyer be here for this?” are not enough. You must clearly say “I decline to make any statement or answer any questions without my lawyer present.” Then you stay quiet until your lawyer gets there.
 3. You do not have to consent to search. You have the right to be secure in your person and possessions. Police oftentimes will ask if they can have permission to search you or your vehicle when they really have no articulable suspicion any crime is being or has been committed. You do not have to give them permission and you should not give them permission. Even if you think you have nothing to hide, there is no reason for the officer to ask to search you, your house or your car.
 4. Be courteous and polite, but firm. Invoking your rights can be scary. Oftentimes, when police are confronting someone, tensions are very high. Do everything you can to avoid escalating matters. That being said, you should still invoke your rights. When you do so, be very respectful, be very polite, but be very firm.
 5. You do not have to cooperate with the police. Defendants are told all the time, “if you just cooperate with us, things will go much easier on you.” This is almost never, ever true. All the defendant winds up with is making the prosecution’s job easier. If the police tell you that by invoking your rights, they will go get a warrant, let them try. If they tell you that “a lawyer will not help you, they will just complicate things,” they are right, a good lawyer will complicate things for them and that is what you want.
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