

What To Do When Stopped By The Police



Presented By

**The Police Chiefs Association Of Montgomery County
and
The Montgomery County Advisory Council
of the Pennsylvania Human Relations Commission**

In Partnership With

**Montgomery County District Attorney's Office
Pennsylvania Human Relations Commission
and
Our Communities**

FOREWARD

The information provided in this pamphlet is a product of a collaborative effort by the Police Chiefs Association of Montgomery County, the Pennsylvania Human Relations Commission, the Montgomery County Advisory Council of the Pennsylvania Human Relations Commission, and the Montgomery County District Attorney's Office. The guidelines are intended to encourage cooperation and improve relations between the police and the citizens that we serve in the culturally diverse communities of Montgomery County.

The information contained in this pamphlet is for your information and assistance. If you should have any additional questions about what the police can and cannot do, please contact your local police department or the Montgomery County District Attorney's Office.



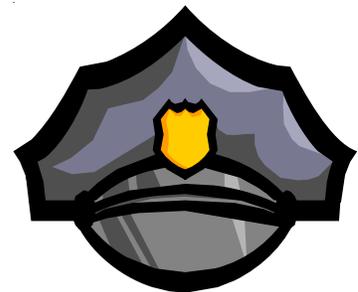
IMPORTANT NUMBERS

Montgomery County District Attorney's Office
610-278-3090



ENCOUNTERS WITH THE POLICE

What is your name?
Where do you live?
Do you have any identification?



These are simple questions that under **certain** circumstances police officers have the right and sometimes the obligation to ask. They can be answered easily by almost everyone. However, when a police officer asks these questions, it could cause problems for the police officer and you. In most cases there is a valid reason why the officer is asking you such questions even though it may seem to you at the time that there isn't a reason.

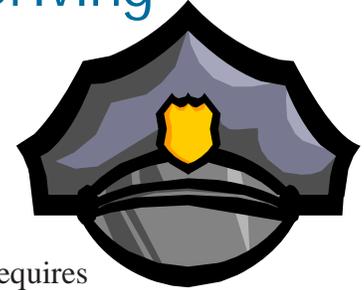
The officer may be investigating a complaint phoned into the police by someone in your neighborhood. The officer may have been informed by the police radio that a crime has just been committed in the area. For any number of reasons, you may be the person the officer suspects **may be** involved. You may have knowledge that will help the officer in the investigation, or the officer may think that you are in need of assistance.

The officer has a responsibility and an obligation to obtain pertinent information to resolve any calls or incidents that the officer may be assigned to investigate. Part of the investigative process is to ask questions that are relevant to the information that the officer has received regarding the assignment. If you, or others around you, overreact to the officer's questions, you may create an even more serious situation.

We will attempt to explain what rights you have, things that you should remember and what you can expect when a police officer begins to ask you questions.

If You Are Stopped By The Police While Driving

While you are driving a car, if a police officer has reasonable suspicion or probable cause to believe that a violation of the Vehicle Code has been committed or a crime has occurred, you may be pulled over.



You will most likely be asked to show your driver's license, the registration card for the vehicle and proof that the vehicle is insured. The Vehicle Code requires that these three documents be exhibited by a driver who is stopped by the police. You must comply with these requests. It is recommended that the best thing for you to do in this situation is to **pull over, stay calm and remain in your car, unless told to do otherwise by the police.**

The officer may legally check your vehicle for equipment code violations under the Vehicle Code. If you are stopped at night, turn on your dome light to show the officer that there is nothing wrong and to lessen the possibility that the officer will believe that there is a reason to fear for his or her safety.

It is best not to make any sudden movement or do anything that would give the officer a reason to search your vehicle. Having your light on and keeping your hands on the steering wheel will usually put the officer's mind at ease.

Please remember that the officer cannot read your mind. He/she does not know if you are a law-abiding citizen or a criminal, and unfortunately for his or her safety, must assume the worst case scenario at first. Only when you are asked by the officer for your identification should you go about getting it.

At this point, you may start to explain or question what you were doing that caused you to get stopped, but that is as far as you should take it. There is a chance that the officer will write you a citation or a warning notice for a traffic violation. This may take some time, so you should be patient, as it is not the intention of the officer to delay you in continuing on your way. When the officer asks you to sign the citation or warning notice, **it is not an admission of guilt.** You are simply acknowledging that you received a copy. If you refuse to sign, the officer will still issue the citation but will mark it "Refused." Be careful about the manner in which you may protest. This is not the time or the place to argue your case.

If you feel that you are receiving a citation for something that you did not do or for something that is not fair, you should take your protest to court and explain your case to the Judge. Just because you are issued a citation that does not mean that you are guilty, or will be found guilty, or will be required to pay a fine. **Keep in mind, in America, you are innocent until proven guilty.** You have a right to go to court and

to have a Judge hear your explanation, and if you do not agree with the decision of the Judge, you may file an appeal.

If You Are Stopped By The Police On The Street

Many of the problems that may arise when the police encounter a member of the community may be avoided at the time that they first stop and talk with you. Remember, the police officer believes that they have a reason to stop and ask you some questions.



When the officer approaches you, you should stop and remain calm. There are many factors that a police officer will take into consideration when the officer is observing you and thinks that you may be committing a crime or doing something suspicious. Every situation is different and the officer will usually consider the following factors:

- Do you appear to be running away and a crime has just been reported in the area?
- Are you hanging around with people that may be under investigation by the police?
- Are you at or near where a crime has just been reported?
- Are you acting suspiciously or in a location that raises the officer's suspicion?
- The officer believes that you may have stolen property in your possession.
- The officer legally stops you on the street or while driving in your car and you refuse to answer simple questions, give false or evasive answers or make contradicting statements.
- Someone has pointed you out as a possible suspect involved in a crime.
- Are you hanging around places and people who are selling or using drugs?
- Are you using obscene language, acting disorderly, or drunk and/or high in a public place?

While all of these things are taken into consideration by the officer in determining whether he or she should stop you and ask you questions, remember that the officer has the right and the obligation to find out what is going on.

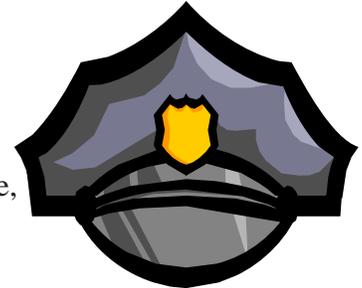
If the officer believes, after talking to you, that you have committed a crime and places you under arrest, before asking you any further questions, the officer will inform you of your Miranda Warnings. Those warnings tell you that you have a right to remain silent; anything that you say can and will be used against you in court; you have a right to talk to a lawyer for advice before questioning; if you cannot afford a lawyer, one will be appointed for you before any questioning; and, if you would like to make a statement, that you may stop at any time that you wish. The officer will ask you if you understand your

rights, and if you are willing to answer questions or make a statement. If you do not wish to talk after you have been informed of your rights, then you do not have to talk with the police.

Please be aware that if an officer does not advise you of your Miranda Warnings, it does not invalidate the arrest or the charges, but prevents the officer from using any statements in court that you may have made in response to the officer's questions.

If The Police Come To Your Home

If the police come to your home and ask to come into your house, you do not have to let them in unless they have a warrant that has been issued by a Judge, or if there is an emergency circumstance, or if the officer is in pursuit of a suspect.



You may ask to see the warrant. If it is an arrest warrant, make sure that you look at the name on the warrant to be sure that the police have the right person. If it is a search warrant, make sure that it is for your specific address and check to see what is listed on the warrant to be searched for in your home or other location. The warrant gives the police the legal authority to temporarily seize the listed property on the warrant.

There are several other exceptions to the requirement that the police have a search warrant in order to search a house. The police may search without a warrant whenever they have arrested a person in a house. They may search his or her person, the immediate area where the arrest was made and conduct a sweep of the house to make sure that there is no one in the house that may present a danger to them.

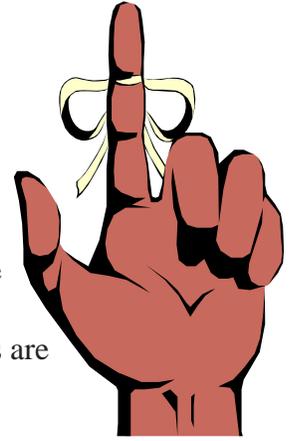
The police may also search without a warrant after consent is given. If you object to their request to search, be sure to make it clear that you do not agree to any kind of search. They may also search when there is an emergency situation (for example, someone screaming for help from inside of your home) or when they are chasing you or someone else into your home, which is known as hot pursuit.

If the police do not have a warrant, you may, but you do not have to let them in, **UNLESS** they demand to come in. Perhaps you may settle this matter at the door. If they do insist on coming in over your objections then:

- Ask to see identification or a police badge.
- Let them in only after they demand to come in.
- If you object, then make sure that you tell them that you **DO NOT** consent to any search.
- Remember the badge numbers and the names of the officers. Write it all down. The officers usually have business cards, feel free to ask the officers for one.

THINGS TO REMEMBER

1. If the police have stopped you, they believe that they have a reason to do so.
2. It is best to be cool and calm and identify yourself.
3. If an unmarked car signals you to pull over at night and you are not sure that the person is a police officer, put on your four-way flashers and dome light and slowly drive to the nearest well lit public area. Unmarked police cars used for traffic stops are equipped with **RED** and **BLUE** emergency lights.



4. **DON'T THREATEN OR TOUCH THE OFFICERS.** Keep your hands and your feet to yourself. Doing otherwise will probably lead to you getting arrested. Don't make the situation worse than it already is.
5. **Under Pennsylvania law, you may not use force to resist a legal or illegal arrest.** Remember that you have the right to contest the validity of your arrest at a later time in court.
6. If you are given a citation, you have a right to a hearing before a District Justice. If you do not agree with the decision of the District Justice, you have the right to appeal to the Court of Common Pleas.
7. If you are arrested for a misdemeanor or a felony, you have a right to a preliminary hearing in which the police must present evidence to show why you were arrested.
8. If you feel that you were legitimately treated unfairly by a **MUNICIPAL POLICE OFFICER (S)**, you have the right to file a personnel complaint with the Chief of Police or Superintendent of Police for that municipality.

Every Police Department in Montgomery County has a personnel complaint policy and process in place. If you are not satisfied with the response from the Chief of Police or Superintendent of Police, you may file a complaint with the elected officials who oversee the Police Department, such as the Mayor, Police Commissioner or Township Manager.

If you are not satisfied with that response, you have the right to file a complaint with the Montgomery County District Attorney's Office, and if you choose, you may pursue a civil action.

Montgomery County Public Defender's Office
610.278.3295

Federal Bureau Of Investigation
215.641.8910

Local Police Department
Consult Blue Pages Of The Phone Book

Pennsylvania Human Relations Commission
215.560.2496

United States Attorney's Office
215.861.8200

Township of Lower Merion Police Department

71 E. Lancaster Avenue
 Ardmore, Pennsylvania 19003
 Non-Emergency Phone Number: 610-649-1000
 E-Mail Address: police@lowermerion.org



Police Response Comment Form

Your Name	
Address	
City, State, Zip	
Phone Number(s) (specify home, cell or work)	
E-Mail Address	

Date of Incident		Time of Incident	AM / PM
Incident Number (if known)			
Location of Incident (Address, City, etc.)			
Name(s) of Persons Involved			
Officer Name(s)/Badge Number(s) if known			

Please summarize your question or comments in the space provided below:

* If no response is needed, check here

Please return this form via e-mail or mail to the locations listed above.
 The Lower Merion Police Department will respond to you within 3 days of receipt of this form (not including weekends or holidays).

Please check your preferred method of contact:

Phone E-Mail address Mailing Address No Response Required

Received By: _____ Date-Time: _____