

POLICE CONTACTS AND YOUR RIGHTS



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UNIVERSITY OF ILLINOIS

AT URBANA-CHAMPAIGN

KEY

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THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION:

The right of the people to be secure in
- their persons,
- houses,
- papers, and



THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION:

- *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 person or things to be seized.*



THE FOURTH AMENDMENT TO THE U.S.
CONSTITUTION:

If the officers have a warrant, be sure to read what it says they can search. Be sure to tell the officer you **DO NOT CONSENT** to a search of anything outside the scope of the warrant. Anything in plain sight they think is contraband or evidence can be seized. If the officer asks what is in a room or something else, tell them in general, but you do not consent to search unless allowed by warrant.



QUESTION:

Officers approach you on the street and ask if you have been drinking. You do not know whether they have any reason to stop you.

Can he or she do this?

What is your response?



ANSWER:

Yes. An officer has a right to speak with anyone to the same extent as anyone else.

Always react respectfully toward an officer, just as you should a stranger – you would be wary of a stranger.



ASK:

“Am I being detained? or may I go? I am in a hurry.”

Only interact if officer is investigating a crime that you cannot be a suspect in, but may be a witness to. Then **only** provide facts you remember – no speculation, guesses, descriptions by “emotions” without factual statements.



If the officer asks for identification, provide correct information.

You do not have to provide a hard copy of any form of identification, except U of I requires you to provide your student ID upon request of any University authority.

A correct identification card will make things go smoother and faster.



When you pull the ID out, shield anything else in the wallet or where you are taking it from the officer's view. If he or she asks to see anything else in your wallet or purse, you are not required to consent.

If you are involved in an accident, a witness to a crime, a victim of a crime, then do engage with the police officer unless you may be a suspect in the offense.



If they want you to speculate, make sure they understand this is your best guess at this time, but this could change depending on what triggers your memory later, and when you have a chance, make notes of what happened to help you clarify the sequence and specifics of events as you recall them.



KEY PHRASES TO ASSERT YOUR RIGHTS

If you do not assert your rights, you are likely waiving them, even if you try to assert these later in court.

- **“I do not consent to a search.”**
- **“I have nothing to say until I talk to an attorney.” (Fifth amendment)**
- **“Am I free to go?”**
- **“Is that a request or an order?”**



The right of people to be secure in their persons...

QUESTION:

Can a police officer stop you and ask for your identification, and frisk you if he has reasonable suspicion you committed an offense?



ANSWER:

To do this he must have a reasonable suspicion - explainable by facts that potentially link you to being involved in a crime – not solely that people who look like you are not usually seen on the streets of that neighborhood.



Identification vs. Identify Yourself (not required vs. required)

- Pros and Cons of not using identification:
 - Delay in processing
 - If they have to take you to a station to identify you, they will likely take you to Champaign County Jail and charge it as a State charge of what might have been a City Ordinance
- Reasonable Suspicion vs. Probable Cause
 - You may have been involved in criminal activity vs. specific reasons to believe that you have committed a crime



Frisk vs. Identify – Requires different facts to stop you to identify you before frisking you or patting you down.

They must tell you if you ask whether you are in custody or not

- If not, then can only frisk or pat you down if they have facts to believe that you have a weapon – not that you have contraband
- If during legal frisk and they find contraband, they can confiscate it



“I’ve got nothing to hide”

Oh,... really?



*The right of people to be secure in their
houses...*

QUESTION:

Do you have more rights when you are in your house/apartment/dorm room vs. on the street?



ANSWER: Yes and No

Reasonable suspicion is not enough in a home.

Must have probable cause or reasonable belief of ongoing crime, or safety of those present in imminent danger. If they see contraband that can be easily destroyed, they can enter.



How to Limit Growing to Probable Cause:

- Shut people up
- Do not allow contraband:
 - = On the first floor
 - = Out in the open
 - = Control points of entry and do not consent to police entering the unit
 - = If police comes to talk, step outside and close the door – not with door open or letting them in your house



*The right of people to be secure in their...
papers and effects...*

QUESTION:

When can an officer search

- your car?
- the items in your car?
- areas you cannot reach in your car (such as the trunk)?



ANSWER:

- In your car, if you are within reach of a weapon the police will seize the weapon in that area.
- They can ask you to step out of the car – then you cannot be in search of carrying a contraband
- The police can confiscate contraband in plain view.



REMEMBER:

- They cannot continue to converse with you in attempt to stall and bring up something unrelated to the original reason for stopping you
- Do not consent to search of anything else – if they can or are arresting you then you could be taken to jail – they will seize the car and then conduct inventory search and can hold your car only for reasonable times to get a warrant



When stopped while in the car for your safety and officers safety, do not open up more areas for search or evidence of guilt.

When in a car and an officer wants you to pull over, pull over when you it is safe, turn on hand signals and:

- 1. Sit in car with hands straight ahead on steering wheel – leave them there until officer asks for something**
 - Leave your seat belt on**
 - Do not reach in back, under the seat, or any compartment**



- 2. Once requested, give driver's license, registration of proof of insurance**
- 3. If given a ticket, sign it**
- 4. Do not answer question**
 - With question, do not argue and do not make statements of guilt unless trying for warning and have something other than want warning**
 - Lost as to which lane to get where you're going**
 - Upset by death or serious illness of immediate close family and distracted about speed but safe**
- 5. Do not consent to search**
- 6. Do not explain situation**



What is “probable cause”?

“Reasonable belief from all known facts that you committed a crime.”

Do not discuss this when Police stop you.

You CAN ask: “What am I being charged with?”

- Police do not have to answer.



IF STOPPED BY POLICE OR ARRESTED:

- **Do not resist arrest by a police officer even if you feel that they have no right to stop you.**
 - ❖ *Is it a request or an ORDER?*
 - ❖ Authoritative statement to do something is a request unless told or they will signal it as a request with “please will you... I want you to...”
- **Do not lie to the police; you only have to identify yourself but by providing identification, it may make the process faster. They can use anything you say against you in court.**
 - ❖ *What amendment?*
 - ❖ *You do not have to confess voluntarily or provide evidence that you were involved in a crime.*
- **If stopped by the police, stay cool, calm and friendly, and do not attempt to flee or evade. Be firm but not hostile.**



IF STOPPED BY POLICE OR ARRESTED:

- **You do not have to take a breathalyzer test, but if you refuse, your driver's license may be suspended for one year.**
 - ❖ Only if you get a DUI.
 - ❖ Portable, hand-held breathalyzers cannot be used in court due to inaccuracies.

- **You do not have to give permission to a search of your dormitory room, apartment, car or yourself;**
 - if you do, any evidence obtained from the search is admissible against you in court.
 - If the police are in a place where they have a legal right to be, any evidence in plain view is admissible against you in court.

- ❖ *"I do not consent to a search."*



IF STOPPED BY POLICE OR ARRESTED:

- **Do not take a lie detector test.**

- ❖ Results are not admissible in court.
- ❖ Lack accuracy in the results/interpretation.

- **It is illegal for the police:**

- **to search a person without probable cause except to “pat down” for weapons,** *only if they have reason to believe you have one,*
- **to use excessive force, and/or**
- **to arrest a person without Probable cause, especially for exercising free speech,** *but if you are causing a disturbance, you can be charged with disorderly conduct.*



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