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Your Rights and the Police:

What you say to the police is always important. What you say CAN AND WILL be used against you.

When you encounter a situation where law enforcement have asked you to stop or want information from you, always ask the question "**Officer am I free to leave?**". If the answer is yes then leave, if the answer is no, then you may be legally detained under the law. When any citizen is detained by law enforcement, your Fourth Amendment rights under the Constitution begin. They may not apply until that moment so it is imperative to determine if you are free to leave and go about your business. You do not have to answer a police officer's questions, but you must show your driver's license or ID if requested.

You do not have to give consent to any search of yourself, your car, or your house. If you do consent, you've made a big mistake which can affect your rights later in court. If the police say they have a search warrant, ask to see it but do not interfere with, or obstruct, the police – you can be arrested for it.

If you are stopped for Questioning:

It is not a crime to refuse to answer questions and when being questioned by the police but you must affirmatively tell them that you are invoking your right to remain silent under the Fifth Amendment. Continue to repeat this and do not say anything. By law they must stop asking questions until you have an attorney present.

The police may "pat-down" your outer clothing if they have a reasonable suspicion that you are carrying a concealed weapon for officer safety. Do not physically resist or they will arrest you. However, the police cannot search further. Make it clear that you do not consent to any further search.

Your rights begin from the moment of detention. Remember that you should never physically resist. Verbal commands by an officer to stop or stay in a specific area should be obeyed. **Under the law that command would be a detention and it is at that time you ID yourself and you ask if you are free to leave.** Do not argue with the officer or demand to know if you are under arrest.

If you are stopped in your car:

Show your driver's license, registration and proof of insurance upon request. **Once again, if the officer is asking questions of you, ask "Am I free to leave"**. If not you are legally detained and should exercise your right to remain silent under the Fifth Amendment. Your car can in certain limited cases be searched without a warrant so long as the police have probable cause. To protect yourself later, make it clear that you do not consent to a search. If you are given a ticket, you should sign it; otherwise you can be arrested. Fight the case later in court.

If you are Arrested or Taken to a Police Station:

Remember to remain silent and request an attorney immediately! Memorize this rule. The way it works is if you just tell the police you don't want to talk to them, they legally can wait awhile and then come back and question you again and again. **If you tell them you want to see a lawyer then legally they have to stop questioning you until you have a lawyer present. THIS IS TRUE EVEN IF YOU ARE A MINOR.** Your parent does not have to be consulted with, notified, nor present during questioning. They will not run out and get you a lawyer, but you must always remain silent and let the rest of the process take place. Be patient and silent and it will help your case later or prevent charges from being filed. Do not give explanations, excuses, or stories. You make your defense in court based on what you and your lawyer decides is best.