

# **NAACP CHAMPAIGN COUNTY BRANCH EDUCATION COMMITTEE**

## **GUIDE TO INTERACTING WITH LAW ENFORCEMENT**

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*This information was gathered for dissemination by the individual Illinois NAACP branches and is available to other organizations/agencies upon request.*

To avoid conflict with police, citizens should use the following guidelines:

1. **ALWAYS** be respectful and follow the officer's instructions immediately.
2. Don't run.
3. Don't touch the officer.
4. Don't resist. Even minor resistance is a misdemeanor and can be a felony if the officer is injured.
5. Upon request, provide your correct full name, address, date of birth,

When stopped by police in your car,

1. You **MUST** show your driver's license, proof of insurance card and vehicle registration.
2. When pulled over, stay in your vehicle until instructed to get out of it. Keep your hands visible.
3. Unnecessary movement causes concern for officer safety and raises suspicion of an attempt to hide illegal contraband.
4. You can refuse field sobriety tests (finger to nose, walk a line, etc), Portable Breathalyzer tests (given at the location of the traffic stop) and Breathalyzer tests at the police station or jail. However, refusal to take the jail Breathalyzer test will result in a longer suspension of your driver's license than if you take and fail it. You can currently refuse the field sobriety test and the portable Breathalyzer tests without an automatic suspension of your license; be aware that there have been unsuccessful attempts in the past to pass legislation punishing drivers for failure to take the portable breath tests so this may change in the future.
5. You can refuse to consent to a search of your vehicle. However, police may conduct a search of your vehicle if they have placed you under arrest or if they have probable cause to believe that a crime has been committed. Ex: probable cause for a search exists if the officer smells cannabis coming from the inside of a vehicle during a traffic stop. Ask the officer for the reason for the search and state clearly but respectfully that you do not consent to it.
6. Sign the traffic ticket. You can fight the case later in court.

If you are stopped by police on the street, you **MUST**:

1. Provide correct basic information about your identity, address, age, where you are coming from and/or going to. Failure to answer truthfully is a crime and can be charged as a felony.
2. Show identification when requested.
3. Police may conduct a "pat down" search at any time if the officer fears for his/her safety. When an officer pats you down for a weapon, you may be prosecuted for any contraband found, including drugs.

### **Miranda Rights:**

1. You have the right to remain silent
2. Anything you say can and will be held against you
3. You have the right to an attorney.
4. If you cannot afford an attorney, one will be obtained for you **BEFORE** police questioning.

### **Police *MUST* give Miranda Rights only if:**

1. you are under arrest and
2. in custody and
3. the police are questioning you.

### **Never volunteer any information!!!!**

If you volunteer information, police are **NOT** required to give Miranda Rights. Immediately upon arrest, ask for an attorney and stop talking other than to give basic identifying information when asked.

### **You may deny the police access to your house *UNLESS*:**

1. they have a search warrant; make sure to ask to see it and read it carefully  
-or-
2. emergency circumstances require entry, ex. the safety of an occupant.

If you are arrested in your home, police can search you and the area surrounding you. Anything illegal in plain view may be seized as evidence.

### **PARENTS**, be aware of the following:

1. In Illinois, kids age 17 and older are considered adults for criminal court purposes.
2. Police can question minors without parents being present under specific circumstances.
3. Kids between 10 and 16 can go to the Champaign County Juvenile Detention Center (kids' jail); kids between 13 and 16 can go to the Illinois Department of Juvenile Justice (kids' prison).
4. Champaign Curfew is
  - a. Under 13: 10:30 pm daily
  - b. Ages 13 – 16:
    - i. 11:00 pm Sunday through Thursday;
    - ii. midnight on Fridays and Saturdays
5. Urbana and Rantoul Curfews for all kids under 17 years of age is:
  - a. 11:00 pm Sunday through Thursday;
  - b. Midnight Fridays and Saturdays.
  - c. This is the statewide curfew unless individual communities have established a stricter curfew.

### **Final Suggestions:**

1. Do not argue with police officers. If you feel you have been treated inappropriately, jot down the squad car number or the license plate number in instances where you cannot get the officer's name or badge number without asking for it and file a complaint against the officer with the police department.
2. Never, ever run from the police or struggle to avoid being handcuffed.
3. Don't make any statements or answer any questions other than your name, address and birth date.
4. You are entitled to a court-appointed attorney if you cannot afford to hire one of your choosing and the charges carry possible jail or prison time.

- 5. At the earliest possible time, write out what happened, what witnesses were present and the name/badge number of the police officer(s) involved. Take pictures of injuries or property damage. Put the name of the person taking the pictures along with the date/time the pictures were taken on the back of each picture.**
- 6. Don't talk to cell mates or jail staff about the incident.**
- 7. Don't make any statements about the incident in court . . . let your attorney be your voice. Some hearings are videotaped and your statements about the incident can be used at trial.**