

IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

You are not required to talk to the police other than providing your name and address, but doing so may resolve an issue more quickly. **Don't** give any false information.

You may see a lawyer. If you can't pay for a lawyer, you have a right to a free one. Ask the police how a lawyer may be contacted.

IN YOUR HOME

You do not have to let the police into your home unless they have a **warrant** signed by a judge. However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.

IF YOU'RE STOPPED FOR QUESTIONING

- ◆ It is **not a crime** to refuse to answer questions, but not answering may raise suspicions about you. You can't be arrested simply for refusing to identify yourself on the street.
- ◆ Police may pat down your clothing if they suspect a concealed weapon. **Don't resist**, but clearly state your objections.
- ◆ **Ask** if you are under arrest. If you are, you have a right to know why.
- ◆ **Don't bad-mouth** the police officer or run away even if you believe what is happening is unreasonable. That could lead to your arrest.

We all recognize the need for effective law enforcement but we should also understand our own rights and responsibilities, especially in our relationships with the police.

Everyone, including a minor, has the right to courteous and respectful police treatment. If you think your rights are violated, don't try to deal with the situation at the scene.

You can discuss the matter with an attorney afterwards, or you may pursue the matter with the officer's supervisor. You may also call, write or come in person to:

Police Chief's Office
Room GR-21, City-County Bldg.
211 S. Carroll St., Madison, WI 53703
(608) 266-6502

To file a formal complaint with the Police and Fire Commission, call the City Clerk's Office at: **(608) 266-4601**

For copies of this brochure contact . . .

Department of Civil Rights
(608) 266-4910

Madison Police Department
(608) 266-4022

OUR APPRECIATION

Appreciation and acknowledgment are extended to the American Civil Liberties Union and their publication *Pocket Card on Police Encounters*.

Note: If you need materials in Braille, large print or another alternative format or other accommodations to access this service, activity or program, please contact the Department of Civil Rights at (608) 266-4910 or (866) 704-2314 (TTY/Textnet).

You and the Law

A Guide for Contact with Madison Police Officers



This publication is a joint project of the City of Madison Department of Civil Rights and the Madison Police Department.

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In order to promote the best results in any encounter with a Madison Police Officer, it is in your best interest to **know your rights** under the law. Some things you should do, some things you must do, and other things you cannot do. That's why the Madison Department of Civil Rights and the Madison Police Department have teamed up to provide this brochure for you.

CONTACT WITH POLICE OCCURS IN SEVERAL WAYS

- ◆ Simple traffic stops
- ◆ As a result of a complaint
- ◆ During an investigation
- ◆ Giving information as a victim or witness
- ◆ During community functions
- ◆ Emergency situations at your home
- ◆ Execution of a search warrant

WHAT TO EXPECT, DO'S AND DON'TS, WHEN YOU HAVE CONTACT WITH A MADISON POLICE OFFICER

- ◆ You may be asked for your name, birth date and a form of identification.
- ◆ **Be polite and respectful**; don't get into an argument with the officer.
- ◆ **Stay calm**, patient, and in control of your words, body language, and emotions.
- ◆ **Ask why** the action is being taken.
- ◆ Remember, **anything you say or do** can be used against you.
- ◆ **Keep your hands** where the police can see them.

- ◆ **Don't run; don't touch** an officer.
- ◆ **Don't interfere** with, or **obstruct** the police; you can be arrested for it.
- ◆ **Don't resist** during a pat down, search or an arrest even if you believe you are innocent.
- ◆ **Don't complain at the scene** or tell the police they're wrong or that you're going to file a complaint.
- ◆ Remember an officer's badge and patrol car numbers. **On request, a Madison officer will provide his or her business card.** This information may be helpful if you decide to file a complaint.

IF YOU'RE STOPPED IN YOUR CAR

- ◆ There are several reasons why an officer may stop a car. The most common are a suspicion of illegal driving behavior, an apparent traffic violation, defective or improper equipment, an expired license or related violations.
- ◆ Officers may also stop a vehicle if they have a **reasonable suspicion of criminal activity** including a reasonable suspicion that the vehicle is or may be used in the commission of a crime. They may also make a stop to arrest a vehicle occupant on a warrant.
- ◆ When an officer signals you to stop, try to park in a safe manner by driving a short distance at a reduced speed to a point where you can park safely.
- ◆ **Stay in your vehicle** unless asked to get out.

If you doubt that a real police officer is stopping you, pull into a busy location.

- ◆ You will be asked for your **driver's license**. It is routine for an officer to check with the State Division of Motor Vehicles to determine the validity of both the driver's license and the vehicle registration and whether there are any outstanding warrants. This will take a few minutes or more even if a citation is not issued.

If you don't have a driver's license or other valid identification with you, you may be taken to a police station. Always carry identification with you when you drive, preferably your driver's license. (see s. 343.18(1), Wis. Statutes)

- ◆ **You do not have to consent** to any search of your person or your vehicle, but a police officer may still search if there is **probable cause or reasonable suspicion**.
- ◆ You may be given a ticket or citation if the stop was for a simple traffic violation. In a probable cause or reasonable suspicion stop, the officer should inform you of why you are being stopped.
- ◆ Instructions on how you may challenge a citation will be given to you.
- ◆ Do not refuse to take a breath test or other sobriety tests if stopped for an OWI (Operating While Under the Influence). This could have negative effects later in court.