

If You Are Arrested or Taken to a Police Station:

1. You have the right to remain silent and the right to a free lawyer if you cannot afford one. **Don't tell the police anything except your name, address and DOB.** Don't give any excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.

2. If you have a lawyer, ask to see your lawyer immediately. If you can't afford a lawyer, you have the right to a free one once your case goes to court. Call the Delaware Public Defender's Office at 302-255-0130.

3. Within a reasonable time after your arrest, booking or a bail hearing, you should ask the police to contact a family member or friend. If you are permitted to make a phone call, anything you say at the precinct may be recorded or listened to. Never talk about the facts of your case over the telephone.

4. Do not make any decisions in your case or sign any statements until you have talked with a lawyer.

What to Do If You're Stopped by the Police:

- **Stay calm and in control** of your words, body language and emotions.
- **Don't get into an argument** with the police.
- Never bad-mouth a police officer.
- 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** any police officer.
- **Don't resist**, even if you believe you are innocent.
- When you speak to the police, do so in a non-confrontational way that will not intensify the scene.
- **Do not make any statements** regarding the incident.
- If you are arrested, **ask for a lawyer immediately.**
- Remember **officers' first and last names.**
- Look to see if any security cameras are near the scene, and tell your lawyer. Tapes are often quickly deleted, but they may help your defense.

- **Write down everything** you remember as soon as you are out of police custody.
- Try to find **witnesses** and their names and phone numbers.
- If you are injured, **take photos of the injuries** as soon as possible, but make sure you **get medical attention first. Ask for copies of your medical treatment files.**

To File A Police Misconduct Complaint:

File a written complaint with the police department's internal affairs division (State Police: 302-739-5990; Dover Police: 302-736-7124; Wilmington Police: 302-654-5151).

You can also request assistance on our website: www.aclu-de.org.



100 W. 10th St.
Suite 603
Wilmington, DE 19801
302.654.5326
www.aclu-de.org

What To Do If You're Stopped By The Police

*Keep this card in your wallet
or purse for easy reference!*



www.aclu-de.org

What To Do If You're Stopped By The Police

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

This card tells you what to do if you are stopped, questioned, arrested, or injured in your encounter with the police, and how to file a complaint.

More information about your rights is available at www.aclu-de.org.

If you think your rights have been violated, contact the ACLU of Delaware at 302-654-5326. You can also file a complaint online at www.aclu-de.org.

If You Have A Police Encounter, You Can Protect Yourself.

1. What you say to the police is always important. Everything you say can be used against you.
2. You have the right not to speak, **except if asked for your name, address or DOB**. To exercise this right, you should tell the police, **“I would like to remain silent.”** If you decide to answer the police’s questions, be sure to **tell the truth**. You can be convicted of a crime if you don’t.
3. You have the right to refuse to be searched or have your property searched. There are, however, situations where law enforcement can search you or your property without consent. **If the police say they have a search warrant, ask to see it.** If they don’t, say **“I do not consent to this search,” but do not resist the search.**
4. **Do not interfere with or obstruct the police**—you can be arrested for it.

If You Are Stopped, Questioned and/or Frisked:

1. Police may stop and briefly detain you only if there is reasonable suspicion that you committed, are committing or are about to commit a crime.
2. You should **ask if you are under arrest or free to leave.**
3. In Delaware, you are not required to carry ID, and you don’t have to show ID to a police officer (unless you are driving a motor vehicle). However, **if the officer requests proof of identity, it is wise to cooperate** because you can be charged with criminal impersonation. **If an officer asks you for your name, home address, reason for being outside and destination, and you refuse to tell the officer who you are or don’t explain your actions to their satisfaction, you may be detained for up to two hours for further questioning.** At the end of that period you must be released or arrested.
4. **Don’t bad-mouth a police officer or run away**, even if you believe what is happening is unfair. That could lead to your arrest. Always **be polite and keep your hands visible.**

If You Are Stopped in Your Car:

1. Upon request, show the police your driver’s license, registration and proof of insurance. In certain cases, your car can be searched without a warrant. To protect yourself later, you should **state that you do not consent to a search, but do not do anything to interfere with a search.**
2. If you’re suspected of drunk driving (DUI), you may be asked to take a breath-alcohol test. If you fail the test or refuse to take it, you will be arrested and your driver’s license and/or driving privileges may be suspended.
3. If you are arrested, your car may be subject to a search.

If Police Come to Your Home:

1. The police can enter your home without your permission if they have a warrant, if it is an emergency, or if you are a probationer. If the police say they have a warrant, ask to see it. Check to make sure the warrant has the correct address.
2. If you are arrested in your home or office, the police can search you and the area immediately surrounding you or where evidence of criminal activity is in plain view.