

IN YOUR HOME

- Police usually cannot enter your home without a warrant signed by a judge. Ask to see it.
- In some emergency situations police may enter without a warrant. Ex: if the police are chasing someone or a scream is heard from your home.
- You don't have to consent to search of your home or car. If you DO consent, it can affect your rights later in court.
- You may be subject to a pat down search. Don't physically resist, but let them know that you don't consent to further search.
- If you are arrested police can search you and the room you were arrested in.

ARRESTED?

- You have the right to remain silent and to talk to a lawyer before you talk to police. Only give your name and address. Nothing else. Don't give explanations, excuses or stories. Make your defense in court later based on what you & your lawyer decide is best. If you're a minor, don't say anything without your parents present.
- If you are arrested the officers must advise you of your constitutional rights to remain silent and to an attorney.
- Ask for a lawyer immediately. If you can't pay, a free one can be provided.
- Within a reasonable amount of time you have the right to make a phone call.
- Police may not listen to a call you make to a lawyer but may listen to the calls you make to others.

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You may file a complaint with the police if you feel your rights were violated. These agencies can help you file such a complaint.

**ACLU of Wisconsin
(statewide)**
207 E. Buffalo St. Suite 325, Milwaukee, WI 53202
www.aclu-wi.org | 414.272.4032

Communities United
general referrals for multicultural civil rights issues
Peng Her
(608) 204-0834

Centro HispanoAyuda en Español
810 West Badger Road, Madison, WI 53713
(608) 255-3018

Freedom, Inc.
youth and Asian-American rights advocacy
601 Bay View, Madison, WI 53715-1482
(608) 661-4088

Vision Beyond Bars
youth rights advocacy
(608) 444-6635

Madison Office of Public Defender
17 S. Fairchild St. - 2nd Floor, Madison, WI 53703
608-266-9150



Not intended as legal advice - Laws can change.
<http://www.aclu-wi.org/story>

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IF YOU ARE STOPPED BY THE POLICE

- Stay calm. · Do not run or drive away.
 - Think carefully about your words, movement, body language & emotions. Don't get into an argument.
 - Remember, **anything** you say or do can be used against you.
- Keep your hands where police can see them. Don't touch any police officer.

- Don't resist even if you believe you're innocent.
- Don't tell police you're going to file a complaint.
- Ask for a lawyer immediately upon your arrest. Do not make statements regarding the incident.
- Write down everything you can remember ASAP including: names, badges , car numbers and witnesses.
- If you are injured, seek medical attention and take photos of injuries.
- If you believe your rights have been violated contact a lawyer and file a complaint immediately. File a written complaint with the police department's internal affairs division or civilian complaint board.

STOPPED ON THE STREET

- You do not have to answer questions.
- Say **"I do not want to talk to you"** and ask if you are free to go. If the answer is yes, walk away calmly.
- If the answer is no, ask why you are being detained. Police must have *reasonable suspicion* to detain you.

- You may be subject to a pat down search. Don't physically resist, but let them know that you don't consent to further search.
- It is not a crime in Wisconsin to refuse to identify yourself to a police officer, unless you are being detained or arrested, but refusing might make the police suspicious about you.

STOPPED IN YOUR CAR

- Keep your hands on the steering wheel.
- Have your license and registration ready.
- Law enforcement should not ask you questions regarding citizenship status.
- Let the officer know if you need to reach into a bag or compartment to get your ID.
- If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.
- You may **not** be searched without a warrant if you do not give consent, unless there is *probable cause* (sight or scent of drugs, alcohol, weapons, etc). It is not lawful for police to arrest you for refusing to consent.
- Police may pat you down for weapons.

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