

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

Urban Underground
4850 West Fond Du Lac Ave.
Milw., WI 53216
414.444.8726

Milwaukee Fire & Police Commission
provides a list of local advocates
www.ci.mil.wi.us/fpc/Complaints
414.286.5000

Wisconsin Public Defenders Office
819 N. 6th St., Rm 908 Milw., WI 53203
414.277.4130

Spanish Center
1615 S. 22nd St., Milw., WI 53204
414.384.3700

Voces de la Frontera
1027 South 5th St., Milw., WI 53204
414.643.1620



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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