



## What Are My Rights When Stopped by Police?



### What is a police stop?

The police have a duty to investigate suspected crimes and to keep the community safe. To do that, they are given certain powers. One is the power to stop people and ask them questions, and another is to detain people under certain circumstances. A person is “detained” by the police when an officer uses force or a show of authority in a way that makes a reasonable person feel they are not free to leave.



### When are the police allowed to detain you?

Police can detain you for a variety of reasons, but they must have a reason. The following is not the full list of reasons why someone may be detained, but here are three examples:

1. First, they can stop you if they believe that you witnessed a crime or have other information that may help them investigate a crime.
2. Second, police can detain you if there is a warrant for your arrest.
3. Third, they can detain you if they have a “reasonable suspicion” that you committed a crime, are in the process of committing a crime, or are about to commit a crime.

A “reasonable suspicion” is a clear, specific and unbiased belief that you committed, are committing or are about to commit a crime.



### If you are stopped by the police, what are you required to do?

Under Ohio law, if you are stopped by the police, you are required to tell them your name, address and date of birth. If you do not provide the police with this information, you can be arrested and charged with a misdemeanor of the fourth degree. If you are 18 years old or older, a misdemeanor of the fourth degree is punishable by up to 30 days in jail and/or a fine of up to \$250. If you are under 18 years old, you could receive a fine of up to \$100 and time in a juvenile detention center.

If you are driving a motor vehicle, Ohio law also requires you to show a driver’s license if requested by a police officer.



### If you are stopped by the police, what can you refuse to do?

**Identification:** Unless you are driving (see above), you are not required to show the police your identification, and you are not required to tell them anything beyond your name, address and date of birth.

**Right to leave:** If you are stopped by the police, ask loudly and clearly, “Am I being detained or am I free to leave?” If the officer says you are free to leave, stay calm and walk (do not run) away. You can ask if you are free to leave more than once during an encounter with the police. If the officer says you are under arrest, you have the right to know why.



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**Right to remain silent:** You do not have to answer any questions beyond providing your name, address and date of birth. You do not have to give a statement or provide any information about something you witnessed or are suspected of doing. You have the right to remain silent even if you have not been read your Miranda rights.

If you do not want to answer questions from the police, state loudly and clearly, "I choose to remain silent." Then, **STOP TALKING.** Even after you say you are remaining silent, the police can continue to ask you questions and they *are* permitted to lie to you to get information from you. If you answer the questions, you are giving up your right to remain silent. If you choose to talk, do not lie to the police. Lying to the police can lead to your arrest and criminal charges.

**Right to refuse a search:** You do not have to agree to a search. If you do not want your person or your belongings searched you should state loudly and clearly, "I do not consent to a search." If you do not consent to a search, the police cannot conduct a search, but they can protect themselves by conducting a "pat-down" search to check for weapons without your consent.

There are exceptions to this general rule. For instance, a police officer may search your motor vehicle if the officer has probable cause to believe your vehicle contains drugs or other controlled substances, contraband or criminal evidence.

The police can also conduct a search, without your consent, if they have a search warrant signed by a judge. The extent of the search is limited to what is listed in the search warrant. Police are required to provide you with a copy of their search warrant, so be sure to ask for a copy if you find yourself in that situation.



## What can you do if the police are violating your rights?

If you are stopped, you can ask the police why they stopped you, but the police are not required to answer that question. You should say out loud, in your clearest voice, that your goal is to de-escalate the situation, and that you will follow the officer's commands.

The safest thing to do is to continue complying with the officer's commands. You should ask the officer if the encounter is being recorded on a bodycam or dashcam. If it is not being recorded, you can ask the officer to turn on their camera. Say out loud the things that you and the police are doing so your narration is recorded on the video. Ask for names and badge numbers of the officers involved. State these things loudly and clearly so they are picked up by the camera. This may be usable as evidence in a criminal case or in a claim against the police.

As soon as possible after the encounter, write down or record everything you remember about what happened. It is important to make a record of what happened as soon as you can.

## Tips for any interaction with the police



**Do not run.** Be aware of your emotions, your voice and your body language. Stay calm.



**Do not argue with the police.** A stop or arrest is not the time to argue guilt or innocence. That can be addressed later in court.



**Do not touch the police or reach for them.** Keep your hands where the police can see them.



**Do not resist,** even if you didn't do anything. This can lead to further criminal charges, injury or death.