

Step 1. Protect Your Safety

Stay calm, don't run away. Remember anything you say or do can be used against you. Think carefully about your words, movement, body language, and emotions. Do not argue with police officers. Keep your hands where the police can see them and never touch a police officer. Do not resist, even if you believe you are innocent. Don't make threats against police that you will file a complaint.

Step 2. Assert Your Rights

Ask for a lawyer immediately if you are arrested. Do not make statements regarding the incident. Write down everything you can remember ASAP including: names, car numbers, place and time, and any witnesses. If you are injured, seek medical attention and take photographs. 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. See Back.

This information is NOT intended as legal advice - Laws can change

YOUR HAVE THE RIGHT

THEY'RE YOUR RIGHTS

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

USE 'EM OR LOSE 'EM

These agencies are here to help you file a complaint

Urban Underground
4850 W. Fond Du Lac Ave, 53216
414.444.8726
Voces De La Frontera
1027 South 5th Street, 53204
414.643.1620
Spanish Center
1615 S. 22nd Street, 53204
414.384.3700

Milwaukee County Sheriff's Office
821 West State Street, Room 107, 53233
414-278-5399/mkesherriff@mkesherriff.org
Milwaukee Fire and Police Commission
city.milwaukee.gov/fpc/Complaints
414.286.5000
Wisconsin Public Defender's Office
819 N. 6th Street, Room 908, 53203
414.277.4130

TO FILE A COMPLAINT



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Pocket Guide:
Law Enforcement Encounters

Printed April 2012

# KNOW YOUR RIGHTS IN CASE...

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## YOU ARE STOPPED ON THE STREET

You do not have to answer questions. Say:

**"I do not want to talk"** 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 a **reasonable suspicion** (indication to a reasonable person that a crime has been, is being, or will be committed) to detain you.

**You may be subject to a "frisk" or a pat down search.**

**Do not** physically resist, but **do** let them know if you do not consent to further search by calmly saying: **"Officer, I do not consent to searches"**.

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.

## YOU ARE STOPPED IN A VEHICLE

**Keep** your hands on the steering wheel. Have your license and registration ready. Law enforcement should **not** ask you questions about your citizenship status, race or nationality. Let the officer know if you need to reach into a bag or compartment to get your ID. If you are given a ticket, you should **accept 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** (permission for an officer to search you or the vehicle), or unless there is evidence of **probable cause** (sight or scent of drugs, alcohol, weapons, etc). It **unlawful** for police to arrest you for refusing to consent to a search without a warrant. A refusal to consent is **not** probable cause. Police **are** allowed to pat you down for weapons.

## OFFICERS COME TO YOUR HOME

Police cannot usually enter your home without a warrant signed by a judge. Ask to **read it**. You **do not** have to consent to search of your home without a warrant. A refusal to consent is not probable cause. If you **do** consent, it can affect your rights later in court. In some **emergency situations** police may enter without a warrant: (e.g. If the police are chasing someone or a scream is heard from your home). **You may be subject to a "frisk" or a pat down search.** **Do not** physically resist, but **do** let them know if you do not consent to further search by calmly saying: **"Officer, I do not consent to searches"**. If you are arrested, police can search you and the room you were arrested in.

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## YOU ARE PLACED UNDER ARREST

### YOU HAVE THE RIGHT TO BE CONSIDERED INNOCENT UNTIL PROVEN OTHERWISE

You have the right to remain silent and to talk to a lawyer before you talk to the police. Only give your name and address. **Nothing else. Don't** give explanations, excuses, or stories. You will be allowed to fight your case later in court based on what you and your lawyer decide is best. If you are a **minor** (under the age of 18), **do not say anything** without your parents present. If you are arrested, the officers may advise you of your constitutional rights to remain silent and to have an attorney. Ask for a lawyer **immediately**. If you cannot afford one, a free defense attorney can be provided for you. 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 they may listen to the calls you make to others.