

QUESTIONED

by the

POLICE



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Seven things you should know when questioned by the police?

Police officers and other government officials play a vital role in society. They help make sure the streets are safe and people play by the rules. If you know you've done nothing wrong and have stayed within your legal rights then you should have nothing to worry about except if you are questioned by a bully cop then there is a chance that you could be arrested. Reminder police officers are professionally trained to interview citizens and leverage their powers under the law. Translation: *"Anything you say and do will be used against you."*

What to Do if You Are Questioned by the Police

Don't become a statistic. If you suspect you could be in trouble or you feel as if the police officer is being accusatory, you need to know how to protect yourself. Below are seven tips you should know when you are questioned by the police.

1. Know the situation. Why are you being questioned?

Police questioning is legally broken down into three categories. Each type of police questioning provides different rights and obligations to you and the police officer. The three types of police questioning are explained below:

- **Voluntary Encounters:** These encounters are consensual, they can be ended at any time, and the person questioned cannot be searched by the officer.
- **Investigative Detentions (aka "Terry Stops"):** During investigative detentions, the person cannot leave immediately, but the encounter is brief, typically within 20-30 minutes, and the person can be frisked.
- **Arrested:** In cases of arrest, the person's rights are much more limited: the person can be frisked, forced to show ID, and even taken to jail depending on the circumstances.

An officer needs a certain level of evidence before engaging in investigative detentions or arrests. An officer cannot detain a suspect without reasonable suspicion. Be careful, because what may seem unreasonable to you is more likely to be considered reasonable under the law.

Even common behaviors may be grounds for reasonable suspicion, and courts typically side with the officer when there is a question about it. If the officer is going to arrest you or perform a search of you or your car, there must be probable cause. This is a more demanding standard, but is still easier for an officer to meet than most people think. It's hard to know what level of evidence the officer might have against you, so if you are being questioned by the police it's a good idea to ask why!

2. Ask if you are free to leave.

Most avoidable arrests are due to trickery and intimidation by the police. Police do not have to be honest with you all the time. They often pretend they saw you do something in hopes that you will confess or consent to a search. Although the police can be very crafty, they have to respond honestly if you ask if you are free to leave.

An officer cannot prevent you from leaving (i.e. turning a voluntary encounter into a non-consensual one) without having the right level of evidence – either reasonable suspicion or probable cause. If there is not enough evidence to meet either of these standards, then any evidence that is found will be excluded from court as unconstitutional. So if the officer says you are free to leave, you might want to do so.

3. Ask if you are under arrest.

If you are not allowed to leave, this should be your next question. Remember that under an investigative detention, you still have many more rights than if you were under arrest. Arrest is the worst case scenario. If the officer has probable cause to arrest you, there is likely probable cause for search warrants, so if something is hidden then it will likely be found soon.

4. Do not consent to anything.

No matter what the situation is, if you consent to something the officer will have more rights. An officer that comes into your home with your consent has basically the same rights as a relative coming for a visit. Once they are given that inch, it often becomes a mile.

If you give your consent, an officer might then observe something that could raise the evidence level against you to reasonable suspicion or even probable cause. That's why in order to reduce the likelihood of a preventable detainment or arrest, you should avoid voluntarily consenting to anything. No matter what the officer says, you do not have to consent.

5. Do not talk with exceptions.

At this point the only thing you should say is: "I request an attorney" or "*I want to talk with my attorney.*" You don't have to say anything else. That is your only verbal response to any question or demand. As the saying goes, anything you say can be used against you in a court of law. In most situations, the less you talk the better.

Officers are often very good at manipulating some kind of confession out of you that might not even be related to the reason you were questioned in the first place. Talking could raise the evidence level up a notch. Don't fall for it. If you want to respond, keep it short. If you are worried or anxious, or you suspect the officer is digging for something, just stay quiet. People often talk their way right into a jail cell.

6. Be Confident

Police officers' bread and butter during questioning is to use trickery and intimidation to get people to do or say something incriminating. Officers know the law. You usually do not. But do not let them confuse you, intimidate you, or trick you into doing something that will end up costing you.

You know enough now about your rights that you should be able to respond confidently and get out of police questioning quickly and without any problems. Remember, you don't have to consent to any search or give them any information.

7. Understand common police questioning tactics.

Police are trained to question citizens and most police departments share training materials and use similar methods. Although the techniques are clever, you will likely run into the same techniques no matter where you are, so it is wise to familiarize yourself with them beforehand.

Here are some of the classic methods:

- Officers will tell you they have incriminating evidence against you, even when they do not (e.g. "We have witnesses who claim they saw X, Y, and Z"). Do not believe them, especially if you have done nothing wrong.
- Officers will try to get you to consent to a search or to provide information. Consenting to a search or giving them too much information will not improve your position. It can only hurt you. If they have other evidence against you then they have it. Consenting will not take that evidence away so it can only increase the amount of evidence against you.
- Officers will try to lure you in with bribes if you give consent to a search or provide information (e.g. "Help me help you" or "You want to be on our side here."). Legally, they cannot promise you leniency. It's just an attempt to trick you, and if you listen closely you'll notice that they don't clearly promise anything. They simply imply some leniency or favorable treatment, and anxious citizens often comply, thinking they will end up in less trouble. Oftentimes, that is not actually the case. You are better off just staying silent or asking to leave.
- Officers frequently tell you that silence or refusal to consent is incriminating ("Not answering is suspicious, why are you resisting?"). This is not incriminating. These are protected rights and you are able to freely exercise them. Respectfully tell the officer that.
- Officers will frame questions in order to get quick, subtle consent. ("Ok not a problem, you don't mind if I look around then?") Questions that seem casual and offer only yes or no answers can be dangerous because people often don't know they have given voluntary consent until the officer has found something. Remember, you can revoke your consent or clarify your lack of consent, but you cannot go back in time and prevent the officer from finding something you would rather keep hidden.

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WE THE PEOPLE
THE SECOND AMENDMENT.

*“The right of the people
to keep and bear arms
shall not be infringed.”*



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