

## KNOW WHEN TO ASSERT YOUR RIGHTS

During an encounter with the police, there are certain rules of professionalism and conduct that should be followed by the police officer. If an officer is not following these rules, the stop is not the proper place to address the misconduct. Take note of the rights violations and share them with your attorney. You can talk to the police or tell them that you wish to remain silent, but you should provide them with your name, date of birth, address, and other identifying information when asked. After talking to a lawyer, you and your lawyer can decide how to handle your case.



The goal of this publication is to provide you with information to help you make smart decisions if you are stopped by the police. The Guide contains basic information about your rights and how best to conduct yourself during an encounter with the police. It isn't intended to replace legal advice from a lawyer. We hope you will find the Guide helpful and that you will let us know if you have any questions. You can call the Office of Independent Police Monitor at 504-681-3223

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### *New Orleans Independent Police Monitor*



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## *New Orleans Independent Police Monitor*



### *Rights and Responsibilities during a Police Encounter*

Dedicated to the highest standards.

Committed to safety for ALL.

Accountable to the People of New Orleans

## HOW TO FILE A COMPLAINT

If you feel a New Orleans Police Officer has engaged in misconduct, you can file a complaint with the Police Monitor or Public Integrity Bureau 504-658-6100



## PREPARING YOUR COMPLAINT

- ⇒ Note the date, time and location of the incident in question
- ⇒ Photograph any bruises or injuries and maintain copies of medical records
- ⇒ Gather your witness' contact information
- ⇒ Note the name, badge number, patrol car number or description of the officer in question

## RIGHTS AND RESPONSIBILITIES DURING A POLICE ENCOUNTER

### YOU HAVE THE RIGHT TO

#### **A respectful and professional demeanor.**

Police officers have a code of conduct that demands that they do not curse at, abuse or disrespect anyone, even arrestees.

**Clear directions.** For your and the officer's safety, police officers are trained to give clear, step by step directions.

**Remain Silent.** You have the right to have an attorney present to answer questions while in custody and being interrogated

#### **A well-trained and prepared police force.**

Police should be trained to handle tense situations and make appropriate judgment calls. They should also be trained to use force when it is appropriate to protect others' safety.

**A safe and non-violent interaction** with the police. Police should not use force or weapons unless it is to protect people's safety.

**Determine if you are free to go.** Politely ask the officer if you are under arrest or free to go.

**Report misconduct.** You have a right to speak out when a police officer breaks the law or fails to perform their duties

### YOU HAVE A RESPONSIBILITY TO

**Be respectful**-this includes your attitude and the way you act. Don't raise your voice or get an attitude. Treat the officer the way you would like to be treated.

**Follow directions.** Don't resist arrest or run away. Failure to follow an officer's directions can lead to arrest, searches, serious injuries or death.

**Tell the truth.** It can be a crime to provide false identification to the police. It's better not to say anything to a police officer than to lie.

**Remain calm.** Fear and adrenaline can create problems for both you and the officer. Don't put your hands in your pockets or reach for something out of view.

**Never hit a police officer.** Hitting or pushing a police officer is a crime. If you believe an officer is using excessive force, wait and lodge your complaint.

**Cooperate with an arrest.** Whether or not you are guilty, go with the officer.

**Report misconduct.** The police department cannot be improved unless you hold it accountable.