What To Do If You're Pulled Over By a Cop

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One of the best workshops we attended at the 2015 Meeting of the Minds {hosted by MRF ~ Motorcycle Riders Foundation} was what to do if you get pulled over. I highly encourage all of us to attend next year's event. It was a learning experience that words cannot describe. A big thank you to Matt Danielson from the Virginia Coalition of Motorcyclists for your outstanding presentation.

This could happen to you. What would you do?

I don't know a single person who's never been pulled over by the police. Most of the time, the infraction is minor—speeding or a broken tail light or something similar—and the consequences are no more than a warning and a little inconvenience.

But that's not how it goes every time. You see, a routine traffic stop is really nothing more than an opportunity for the police to search and find other reasons to cite and even arrest you.

A simple traffic stop that turns into more could ruin your life, even if you did not do anything wrong. Sounds unlikely, but it's more common than you might think.

I'm afraid to report to those of you reading this from within the United States that we may now be living in a police state.

And if you think this doesn't concern you because you don't live in the U.S., it certainly does if you ever plan to visit. We treat foreigners even worse.

Since being stopped by the police while driving is very normal, you should know the right way to handle it when it happens to you.

I am afraid to tell yah, the police are NOT your friends.

It's sad to say that, these days, unless you've called and asked for help, the police are likely not your friends, and they are not there to help you. They are there to decide if you've done something wrong and whether they can arrest you to "maintain order".

Exercising your rights, in my view, is not being a pain in the ass. It's being patriotic. Even more, it's being a very smart and savvy biker and not exposing yourself to unnecessary risk. This is especially important for the risk-takers among us who live by a moral or ethical code that does not always match up with existing laws.

This is the only way to deal with cops if you get stopped

To have a successful, low-risk interaction with the police when you're pulled over, you really only need to remember these rules:

1. **Always be courteous and polite**. A bit of class and respect will take you far in life, and it will make the next steps easier for you.
2. **Resist every request of the police until you're forced to oblige**. Never, ever resist physically, but do resist verbally and respectfully until it becomes clear you'll be arrested if you don't comply. Don't worry. You don't get in trouble for being arrested. You only get in trouble for being *convicted* of the crime you're arrested for. This is explained in more detail further on.
3. **Do not answer questions**. No matter what an officer tells you, you are never compelled to speak to the police or answer their questions without a lawyer present. You may think that being helpful and answering questions (even friendly ones) can help your cause. You're wrong.
4. SHUT the f'ck up!

Learning these rules is simple; there's not much to remember. But actually practicing them can prove incredibly difficult because being stopped by the police is stressful, and it can feel scary to stand up to an authority figure.

In fact, many times an officer will tell you that you *have* to do something when, actually, you do not. Hard to believe, but it's perfectly legal for the police to lie to you. That's why it's so important to your safety and well-being that you know what your rights are and exercise these four rules!

Let's go over how to respond to different situations during a traffic stop in ways that will keep your rights protected and lower your risk of getting in trouble for something you weren't stopped for.

When you see lights behind you…

A traffic stop almost always begins with a police car flashing its lights at you and, perhaps, giving you a short siren blast. Even if you've never been pulled over before, you should know how to respond to this:

Pull over to the curb and stop immediately. Even if you're not being pulled over, you should always do this so that the officer can easily go around you and get to where they actually need to be. If you are being pulled over, stay there even if it seems unsafe to park. If the officer doesn't like where you're parked, he'll instruct you where to move.

It's *always* better to pull over too soon than too late. I learned this the hard way in college when a routine traffic stop turned into an officer foaming at the mouth and spitting in my face about how he was going to drag me out of my car and haul me off to jail for "evading the police" because I spent an extra two blocks looking for a safe place to pull over.

Once it's obvious that *you're* the one being pulled over, here's what to do:

1. **Turn off the car/bike and put on the emergency brake.** This shows the officer that you understand what's going on and that you're not planning to run away. If you're very nervous, it also keeps you from accidentally doing something stupid like bumping your shifter into drive as you reach for papers in your glove box.
2. **Turn on the dome light.** If it's dark out, turn on your overhead lamp so the officer can see a bit into your car. This is for your own safety because it puts the officer at ease knowing that he can see

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what you're doing.

3. **Roll your window down 1/4 of the way.** Roll it down just far enough to pass documents and communicate clearly with the officer. Do not roll your window all the way down. This is very important. A very common way for the police to escalate a traffic stop is to place their head into an open window and claim that they smell marijuana or alcohol or something else illegal even if they didn't. This gives them the reasoning they need to invade more of your personal space. If you don't roll your window very far down, it will be hard for the officer's "I smelled marijuana" argument to hold up in court if it came to that.
4. **Place your hands on the wheel.** This is another tactic that will put the officer at ease. The officer should always be able to see where your hands are at any given time.

When the officer approaches the car and greets you…

Once the officer has approached your car, this is where even the best laid plans start to fall apart. Why? Because this is where the questioning starts. Your heart starts to race a bit. You're getting nervous and a bit sweaty. You want to do anything you can just to make the whole interaction end as soon as possible. And that's when the officer asks, with a smile on his face, "Do you know why I pulled you over?"

Stop! It's a trap!!

You, the smart and savvy biker, must answer with "No, Officer/Sir/Ma'am. I don't."

If you answer this question, it's already game over. You've admitted your guilt. At the very least, you're getting a ticket. More likely, you invite another line of questioning that you now feel obligated to answer because you already admitted you were doing something wrong.

Remember the 4 rules! When an officer asks you if you know why they pulled you over, respectfully decline to answer. A simple "no" will suffice.

If at any time during your stop you feel pressured to answer a question, don't. You are protected by The Constitution's 5th Amendment from testifying against or incriminating yourself. You cannot get in trouble for refusing to answer a question.

Early in your interaction would be a good time to tell the officer you respectfully choose not to answer questions today. He'll probably be annoyed, but that's life! After the first few moments with you at the car, this is also a common time for the officer to start asking other "friendly" or seemingly harmless questions.

- "Where are you coming from?"
- "Where are you headed?"
- "What are you up to tonight?"

These kinds of questions seem like friendly small talk to you, but they are actually probing questions. The officer is gathering information to build a case against you. It's very important that you do not ever *lie* to a police officer. So the best option is to always politely decline to answer. I cannot stress enough how awkward this will feel. You may be made to think that you're digging yourself into a lot of trouble, but you aren't.

Not answering is the safest and smartest way for you to handle questions from the police.

Think about the case that could be built against you by making just two simple mistakes: rolling your window all the way down and answering a question you shouldn't have. The police report might read something like this:

"I pulled the suspect over because her driver side tail light was out. When I approached the car, the window was rolled down and I smelled alcohol. The suspect admitted she'd been drinking and had 'just one beer about 3 hours ago'. I asked her out of the car and performed a field sobriety test. I also performed an inspection of the vehicle interior for open containers and asked if she had anything illegal in the car. The suspect lied when she said she did not. No alcohol was present, but hidden under the seat was a bottle of illegal prescription pain killers belonging to an unrelated person."

All you were ever guilty of was not realizing your tail light was out. But, since your window was rolled down, the officer had an open invitation to "smell something" which allowed him to further his interrogation. Pretty soon, you're outside the car, he's inside, and he just found the bottle of pills your friend dropped between the seats while giving her a ride home from the hospital. Congratulations. You're now a drug offender. Enjoy your incarceration and rehabilitation. You are no longer smart and savvy!

All of this could have been avoided by following the cardinal rules:

1. Be polite and respectful.
2. Resist requests until forced to oblige.
3. Never answer questions.
4. SHUT THE F'CK UP!!!!!!!!!!!!!!!

At the beginning of the traffic stop, it's also very common for the officer to ask you to roll your window down farther. (Respectfully) don't do it! If your officer is in a good mood or recognizes that you know your rights, this will likely be the end of your interaction. She'll return to her cruiser and either write you a ticket for your original infraction or send you on your way.

Hooray! You just survived your encounter! Back to business as usual.

But sometimes it goes further.

If you're asked to step out of your car…

If you've been following the four cardinal rules and your officer is on a bit of a power trip and really has it out for you, he may ask you to step out of your car.

Do not comply on the first request! Instead, politely ask *why* he wants you to get out. He will likely continue to insist. At this point, there is little

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chance you're going to get to stay in your car, but by continuing to respectfully decline his request, you'll show him that you're not going to do every single thing he asks without questions.

Again, we're lucky that we also have the 4th Amendment on our side—the right to freedom from unnecessary search and seizure. But it can only protect you if you exercise it!

As you leave your car, there are a few very important steps to take to protect and clearly communicate your rights:

1. Roll your window all the way up.
2. Lock the doors.
3. As you exit, say very clearly to the officer: "I do not consent to any searches of me or my property."

These three steps are the way that you can effectively tell the officer that he's not allowed to touch you or your stuff. That doesn't mean he isn't going to do it anyway, but it's important to clearly set your expectation so that it cannot be said in court that you were okay with what was happening.

Why is this important? Because many times, an officer will know that she doesn't have the legal authority to search your vehicle without your permission or a warrant. For common traffic stops, a judge would not issue a warrant, so the officer knows she must, instead, get your permission to search your car. She may say things like, "I'm going to take a look in your car, okay?" or "Is it alright if I check around inside your vehicle?"

In the moment, these might sound like commands, but they aren't. They're actually requests. It's important that you don't grant them! Stating ahead of time that you do not consent to any searches makes that clear.

Hopefully, if you stay calm and polite, the officer will, after a little pat down and more questioning that goes nowhere, realize he's reached the end of his investigative rope, and send you on your way.

If your traffic stop reaches this point, there's about a 0% chance you're leaving without a ticket but, as long as you behave properly, you'll leave without a much more severe ticket or a criminal record.

ASK!!!!!

"Am I being detained, or am I free to go?"

This phrase is this most important one that you will need to remember any time you're being stopped by the police: "Officer, am I being detained, or am I free to go?"

Hopefully, any traffic stop you're involved in will not require it, but this simple question can make everything a lot more clear for you, and will force the officer to get to the point rather than continue to ask probing and escalating questions.

Why does this work? Because for an officer to legally detain you, he must have probable cause that you have committed or are about to commit a crime. Granted, "probable cause" is a pretty vague requirement and easy for a determined cop to get around, but asking the question, "Am I being detained?" can save you time and trouble.

In any interaction with the police, you are either in one state or the other: being detained or free to go. There is no in-between.

The reason asking this is important is because the officer will avoid addressing whether you're detained or free to go until as late as possible, hoping that he can keep you talking long enough to *build* probable cause for detention (knowing that you were free to go all along and never had to say anything).

Ask this question regularly in a respectful way to prevent unnecessary questioning. If, at any time, the officer responds "no" and that you're not detained, it means just that: You're free to go on your way. Your safest bet, though, is to ask, "Am I free to go?" You wouldn't want to drive off only to find 20 cops chasing you down because you took off after the officer said you weren't being detained.

Afraid to use these tactics? Don't worry trust me, you're not alone.

Most people fear authority. They'd prefer to do anything asked of them to avoid any kind of punishment. But that's not the way it's supposed to be. Instead, authority is supposed to fear *you*. They should know that any power they have comes from you agreeing to *give* it to them. And, if they want to keep it, they have to follow the rules and treat you with dignity and respect. Most of the time, that's how it goes. But when it doesn't, don't be afraid to assert your rights.

Remember to be polite at all times. It's up to you to decide when and when not to use the different tactics described in this article.

For best results, you should *always* follow the four cardinal rules:

1. Be polite and respectful.
2. Verbally resist demands.
3. Do not answer questions.
4. SHUT THE F'CK UP!!!

But it's up to you to decide to what degree you employ the rules. These are decisions you'll need to make as you go, based on the interaction you're having. You don't want to take a friendly officer who's about to let you go after five minutes and turn him into your worst enemy who puts you in a holding cell for 48 hours while he decides whether to charge you with something. Use your emotional intelligence and be courteous, but also never forget: It's not against the law for the police to lie to you, and the U.S. sends a lot of people to jail who never expect to end up there. <end>