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### [Talking to Police](#)

*This blog post was written by Collen Kirby, a [Maryland criminal defense attorney](#). Ms. Kirby is a former Assistant State's Attorney in Howard County. Prior to her work in Howard County, she clerked for the Honorable Joseph F. Murphy who sits on the Maryland Court of Appeals. Colleen received her Juris Doctor from the University of Baltimore School of Law.*

In the past few weeks, the phrase I find myself repeating more than anything is "stop talking to the police." Individuals call me with concerns that they may have committed a crime and are afraid they will be arrested. It always follows with, "when the police called me, I told them...."

This is one of the most frustrating things to hear because I wish I had been able to step in earlier. The police are NEVER calling you to give you helpful advice as to how to avoid being prosecuted. Everything you say to an officer will be used against you. And in each scenario, the story is the same...."the police told me I would be better off if I cooperated with them."

In one case, a woman was caught with five pounds of marijuana in her car that she was transporting out of downtown Baltimore for a friend. The police stopped her car, did a K-9 scan, and found the marijuana in her trunk after a search. She was told by the police that she would be charged if she didn't sign a written statement about what she was doing with the marijuana. Scared and put on the spot, the woman signed a written statement explaining that she was paid to drive it from Baltimore to "John Smith." The police left and she called me wondering if she should be worried that she is in trouble. One of the detectives was going to call her next week to get more information. The first thing I told her - stop talking to the police. Their motive was not to help her or look out for her best interest. I told her that if the detective, or any officer, called her again that she should tell them she would be happy to cooperate, but to please conduct all communications through her attorney.

In another case, a gentleman called me worried he would be charged with robbery. He'd gotten caught in a situation where a "friend" told the police the gentleman robbed him. He had been talking to the police about what really happened. Again, the first thing I said to him - stop talking to the police. Every word he told them was going to be used against him in SOME way. Sure enough, I got a call three days later from the gentleman. He found out there was a warrant out for his arrest. Not for

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robbery, but for First Degree Assault. Apparently whatever he said gave the police probable cause to believe this man had committed assault in the first degree.

Even when it comes to DUIs - you have the right to refuse to perform Field Sobriety Tests when asked by an officer and you have the right to call a lawyer before you decide whether to take a breath test at the police station. **USE YOUR RIGHTS!**

If you take anything away from reading this, please understand this - the police are not talking to you to help you. They are talking to you to gather evidence. Everything you say to them is being recorded in some fashion and will eventually be used against you. Before you speak to the police, call a lawyer.