

DEALING WITH THE POLICE

This is a subject that seems like common sense to me, but I've had a number of former clients or defendants to whom it was not so obvious, *so* (with apologies to [Chris Rock](#)) let's talk about some do's and don'ts for dealing with the police. (I'll talk in a future column about how to interact with the police as a victim or witness).

BE POLITE "Yes, sir. No, sir. Yes, maam. No, maam." There is a time and place to assert and defend your rights. (In fact, the 6th amendment guarantees you the right to hire an attorney to do just that.) Get the chip off your shoulder, swallow your pride, and be polite. You can call me later and complain.

MAKE THE OFFICER FEEL SAFE No quick movements. No loud, aggressive or belligerent behavior. In a traffic stop, keep your hands on the steering wheel and in sight (don't start digging around in your glovebox or console). Do not get out. Turn off the engine. Turn off the radio. Turn on the interior lights.

PULL OVER QUICKLY History is full of examples of why this is a good idea. Let's just say that the longer it takes for you to pull over, the higher the officer's heart rate, blood pressure and adrenaline go. You want the officer that pulls you over to be calm, not amped-up and over-anxious. If you pull over and they go right on by, great. The negatives of making an officer have to chase you down or wonder whether you're about to flee *far* outweigh any other possibility.

DO NOT CONSENT TO A SEARCH If the officer has grounds to search you, they will. Sometimes, they'll search you when they don't. Your lawyer cannot do anything about what the officer finds if you agreed to the search. I've had clients consent to a search only to be surprised by what their worthless friend or relative left behind. Ways to politely refuse a search: "No. I'm sorry." "No, I really need to get home." "No, I really need to get to work." "No, sir." "Officer, I understand you're just trying to do your job, and I appreciate that, but if you're going to conduct a search, it will be without my consent."

DO NOT CONFESS This does not mean you should argue with the officer. However, being polite does not mean spilling the beans about everything. You have the right to remain silent, and too few people exercise that right. For the vast majority of us, once the lights and siren come on, the officer has already made the decision to charge you with *something*. Confessing only solidifies the officer's case. It is the very rare case that just gets a warning, and if you're that good looking, you should probably just play dumb anyway.

SIGN THE TICKET In North Carolina, signing a ticket simply means that you are acknowledging receipt of a citation and that you will appear on your court date (or waive your appearance through an attorney or paying it off). You are not admitting guilt. If you refuse to accept service in this fashion, the officer's alternative is to arrest you and take you before the magistrate to sign a promise to appear in court.

DON'T DO IT AGAIN For goodness sake, if you just got pulled for speeding, don't drive off and get caught doing the same thing five miles down the road. At least have the decency to get across the county line. It makes it impossible for your lawyer to get you a good result if it appears you need to be taught a lesson. good result if it appears you need to be taught a lesson.

