

THINGS YOU NEED TO KNOW IF

By Kim McGill
Youth Justice Coalition

The following information is intended to keep you smart and safe on the street, in school, in your home and in your car. We included both the official legal language and a breakdown of what it means, because when we were first dealing with the law, not understanding the legal language left us in confusion and powerless when it was thrown at us.

FOUR LEVELS OF INTRUSION IN A POLICE STOP

When the police stop you, we all know that it gets more and more uncomfortable the longer the cops deal with you. In legal language this is referred to as the "four levels of intrusion" with each step representing a greater invasion of your privacy and a greater threat to your freedom.

LEVEL ONE: THE APPROACH

This is known as the "common law right to inquire" and the standard questions include "what's your name, where are you coming from, do you have an ID?" etc."

LEVEL TWO: EXPLANATORY INFORMATION

The police also have the right to ask you more detailed questions, if they have a "founded suspicion" that criminal activity may be occurring.

But almost anything can give them this suspicion—the way you look, the way the block looks, being out past curfew, being on the street during school hours, appearing high, looking like a gangster or fitting a description of a suspect. You get the idea.

The law is so vague, that the questions can continue without the cops having any real reason. However, at all times, you have the right to remain silent!

As soon as the cops approach, you need to know that the cops have the legal right to ask questions, but you have the legal right to refuse to answer.

The police do not have to read you your rights until you're arrested and **being questioned**, but anything you say at any time can be used against you in a court of law!!!!

So at all times when a cop approaches you, no matter how friendly or innocent the situation might seem,

give the police your name, address and picture id. beyond that, be cool, be calm, be polite and flip the script: "No disrespect officer but I will not answer any further questions without speaking to a lawyer."

If they threaten to arrest or detain you, then say, "I still can not answer any questions without speaking to a lawyer. I want to speak to a lawyer as soon as possible. Please have my parent/guardian notified of my arrest or detention."

LEVEL THREE: STOP AND FRISK

After the police approach you and ask a few basic questions, if you still feel that you are not free to walk away from the cops, then you should consider it a "stop."

Common ways to know that you have been stopped include:

- The cops are displaying a weapon (gun or baton).
- There are multiple police officers at the scene (more than two).
- The police are physically touching or restraining you.
- Orders are given to you by the police, such as "Don't move!"
- The cop's tone of voice or body language becomes more intimidating or commanding.

It has become common police practice to conduct routine "stop and frisks," so under the law the police may jump straight to a stop and frisk without ever asking any questions—in other words without ever going through the first two levels of intrusion.

Technically, the police cannot stop you due to prejudiced impressions—(i.e. because they feel like it,

UNDER THE LAW, THERE'S BASICALLY NO SUCH THING AS POLICE HARRASSMENT

If you live in a so-called "hot" spot or especially if you're young, Black or Brown, the constant stops by the cops and the frequent questions they ask feels like harassment. But, unfortunately under the law in California, the cops basically have the right to stop anyone and ask questions at any time—even if they don't suspect you of committing any crime.

because you're young, because you're a person of color, etc.). But as we all know they do it anyway.

This is easy, because as with questioning, the law gives police a lot of power to stop people.

California was the first state in the U.S. and still one of the few where it is against the law to be a gang member.

Flip the script: "No disrespect officer but I will not answer any further questions without speaking to a lawyer."

Some of the "legal" reasons they give for stops include:

- Your appearance—such as "you fit the description."
- "You look gang related."
- If you're bald, if you're with a group, if you're hanging out or even living in a certain area, if you associate with gang members—even if those people are in your family, live on your street or

So again, the law gives police a lot of power to stop people based on these criteria, including:



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YOU'RE STOPPED BY THE POLICE

- go to your school
- Indication that drugs are being used or sold. This could include people that are hanging out in one area—even on your own front porch or on the sidewalk in front of your house—for extended periods of time.

- Carrying suspicious objects, especially if it's at an odd time—such as walking down the street with a television set at three in the morning.

As you can see, the law basically gives the police the ability to stop anyone at any time and get away with it.

THE FRISK, A.K.A. PAT DOWN

As part of the STOP, frisks or "pat downs" are routine AND CONSIDERED LEGAL, even without asking questions!

The law requires reasonable suspicion that you are armed or that the cop is in danger to allow a frisk. But, with the War on Drugs that began in the eighties, the police have stretched their interpretation of this power to include routine frisks in order to "get guns off the street." And they have gotten support by the courts across the U.S.

In other words, this is what gives the police the right to roll up on you, order you down on the ground or up against a fence or wall, and go straight to patting you down, without so much as saying hello.

Additional factors make a frisk even more likely, such as

- A bulge in your clothing, or an outline of a weapon
- Efforts on your part to conceal what looks like a weapon, or sudden hand movements toward a pocket or other clothing
- An attempt to run from the cops

A frisk is pat down on the outside of your clothing only. Once cops go into your pockets, into your backpack, into your car or your wallet

THAT CONSTITUTES A SEARCH



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LEVEL FOUR: SEARCH AND ARREST

A search is really the first level where the law can really be used to limit the police. A LEGAL SEARCH REQUIRES "PROBABLE CAUSE" THAT A CRIME IS BEING OR HAS BEEN COMMITTED.

The police have the right to search you, your outer clothing and your backpack if:

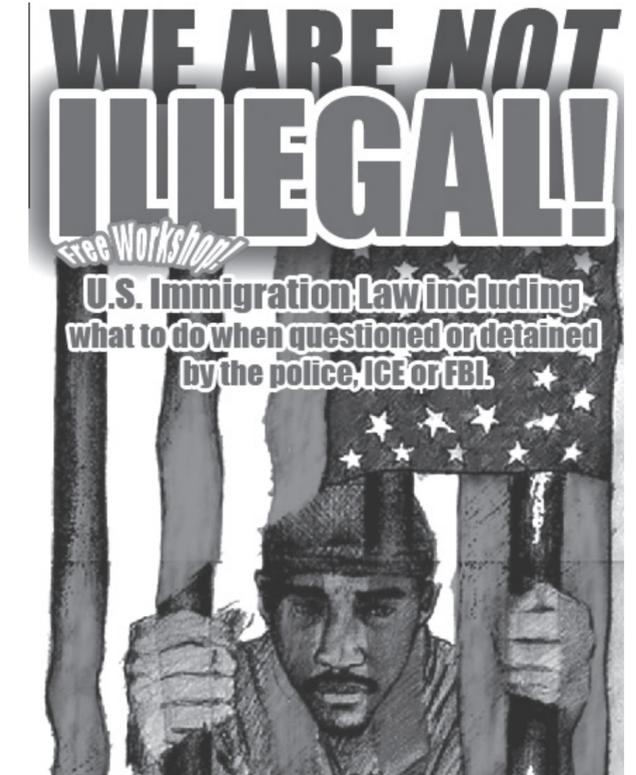
- You give them permission to conduct a search. Under the law, this is called the "Consent Exception." We recommend that you never give permission to a search, because anything they find can be used against you. This also limits your ability to challenge the police if you believe they have illegally planted evidence on you.
- When there is a risk of physical danger to the police and/or other people, or a risk of losing or the destruction of evidence. The law refers to this as "Exigent Circumstances." For example, if the police see a weapon or feel a weapon during a pat down, then they can move to a search of your pockets or possessions. If they witness a crime, such as a drug sale or purchase, they can search for the evidence.
- The police may search you when you are being arrested or after your arrest in order to look for evidence and/or weapons.

A search of your pockets, backpack or jacket can occur on the street, but once they start to ask you to remove clothing, that constitutes a strip search, and they have to do that at a police station, juvenile hall or county jail.

We recommend that you never give permission to a search, because anything they find can be used against you.

Under the law, male or female officers can pat down or conduct an outer search of males. But a strip search of a female must be conducted by a female officer.

If the police are patting you down, and go automatically into your pockets, car or bag without evidence of a weapon, drugs or stolen property, you should make a complaint, and if you are arrested tell your lawyer that



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For more information, contact the Youth Justice Coalition, 323-235-4243; freelanow@yahoo.com.

you think that the search was illegal.

Evidence that police collect during an illegal search cannot be used against you in court. If the police tell you take off your shoes or strip to your underwear anywhere outside a police station, juvenilehall or county jail, then you should complain about an illegal strip search.

If you're on probation or parole you lose your rights

They can even come to your home unexpectedly at 2am and conduct a search. With a home search, they are supposed to search only those areas of the home used by you, but they often get away with also searching the rooms of your friends or family members.

For that reason, it is important to live in a place where the other people understand the conditions

of your parole/probation and agree to look out for you by keeping the house free of weapons, drugs, stolen property, etc.

regarding search and seizure.

If you are put on probation or parole, you will get a copy of "conditions" that you have to follow. Anytime you break one of the conditions, you risk getting violated and locked up.

Almost always, as part of the conditions of parole and probation, the police may search you, your belongings, car and/or home at any time.

