

## TIPS! On Encounters with Law Enforcement

- \*Anything you say can and will be used against you.
- \*Police may do a pat down search of your outer clothing for weapons.
- \*Never touch a police officer or government official.
- \*Never consent to a search.
- \*Never leave items in plain view.
- \*Always write a statement of events about any encounter.

### Resources:

#### Florida Cannabis Action Network

<http://www.flcan.org>

#### The Florida Bar

<http://www.flabar.org>

#### American Civil Liberties Union

<http://www.aclu.org>

#### The US Constitution

<http://memory.loc.gov/const/const.html>

Florida Cannabis Action Network  
[www.flcan.org](http://www.flcan.org)  
321-726-6656 or 321-253-3673  
2613 Larry Ct  
Melbourne, FL 32935

## An Ever Changing World

Our legal system has been created with great care to assure checks and balances. In order for this balance to be maintained, citizens must play an active role in the course of law. As new laws are created, enforcement priorities change and new officers join our communities, citizens must use their resources to avert the possibility of abuse or misconduct. Citizens armed with knowledge of their rights and willing to hold law makers and enforcement accountable are the difference between fascism and freedom.

If you believe that you have been treated inappropriately by law enforcement, you must document the complaint and follow established procedures for having the incident reviewed. If the complaint is not handled to your satisfaction, you must appeal to a higher authority. Often we might agree it is easier to pay the ticket or take probation than fully fight a false charge. Laws involving confidential informants and threats of long sentences makes challenging the legal system a frightful and costly endeavor. The cost of not challenging bad laws and over zealous law enforcement is a society that is not free and certainly not safe.

Citizens do challenge bad laws and the Supreme Court is regularly reviewing cases related to the scope of police authority. Today for example, police cannot use heat seeking devices over your home, but may place you under arrest for some civil infractions. As new cases make their way through the appeals courts to the Supreme Court, these interpretations will change. The good news is that it takes less time, energy and money to stop a bad law before it gets passed.

Get involved now at the local level, be vigilant about who is representing you in Washington and make sure they know they represent YOU. Do not be part of the silent majority.

FL CAN's  
Just Say Know Series #3



## Encounters with Law Enforcement:

### *How to Protect Yourself*

*First they ignore you, then they  
laugh at you, then they fight you,  
then you win.*

Mahatma Ghandi

### Legal Support Network

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[www.flcan.org](http://www.flcan.org)  
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## Terms to Know:

**Probable Cause:** A requisite element of a valid search and seizure or an arrest. The issue of whether probable cause exists must be determined on the basis of independent judgement.

**Reasonable Suspicion:** Considers whether an officer acted on personal knowledge of facts and circumstances that are reasonable and trustworthy or that would justify a person of average caution to believe a crime has been committed.

**Constructive Possession:** The condition of having the conscious power and intention to exercise dominion and control over property but without direct control of or actual presence of it.

**Confidential Informant:** Person whose identity may be withheld from the public who provides information to law enforcement.

**Search Warrant:** A kind of permission slip, signed by a judge, that allows the police to enter private property to look for particular items. It tells the owner that it is reasonably likely that evidence of criminal activities, will be found in specified locations on the property.

**Subpoena:** A document properly served on a person or entity, legally requiring them to appear in court or produce documents. To ignore a subpoena is a crime.

**Grand Jury:** An investigative tool used by prosecutors to investigate alleged crimes and secure indictments in cases. Defense council is usually not permitted to be present, and the proceedings are secret.

## Roadside Stops:

Roadside stops have become a nightmare for many people. FL CAN recommends that whenever operating a vehicle you maintain appropriate insurance, legal tags and licenses required within the State you live in. If you are obeying all traffic laws and are forced over by a marked law enforcement vehicle, pull over immediately in a lit area. If possible, exit your vehicle and lock it before the officer exits his/hers. Have all appropriate paperwork in your hand. Keep hands in plain view, do not have contraband in your pockets, and do not make any sudden movements. Immediately ask why you were stopped and memorize the name of the officer, his or her badge number and the agency they work for.

Limit your conversation with Law Enforcement. The officer must believe he has probable cause to pull you over, and although he is not required to read you your rights, the officer is investigating the elements of a crime and building a case for arrest. If you have successfully exited the car, you limit the scope of the officer's investigation to what he has seen before the stop and what you SAY during the stop.

If you are still in your vehicle when the police come to your window, do not acknowledge any smell emanating from the vehicle. Police can search your car legally if you have contraband in plain view without a warrant or if they have information from a reliable informant. If they say they smell marijuana, and you say no that is my friend's perfume, you have confirmed there is a smell to investigate. Always say NO to an officer's request to a search of your vehicle. If they ask, then they have not yet developed probable cause for a search.

Throughout a roadside investigation, stay calm. Say as little as possible, and continue to ask if

you are free to go. If a ticket is issued and you have signed it, you are free to go. Once the ticket has been issued and signed the police have no more authority over you. Enter your vehicle, obey all traffic laws, and leave immediately.

## Home Visits:

When police come to your home, you do not have to allow them inside, unless invited by an emergency call or in possession of a warrant signed by a judge. If police knock unexpectedly, do not allow them in your home. Answer the door and step outside, closing the door behind you. Ask the nature of the visit and note the officers' names and badge numbers. Use the officers names in conversation, and keep answers short. If the officer has a warrant for you, do not enter your home to retrieve anything. Allowing the officers entrance to your home may prompt a legal search of the immediate area.

If officers produce a warrant, read the warrant carefully noting the address and scope of the search allowed. Say nothing, and phone competent counsel. Officers are noting what you say, how you act and what you do in order to build a case for arrest. This is not the time to plea bargain, negotiate or justify anything that is found in your home.

In the case of an emergency call to 911, police may enter your home and may do a limited search to secure the area and provide help to emergency crews like fire and ambulance. Never leave anything in plain view. If contraband is stored in multiple locations, everyone in the household could be charged with constructive possession. Should police exceed the scope of a reasonable search, a competent attorney can win an order for suppression.