**[Criminal Referral Letter to Injury Lawyers, With Police Encounter Checklist ]**

Dear [Colleague],

If one of your clients was involved in an auto accident, he probably would have a general idea of what to do, what information to gather, and whom to call. Would that same client know what to do if he was stopped by the police? Would he know, for example, that a police stop is a Fourth Amendment “seizure,” which triggers certain constitutional rights — rights that may be lost if they are not asserted? Would he have the presence of mind to refuse consent to a search? If the traffic stop evolved into an arrest, would your client know when and how to assert his right to remain silent?

No one wants to be stopped by the police, but anyone who drives is bound to be stopped at some point. The way your clients deal with the police during a traffic stop can significantly impact the outcome of the stop and, if they are arrested, the outcome of the criminal case against them.

While you can’t protect your clients from distracted drivers, or poor highway maintenance, or other hazards on the road, ***you can help your clients protect themselves in their dealings with law enforcement.***

**Be prepared for the (inevitable) traffic stop**

Enclosed with this letter is my **Glove Box Guide to Police Encounters**. Give a copy of the Guide to your clients. Tell them to store it in their glove box, along with their registration and proof of insurance. Most of your clients will stash it and forget it. Eventually, though, one of your clients is going to get pulled over. In that moment, when your client reaches for the glove box, he will be grateful to you for making sure he is well informed and prepared to handle this stressful situation.

**In closing**

I give the Glove Box Guide to Police Encounters to my own clients, and I’m confident that your clients will find it helpful in explaining their rights and responsibilities when dealing with law enforcement. If you have questions about the Guide, or would like to discuss other criminal law issues that might impact your clients, please call me. I’d be happy to talk with you.

Sincerely,

Attorney

P.S. I have enclosed [a dozen] copies of the Glove Box Guide to Police Encounters for you to give to your clients. If you would like additional copies, please call me at [xxx-xxx-xxxx]. I’ll be happy to send another set to your office.

**[Enclosure – being designed, will be put up as PDF]**

**Glove Box Guide to Police Encounters**

**Prepared by**

***[Attorney]***

***[Address, phone, email]***

**If you are stopped by the police:**

* **Remain calm**.
* **Be respectful, not confrontational.**
* **Stay in the car.**

Sit patiently, and wait for the officer to approach your vehicle. If it is dark outside, turn on the interior light.

* **Produce your driver’s license, registration and proof of insurance when the officer asks you to do so.**

Don’t start rummaging around for these items until the officer asks for them. The officer will be watching you, warily, and may wonder whether you are, in fact, searching for a weapon.

* **Answer “identification” questions**.

Otherwise, try to say as little as possible. If the officer asks, “Do you know why I stopped you?” a simple “No” is all you need to say.

* **If you are asked to get out the car, do so.**

Close the door behind you. Keep your hands in plain sight. Once you are outside the vehicle, the officer may pat you down for weapons if the officer has a reasonable suspicion that you might be armed or pose a danger to him.

* **Do not consent to a search.**

If you are asked to consent to a search — of your purse/backpack, your pockets, the interior of the car, the trunk — say no. If the officer is asking for permission to search, that means he has no other legal justification to search you. You have a 4th Amendment right to refuse his request. Exercise that right. Say, “No. I do not consent to a search.” Any passengers in the car should do the same.

* **If the officer writes you a ticket (a traffic citation), sign it.**

Don’t try to fight the ticket there on the street.

**If the traffic stop leads to an arrest:**

* **Know your rights**.

When you are taken into custody, you have certain constitutional rights: the right to remain silent; the right to consult with a lawyer; and the right to have the lawyer present during questioning by the police.

* **Immediately assert your rights**.

You can lose these rights if you don’t speak up and assert them. Say, for example:

* “I respectfully refuse to answer based on my Fifth Amendment privilege. Please direct any further questions to my lawyer.”

*or*

* “I do not want to talk or answer questions. I want a lawyer.”

*or*

* “I wish to remain silent. I will not talk or answer questions until I have consulted with a lawyer.”
* **Remain silent**.

Once you have asserted your rights, *be quiet*. Do not say anything else until you have consulted with a lawyer. If you cannot afford a lawyer, the court will appoint a lawyer to represent you, at no cost to you.

* **Do not consent to a search.**

The officer will search you “incident to the arrest.” Your car may be searched if the officer reasonably believes that evidence of the crime for which you are being arrested might be found in the car. The officer does not need your permission to conduct these searches. If, however, the officer asks for permission to conduct any other type of search, this means he has no other grounds to justify the search. Say, “No.”