

KNOW YOUR RIGHTS: INTERACTING WITH THE POLICE IN LOUISIANA

Being stopped by police can be a stressful experience. Below, we describe what the law requires and also offer strategies for handling police encounters. The burden of de-escalation does not fall on the people — it falls on the officers — but you cannot assume officers will behave in a way that protects your safety or respects your rights. You may be able to reduce risk to yourself by following these tips.

IF YOU'RE STOPPED BY THE POLICE

- In Louisiana, you can be arrested for refusing to give your name and address to police officers if they stop you and they reasonably suspect you are involved in a crime.
- Keep your hands where the police can see them.
- Ask if you're free to leave. Detainment must be temporary and for a reasonable period of time if not under arrest: approximately 20-30 mins.
- While conducting a stop, police may perform a pat down for officers' safety. However, officers cannot go in your pockets unless they feel something similar to a weapon.
- Ask if you're under arrest. If you're under arrest, tell the officer you wish to remain silent.
- You do not have to consent to a search of yourself, your phone, or your belongings.

IF YOU'RE STOPPED IN YOUR CAR

- Stop the car in a safe place as quickly as possible. Turn off the engine, turn on the internal light, open the window part way, and place your hands on the wheel.
- Upon request, show the police your driver's license, registration, and proof of insurance.
- If an officer asks to look inside your car, you can refuse. But if police believe your car contains evidence of a crime, they can search it without your consent.
- Both drivers and passengers have the right to remain silent. If you're a passenger, you can ask if you're free to leave.
- If you are stopped for suspicion of driving under the influence, you may refuse a sobriety test, which may result in later consequences such as fines and fees. However if you do refuse a sobriety test, the police officer must read an "Implied Consent Warning" that outlines possible consequences of refusing to submit to a test.
- You do not have to answer questions about your immigration status.

IF THE POLICE COME TO YOUR HOME

- You do not have to let police officers inside your home unless they have a warrant (this includes porches, decks, and garages). You may step outside of your home and close the door while talking to them.
- If they have a warrant, ask them to show it to you. Officers can only search the areas and for the items listed on the warrant. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside.
- Police can no longer use the smell of marijuana to enter your home without a warrant.
- Even if officers have a warrant, you may remain silent.

IF YOU'RE SEARCHED

- You can refuse the search of your person, your car or your home, unless you've been arrested by the police or the police have a warrant.

IF YOU'RE ARRESTED

- Clearly state that you wish to remain silent and ask for a lawyer. If you can't afford a lawyer, you have the right to a free one.
- If you are under the age of 18, ask for your parents/guardian to be contacted.
- You must show identification.
- The officers may conduct a search of your person and conduct an inventory search of your car.
- Don't say anything, sign anything, or make any decisions without a lawyer.
- You have the right to make a local phone call. The police cannot listen if you call a lawyer.

FILMING

- You can record (video and audio) an officer while performing his duties in public.
- The officer cannot take your equipment, demand to view the footage or delete it without a warrant.
- You cannot interfere with the officer's duties.

IF YOU FEEL YOUR RIGHTS HAVE BEEN VIOLATED

- As soon as you're able, write down the officer's name and patrol car number, which agency they were from, and any other details.
- Get contact information for witnesses.
- If you're injured, seek medical attention, and immediately take photos of your injuries.
- File a written complaint with the agency's internal affairs division.