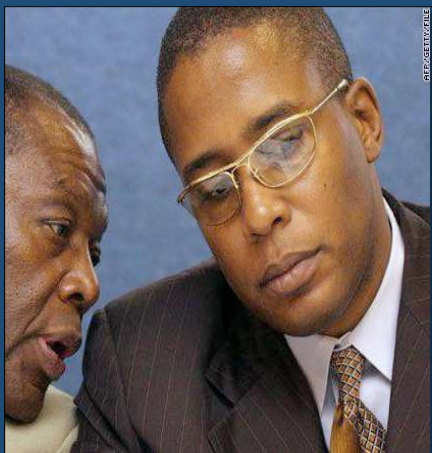




WHAT BLACK PEOPLE NEED TO KNOW WHEN DEALING WITH THE POLICE



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WHY DOES THE BLACK COMMUNITY NEED SPECIAL ADVICE WHEN DEALING WITH THE POLICE?

We Blacks or African Americans need special advice when dealing with the police because for decades and centuries we have received separate and unequal treatment at the hands of law enforcement. Black people and people of color have consistently been treated worse and subjected to a double standard when it comes to law enforcement and the criminal justice system in general.

In no state or jurisdiction anywhere in America can we expect consistent, fair and equal treatment from the police. Racial profiling and discrimination is a reality and Black peoples legal and human rights in far too many instances have and are not given the same respect as whites or others.

TRY TO AVOID ENCOUNTERS WITH THE POLICE



Avoid Negative Encounters: My first piece of advice to our community is to conduct ourselves in a way at all times to avoid negative encounters with the police and law enforcement. The less contact with police, the less likely a negative incident will occur. A civilized and self-policing community will have less adverse conflicts with law enforcement.

Avoid any conduct or actions in your activities, vehicle or home that could bring you into an encounter with the police. Except for political reasons, shun any circumstance or situation that could give the police a reason to detain, search or question you. The Black community is under constant racial profiling and targeting by law enforcement and we must not help give them any advantage against us. We must make every effort to mentor, educate and save our youth from a system that is killing them.



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Domestic Disputes and Black Men: If you see a domestic dispute developing between you and your partner, it is best to **abandon the scene early** before emotions cause either party to put their hands on each other or each other's property. Do not wait until a physical altercation develops and the cops show up because 90 percent of the time, regardless to the origin of the dispute, the Black man is going to jail. So be wise Blackman and avoid domestic disputes with the Black woman.

ANYTHING YOU SAY OR DO CAN AND WILL BE USED AGAINST YOU

IF YOU ARE ARRESTED, YOU HAVE A RIGHT TO REMAIN SILENT.



Miranda v. Arizona, 384 U.S. 436 (1966), was a historic and critical legal decision of the United States Supreme Court. The Court held that statements made in response to questions or interrogation by a person who is in police custody will be admissible at trial only if the person in police custody is informed of their right to consult with an attorney before and during their questioning. Also, in the *Miranda* case, the Court found that the person in custody must be informed of their rights against self-incrimination prior to questioning by police, and that they not only understood these rights, but that they also voluntarily waived these rights.

Never forget this. The police have to give you your *Miranda Rights Warning* for a reason! They are forced by law to tell you, that once you are detained and not free to leave, that you have a right to remain silent and that “*Anything you say can and will be used against you.*” The police or sheriff’s do not say “*Anything you say can and will be used for you.*” All scenarios with the police that are presented in this information booklet require you to optimize your chances of success in your police encounter by remembering the simple axiom: “*loose lips sink ships.*” Blacks are fooled all the time into thinking they are talking their way out of something. Verily, time and time again we talk our way into more trouble.



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TAKE NOTES AND VIDEO TAPE

Documentation of any incident with the police is very important because some cops lie.



- a. Get the badge numbers of the cops and the tag numbers of their vehicles.
- b. Try to find witnesses and get their names and phone numbers.
- c. If you are injured by the police, seek medical attention first, then *take photographs of the injuries* as soon as possible.
- d. Try to **videotape** the encounter or encourage someone else to do so with a cell phone. Get the video and pictures of the cops and the incident by any reasonable means.
- e. Send your abuse report and video to **Black Lawyers for Justice** at www.blfjustice.org. If you feel your rights have been violated, file a written complaint with the police department's Internal Affairs Division or Civilian Complaint Board.
- f. The Supreme Court of the United States has recently upheld the citizen's right to videotape and audiotape the police in the performance of their duties. The Supreme Court also validated the overturning of convictions of citizens wrongfully convicted of videotaping the police.



RULES FOR NOT LOSSING YOUR COOL WHEN STOPPED BY THE POLICE



- a. **Be alert, yet relaxed and try not to move too much.** Use limited movement, body language and be in control of your emotions.
- b. **Use as few words as possible. Anything you say or do can be used against you.** Be professional and courteous; as a soldier is to another soldier.
- c. **Do not get into an argument with the police.** Be professional and courteous and expect the same in return. The less you say the better.
- d. **Keep your hands** where the police can see them. Black people are shot or killed in situations many times for alleged hand movements when other races are not.
- e. **Keep your pants up.** *Black males must keep their pants belted and pulled up* because many Brothers have been shot by police while they were trying to pull their pants up and the cops lied and claimed the young men were allegedly reaching for weapons.
- f. **Do not run from the police,** especially at night. Also, do not do things that make you want to run. Black people are shot in the back all the time, running from the police.



GENERAL RULES ON WHEN TO TALK AND WHEN NOT TO TALK TO THE POLICE

In general, no, you do not have to talk to the police. Only in limited circumstances do you have to talk to the police at any point. So as a rule of thumb, if questioned try not to talk too much.

If you have a conversation with police:

- a. Stay calm. Be professional. Give respect and courtesy and demand the same in return.
- b. **Right to remain silent:** If you choose to not answer any questions, you do not have to. It is not a crime to refuse to answer questions and it is your Constitutional right not to talk and to seek legal counsel. (See Miranda above).
- c. You do not have to explain where you are going or where you came from.
- d. Do not be intimidated into giving up your Constitutional rights. Do not compromise principles and give-up your legal rights just because you are under some sort of stress, anxiety, pressure or duress. Standing up for the 4th Amendment rights and other Constitutional rights will always be your best bet.
- e. If you are driving a car, you must show your driver's license and registration. If you are not the driver and are a passenger you do not have to show identification.
- f. **Showing identification:** In general, you do not have to show the police your identification just because they ask you. Simply decline the request "*on Constitutional grounds.*" However, if you are detained based on a reasonable suspicion or arrested you may have to give your name and prove who you are in order to be released.



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- g. Ask if you are free to leave. If the officers says “yes”, then politely walk away.
If you are being detained or arrested, you have a right to ask and know why.

STOP AND FRISK AND RACIAL PROFILING

Stop and Frisk is an often heard term these days that describes when a police officer



stops someone and detains them and conducts a search of that individual’s person and belongings. Today, in cities such as New York, where the policy is under legal attack, ‘stop and frisk’ is an often criticized as RACIAL PROFILING and bad police policy that singles-out and targets Blacks and minorities.

In the famous Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968), the United States Supreme Court allows a police officer to stop a suspect on the street and frisk him without probable cause to arrest. But, **the police officer has to have a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person, according to the police, "may be armed and presently dangerous."** Police departments all over America have run rampant over the constraints of *Terry V. Ohio* and commit racial profiling all the time; searching and seizing upon the Black man at will like wild cowboys or even gang members.

Police may conduct a quick surface search of the suspect’s outer clothing for weapons *if they have reasonable suspicion that the suspect stopped is armed*. This reasonable suspicion must be based on "specific and articulable facts" and not merely upon an officer's hunch or subjective opinion. This means that the police must have specific facts and information that a crime has been committed, or might be committed and that the officer has a reasonable suspicion that the person stopped is involved, or will be involved in the crime. Stopping any Black person on any hunch or belief is not acceptable yet is often done by police in the Black community.

Police officers nationwide have abused *Terry v. Ohio* in order to commit racial profiling and racial targeting by randomly detaining, stopping and frisking Black males.



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This information booklet is designed to help you resist them and tell them “**NO!**” Even if you are searched for weapons under a legitimate stop, it is illegal for the police to search further, or for them to go *inside your pockets*. They are allowed to pat you down for an obvious weapon for their own safety during a brief, legal detainment and that’s it; they can search no further.

Amount of time they can hold you in detention: The police can only detain you for a reasonable time to ascertain whether or not you are involved in criminal activity. After that, they must release you or your detention turns into an arrest. A reasonable time is usually **10 to 15 minutes** only for a lawful detention.

BEWARE: DO NOT VOLUNTARILY CONSENT TO ANY KIND OF SEARCH AT ANY TIME! ALWAYS SAY YOU “LEGALLY OBJECT” TO ANY KIND OF SEARCH, EVEN IF THEY INSIST. THEN, DOCUMENT THE RECORD AND KEEP RECORDING WITH THE CAMERA AND GET ALL THEIR BADGE NUMBERS AND CAR TAG NUMBERS.

WHAT SHOULD I DO WHEN STOPPED BY THE POLICE IN MY CAR



- a. **Keep your hands** where the police can see them and make no erratic motions. If you choose, turn on the interior light. Make no sudden motions and be professional.
- b. **Videotape** the encounter if possible using your Smart phone or other type of phone.
- c. If asked, show the police your driver’s license, registration and proof of insurance.



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- d. If you are given a ticket, you should sign it; otherwise you might be arrested. It is best to sign the ticket and contest it later in court.
- e. Never voluntarily consent to a search of your vehicle. It is not lawful for the police to arrest you simply for refusing to consent to a vehicle search. But, if the police believe your car contains evidence of a crime, your car can be searched without your consent.
- f. Both drivers and passengers have the right to remain silent.
- g. **If you are a passenger in the car** and if you desire to leave, you can ask, “Am I under arrest?” or “Am I being detained?” If the officer say “No”, remain silent and you have the right to exit the vehicle and leave. Passengers do not have to show identification without cause.
- h. **Fleeing the scene:** Do not flee the scene unless you absolutely have to flee for your own safety. Many times the police shoot to kill us and then claim the vehicle was used as a weapon, even if no cop was hit, or even in danger of being hit.

DRIVING UNDER THE INFLUENCE (DUI) DRUNK DRIVING

If you are suspected of drunk driving (DWI, DUI) and refuse to take a blood, urine or breath test the following can occur:

- a. If you refuse in your home state, your license will likely be automatically suspended.
- b. If you refuse out-of-state, you have a change of winning the case as long as you have witnesses that will testify that you were not drinking and there is no other credible evidence that you were drinking beyond the limits.
- c. Stop taking risks by drinking and driving. Too many lives are lost by drinking and driving. You have limited defenses when you drink and drive.



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SUSPENDED LICENSE

If your license is suspended, the police may arrest you and impound your vehicle and search your vehicle unless someone is present who can drive the car or unless the car can be legally parked. So, it is critical to keep your license in good standing and do not drive without a valid license.

IMPOUNDMENT SEARCH

If your car is stopped for a suspended license or for the registration being expired, the police may impound the vehicle and search the vehicle in what is called an “impoundment an inventory search.” So be aware of the status of your tags and driver’s license. Do not get caught slipping and lose your legal and tactical advantage in encounters with the police.

WHAT TO DO WHEN THE POLICE SEEK TO ENTER YOUR HOME

- a. **In order to enter your home**, the police or sheriff **must have a Warrant**, signed by a judge. They must knock and announce themselves.
- b. Ask to see the Warrant.
- c. If it is an emergency or someone is in imminent danger in the house, or a fleeing felon has entered the house, officers are allowed to enter and search your home without a Warrant. Be careful of whom you have in your house and be cautious what you allow another person to do in your house and out of your house if you want to keep the police out of your house.
- d. **Domestic dispute:** If a person has made a 911 call and claimed that a crime which affects their safety is occurred, the police can come inside your house to investigate criminal activity. They can conduct a limited search relative to the crime allegedly committed. My advice is be very careful who you have in your home because a person in your home calling the police on you can erode key privacy rights you have.



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- e. If you are arrested the police can search you and an area close by. If you are in a building, “close by” usually means just the room you are in and only a search relative to the crime you are being arrested for.

WHAT TO DO IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION

- a. Get as many of your supporters as you can to come to the precinct where you are and to your initial court hearing.
- b. You should always exercise your constitutional right to remain silent and to talk to a lawyer.
- c. Do not speak about your incident behind bars. You never know who you are talking to and who is listening. If you are allowed to make a phone call, do not discuss the details of the incident.
- d. You should appear in court the next day for arraignment. If your lawyer does not appear with you a court appointed lawyer will be appointed for you. After that, you can choose to remain with a court appointed attorney or you can hire your own private counsel of your choice.
- e. When in court, you may be released without bail or on your personal recognizance. But if you are on probation or on parole or depending on the seriousness of the crime for which you are arrested, you may have to post bail.
- f. Let your attorney make all bail arguments and conduct all actions on your case. Only a fool has himself for a client.



REMEMBER YOUNG BROTHER AND SISTER, YOU ARE AT WAR FOR YOUR SURVIVAL AS A BLACK MALE AND FEMALE. YOU MUST BE WIDE AWAKE AND CONDUCT YOURSELF LIKE A SOLDIER AT ALL TIMES.



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If someone you know has been falsely arrested, unlawfully detained, assaulted, beaten or killed by the police, please call BLFJ at 301.513.5445. We also want your video recordings.

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