

## KNOW YOUR RIGHTS WHEN ARRESTED

This card has been provided as a public service by the Independence, Kansas Police Department 120 N. 6th Street Independence, Kansas 67301 316-332-1700

If you are stopped by the police or are arrested, whether you are guilty or not, you have the same rights. You can protest these rights best if you use the information on this card. Carry this card in your wallet, read it, and remember what it says.

On this card are listed some of your rights when you come in contact with the police. As an American citizen you have certain rights under the U.S. Constitution which the police cannot violate.

However, remember the police in doing their job have rights too. The policeman's job is to keep the peace and enforce the law. When he is doing this, he has the right to expect your help.

**IF YOU ARE STOPPED BY THE POLICE**  
Always be calm and polite.

2. If you are in a public place in Kansas, a law enforcement officer may ask for your name, address, and an explanation of what you are doing. If he believes his personal safety requires it, he may search you for weapons. Although you have a right to remain silent, it is a serious crime to assault or obstruct an officer in the discharge of his official duty.

3. Whatever happens, never resist arrest. You may explain to the police officer that you are not guilty of any wrongdoing but do not argue, use force, or run away.

4. Always ask the officer (a) why you are being stopped, (b) whether or not you are under arrest, and (c) if you are free to go on your way. If the officer refuses to let you go, consider yourself under arrest. Be careful of what you say for it can be used in court against you.

5. If you are stopped while driving, the police officer has the right to see your driver's license and car registration. Show them to him if he asks to see them.

6. Ordinarily an officer must have a search warrant to make a search of (a) your person, (b) your home or belongings, or (c) your car. However he may insist on searching if (a) he has reason to believe you have committed a crime, or (b) his personal safety requires it. If an officer insists on searching you or your car, you can protest and refuse to give him your permission but do not try to stop him.

## IF YOU ARE ARRESTED

1. You are immediately entitled to a lawyer. Ask to see your

lawyer. You have the right to phone your lawyer or a relative or friend for assistance in getting a lawyer. The Court may appoint a lawyer to represent you. Do not talk to anyone about your case until your lawyer has discussed it with you. You assert the right to be left alone while in custody by demanding the presence of a lawyer. Report any attempts to interfere with your exercise of this right to your lawyer.

2. You do not have to say anything and you do not have to sign a written statement. Remember, anything you say can be used against you in court just the same as if it were in writing. For this reason it is best not to say anything until you have talked to your lawyer.

3. You will have to answer questions about yourself. You have the right to know why you are under arrest. The police should give you a receipt for anything they take from you.

4. Unless you are charged with a felony, you are entitled to pretrial release. You should ask the judge before whom you first appear for release from custody without bail (On your own recognizance). If this is denied and a money bond is set then you must pay the bondsman or obtain credit from him. You should look into the possibility of having a friend or relative who owns land serve as your bondsman.

5. The police must either bring you before a judge without unnecessary delay or release you. You should ask to see the judge as soon as possible. Most times this will be the day following your arrest.