

L^EGAL TIPS[®]

TOOLS FOR INTERACTING
WITH POLICE SAFELY[®]



**AMERICAN FAMILY
INSURANCE[®]**



>> INTRODUCTION

With the support of The Madison Times, we are proud to present this booklet, *Legal TIPS: Tools for Interacting with Police Safely*.

In response to the increasing attention to local, state, and national police conduct when interacting with the public, the mission of Legal TIPS is to provide the citizens of Madison a guide to understanding their rights during common encounters with law enforcement. In addition, it provides insight from the Madison Police Department on what their protocol and duty is to the public during such encounters.

Often, encounters between law enforcement and citizens go awry due to both the lack of understanding of an individual's rights and the duty and responsibility of law enforcement in any given situation. We believe that providing the general public with this information will empower citizens with knowledge of their own rights, which in turn will create an improved environment for peaceful interactions when encountering law enforcement.

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DISCLAIMER:

The information contained in this booklet, including the Additional TIPS, is general information for the public and should not be construed as legal advice to be applied to any specific factual situation. You should consult your attorney to obtain advice with respect to any particular issue or problem.

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>> WHAT SHOULD CITIZENS EXPECT

in terms of officer behavior and performance in regards to contact in public?

Two of the core values of the City of Madison Police Department is community partnership and service. Officers are trained to make daily contacts with citizens. Some of these contacts will be investigative where others are just officers reaching out to members of the community they serve. If you are stopped by an officer on the street, you should expect to be greeted by an officer in a professional manner. The conversation the officer has with you will dictate what type of information they are looking for from you.

Depending on the context of why the officer is speaking with you, you may or may not have to provide identification. You may or may not be free to go.

>> How should I respond if I am
STOPPED ON THE STREET by an officer?

- > Be mindful of the officer, stay calm, and be courteous.
- > If the officer asks for personal information, you should give your name and address.
- > If you feel unsure about what's happening, politely ask if you are under *arrest*.
- > If the officer says you **ARE** under *arrest*, you do not need to answer or give any other information. The officer must inform you of your constitutional rights (*Miranda rights*), which include the right to silence and the right to have an attorney.





>> **HOW ARE OFFICERS TRAINED** to make vehicle stops?

> City of Madison Police Department police officers are trained, when they initiate a traffic stop, to approach the vehicle if practical, introduce themselves and explain the reason for the stop. Each stop will be different based on the circumstances of the stop. Officers will gather information from the driver including their identification as well as occupant information if legal. Officers will then go back to their patrol vehicle and run the driver and any passengers (if applicable) to determine whether the driver is a valid driver, as well as complete any necessary paperwork, such as citations or warnings.

Officers will then re-approach the vehicle and explain any paperwork, answer any questions, and conclude the stop professionally. Officers will then assist the motorist in getting back into traffic safely.

IMPORTANT: *Citizens should be aware that upon the start of a traffic stop the driver and all passengers are not free to leave and are detained until the conclusion of the stop.*

>> What if I am in a vehicle that gets PULLED OVER?

- > The driver and/or the passenger ARE required to step out of your car if asked to do so by the officer.
- > When asked, passengers should give the officer their name and address.
- > The police may search your car if they have a *search warrant*, *reasonable suspicion* or *probable cause*—if they have any indication that anyone in the car is involved in criminal activity.
- > An officer may search your car if they have reason to believe the vehicle contains a weapon and may seize anything in *plain view* if they believe it is or contains a weapon or if there is evidence of a crime.

>> HOW ARE OFFICERS TRAINED

when making contact with citizens at a private residence?

The City of Madison Police Department receives thousands of calls of service every year for a variety of reasons. Some of these reasons include: You called and need the police, children playing with the phone, or a medical emergency, just to name a few. Each call type has a different response from officers. Officers are trained to respond to a call for service and introduce themselves. They will try to obtain as much information as they can to help the citizen in need, solve a crime they are investigating, or interview citizens to determine if they are witnesses to a crime or suspicious activity. Citizens should expect officers to be professional in their contact as well as explain to citizens why they are doing what they are doing, if asked. Officers should then conclude their contact professionally, making sure they have met the needs of the citizen(s) they are serving.



>> How Should I Respond if a Police Officer SHOWS UP AT MY HOUSE?

- > You do not need to let the officer in your home unless they have a *search warrant*.
- > If they do have a *search warrant*, ask to see it to make sure that it's valid.
- > A valid *search warrant* must list the date, location, and specific items that the officer is looking for.

An officer may take items from the home that are NOT listed in the *search warrant* IF there is evidence of a weapon or signs of criminal activity.





>> How do I approach an officer if **I HAVE A QUESTION OR NEED HELP?** Can an officer **TAKE A REQUEST FOR INFORMATION OR ASSISTANCE DIRECTLY FROM A CITIZEN IN PUBLIC?**

- > If you see an officer and you need assistance, try to get the officer's attention verbally before touching their shoulder or knocking on their car window. Once you have the officer's attention they will be happy to help you with the problem or answer your questions, if they are able to. Keep in mind that officers are not permitted to speak to the media without a supervisor's approval or comment on any investigation.

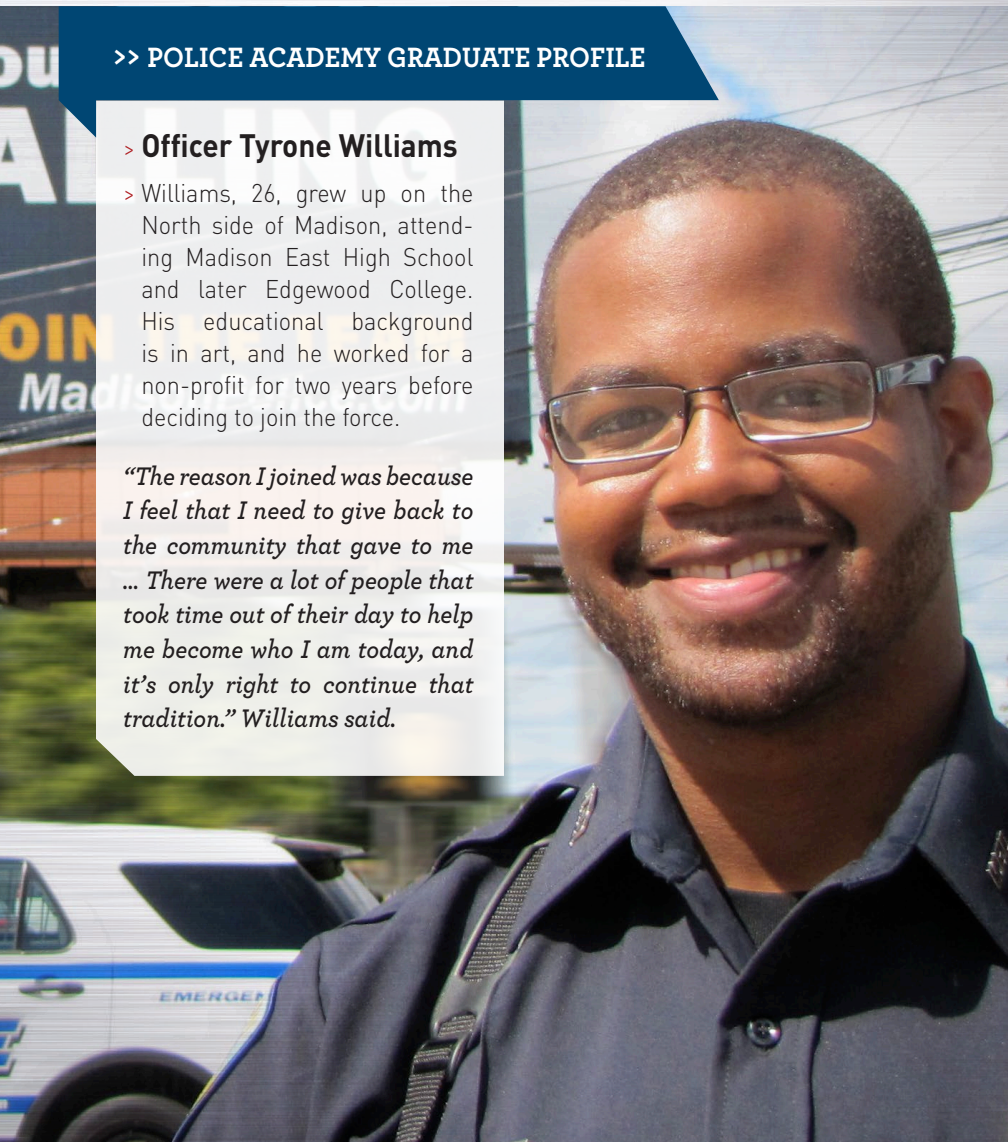
- ★ Some options for further education and involvement include joining the police force to serve your community, or taking informational classes through Madison Police Department's Citizen Academy.

>> POLICE ACADEMY GRADUATE PROFILE

> **Officer Tyrone Williams**

> Williams, 26, grew up on the North side of Madison, attending Madison East High School and later Edgewood College. His educational background is in art, and he worked for a non-profit for two years before deciding to join the force.

"The reason I joined was because I feel that I need to give back to the community that gave to me ... There were a lot of people that took time out of their day to help me become who I am today, and it's only right to continue that tradition." Williams said.



>> CITIZEN ACADEMY

> The Madison Police Department's (MPD) Citizen Academy is a program that gives the public a working knowledge and understanding of the values, goals, and operations of MPD. The purpose of the Academy is to improve the lines of communication and help build a positive relationship between the MPD and the community members they serve. This experience allows citizens to gain a deeper understanding of Madison's police department while allowing police to continue their mission of community engagement.

The Academy consists of nine (9) three-hour sessions conducted on a weekly basis. Classes will take place every Wednesday starting September 14, 2016 through November 9, 2016, between 6pm-9pm. This year, the deadline for submissions of the application and waiver is August 15, 2016. There is no cost to attend.

CITIZEN ACADEMY PERSONAL TESTIMONY

I found out about the Police Academy through my neighborhood association, so I thought I'd check it out. After I went, my attitude toward the men and women in uniform has changed for the positive, I was very pleased with the information I received. I wish more African-American people and people in general were involved. For me, I would go to it again, they have my approval, and I wish it were being done elsewhere around the country.

Nathaniel Ellis

Retired school bus driver and Madison native

>> GLOSSARY OF TERMS

ARREST: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

DETAIN(ED): Detention occurs whenever a police officer approaches an individual and restrains his or her freedom to walk away, or approaches and questions an individual, or stops an individual suspected of being personally involved in criminal activity. Such a detention is not a formal *arrest*.

MIRANDA RIGHTS: The requirement set by the U. S. Supreme Court in *Miranda v. Alabama* (1966) that prior to the time of *arrest* and any interrogation of a person suspected of a crime, he/she must be told that he/she has: "the right to remain silent, the right to legal counsel, and the right to be told that anything he/she says can be used in court against" him/her. Further, if the accused person confesses to the authorities, the prosecution must prove to the judge that the defendant was informed of them and knowingly waived those rights, before the confession can be introduced in the defendant's criminal trial. The warnings are known as "*Miranda Rights*" or just "rights."

REASONABLE AMOUNT OF TIME: A standard for what is fair and appropriate under usual and ordinary circumstances; that which is according to reason; the way a rational and just person would have acted.

SEARCH WARRANT: A *search warrant* is a court order that a magistrate, judge or Supreme Court official issues to authorize law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate any evidence they find.

REASONABLE SUSPICION: *Reasonable suspicion* is the legal standard by which a police officer has the right to briefly detain a suspect for investigatory purposes and frisk the outside of their clothing for weapons, but not drugs. While many factors contribute to a police officer's level of authority in a given situation, the *reasonable suspicion* standard requires facts or circumstances that would lead a reasonable person to believe that a suspect has, is, or will commit a crime.

PROBABLE CAUSE: "*Probable cause*" generally refers to the requirement in criminal law that police have adequate reason to *arrest* someone, conduct a search, or seize property relating to an alleged crime.

PLAIN VIEW: A doctrine that permits the search, seizure, and use of evidence obtained without a *search warrant* when such evidence was plainly perceptible in the course of lawful procedure and the police had *probable cause* to believe it was incriminating.

>> A MESSAGE from Chief Koval

> A fundamental tenet of community policing is that the police cannot go it alone. This booklet is a step toward creating and fostering trust and transparency by discussing the parameters of police power. When citizens better understand their rights as well as the limitations of what the police “can” or “cannot” do, the end result is an informed consumer of services. This will go a long way in enhancing a trust-based relationship between citizens and cops, and that’s a “win” for us all!

Michael C. Koval, Chief of Police
Madison Police Department

