

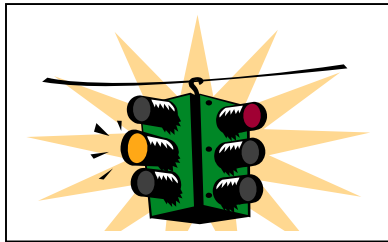
The purpose of the Providence External Review Authority (PERA) is to investigate allegations of misconduct on the part of officers of the Providence Police Department, to make findings of fact and to make recommendations of potential disciplinary action to the Chief of Police.

## **Understanding Police Procedures If you are stopped by Police**

# If You Are Stopped by Police

Officers may stop people who are driving when they observe a violation of the vehicle code or other laws, or if the person or vehicle matches the description of someone in an investigation. Officers may stop people on the street if they observe a violation, if they are investigating a complaint or they believe the person has or is about to commit a crime. These interactions usually involve the officer asking for your name, your address and your identification. These are simple questions – but can be stressful for the person involved. Officers also routinely walk in their patrol districts and speak to people on the street. These “walk and talks” are not considered stops, and the goal is for the officers to become more familiar with the community.

This brochure is designed to provide information about why police make stops and what you can expect if you are stopped by police. This document is not written to provide legal advice; rather, it is designed to offer suggestions for individuals who come into contact with the Providence Police Department. If you have specific legal questions, you should contact a private attorney.



## Traffic Stops

### Common Reasons To Be Stopped

Traffic safety for motorists, pedestrians and cyclists remain one of the largest public safety concerns of neighborhoods in Providence, so traffic enforcement is an important role for police.

The most likely reason why people are stopped while driving is for violations of the vehicle code. The laws governing driving privileges consist of more than 100 pages. It is not uncommon for a driver to violate a code without knowing it. For example, vehicle code says that you must signal your intent to turn, or change lanes, 100 feet (10 car lengths) before doing so.

### Violations Fall in Two Categories:

- **Moving Violations:** Includes improper lane change, failure to stop at red light or stop sign, driving in excess of the posted speed limit, etc.
- **Non-Moving Violations:** Includes occupants not wearing their seat belts, children not restrained properly, a tail light or brake light not working correctly, etc., or failure to possess a license, registration or insurance.

### Other Reasons Individuals May be Stopped While Driving:

- **Criminal investigations** often involve officers looking for a suspect, a witness, or a suspect vehicle. Your vehicle may match the description of someone the officer is looking for.

- **Courtesy or safety concerns, such as when your trunk is open, something hanging from your vehicle, or something on top of your vehicle, may also lead to stops.**
- **A warrant exists for the arrest of an occupant of the vehicle.**

### **Things To Do When Stopped**

Officers are trained to place a great deal of emphasis on their safety and survival, so they can do the job of protecting others. Many of these guidelines are based on the safety procedures that officers follow.

- **Slow down, safely pull over to your right when you can and make a complete stop. Please stay in your car with both hands in sight on the steering wheel and wait for the officer to approach. Do not get out of the vehicle unless asked to do so.**
- **Show the officer your driver's license, vehicle registration and proof of insurance when asked to do so.**
- **If stopped by a policeman at night the first thing you must do is put your inside dome light on.**

When driving a motor vehicle you are required by law to have in your possession a valid driver's license, proof of vehicle registration and proof of current insurance for the vehicle. If you are stopped and you do not have all these items with you, you could be arrested, issued a citation and/or have your vehicle towed, depending on the circumstances.

**\*\*\*It is the driver's responsibility** – not the owner's- to ensure that the vehicle being driven is insured and that the proper documents are in the vehicle.

**\*\*\*It is the owner's responsibility** – to ensure that the person driving the vehicle possesses a valid driver's license.

If you are not sure, ask for the reason you were stopped. Often the reason will be very clear, because you will be given a citation, a written warning or a verbal warning. If you are not told the reason for the stop, you should ask the officer. The reason may have to do with you, your driving, or the conduct of your passenger.

### **As The Driver, You Are Responsible For:**

- **The conduct of the passenger. This covers such things as passengers throwing trash out the window, hanging their arms or legs out of the window or acting in a disorderly manner.**
- **Ensuring that all passengers are wearing their seatbelts and that children are properly secured.**

If you do not agree with the reason for the citation, the reason for the stop, or the officer's demeanor, keep track of all pertinent information about the stop, including the officer's name and identification number. Officers are unable to handle your complaint on the scene.

If you do not agree with the reason for a citation you have the right to present your case to a traffic court judge.

If you do not agree with the reason for the stop or the officer's demeanor, you have the ability to complain to the Providence Police Department and/or the Providence External Review Authority.



## Person Stops

### Common Reasons To Be Stopped

A person might be stopped if the officer has reason to believe the person:

- **Committed a crime.**
- **Is about to commit a crime.**
- **Has evidence of a crime.**

As in traffic stop, other reasons to be stopped include officers looking for information in an investigation and officers alert to safety concerns of people on the street.

### Things To Do When Stopped

Again, officers are trained in safety procedures so they can do their job of protecting other people.

- **Keep your hands where the officer can see them. Don't put your hands in your pocket.**
- **Stay put and stay calm. Don't walk or run from police.**
- **Don't interfere with an officer making an arrest or making a traffic stop.**
- **If ordered to do so, comply with the procedures for a search. If an officer has a reasonable suspicion that you may be carrying a weapon or illegal substance, you may be subjected to a pat-down search.**
- **You do not have to give your Social Security Card**
- **Police only have the right to request your name and address, and an Identification Card.**

If you do not agree with the reason for the stop or have another complaint, keep track of all pertinent information about the incident, including the officer's name and identification number. Officers are unable to handle your complaint on the scene.

If you do not agree with the reason you were arrested, you have a right to legal representation and all sides of your case can be presented in court before a judge.

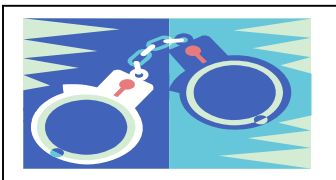
If you think the Police Officer(s) conduct was abusive insulting or otherwise inappropriate, you have the ability to complain to the Providence Police Department and/or the Providence External Review Authority.



## Police At Your Home

A police officer can enter a residence if:

- **You give them consent, or**
- **They have an arrest or search warrant, or**
- **There are urgent circumstances, such as if they are in pursuit of a suspect who just entered your residence or there are circumstances where officers believe that a suspect or evidence will be lost if they wait for a warrant, or**
- **They are performing community care-taking functions, such as rendering first aid, preventing serious harm to a person or property, or locating a missing person.**



## If You Are Arrested

If you are arrested, you need to be told what you are being charged with. Don't resist arrest, even if you disagree with the reason or the charge; following your arrest you have the right to legal representation if you are charged with a crime.

At the time of arrest, if you are a foreign national, law enforcement officers have a legal obligation to advise you of your right to communicate with your corresponding Consulate. If you request that the arresting officers notify your Consular office, this notification should occur without delay.

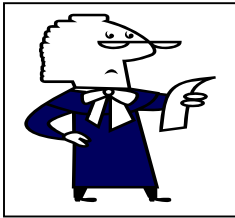


## Constitutional Rights

If you are being questioned before an arrest, all persons (juveniles and adults) have the following rights, to remain silent and also request the presence of an attorney.

If you are being questioned after an arrest, all persons (juveniles and adults) have the following rights, referred to as Miranda Rights:

- **You have the right to remain silent.**
- **Anything you say can and will be used against you in a court or law.**
- **You have the right to talk to an attorney and have him or her present while you are questioned.**
- **If you cannot afford to hire an attorney, one will be appointed to represent you at no expense.**
- **Stay put and stay calm. Don't walk or run from police.**
- **Don't interfere with an officer making an arrest or making a traffic stop.**



## **Rights of Police**

- **Police may use reasonable force to make an arrest or detain someone.**
- **If they have probable cause, they can search you, your vehicle and, in some circumstances, your residence.**
- **If they have probable cause, they can seize your property.**

If they have reasonable suspicion that you have a weapon or illegal substance, they can search you.

**\*\*\*Racial Profiling is defined as:**

“The use of race as the sole basis for justifying traffic stops or other police action.”

**\*\*\*Providence Police Department does not:**

“Train, teach, endorse, support or condone any type of race profiling by any law enforcement agency. The practice of race-based profiling is counterproductive to good and professional police work and to the public safety of our communities.”

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