

Know Your Rights: Siskiyou County

Encounters with the law can be stressful or scary. People have various experiences with law enforcement, some of which are not always fair or legal. This guide provides practical information that could help you avoid more trouble or potentially harmful situations. The **bolded words** below are “magic words” that you can repeat over and over to show you know the law. Memorize them. Know your rights, so you can use them.

If you have an encounter with the law where you think your rights may have been violated, we would like to hear from you. You can reach the ACLU Investigator Dylan Verner-Crist at 401-744-6973. If you call Dylan, he can get an interpreter for the call if you need one.

1. The Do's and Don'ts of Police Stops

If you are stopped for questioning, DO...

- DO ask “**Am I free to go?**” If they say ‘yes,’ leave calmly. If they say ‘no,’ DO ask to know why by saying, “Can you tell me why you are stopping me?”
- DO exercise your right to remain silent if you are asked any questions. Say “**I want to remain silent**” or “**I don't want to answer questions.**” You cannot be arrested or detained for refusing to answer questions. But it can look suspicious to the police if you answer questions and then suddenly stop. Make it your practice to always remain silent.
- DO make sure the officer knows you do not agree to be searched (they might search you anyway, but make your opposition known). Say “**I do not consent to a search.**”
- DO, if you are being given a ticket, give your name and birth date, and sign the ticket. If you don't, you may be arrested.
- DO write down the name and badge number of the officer.

If you are stopped for questioning, DON'T...

- DON'T disrespect a police officer. Although you have a constitutional right to do so, it could lead to your arrest.
- DON'T run away or physically resist a “pat-down” or search. Say “**I do not consent to a search.**”
- DON'T lie. Tell the police you don't want to talk to them. Say “**I want to remain silent.**”
- DON'T forget that police are legally allowed to lie and bluff.

- DON'T discuss your citizenship or immigration status with anyone other than your lawyer.

If you are stopped in your car, DO...

- DO show your license, registration, and proof of insurance when asked, if you were driving.
- DO ask the officer why you were stopped.
- DO keep your hands on the wheel and let the officer know what you are doing ("I'm going to reach for my registration now.").
- DO say **"I do not consent to a search."** If an officer tells you that he is going to search your vehicle because he smells cannabis, tell him that **the smell of cannabis alone is not probable cause to search a vehicle in California.** (They might search your car anyway, but make your opposition known verbally.)
- DO sign your ticket if you are given one. Otherwise, you may be arrested.
- DO ask about the consequences of refusal if you are asked to take a DUI test. Generally, you have a right to refuse to take a breath test before you are arrested and can say "I do not consent to the test." However, if you are arrested for DUI, refusal to take a chemical test after your arrest will result in your license being suspended.
- DO keep your car interior clear of unnecessary objects. It may give the police reason to search the car.
- DO ask if you can park your car in a safe place or have a licensed driver take it away, if you are arrested, to avoid towing or impoundment fees.
- DO write down the name and badge number of the officer.

If you are stopped in your car, DON'T...

- DON'T physically resist a search. Say **"I do not consent to a search,"** but do not do anything to block the police from searching the car.
- DON'T refuse to sign a ticket. You can be arrested for doing so.
- DON'T search for your license or registration until asked. If you search without being asked, it may look as if you are trying to hide something.
- DON'T disrespect the officer. Although you have a constitutional right to do so, it could lead to your arrest.
- DON'T attempt to bribe the police.
- DON'T play music loudly when the police walk up to your car.
- DON'T have any objects hanging from your rearview mirror. It may give police a reason to pull you over.

If you are arrested or taken to a police station, DO...

- DO tell the police your name and basic identifying information. But nothing else.
- DO say **“I want to remain silent”** and **“I want to talk to a lawyer.”** They should stop questioning you after that but if they continue questioning you should continue to remain silent or confirm **“I will not speak to you without a lawyer.”**
- DO make sure you get your 3 phone calls within 3 hours of getting arrested or immediately after being booked. You can call a lawyer, bail bondsman, relative, or any other person. If you have children under 18, you get 2 additional calls to arrange childcare. Memorize phone numbers ahead of time.
- DO assume the police are recording your calls (except the call with your lawyer).

If you are arrested or taken to a police station, DON'T...

- DON'T give them any information except for your name and basic identifying information.
- DON'T give explanations, excuses, or stories. Say **“I want to remain silent”** and **“I want to talk to a lawyer.”**
- DON'T talk about your case on the phone. The police might be recording your phone calls (except those to your lawyer).
- DON'T make any decisions in your case without talking to a lawyer.
- DON'T discuss your citizenship or immigration status with anyone other than your lawyer.

If you wish to record encounters with law enforcement, DO...

- DO consider recording when you are in public, and when it is safe to do so. You have a right to record law enforcement officers in public spaces like streets, sidewalks, and parks.
- DO report abuse by law enforcement agencies to your local ACLU.

2. The Do's and Don'ts of Code Enforcement Inspections

If police or code enforcement want to enter and search your property, DO...

- DO exercise your right to remain secure in your property. Ask **“Do you have a warrant?”** If the answer is no, *do not let police or code enforcement onto your property.*
- DO ask for a copy of the warrant if officers tell you that they have one. Read the warrant and make sure that it is correct. Check the warrant to see if there are limitations on where officers can go while they are on your property.
- DO let officers onto your property if they have a warrant.
- DO consider recording the officers' actions if they come onto your property, and writing down the names of officers who perform the search.
- DO ask officers why they want to inspect your property.

If police or code enforcement want to enter and search your property, DON'T...

- DON'T let officers or code enforcement onto your property unless they have a warrant. Tell them **"I do not give you consent to search my property."**
- DON'T obstruct or block officers or code enforcement from coming onto your property if they have a valid warrant.
- DON'T give officers or code enforcement information about what you have on your property.

If you are cited for a code violation, DO...

- DO appeal the citation. You have seven days to appeal a notice of violation for a standard code violation. You have ten days to appeal a citation for growing cannabis. If you appeal a standard code violation, you must provide a check of the amount of the citation as a deposit. If you cannot pay that amount, you must fill out a notice of hardship waiver form within five days of the citation. You can appeal the citation by completing a Request for Hearing Form available at the Community Development Department, 806 South Main Street, Yreka.
- DO ask for time to clean up any alleged violations on your property. You should do this by writing or emailing the code enforcement officer who cited you. You can ask them for their business card for their contact information. Ask **"Can I have more time to clean up the alleged violations on my property?"**