

Documenting police abuses:

You have a First Amendment constitutional right to videotape or photograph anything in plain view in the public. Still, the police can harass you for documenting their activity, and there are some limitations to the right to film.

Limitations include the following:

- You cannot interfere with the scene or an investigation.
- You cannot trespass onto private property to document.
- If you are on private property, you must follow the owner's rules.

What to document:

- Write down information about the police officer (name, badge number, car number).
- Write down details about what happened (date, time, location, what happened).

The police cannot search what you have documented. The police generally need a warrant to search your phone or documents. The police cannot legally delete your photos or video—this is tampering with evidence.

Although we have certain rights, we know that our rights are not always respected. The police sometimes do not understand the law or choose not to follow it. Document your encounters with law enforcement officials, especially if you think they are violating your rights!

REMEMBER:

- DON'T INTERFERE
- DON'T TRESPASS

WRITE IT DOWN

WHO WAS THERE?

WHAT HAPPENED?

KNOW YOUR RIGHTS

DATE
TIME
LOCATION
WHAT HAPPENED
OFFICER'S NAME
BADGE #
CAR #

Use of force and resisting arrest:

Please remember that the police are authorized to enforce the law and have been granted great power to do so. The law grants special protections to the police to use force. If you are stopped and do not cooperate, the law allows the police to arrest you and use force on you. This is true even if the first stop or arrest was illegal. If the police use an unlawful or excessive amount of force, the evidence they collect might not be usable and the stop might be illegal. You may be charged with resisting arrest or detention if you do not cooperate with the police. This is a separate offense and an additional charge from what the police originally stopped you for.

Police and searches:

On the street, the police may thoroughly search you if you are under arrest. If you are not under arrest, the police may only pat you down to search for weapons, unless they find probable cause to search during the stop/patdown. The police need "reasonable suspicion" (some particular suspicion that you committed or will commit an offense) to stop you.

During a traffic stop, the police may not search your car without probable cause. They may inspect what they can see in plain view (e.g. looking through your windows).

At your home, the police cannot search your home without a warrant, with few exceptions. If they have a warrant, you must let the police in to search what was specifically asked for in the warrant, but you may remain silent.

REMEMBER: You can tell the police that you do not consent to a search. The police will search what they want to search. Do not physically resist. Never consent to a search—if you do not consent to a search and the search is illegal, the prosecutor may not be able to use this evidence against you at a trial. You can make this argument in a Motion to Suppress Evidence.

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See **Booklet 2: A Guide to Representing Yourself in St. Louis Municipal Courts** for how to defend yourself at trial, the consequences of a guilty plea or municipal conviction, what to do if you cannot afford your municipal fines and fees, and more.

Visit ProSeSTL.org to find forms you can bring to court, organizations offering services, and ways you can get involved to stop the criminalization of communities.

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BOOKLET 1

A GUIDE TO KNOWING YOUR RIGHTS WITH THE POLICE AND GETTING OUT OF JAIL

CREATED BY

ARCHCITY DEFENDERS

WWW.PROSESTL.ORG

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I WAS STOPPED BY POLICE. WHAT SHOULD I DO?

If asked for information as a pedestrian:

- 1. Did the police stop you without a reason?** If it is a stop without a reason ("mere encounter") with the police, ask "am I free to go?". If they say yes, you are not under formal detention and you do not need to answer questions or share your ID.
- 2. Are you under formal detention or under arrest?** If the police say you are under formal detention or arrest, you are not free to go and the police have more powers. The police need "reasonable suspicion" (a particular reasonable thought) that you have violated the law to hold you.

Even if the police have no reasonable suspicion for the stop, they may stop you illegally. **Do not resist, see page 4 for more information.**

If you are under formal detention or arrest, the police can:

- **Ask for your ID**—even then, you may refuse to present your ID, but if you refuse, the officer may search you for your ID.
 - **If you are undocumented, do not carry your passport and do not answer questions related to your immigration status. Sharing this information and giving your passport makes it easier for the government to deport you.**
- **Ask your name, address, business, and where you are going.** If you refuse to answer these questions, the officer can use that against you and choose to take you into the station.
- **Pat you down to check for weapons.**
- **Run your ID to see if there are any outstanding warrants.**

If you are under arrest, the police have the most powers. The police need probable cause to arrest someone. The police may read you your Miranda warnings (right to remain silent, right to an attorney, anything you say may be used against you). When under arrest, you may be legally required to provide information related to your identity, but you should refuse to answer other questions.

If asked for information in a car:

The police can stop you if they have reasonable suspicion that you broke a law or if they are doing random DWI or vehicle registration checks.

The driver is required to give the requested documents (usually driver's license, registration, proof of insurance) to the police.

A passenger may be asked for ID but is not required to provide identification unless the police have separate reasonable suspicion to formally detain that passenger.

If the police have reasonable suspicion, they may remove the driver from the vehicle and pat you down if they believe you have a weapon. They may search your vehicle if they have probable cause to believe there are weapons within your reach or evidence of a crime in the vehicle. If they arrest you, they can thoroughly search you.

REMEMBER: You have the right to remain silent. Say, "I want to remain silent and I wish to speak with an attorney." You have the right to have your lawyer present if law enforcement is questioning you.

UNDERSTANDING YOUR TICKET

This guide was created by ArchCity Defenders to support people representing themselves in court. This information is provided for general informational purposes only. We have tried to make it as accurate and up-to-date as possible, but laws can change and your individual situation may be different. Nothing in this guide should be understood as legal advice from ArchCity Defenders. We expressly disclaim all liability that results from actions taken or not taken in reliance on this guide. If you have further questions, please consult a lawyer. We do not intend this information as advertising or solicitation. By providing this information, we are not acting as your lawyer.

Many parts of the criminal legal system are unjust, promote continued marginalization of specific communities, and were designed to promote profit over justice. Often, judges, police, and prosecutors all play a part in systems that harm our communities. This guide offers individuals tools to push back, by empowering individuals and offering detailed tips to defend yourself. Ultimately, we believe that only by organizing together to change the system will communities be safe from its abuses.

Visit www.ProSe.STL.org for links to service providers, court forms, volunteer opportunities, and other helpful information.

ArchCity Defenders | archcitydefenders.org | 314-361-8834

www.ProSeSTL.org
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START HERE TO RE-FOLD THE BOOKLET AND FIND MORE QUESTIONS ANSWERED

I GOT A TICKET. WHAT DO I DO NOW?

Know your options:

- You have options when you get a ticket! You can:
 - Pay your ticket (pleading guilty and taking points on your driver's license). *Note: Accumulating points could suspend or revoke your license and possibly raise your insurance costs. (See Booklet 2, page 7).*
 - Always call the Court before your court date to make sure they received your payment. If the Court says they did not receive payment, bring a receipt and go to court to avoid other consequences.
 - For some offenses, especially non-traffic related, you can not plead guilty by paying and must go to court.
 - Go to court to explore your other options or if you cannot afford your ticket.
 - To defend yourself against the ticket (see Booklet 2, page 5 for how to defend yourself).
 - To negotiate with the prosecutor to plead to an offense with lesser consequences, a smaller fine, or fewer driver's license points. (See Booklet 2, page 1 for what to do in court.)
 - To plead guilty but reduce or waive your fine and/or costs (See Booklet 2, page 12 for how to reduce the fine).

REMEMBER: If you choose to pay a ticket, you are pleading guilty to the offense. There are consequences to pleading guilty. See Booklet 2 page 7 for a list and exploration of these consequences.

Find a breakdown of a sample ticket on the next page!

I WAS ARRESTED. HOW DO I GET OUT OF JAIL?

Sometimes when you are arrested, you will be booked but then immediately released. Sometimes you will be booked and kept in jail until your court date or until your trial unless you pay bail or bond. [See page 8 for how to pay bail.](#)

HOW DO I FIND MY LOVED ONE AFTER ARREST?

Wait for a call from them—they should get a free phone call from jail. Call the police department that arrested them and ask where they were taken. Call local area jails to see if they are there.

When you find the incarcerated individual, ask them or the jail for this information:

- Their inmate number
- What they were arrested for
- What their bail is
- If there are any holds that will keep them in jail after the bail is paid
- Their next court date

Understand your ticket:

Your ticket includes the following important information:

- What law the police say you broke. The jurisdiction may later choose to charge you with this offense, a different offense, or no offense.
- Which police department and officer ticketed you.
- Where and when to go to court. This may change, so you should call to confirm.
- The Court's contact information.

If you lost your ticket or want to know what tickets you have, you can search for some cases at the following websites:

- Casenet: www.courts.mo.gov/casenet/base/welcome.do
- Municourt: www.municourt.net
- County unincorporated municipal divisions database: www.municipalrecorsearch.com/stlouiscountymo/Cases

Some cities and courts in St. Louis are motivated by money and their practices punish people who do not have money. The result is that if you have money, you can negotiate your way out of many of the harmful consequences of a municipal traffic stop. If you don't have money, you may end up in jail, put your driver's license at risk, and/or owe the court more in fines and fees.

HOW CAN I PAY THE BAIL?

If you or your family has money to pay the bail in full, ask the jail where and how to pay. Usually, you can go to the jail between certain hours and pay the bail with cash.

If you cannot afford your bail:

- In St. Louis City, contact the Freedom Community Center at 314-827-3837. In St. Louis County, contact the Bail Project at 323-366-0799. They are a non-profits that help people pay their bail.
- At your first court date, tell the judge that you cannot afford to pay your bail. **Note: Missouri law states that a judge should release you from jail with only a promise to attend your next court date, unless the judge thinks that you are a risk to public safety or that you won't come back to court.** Explain to the judge why you are not a risk to public safety and will come to court. You can reference Missouri Surpeme Court **Rule 33.01**. If the judge sets a bail you cannot afford, tell the judge you cannot afford it. You may need to give details about why you cannot afford it because of other expenses or limited income. Offer alternative ways to confirm that you'll come to court. It may help to have your family come to court to explain why you cannot afford your bail and the impact of your incarceration on you and others.
- Don't talk about the facts of the case.