

# The LAW and YOU

## Guidelines for Interacting with Police Officers

*Today's headlines are full of stories detailing encounters between police and the public. Unfortunately, some of these stories do not have happy endings. While most police officers have standard procedures to follow, most public people do not. As a result, there is often a breakdown in communication between law enforcement officials and citizens they encounter.*

*Produced by:*

The Dane County Chiefs of Police Association



*The Middleton Police Department is committed to promoting the best possible result in every contact with the public. A critical element is ensuring the public has a firm understanding of their rights and responsibilities under the law. This publication is intended to outline those rights and responsibilities. When in contact with the police, there are some things you should do, some things you must do, and other things you cannot do. For this reason, the Middleton Police Department provides this information to you.*

### **CONTACT WITH POLICE CAN OCCUR IN MANY WAYS. THESE INCLUDE:**

- *Traffic stops*
- *As a result of a complaint*
- *During an investigation*
- *Giving information as a victim or witness*
- *During community functions*
- *Emergency situations at your home*
- *Execution of a search warrant*

**The easiest way to avoid a negative experience with police is simply to stay out of trouble. If you associate with people who don't abide by the rules of society, you increase your chances of being approached by officers in pursuit of those suspected of, or associated with, criminal activities. If confronted by law enforcement, approach the officer as you would a friend, not an enemy.**

### **WHAT TO EXPECT, DO'S AND DON'TS WHEN IN CONTACT WITH A MIDDLETON POLICE OFFICER:**

- *You will likely be asked for your name, birth date, address and a form of identification. Officers are required to obtain this information in most cases, and it is used to complete police reports.*
- *Be polite and respectful; don't get into an argument with the officer.*
- *Stay calm, patient, and in control of your words, body language, and emotions.*
- *Asking why the action is being taken is acceptable as long as it is not in an obstructive manner.*
- *Remember, anything you say or do can be used against you.*
- *Keep your hands where the police officer can see them.*
- *Don't run; and don't touch an officer.*
- *Don't interfere with, or obstruct the police; you can be arrested for it. Individuals are often tempted to insert themselves into situations involving the police that have nothing to do with them. This is never a good idea.*
- *Don't resist during a pat down, search or an arrest even if you believe you are innocent.*
- *Don't complain at the scene or challenge the officer as to the legal action they are taking; you will have the opportunity to make such challenges through other means later in the process.*
- *Remember an officer's badge and patrol car numbers. On request, a police officer will provide his or her business card or identifying information. This information may be helpful if you decide to file a complaint. To file a complaint on an officer go to [MiddletonPD.com](http://MiddletonPD.com) or call non-emergency number (608)824-7300.*

## If Stopped on the STREET

- Answer all questions. Your answers should be factual to the best of your knowledge.
- Remember, you are not required to give testimony against yourself. You have Fifth Amendment rights.
- Do not bad mouth or walk away from law enforcement officials, even in instances where you feel they are wrong. If the police officer behaves inappropriately, report his or her misconduct to a superior officer at a later time.
- If an officer has a reasonable suspicion that you may be carrying a weapon, you may be subjected to a pat-down search. Do not resist the search. Obey all requests made of you unless the request poses a risk to your personal safety or well-being. In that case, ask for a meeting with the officer's supervisor.

## If Stopped in a CAR

- Officers may also stop a vehicle if they have a reasonable suspicion of criminal activity, including a reasonable suspicion that the vehicle is being, may be or has been used in the commission of a crime or violation of other ordinance. They may also make a stop to arrest a vehicle occupant on a warrant.
- When an officer signals you to stop, try to park in a safe manner by driving a short distance at a reduced speed to a point where you can park safely on the side of the road and out of the flow of traffic.
- Stay in your vehicle unless asked to get out.
- You will be asked for your driver's license. It is for police to check with the State DMV to validate the driver's license and the vehicle registration, and whether there are any outstanding warrants.

- If you don't have a driver's license or other valid identification, you may be taken to a police station. Always carry your driver's license with you when you drive.
- If you have reason to doubt that a real police officer is stopping you, call 911, explain what is occurring and provide them with your location, plate number and vehicle description. If you do not have a cell phone, drive safely to a police station or a well-lit area such as a convenience store.
- You do not have to consent to a search of your person or your vehicle, but a police officer may still search if there is probable cause or reasonable suspicion that a crime has been, is being, or will be committed.
- You may be given a ticket or citation if the stop was for a traffic violation or for a violation of another ordinance. In a probable cause or reasonable suspicion stop, the officer should inform you of why you are being stopped.

## Police at your DOOR

- You do not have to let the police into your home unless they have a warrant signed by a judge. However, in some emergency situations (like someone screaming for help inside or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.

## If Stopped for Question

- It is not a crime to refuse to answer questions, but not answering may raise suspicions about you.
- You can't be arrested simply for refusing to identify yourself on the street.
- Police may pat down your clothing if they suspect a concealed weapon. Don't resist, but clearly state your objections.

- Ask if you are under arrest. If you are, you have a right to know why.
- Don't argue with or bad-mouth the police officer or runaway even if you believe what is happening is unreasonable. That could lead to your arrest.

## If you are ARRESTED

- You are not required to talk to the police other than providing your name and address, but doing so may resolve an issue more quickly. Don't give any false information, as you could be charged with obstructing an investigation.
- Under Wisconsin's OWI Implied Consent Law, you have already consented to testing and participation. The exception to this is in the related routine questions that officers will ask during the process. These questions are found on the Alcohol Influence form. Any questions beyond those relating to the OWI violation are not subject to this exception.

**In Closing: Everyone, regardless of age, gender, race or religion is entitled to courteous, respectful and equal treatment by the police. The Middleton Police Department prides itself in conducting its business with integrity and transparency, and with the best interest of the community always in mind. We also encourage input from the residents that we serve. If you would like to speak with Chief Charles Foulke, use the contact information below.**

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