



Know Your Rights

“What to do if You’re Stopped by Police”

Disclaimer: This presentation offers general information and is not a substitute for legal advice. Always consult a legal expert for your specific needs.

Agenda

- About OPA
- Opening exercise: Learning from the learner
- Key Terms used in the presentation
- Different local police departments
- GRPD & MSP policies on Immigration stops
- What to do if you're stopped
 - On the street,
 - In your car, or
 - At your home
- How to file a complaint
- Resources
- Q &A

About the Office of Oversight and Public Accountability



Created in 2019 by the City Manager, Mark Washington



Tasked to create and improve just outcomes and respectful relationships between public safety and the community.



OPA achieves its mission through four strategic pillars:



Learning from the learner!

What is your overall experience with police or Law enforcement?





Yes, **YOU** have rights!

- Even without papers or citizenship, **EVERYONE** still has rights when coming into contact with law enforcement.
- Know your Rights so you can **be prepared** to react effectively when those rights are violated.

Key Terms In This Presentation

1. Probable Cause

- **Legal Standard:** Sufficient evidence to reasonably believe a crime has been, is being, or will be committed or that evidence of a crime is present in a specific location.
- **Requirement:** Officers need a degree of certainty and a fair probability that evidence or criminal conduct will be found.
- **Example:** DUI Arrest
 - An officer sees a driver run a red light and smells alcohol upon approach.
 - Allows for an arrest or search warrant.

2. Reasonable Suspicion

- **Legal Standard:** Allows brief stop and frisk based on specific, articulable facts suggesting criminal activity.
- **Requirement:** Officers need reasonable, articulable facts.
- **Example:** Terry Stop
 - In a high-crime area, someone acts nervously and frequently touches their waistband.
 - Permits a limited stop and pat-down.

3. Hunch

- **Not a Legal Basis:** An officer's intuition without supporting facts.
- **Explanation:** A gut feeling without specific observations is insufficient for any legal action.
- **Example:** A vague suspicion about a person without concrete evidence does not justify a stop or search.

Local Police (not Immigration; not federal)

- **Grand Rapids Police (GRPD):** Responsible for law enforcement within Grand Rapids city limits.
OPA only handles complaints related to the GRPD.
- **Grand Rapids Metro Area Police Depts.:** Individual police departments for surrounding municipalities (e.g., Wyoming, Kentwood).
- **Kent County Sheriff:** Covers all of Kent County and handles areas without a local police department.
- **Michigan State Police (MSP):** Statewide jurisdiction; enforces highway traffic laws, supports local agencies, and oversees specialized units.



Immigration Stops: MSP & GRPD



Both the Michigan State Police (MSP) and the Grand Rapids Police Department (GRPD) forbid officers from stopping, questioning, detaining, or prolonging a stop **solely** to check someone's immigration status.

MSP Policy

(Official Order 02-33)



“Members may not stop or detain anyone **solely** for race, ethnicity, or immigration status.”

GRPD Policy

(*Foreign Nationals Policy 7-12.1*)



“GRPD does not enforce federal civil-immigration laws or perform immigration functions unrelated to criminal investigations.”

What To Do If A Police Officer:



**Stops you
in your car**



**Stops you
on the
street**



**Comes to
your home**

Traffic Stops



Given a citation?
DO NOT RESIST- It's
not an admission of
guilt. You can
contest it in court!

- **Stop** your car in a safe place ASAP.
- **Stay in your car** unless the officer requests you to step out.
- **Remain Calm** and respectful.
- **Keep your hands visible** and avoid sudden movements.
- **Show required documents** (License, registration, and insurance) when asked.
Inform the officer before reaching for them.
- **Document** the interaction, the officer's badge number, and any violations.

Your Rights During a Traffic Stop

- Under the **4th Amendment**, you can refuse a search of your car by stating, **"I do not consent to a search."**
- An officer may legally search anyway if they have **probable cause** or a **warrant**.
- Ask, **"Am I detained or free to leave?"**
- Under the **5th Amendment**, you may refuse to answer any questions beyond identifying yourself by saying, **"I choose to remain silent."**
- If arrested, you have the right to an attorney under the **6th Amendment**. State clearly, **"I wish to speak with an attorney."**



For Passengers During a Traffic Stop

- You can record the interaction, but **DO NOT** interfere with the officer's duties.
- You don't have to consent to a search including a pat-down.
- You must comply with any legal commands from the officer including a pat-down.
- You have the right to remain silent.



Traffic-Stop Roleplay

 **Volunteers (3)** – Officer • Driver •

Passenger

 Two quick rounds (switch roles), then debrief

1 Officer – “License & registration, please.”
Ask routine questions.

2 Driver – Hand over license, registration, proof of insurance. Politely choose to answer—or **decline**—other questions.

3 Passenger – Legally record the stop; may remain silent.

4 Key Rights & Duties

- Provide ID & stay in the car unless told otherwise.
- You may refuse consent to a search and say, “I choose to remain silent.”
- You may ask, “Officer, am I free to go?”
- No one must discuss immigration status.

5 Outcome – Officer issues warning/ticket **or** releases driver.

 **Switch roles → Debrief:** What worked? What could be safer?

If Police Stop You on the Street



Comply

Remain calm. Do NOT Run or Resist.

Ask if you're free to leave. If yes, you may walk away.



Identification

In Michigan, you're not required to provide ID unless you're being detained for a crime.

If asked for ID, you can ask, "Am I being detained?"



Claim...

Claim your **4th Amd. Right**: "I do not consent to a search," and your **5th Amd. Right** to stay silent. "I choose to remain silent."



Assert

If arrested, assert your **6th Amendment** right and ask for an attorney.

If Police Visit Your Home

Police cannot legally search your house without a judicial warrant unless one of the exceptions applies: exigent circumstances, consent, plain-view, or a limited search incident to arrest.

When Can Police Search Your House Without a Warrant?



EXIGENT CIRCUMSTANCES

Responding to an emergency or imminent threat



CONSENT

An authorized person agrees to the search



PLAIN VIEW

An officer sees incriminating evidence in plain view

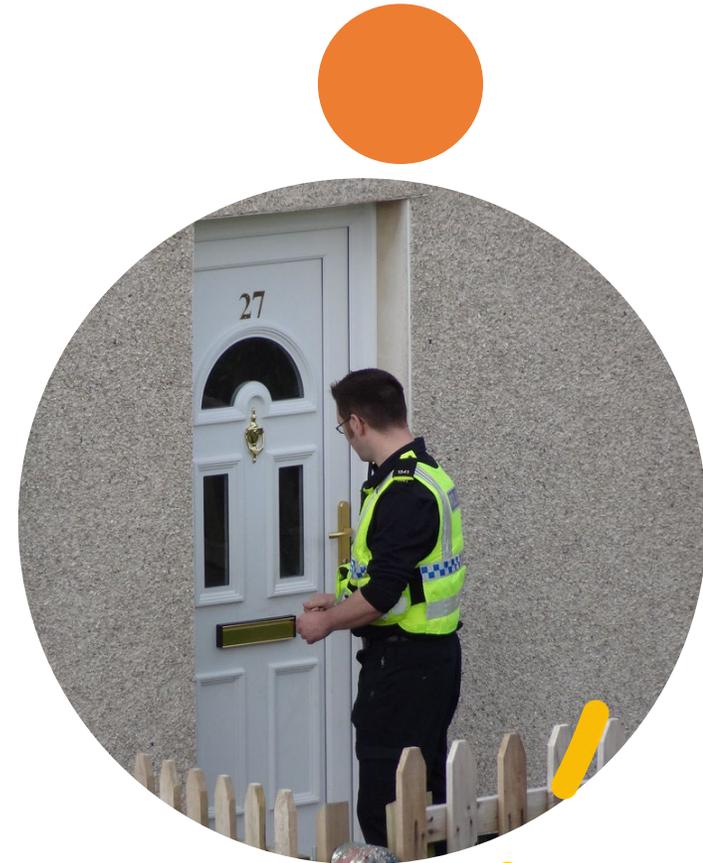


SEARCH INCIDENT TO ARREST

Following an arrest in the home, limited to certain areas

If Police Visit Your 5 ~ { j

- You can ask to see the warrant and official ID (if they are not in uniform) before letting the officers into your house.
- If the officer has a valid warrant, signed by a judge, do not interfere, however, you can observe closely.
- If the officer does not have a warrant, you can use your **4th Amendment Right**: “I do not consent to a search.”
- You can always assert your **5th Amendment Right**: “I choose to remain silent,” and refuse to answer questions.
- If you’re arrested, you can state “I want an attorney” under the **6th Amendment**.



UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the Search of
(Briefly)
or identify the person or property)

2943 Reynard Avenue
San Diego, California)

Case No.

14 MJ 0396

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Southern District of California
(Identify the person or describe the property to be searched and give its location):
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
See Attachment B-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

February 14, 2014
(not to exceed 10 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge
Hon. David H. Bartick
(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person whose property will be searched or seized (check the appropriate box) for _____ days (not to exceed _____)
 until, the facts justifying, the later specific date of _____

Date and time issued: 1/31/2014 @ 5:14

David H. Bartick
Judge's signature

City and state: San Diego, California

Hon. David H. Bartick, U.S. Magistrate Judge
Printed name and title

Sample of a
valid
warrant



Recap: Amendments are your Shield!

- **4th Amendment:** Protection against unreasonable searches and seizures. **Officers need a warrant or probable cause.**
- **On the Street:** Police need reasonable suspicion to stop you and pat you down. They need probable cause or a warrant for searches unless specific exceptions apply.
- **In the Car:** Police need probable cause or a warrant to search the car. They can order you out for officer safety.
- **At Home:** Police typically need a warrant to enter, unless exigent circumstances exist.
 - ◆ Tip: Say, "**I do not consent to searches.**"



5th Amendment Recap Screenshot it 😊

- **5th Amendment:** Right to Remain Silent and Avoid Self-Incrimination
- **Everywhere:** You don't have to answer questions beyond identifying yourself.
 - ◆ **Practical Advice:** Politely say, "I choose to remain silent."

6th Amendment
Recap
Screenshot it


6th Amendment - Right to an Attorney

Everywhere: If detained or arrested, you have a right to counsel.

◆ **Practical Advice:** Assertively state, "I want a lawyer."

Remember...

- YOU HAVE RIGHTS.
- Searching your property (car, home, etc.) requires probable cause - this is a high standard to meet.
- Police need reasonable suspicion of criminal activity to legally stop and briefly detain you.
- Reasonable Suspicion is a lower standard than probable cause

How to File a Complaint.



For incidents in GR, file police misconduct at OPA by phone, email & office visit



Phone: 616-456-4OPA (4672)



Email: OPA@grcity.us



Office: 300 Monroe Ave NW, Suite 499,
Grand Rapids 49503



Additional Resources For Help

- American Civil Liberties Union (ACLU): www.aclu.org
- National Lawyers Guild (NLG): www.nlg.org
- Legal Aid of West Michigan <https://lawestmi.org/>
- GR Bar Association <https://www.grbar.org/>
- NAACP of Grand Rapids <https://naacpgr.com/>
- Migrant Legal Aid (MLA) <https://migrantlegalaid.org/>

