What To Do If You Are Stopped By A Police Officer

Frequently in the course of carrying out their duties in law enforcement, it becomes necessary for police officers to stop a person and make an inquiry such as: What is your name? What is your address? Do you have any identification?

But sometimes a very routine encounter may cause a person to feel intimidated or to respond in a manner which gives rise to conflict or suspicion.

The Omaha Police Department strives to provide service to everyone in the community fairly and equally. We hope that the information provided on this page will be helpful in explaining why an officer may have to stop and question a citizen and reduce elements of conflict when confronted by an officer.

It will explain what to expect if a police officer stops you for questioning and also provide some guidelines on how to respond to the questioning process. You are cautioned, however, that this is not a legal advisory.

Why Question?

When law enforcement representatives question a person, there are underlying reasons. They may be checking out a complaint phoned into police by someone in the neighborhood. They may have received a report of some criminal activity which has just occurred in the area. Your presence might indicate that you are a potential witness who would be able to provide valuable information in an investigation. In some cases, the officers' observations might lead them to think you are having trouble and need assistance.

The best way for them to clarify the situation is to ask questions. With all due respect to citizens' rights, officers have a responsibility to properly investigate matters which may threaten public safety or involve breaking the law. Their questions are not necessarily an accusation, and your cooperative response can alleviate potential conflict.

If the Police Stop You On the Street:

Sometimes problems arise when it seems as if a police officer has stopped to question you for what appears to be no reason at all. Since the time factor may be crucial in investigating a possible crime, police officers are trained to observe and evaluate a situation and to act if they have a reasonable suspicion that you may in some way be involved in an incident.

There are many factors that officers take into consideration in determining if they have a reasonable suspicion to stop and question someone. Every situation is different, but some factors they may consider are: Police may have a minimal description of a suspect which you might resemble; Your actions appear to be suspicious (i.e. running from an area where the crime has just been committed) and you act even more suspiciously when you see the police officer; Someone may have pointed you out as a suspect.

An officer can always approach you and ask you to voluntarily talk to him or her. Your forthright responses, if an officer does stop and question you, will usually quickly resolve the situation. If the officer hasn't told you why you have been stopped, you may inquire.

If, despite these considerations, you feel that you do not want to respond, the officer must respect your right not to answer. However, the officer may arrest you if reasons other than your refusal to answer questions establish probably cause to do so. Your cooperation would be most helpful in aiding a police investigation.

If the Police Stop You In Your Car:

A traffic stop is one of the most frequent encounters between citizens and police. Usually, police officers will pull a vehicle over if they have reason to believe that some offense has occurred. You may feel anxious, irritated at the delay, or concerned about a possible citation. However, officers are also concerned about possible threat to their personal safety while performing their duties.

The following recommended procedures will ensure that the traffic stop can be completed quickly and safely: When signaled by an officer, safely pull over to a place out of traffic flow; Sit calmly, with your hands visible on the steering wheel. If you have passengers, ask them to sit quietly with their hands visible. (Avoid sudden movements or ducking in the seat; these actions can unnecessarily alarm the officer.); If it is night, turn on your inside light when you pull the car over. (Continued on next page)
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If the Police Stop You In Your Car (continued):

The following recommended procedures will ensure that the traffic stop can be completed quickly and safely: For safety reasons, the officer will want to visually scan the car’s interior before proceeding; Do not get out of your car unless the officer asks you to step out. If you are asked to do so, comply in a calm manner. A sure way to put an officer at ease is to communicate your actions in advance by telling the officer what you will be doing before you move. Also, you can ask to see the officer’s identification; If requested, you must give the officer your driver’s license, vehicle registration, and proof of insurance. Tell the officer where it is before reaching for it - especially if it is tucked away in the glove box or some other unusual place.

If you are issued a citation, you will be asked to sign it. Signing is not an admission of guilt, but an acknowledgment that you have received the citation. While you may wish to clarify the circumstances of the citation, keep in mind that your guilt or innocence can only be determined in court. Arguments over, or protests about the situation cannot be resolved in the street. However, if you refuse to sign the citation, the officer cannot release you and must take you into custody.

If the Police Come to Your Door:

Usually if a police officer knocks on your door, it is for one of the following reasons: To interview you or a member of your household as a witness to an incident that is being investigated; To make a notification; To serve an arrest warrant; To serve a search and seizure warrant.

Whenever police come to your door, they should willingly provide identification and state their purpose for being there. However, when serving a search warrant, officers may dispense with the knock and announce requirement if they believe some emergency circumstances exist which necessitate a speedy or unannounced entry. Examples of such circumstances include, but are not limited to, protection of life or the possibility that evidence might be destroyed. If the officers have a search warrant, you will be provided with a copy of it. Although, if it is an arrest warrant, it is not necessary for the warrant to be in the officers’ possession for them to make an arrest. You must comply with the search warrant and admit the officers into your house.

An arrest warrant commands a police officer to arrest the person named in the warrant. An arrest warrant permits the entry into a suspect’s residence to look for the suspect when there is reason to believe the suspect is in the residence. A search and seizure warrant is a document supported by an affidavit and signed by a judge commanding a police officer to search a specifically named premise for the property or person described in the warrant. The officer will provide the resident with a copy of the warrant after reading the contents of the warrant to them. Once the search is completed, a list of the property seized will be provided.

An officer may execute a search and seizure warrant at any time of the day. The owner/occupant does not have to be present. When this occurs, a copy of the warrant and inventory will be left at the residence in a conspicuous location.

Police officers may conduct a search without a warrant in certain situations. Two main examples of when this might occur would be in situations involving the emergency circumstances noted above or searches done with the consent of a person having authority over the property. If you consent to a search, you have the right to withdraw that consent at any time during the search. Just clearly tell the officers that you wish the search to stop.

Generally, Police Officers Will...

♦ Provide their name upon request.
♦ If in plain clothes, identify themselves when taking action.
♦ Inform a person about the reason for being stopped or questioned.
♦ Only use the amount of force necessary to effect the arrest of a suspect. Excessive force is not tolerated by the department.

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