BOOKLET 1

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

CREATED BY

ARCH CITY DEFENDERS

WWW.PROSESTL.ORG

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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 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. Look for this icon (🌐) for online content.

Designed by Theresa Williams in St. Louis, Missouri | www.theresawilliamsdesign.com

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 says you are under formal detention or arrest, you are not free to go and the police have more powers. The police needs "reasonable suspicion" (a particular reasonable thought) that you have violated the law to hold you.

Even if the police has 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 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.

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. 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*.

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 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.

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.
- 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 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!

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 10 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:

1. **Their inmate number**
2. **What they were arrested for**
3. **What their bail is**
4. **If there are any holds that will keep them in jail after the bail is paid**
5. **Their next court date**

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:

1. **Call the Bail Project at 323-366-0799.** They are a nonprofit that helps people pay their bail! They may pay your bail!
2. **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 Missouri Supreme Court. You can reference Missouri law: RSMo **544.457** and **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.

See example bond argument online.

I GOT A TICKET. WHAT DO I DO NOW?

Understand your ticket:

Your ticket should include the following important information:

- What law the police say you violated. The municipality 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 tickets at the following websites:

- **Public database for tickets and warrants:** *www.yourstlcourts.com*
- **Municourt:** *www.municourt.net*
- **Casenet:** *www.courts.mo.gov/casenet/base/welcome.do*
- **County unincorporated municipal divisions database:** *www.municipalrecordsearch.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.

Know your options:

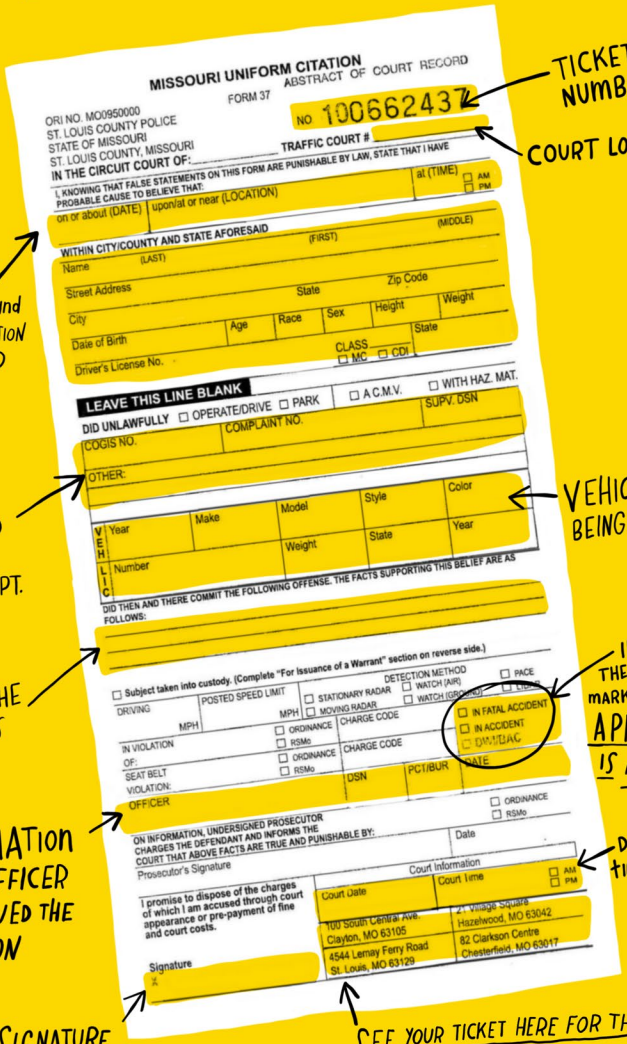
You have options when you get a ticket! You can:

- **Pay your ticket (pleading guilty and possibly taking points on your driver's license). *Note: Accumulating points could cause the state to suspend or revoke your license and possibly raise your insurance costs. (See Booklet 2, page 9).***
  - 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 cannot 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 ***(See Booklet 2, page 14 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 9 for a list and explanation of these consequences.*

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

UNDERSTANDING YOUR TICKET



MISSOURI UNIFORM CITATION
ABSTRACT OF COURT RECORD
FORM 37
No 10066243
ORI NO. MO0950000
ST. LOUIS COUNTY POLICE
STATE OF MISSOURI
ST. LOUIS COUNTY, MISSOURI
TRAFFIC COURT #
IN THE CIRCUIT COURT OF:
I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:
on or about (DATE)
upon/at or near (LOCATION)
at (TIME)
AM
PM
WITHIN CITY/COUNTY AND STATE AFORESAID
Name (LAST) (FIRST) (MIDDLE)
Street Address
State
Zip Code
City
Date of Birth
Age
Race
Sex
Height
Weight
Driver's License No.
CLASS
MC
CDL
State
LEAVE THIS LINE BLANK
DID UNLAWFULLY
OPERATE/DRIVE
PARK
A.C.M.V.
WITH HAZ. MAT.
SUPV. DSN
COGIS NO.
COMPLAINT NO.
OTHER:
VEH
LIC
Year
Make
Model
Style
Color
Number
Weight
State
Year
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:
Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)
DRIVING
POSTED SPEED LIMIT
MPH
DETECTION METHOD
STATIONARY RADAR
MOVING RADAR
WATCH (AIR)
WATCH (GROUND)
PACE
LIDAR
IN VIOLATION OF:
ORDINANCE
RSMo
CHARGE CODE
IN FATAL ACCIDENT
IN ACCIDENT
DWI/BAC
SEAT BELT VIOLATION:
DSN
PCT/BUR
DATE
OFFICER
ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY:
Date
Prosecutor's Signature
I promise to dispose of the charges of which I am accused through court appearance or pre-payment of fine and court costs.
Court Information
Court Date
Court Time
AM
PM
100 South Central Ave.
Clayton, MO 63105
4544 Lemay Ferry Road
St. Louis, MO 63129
21 Village Square
Hazelwood, MO 63042
82 Clarkson Centre
Chesterfield, MO 63017
Signature
X

TICKET NUMBER

COURT LOCATION

DATE, LOCATION, and TIME the CITATION was ISSUED

USED BY THE POLICE DEPT.

VEHICLE USED/ BEING CITED

REASON THE TICKET WAS ISSUED

IF ANY OF THESE BOXES ARE MARKED, COURT APPEARANCE IS MANDATORY

INFORMATION OF THE OFFICER WHO ISSUED THE CITATION

DATE and TIME COURT STARTS

SIGNATURE IS OPTIONAL

SEE YOUR TICKET HERE FOR THE ADDRESS WHERE YOU MUST APPEAR TO ATTEND COURT. You may go to the Court or the office if you just want to pay the ticket (pleading guilty)

This guide is 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.

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