

## **You and the Police**

The goal of this Guide to Police Practices is to provide you with information to help you make smart decisions if you are stopped or contacted by the police. The Guide contains basic information about your legal rights and common crimes in the City of Boulder. It isn't intended to replace legal advice from a lawyer. We hope you will find the Guide helpful and that you will let us know if you have any questions.

### **Respect**

Everyone deserves to be treated with respect. In every situation, it's important to treat others the way you would like to be treated. This is true with police, teachers, other young adults, or anyone with whom you come into contact. Even if someone is not being respectful toward you, it's best to remain calm and resist the urge to lose your temper, call them names, or start fighting. Losing your temper will make the situation worse and could result in criminal charges, physical injury, or death. Treating someone with respect, even when that person is insulting you, is not a sign of weakness. Respect is a sign of strength and intelligence.

### **Suggestions**

#### **If you are contacted by the police:**

1) **Remain calm.**

Don't assume the worst. Fear and adrenaline can create problems for both you and the officer.

2) **Be respectful.**

This includes your attitude and the way you act. Treat the officer the way you would like to be treated.

3) **Follow directions.**

Don't resist arrest or run away. Failure to follow an officer's directions can lead to an arrest. This is not the time to challenge the officer. If necessary, you can argue your case in court.

4) **Tell the truth.**

It's better not to say anything to a police officer than to lie. Lying to an officer is risky and is a crime in some cases. If the officer finds out you lied, s/he may not believe anything else that you say.

5) **Keep your hands open and where the officer can see them.**

Don't put your hands in your pockets or reach for something out of view. The officer may think you have a weapon. Don't reach for something in your backpack, on the floor of your car, or in your belt or waistband unless the officer gives you permission.

6) **Avoid making sudden movements.**

Again, the officer may think you're trying to take out a weapon or trying to hide something.

7) **Never hit a police officer.**

Hitting or pushing a police officer is a crime.

## **Police Practices**

### **Consensual Encounters & Detentions**

#### **Consensual Encounter**

A “consensual encounter” is when an officer contacts you and the officer has no legal reason to suspect you are doing anything wrong. This type of police contact usually involves a police officer asking for basic information like your name, address, and date of birth. You can ask the officer if you are free to leave. If the officer says yes, s/he should not stop you from leaving because the conversation is voluntary. Sometimes a consensual encounter becomes a detention.

#### **Detention**

If the officer says you’re NOT free to go, you are being detained. If an officer has a suspicion that a crime has occurred, the officer may detain you in order to investigate his/her suspicions. The officer may write your name and other information on a yellow card. This doesn’t mean you’re under arrest. The information is used to track investigations they conduct in the field. The officer may take a picture of you or your tattoos. S/he is allowed to do this if you give him/her permission or if you are being detained for a specific crime. During a detention, the officer may also do a “pat-down” of your clothing if s/he suspects you are hiding a weapon. A pat-down can lead to a search if the officer feels something that might be a weapon. Once the field investigation is done, if you’re not being taken into custody, you should be allowed to leave. If you believe what is happening is wrong, don’t challenge the officer or run. You could end up being arrested or physically forced to cooperate. If you think an officer has done something wrong to you or someone else, you can file a complaint about it later. If the officer forms a reasonable belief that you were involved in a crime, also known as probable cause, you may be arrested or taken into custody.

### **Miranda Rights & Arrests**

#### **You have the right to...**

When do officers have to read you your rights? On TV, it seems the police tell people their Miranda rights every time they’re contacted or arrested. In reality: if you’re over 18, they don’t have to read you your rights unless you’re in custody AND you’re going to be questioned about a crime.

Police officers can ask you general questions such as your name, address, date of birth, and what happened upon their initial arrival without reading you your Miranda rights.

#### **Warrants**

##### **Arrest Warrants**

Arrest warrants are orders issued by a judge to take you into custody. A warrant does not expire unless it’s taken back by the court or you’re arrested. If you think there’s a warrant for your arrest, you should call the police or sheriff’s department and ask how to take care of it. Follow up right away.

One way to avoid a warrant is to go to court whenever you’re scheduled. If you don’t show up, and you didn’t have permission from the court ahead of time, a warrant will be

issued for your arrest. Calling the court or writing a letter is not enough. You need a written notice from the court that your date has been rescheduled or that you don't have to appear.

### **Search Warrants**

A search warrant is an order signed by a judge, which gives officers permission to search certain areas or locations for the specific items listed in the search warrant. Officers must give you: (1) a copy of the warrant and (2) a list of any items they take.

Searches may be conducted without a warrant under certain circumstances or if you voluntarily consent to a search.

### **Loud Party violations**

The police are generally dispatched to loud party calls because a neighbor of the house or apartment where the party is being held is tired of hearing the noise and/or loud music. Typically there can be several other violations, such as underage drinking, littering, and brawling that occur at parties which may result in a person being cited for Nuisance Party Prohibited.

While on patrol the police may see a party forming at a house and choose to contact the residents prior to receiving a call or complaint from a citizen. Generally the officer(s) will speak with the resident(s) and remind them of the various laws.

### **Traffic Stops**

Traffic stops are one of the most dangerous situations for police officers, especially at night. In addition to driving violations like speeding or running a red light, police officers can legally stop cars for many other reasons. Some examples are:

- Littering or throwing objects from a car
- Having only one license plate on a vehicle (you must have one in the front and one in the back)
- Covering a license plate (for example, with a thick frame)
- Placing too many stickers on the windshield
- Having cracks in the windshield
- Hanging things from the inside rearview mirror
- Having bald tires
- Illegally modifying the vehicle (exhaust, tinted windows, etc.)
- Playing music too loudly
- Covering both ears with headphones
- Having dim or broken tail or signal lights

Officers can also stop you if they have: (1) a warrant for your arrest (2) suspicion you're involved in a crime, or (3) probable cause to arrest you. The suspicion or probable cause can be based on what officers have seen or on information from witnesses or other official sources.

### **What happens if you are stopped while driving a car?**

When asked, show your driver's license, registration, and proof of insurance. An officer may instruct you to remain inside the vehicle or to step out of the car while s/he decides if you will be given a ticket. This is for officer safety and you should obey these orders. Normally, your car can't be searched without your permission or a warrant but there are exceptions. For instance:

- the police have probable cause (like the smell of marijuana or visible beer cans)
- you are placed under arrest
- your car is going to be towed (“inventory” search)

Unless one of the above exceptions is met, the officer needs your consent or a warrant to search your car.

If you are given a citation (ticket), you should sign it. By signing the ticket you're not admitting that you're guilty – you're just promising to appear in court. Remember, court is the place to fight a ticket. Failure to sign the ticket may result in your arrest and you may have to post a bond.

### **What happens if you are stopped driving without a driver's license?**

If you have a driver's license or learner's permit, you must have it with you any time you are driving a vehicle. If you're stopped and you don't have your license or permit with you, you may receive a citation and/or not be allowed to drive away. Under certain circumstances, the vehicle may be towed.

If you've never been given a driver's license by the DMV or if it's been suspended, driving without a license is more serious. You'll be given a ticket and you may be arrested. Your car may be towed or the officer may let you call someone else who has a license to drive the car home. It's up to the officer. If the car is towed it will cost a lot of money to get it back.

### **Profile Stops & Discrimination**

The Boulder Police Department has rules against “bias based policing” which include profile stops and discrimination. When an officer bases the decision to stop someone only on how the person looks, their race, skin color, or the type of car they drive, without really focusing on what the person did, the officer may be making a “profile stop.” If an officer treats a person differently than s/he treats others because of the person's race, skin color, religion, age, sex, or sexual orientation, it may be discrimination.

### **Bicycles**

Biking is a great way to get around Boulder. Bicycle riders must follow most traffic laws, including stopping at stop signs, signaling when turning, riding with the flow of traffic, and giving pedestrians the right-of-way, etc. If you're riding at night, be sure to wear reflective clothing and use a front light, rear reflector and side reflectors. Sit on a regular, attached seat, not on someone's handlebars, center frame, or over the rear tire. Don't wear a radio headset while biking. Drivers may not see you so always watch for cars and stay alert.

## **Bar scene**

Most of Boulder's drinking establishments, restaurants, and clubs are located in a five block by three block area of town that is known as Pearl Street. Coincidentally most of our calls for service in the evening hours occur in this downtown area due in large part to the number of bars and groups of people. Since we receive most of our calls for service in this area we generally have more police officers patrolling, either in cars or on foot.

Common examples of calls for service:

- Fights
- Intoxicated individuals
- Theft
- Fraudulent use of credit cards and ID's
- Trespassing

Officers regularly conduct bar checks and look for violations of the liquor code which include; over serving intoxicated individuals and underage drinkers.

## **Common Crimes that sometimes involve young adults...**

This section describes common crimes that sometimes involve young adults. Most of the crimes are Boulder Municipal Ordinances that carry fines. Unfortunately most of these crimes also occur after you or another have been drinking.

### **Trespassing**

You're trespassing if you enter property without permission. If a "No Trespassing" sign is posted or you don't leave a business, such as a bar, or other private property (or you return) after being asked to leave by an authorized person, you are trespassing.

### **Alcohol**

It's illegal for anyone to possess an open container of alcohol in public, except upon premises licensed for consumption of the liquor or beverage involved. Public includes any public highway, street, alley, walk, parking lot, building, park or other public property or place, whether in a vehicle or not and in or upon those portions of any private property upon which the public has an express or implied license to enter or remain. If you are on private property, you must have permission of the owner.

### **Fighting and Threatening Others**

An assault occurs when you recklessly or intentionally cause injury (pain) to another. If you cause bodily injury to another you may be charged with Assault in the Third Degree. When you fight with another person in a public place you may be charged with Brawling. Striking, shoving, kicking or touching someone with intent to harass or annoy would fall under Physical Harassment. If you threaten another person and place them in fear of imminent bodily injury you can be charged with Threatening Bodily Injury. If you insult, taunt or challenge another in a manner likely to provoke a disorderly response you may be charged with Use of Fighting Words.

### **Obstructing a Peace Officer**

When an officer is enforcing the law (writing a summons) or keeping the peace and you obstruct, impair or hinder those actions by using or threatening to use violence, force or physical interference or obstacle you may be charged with Obstructing a Peace Officer.

If an officer is investigating a crime or violation, is interviewing a suspect or witness, or is making an arrest and orders you to stand at least 8 feet away from him/her and you fail to do so, you may be charged with Obstructing a Peace Officer.

### **Resisting Arrest**

When an officer is attempting to arrest you or another and you try to prevent the arrest by using or threatening to use physical force, use any other means that creates a substantial risk of causing bodily injury to the officer or another, or run from the police after being ordered to stop you may be charged with Resisting Arrest.

It is no defense to a prosecution that the police officer was attempting to make an arrest that was unlawful if the police officer was acting under **color of authority** and in attempting to make the arrest the officer was not resorting to unreasonable or excessive force.

What is color of authority?

A police officer acts under color of authority when, in the regular course of assigned duties, such officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made.

### **Public Urination**

No person shall urinate or defecate while on the mall, in any city park within the city limits, on any property zoned for residential uses without the express permission of the owner, or within any portion of the city zoned for business, industrial or public uses unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the wastes in a sanitary manner and that is enclosed from the view of the general public