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When Police Pull You Over, PART 2 — What You Must Do and What Your Rights Are: Advice from a Lawyer

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In recent months we've fielded a lot of questions at The Maddox Law Firm about what to do when you're pulled over by the police. Some people are worried about police interactions. They're worried about safety, compliance and their rights.

— *This is the first of two parts. See Part I:*

- [When Police Pull You Over, PART 1: It's Not the Time for Debate: Advice from a Lawyer](#)

Below are some of the most frequently asked questions and our answers about what to do when you're pulled over by police.

Question 1: "What do I say when I'm pulled over by police?"

This is pretty easy. Say as little possible. Remember that you are protected by the [Fifth Amendment](#). You have a right to remain silent. If you're stopped for a motor vehicle infraction, be polite, answer questions exactly as they are posed to you and don't volunteer information.

Question 2: "Am I responsible for something that a passenger brought into my car?"

The answer here is generally "YES."

The law in Connecticut says that an operator or owner of a car is deemed to be in *constructive possession* of anything in their car. This question comes up most frequently with teenagers and very worried parents of teenagers after Junior has been charged with alcohol or [drug possession](#) because one of Junior's friends brought something along for the ride that shouldn't have been brought along.

ALWAYS be aware of *who is carrying what into your car* and tell them "If you're carrying, then you're walking".

Question 3: "Do I have to allow a police officer to search my car?"

There are two answers to this question, one of which is related to Question 4, but as a general idea if a police officer asks you for permission to search your car, you are absolutely not required to give that permission. You have a constitutional right to privacy as to what is contained in your car. All bets are off, though, if contraband or some evidence of a crime is in plain view.

Question 4: "What if a police officer tells me that I have to get out of my car?"

If a police officer tells you to exit your car, then you exit your car. This is not a good time for a constitutional debate or argument over the Bill of Rights. That's an argument that we take up for you and that we're trained to do through education and experience.

AND, related to Question 3, if the police then begin to search your car, DO NOT INTERFERE or try to interfere with the search. At this stage your traffic stop has stepped over the probable cause threshold and the police are no longer asking permission.

Question 5: "What do I do if my rights are being violated?"

You call a competent, experienced criminal defense attorney after the police interaction has ended. While

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you are in the middle of that interaction, my best advice is that you practice the utmost restraint and courtesy.

This is not a moment to fight for the moral high ground or demonstrate who is in a position of greater power. Be smart and polite. Limit your statements consistent with your Fifth Amendment rights and then call the Maddox Law Firm.

[Attorney Matthew Maddox](#) *has offices in New Canaan. His blog appears on his law firm website and is available by email.*