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# Popular Threads on Solosez

## Don't Talk To Cops

Wondering what the Crim-centered folks think of this video, since its Friday and Mitch is picking up our time today.

<http://video.google.com/videoplay?docid=-4097602514885833865>

Best regards,  
Arthur B. Macomber

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Ya know, it's sad. I don't even remember that triple homicide and it took place in Ocean View, less than 15 minutes from my office. I didn't watch the whole video yet, but unless I learn from it what ended up happening and who was charged, I'm going to check it out. For about 30 years, Ocean View was a place where I didn't like to drive in the daytime, much less at night. Now, however, parts of it are so much better that the Southern Living home for 2006 is located there, in East Beach.

The other sad thing is that I can't figure out how to bill my time to watch the video!

Marilou, a clerk who can't always bill

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Excellent advice I wish I could say I already knew, but didn't.

But how about where the police knock on your door because they're looking for background information? The video discussion had to do with cops talking to your client about a crime as either a suspect or a person of interest. Surely if the feds come to my door asking for background information about a neighbor or otherwise, I'm going to be as helpful as I can. No?

Rick Bryan

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An excellent video and a good follow up question from Rick. I have another,

A cop once cam to my door and said there were investigating a crime. They asked if I heard any gunshots the night before. I truthfully answered 'no'. So the cop said bye and I never heard from them again.

Would the professor advise against my response? Or should I have said "I choose not to talk"?

Chris

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I haven't looked at the video but I have enough friends who are police officers to be able to have a pretty good idea when I should be concerned about their questions. And to know that if I cooperate in the right situations (like the one you describe below) I make their lives easier and they'll make my life easier. :)

Ben M. Schorr, MVP

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My boyfriend's former roommate called one midnight. The police were at his door and wanted to talk to him about an argument he had had with his girlfriend. Her purse was on the roof of a neighbor's house with her car keys in it, among other things.

I drove over there (with my boyfriend, who was a law student at the time). I asked my client to step into his open garage, and asked the officer not to enter the garage since he had no warrant. I explained to the officer that I was an attorney and had to advise my client not to say anything beyond his name and address. The officer explained to me that he just wanted to "work things out" because the girlfriend was accusing my client of grabbing her arm or something. I politely explained that I had advised the client not to talk and had not changed my mind, but I told my client he could decide for himself. He didn't want to talk.

The officer called his sergeant. The sergeant and I had the same conversation. My friend's garage door was opened and I asked the officers to refrain from stepping inside since they did not have a warrant. The



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officers huddled. The client, my boyfriend, and I went into the house and put on some music. The cops got on the phone and had a conversation with someone, then they came back, knocked on the door, and told me that they were sure that if my client explained what happened everything could be straightened out and maybe he could make up with his girlfriend. I declined yet again (by the way, I was quaking this whole time).

I said "no, thank you." About 30 minutes later the police left and that was the last the client ever heard of the incident. I don't know how the purse got off the roof; maybe the cops helped. Anyway, I think of this incident often when I handle criminal appeals. I don't know how many cases it's been over the years, but it seems like dozens in which the defendant was convicted because of something he said in one of those "if you'll just talk to us, we can sort this out" or "we just want to find out what happened" conversations. Among many other things, the police have no control over how the district attorney uses something written in a police report, so even if they promise they only want to talk to solve a problem, it's dangerous.

Wendy Lascher

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Whenever I have been pulled over, the officer asks "do you know why I stopped you." My answer always is "No."

A friend, injured in an accident, described it to the police. Later the police report indicated he was at fault. It was not a criminal matter.

My question is whether you can assert that privilege in an accident situation where it is unlikely that it will amount to criminal liability. I would only answer the most basic, non self-incriminating information, such as name, address, etc. Please let me know if I am correct.

Craig Scalise

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Great video. Be sure to watch the police reply. The officer agrees with the professor. I liked the quotes from the cases where the court advises even an innocent person to not speak to the police.

-- Phil

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I grew up out in the country and had minimal interaction ever with cops (except for being stopped one night on my way home from my best friend's house in senior year of high school and enduring the good cop/bad cop routine whether I had had anything to drink before driving -which I hadn't - and I wasn't speeding either, even though that 'ol prune bomb (a.k.a. ugly Oldsmobile - yes, Duke, you are a great dad and everyone else who has prevented/is preventing their daughter from being embarrassed by their transportation - could probably have topped eighty without effort) until more recently when I now live in a neighborhood near two main roads (one of which is a highway) and is a mixed owned/rental area.

I am saddened by what I have learned living in this neighborhood, and agree with a lot of what has been said on both sides of this issue. The person who lived in the cottage before me where I now rent did not engage in the best of behaviors and after moving in, it became almost a regular thing to have police knocking at my door asking if that prior resident was here every few months. I was very polite for quite awhile except they were not always polite to me, and even when I told them he no longer lived here would sometimes ask me the same questions repeatedly and with attitude, until I finally learned it's best to say what I was taught growing up "as little as possible in as nice a way possible" through the door (never open your door to strangers, even ones in uniform) and end the conversation as quickly as possible! (And I have also learned it doesn't hurt to offer to show my "bar" card to them if they are being extra rude as happened more than once.)

And, most recently I came home from walking my dog at night to find three policemen with canine patrols in my yard (and no police cars to be seen nearby, not parked on the street or in the driveway either). I noticed because Honey noticed and I had to hold her back, she wanted to go "play" with the dogs in "her" yard....but I just talked loudly to Honey telling her to wait as I sat (on top of her, she weighs half my weight) in my neighbor's driveway across the road, before I saw them move to the house next to mine and then dragged her into the house as fast as possible while staying as far away as possible.

Funny, they never spoke a single word to me and after I got in the house I called the local police to ask if there were still officers in my yard, that my dog was still barking and she normally is quiet unless there is a reason for her not to be. They didn't want to give me any information at first, but when I persisted, they finally confirmed that yes, they had been on my street (really?) and then told me there was no longer an "active" call going on. I later learned it was quite the covert action - apparently a "known" burglar had moved in next door and they were in the process of attempting to trap him. From what I later heard from "nosy neighbor" (a.k.a. other next door neighbor) the guy got wind of it, left through another door and the

rest of his "family" or whoever they were moved out about two days later. Maybe it's time for me to move?

Randi Whitehead

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Ahhh, different scenario:

When stopped by the police and asked if you know why you were stopped, the answer is "because you thought I had donuts?"

Let me know how that one works out!

Randi

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Someone has been listening to her lawyer.

OLSEN TO HEATH FEDS: LET'S DEAL

By MURRAY WEISS

August 4, 2008 --

Pint-size actress Mary-Kate Olsen has refused to be interviewed by federal investigators probing the accidental drug death of her close friend Heath Ledger unless she receives immunity from prosecution, The Post has learned.

The actress' lawyer has repeatedly rebuffed attempts by the feds to question Olsen, who was the first person called after her masseuse discovered Ledger's body in his SoHo apartment in January. Frustrated federal officials could obtain a grand-jury subpoena to compel the funky "Full House" actress to tell them whatever she knows about the "Dark Knight" star's behavior, his possible drug use and the events of that fateful morning, according to sources.

Probers have interviewed everyone connected to Ledger and his death, including his doctors, the masseuse, bodyguards, housekeepers, business associates and even the mother of his 2-year-old daughter, Matilda, his "Brokeback Mountain" co-star Michelle Williams.

"Ms. Williams was extremely nice and cooperative," a source said.

Another added, "Everyone has been very eager to help, saying what a great guy Heath Ledger was, everyone except Mary-Kate, who has refused to speak."

[http://www.nypost.com/seven/08042008/news/regionalnews/olsen\\_to\\_heath\\_feds\\_lets\\_deal\\_122918.htm](http://www.nypost.com/seven/08042008/news/regionalnews/olsen_to_heath_feds_lets_deal_122918.htm)

Neal A. Kennedy

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I think the best answer to "do you know why I pulled you over?," is: "Don't you?" (I've never used that one, but I want to)

Brian Blum

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I always thought the best response to "Do you know why I pulled you over?" = "Is it the stench of the decaying Mildred?"

I am also known to show my medic alert bracelet indicating my biological "need for speed."

Jake Eisenstein

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I saw that too, and thought she was getting better advice than a certain domestic diva who served time NOT for insider trading but for being less than truthful with federal investigators.

I'm not a criminal attorney, but I do know,  
Don't talk to the cops.

Don't talk to the cops.

Don't talk to the cops.

They (generally) can't force you to talk to them, but if you do talk to them you can't lie. And even if you do tell them the truth, it's up to them to decide whether, and what parts of your story, to believe, and what parts of the story to believe someone else's side of. And, of course, once you talk to them it's almost impossible to change your story, if you remember something.

So, don't talk to the cops.

Ron Jones

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I think a reasonable reply to "Do you know why I pulled you over?" is "Not yet."

Arthur B. Macomber

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I agree- no smart-ass comments to the police when they pull you over.

As to whether or not you should say anything to the police- I can't prove it- but suspect that I have had some tickets reduced or even gotten out of some over the years by being a nice guy and cooperating with the police. It seems to work less often now than in the past- although I was recently stopped for speeding and the officer wound up only giving me a ticket for a seat belt violation- I'm inclined to think that if I asserted my 5th amendment rights I would have received the speeding ticket.

Lew Weiner

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How about, "since you can't remember either officer, why don't we just call it even?"

Or maybe, "Oh, this really is embarrassing, and I'm very flattered officer, but I'm already in a committed relationship."

Sure to put a smile on their face. YMMV. :-)

Best regards,

-- Michael Kielsky

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Does it pay to be nice? Sure it does, literally. I have had police let me go with warnings because they say "it seems like [I] have everything in order", (which is probably code for "you aren't a jerk")--and this has happened more than a few times. I have been ticketed once in the past 10 years, it was last year, and it was in my hometown, where the police are notoriously unforgiving. It was only the magistrate, the officer, and I in the room. The magistrate opened the case and told me I could either plead 'not guilty' and fight, or plead guilty and receive a reduced sentence since the officer had smiley faces written on the case file, which meant that I did everything right. I took 'door number 2' and saved a boatload of cash.

I never expect the police to be angry at me if I cross examine them in a traffic case for my clients; I am just doing my job. Likewise, I never get angry with them when they pull me over, they are just doing their job. That sets me apart from the 99.9% of the other stops that they make. A little civility and respect goes a long way toward absolution!

Doug Harhai

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Doug makes a good point about traffic tickets anyway. Smiley faces are good. Circles with dots in the center are bad...they stand for A-hole.

Since I can't read all the posts, my .02 as a criminal practitioner is that my clients (alleged felons) have almost NEVER helped themselves by talking with the police. The clients are never as smart as they think they are...kind of like drunks thinking they are better looking, tougher, better dancers, etc.

Eric C. Davis

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Police officers have enormous discretion. IANA criminal lawyer but I know that 90% of the decision to prosecute the average joe or jane for anything, is in these people's hands.

I have received at least a half dozen warnings instead of tickets in the last 30 years, by simply being a mild mannered woman suitably apprehensive and concerned about being pulled over. My thing to say is

"Is there something wrong?" That leaves it open to be something about your car or your conduct. Not a good idea to be flip or cutesy and not a good idea to flirt. The bit about not bending the truth and appearing unremarkable is of paramount importance in this day and age since traffic violations are almost all videotaped - as is the traffic stop itself for the officer's safety, and for liability reasons with the officer's conduct.

Carol Ruth Shepherd

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I second Carol's comments. I am married to a police detective and my brother-in-law is a state trooper. Officer discretion can mean the difference between a warning and a night in jail. Uncooperative subjects often earn themselves the harsher of the two. Make the cop's life difficult and s/he'll return the favor. Please keep in mind these people are just doing their jobs, in the earnest hope they will go home to their families each night. When you are pulled over, they don't know if you're a mild-mannered God-fearing librarian or a shotgun-wielding, high-as-a-kite meth addict, and until they're assured you're more the former than the latter, expect to be treated accordingly. Fair or not, failure to cooperate suggests you have something to hide, which of course trigger's the officer's spider sense and will subject you to further scrutiny. Of course, I'm always tempted to shell out a snappy comeback to "do you know why I pulled you over?" But given what these cops deal with every day, I'm sure the sense of humor, if it was there at all, is long gone by their first call for service of the shift.

Gina Madsen, MBA

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Often I see people in large SUVs with the FireFighter's sticker on the back of the vehicle. I notice that these individuals always seems to have a lead foot. I have heard that it is impossible to get one of those stickers.

Question-Is the sticker in the window some kind of code for police not to ticket one of their firefighter brethren or family?

Craig Scalise

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Among our panoply of specialty license plates is one for the Law Enforcement Officers Memorial Fund. A colleague says that his definitely cuts down no tickets

Rebecca Weiss

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The fact that the police knocked on YOUR door, and searched YOUR yard, all without a warrant, might give you cause to reconsider whether the police were right about the last person living there when they are wrong about you. We give up too casually the rights our founding fathers fought and died for, excusing such behavior by the police by rationalizing that it is important for them to "fight drugs" or otherwise "fight bad guys."

We need to keep in mind that our liberties are far more seriously threatened by police (and other government officials) than they ever will be by criminal

Jes Beard

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I agree with the don't talk to the police... but showing civility in a traffic stop has kept my driving record clean. if I get pulled over I turn the car off and put my hands up in the air as the office is approaching. when asked why I have my hands in the air I reply... you're job is to approach strange vehicles. if I can do anything to make you feel safer doing your job, it's my pleasure. when asked for my documents I always say where they are (in the glove box or my back pocket) and ask permission to reach into the glove box or my back pocket before doing so. lastly if they still say I'm going to have to cite you... I say, officer, I don't know if you have any discretion in this matter but if you do, I'd certainly appreciate anything you can do for me. never fails and I don't even have to resort to crying ;-)

Peter Turai, Esq.

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Little Old Lady is stopped by new officer.

"Do you know why I stopped you m'am?"

"Well, let me see, either I was speeding, or unregistered gun in my glove box or the dead body in the

trunk"

The new officer called in reinforcements, telling them the story of a speeder with a gun in the glove box and body in the trunk"

The police Sargent asks, "M'am, can I look in your glove box"

"Certainly" He opens the glove box and finds no gun.

"May I look in the trunk?"

"Certainly" He opens the trunk and finds no body.

"M'am, did you know that this officer told me you had a gun in your glove box and a body in your trunk"

"I'll bet he said I was speeding, too."

S. Keith Engelke

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Very well-expressed, Jes...and a factor very much on the minds of the Constitutional Congress from start to finish, I believe. Also, one definitely can be polite, yet still be firm about not giving up rights...that's almost a definition of an attorney's job.

Alan

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True story.

In college, my girlfriend was driving home (doing 70 in a 40) from a night club at about 2:00 a.m. If tested, I'm pretty sure that her blood alcohol level was fairly high. She pulled over, immediately jumped out of her car, ran back to the police car and said, "Thank God, I think that man has been following me."

The officer escorted her home to make sure that she got home without any problems. No ticket.

That trick would never have worked for me.

Neal Kennedy

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Or you can respond:

"Why do you ask? Did you forget?", or as the 1L that just finished Crim Pro class may say "Because you had a reasonable suspicion that I violated the law."

Let us know how those work as well,

Phil

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