

Legal Briefs

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Traffic stops

It can happen at any time—a police car appears in your rearview mirror, red lights flashing. What now?

First, pull over to the side of the road as soon as it is safe to do so. You should remain in your car and wait for the officer to approach. You will be asked to show your driver's license, and possibly your vehicle registration and proof of insurance. Avoid making sudden movements and try to keep your hands in plain sight.

Car searches—If you don't object to the intrusion and have nothing to hide, you should give the officer permission to search. State laws may offer motorists greater protections against traffic stops and searches than federal laws. If you have a question about a search the police have conducted of your vehicle, it is best to consult an attorney.

It is safe to say that if the officer has lawfully stopped your vehicle and has probable cause to arrest you, he or she has the right to search you, the passenger compartment and any containers in the passenger compartment. And if the officer has probable cause to believe that evidence of a crime like drugs is present in your vehicle, he or she can search anywhere on your person or vehicle without a search warrant.

The officer may also be allowed to “frisk” you if the officer has a reasonable suspicion that you are involved in an illegal activity or are carrying a concealed weapon.



What if you've had a few drinks? Driving under the influence is a serious offense that can be charged as a felony with a possible prison sentence.

If an officer smells an odor of alcohol, he or she may ask you to get out of your car. You may be asked to perform a series of “field tests” or to take a “preliminary breath test.”

You may also be asked to give a blood sample, give a urine sample, or take a Breathalyzer test. Can you refuse to perform the tests? Yes. But should you?

On the one hand, unless you are positive you've only had one or two alcoholic beverages, common wisdom holds that it may be harder to convict a driver if no tests were taken. On the other hand, if you refuse to take a test, your driving license will probably be suspended automatically for a long period of time.

