

KNOW YOUR RIGHTS

When Can the Police Search Your House or Belongings?

The police may search anything if they have a valid **SEARCH WARRANT**, signed by a judge. If the police come to your door and show you the warrant, you must let them in. They may search anywhere the warrant permits. The warrant will say right on it where the police are allowed to search. You have a right to see the warrant before you let the police into your house. If the police do not have a warrant, you usually do not have to let them in your house. If the police do not have a warrant, tell them they do not have your permission to enter, but do not forcibly resist.

If the police **ARREST** you, they have a right to fully search your person and clothing. They may open and inspect any article found in your clothing. Under certain circumstances, they may also search your pocketbook or any bag you are carrying.

The police may **SEIZE** (take) any incriminating item which they find in a lawful search. They may also seize any item which they see without searching (if you are stopped while driving, for example, and an illegal item is lying on the front seat in full view, the police may seize it).

Normally, the police are not allowed to search your home without a warrant. One exception is when they are lawfully arresting you in your home. If they arrest you in your house, they are allowed to search the nearby area. They are not allowed, however, to travel from room to room, searching through your belongings unless they have a search warrant for your home. It is important if you are arrested in your home to stand in one place; anywhere you travel, the police may be able to search.

Sometimes the police will ask if they can "look around" your house or car. If you agree, you have consented and they may use anything they find in court against you. The **police are able to look and search anywhere if they have your consent. You do not have to consent to any search.** They will probably not ask for your consent to search somewhere they can legally search anyway; usually, they will only ask for your consent if they would not legally be able to search with it. You can only hurt yourself and your case by consenting.

Even if you believe you have nothing to hide, you should not consent to a search. You may not know what someone else has left in your car or house; if the police find something, they may not believe you did not know it was there and they may arrest you. If you give your consent to a search, you may change your mind at any time. Even if the police are in the middle of a search, you may tell them to stop. It is harder, however, to stop a search in progress than it is to refuse to let them search at all, so the better rule is not to agree in the first place.