

THE BATTALION

### News in Brief

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## Pearls of wisdom from the mouths of legal professionals.

Texas A&M students spend millions of dollars each year learning about everything from astronomy to zoology, but few know their rights in a traffic stop.

College students are pulled over and arrested daily, but one can only wonder how many of those arrests would not have taken place if the arrested students had known their rights. A few simple questions posed to a law enforcement officer may be able to help students avoid problems.



### Can a police officer pull me over for no reason?

**No, but if police officers are suspicious of a particular person or vehicle, they may follow that person and wait for a reason to pull him or her over.**

Police officers are required to have "probable cause" before they pull anyone over. However, Bob Wiatt, director of the University Police Department (UPD), said probable cause can mean many different things.

"An officer will pull a car over if it has an expired registration or inspection sticker," Wiatt said. "If the car has a broken tail light or if the driving is erratic, or at night if the driver does not turn his lights down in the face of oncoming traffic, the officer can pull a car over."

Bruce L. Erratt, a local criminal attorney, said these kinds of traffic stops happen all the time, but people only hear about them on the rare occurrences when they result in an arrest.

"Stops and searches like that usually happen when the police see a vehicle they suspect of carrying drugs," Erratt said. "The first thing the police do is look for a way to pull the car over and make contact with the people in it. A lot of time this happens because of a license plate light. I have never heard of someone getting a ticket for having a license plate light out, but many people end up getting arrested for bigger charges because of that."



### If I get pulled over, what do I have to tell the officer?

**When a car is pulled over, Wiatt said, the driver must provide the officer with proof of insurance and a driver's license.**

"When an officer pulls a car over, he will first approach the car and identify himself as a police officer," Wiatt said. "Then he will tell the driver why he has been pulled over and ask for a license and insurance. The driver must provide both. If the driver does not provide those, depending on the driver's next actions, it could result in a ticket or they could even go to jail."

Rick Powell, students' attorney for Student Conflict Resolution Services at A&M, said the best thing for a student to remember is to be polite and obey the officer's commands.

"Just be polite and cooperate with the officer," Powell said. "But remember, students have the right to remain silent. Sometimes people can just talk themselves out of a problem, but there is always the right to say nothing. People have to provide the officer with insurance and driver's license, but they do not have to say anything else. Even if a person gets arrested, it is probably best to just go along with the officer and then call a lawyer as soon as possible."



### Can a police officer make me take a sobriety test?

**Yes, a citizen must perform field sobriety tests and accede to a Breathalyzer or blood test for alcohol if the officer orders it.**

A police officer is entitled to ask someone who is pulled over to perform sobriety tests, and that person cannot refuse, Wiatt said. The first step is field tests, when the officer will ask the suspect to walk a straight line or touch a finger to his or her nose or something similar. If the officer believes the person is drunk, the officer can make him or her take a Breathalyzer or go to the hospital for blood tests.



### Can a police officer search my car?

**Yes, a search can be done without permission if the officer obtains a search warrant or if there is an illegal item in plain view inside the car.**

Wiatt said a police officer can search any car pulled over if the driver consents. However, the officer cannot search the car simply because it looks suspicious.

"The officer can get a search warrant if the driver refuses to allow a search," Wiatt said. "But there are times when an officer does not need a warrant. For instance, if the officer sees that the driver is obviously 17 years old and there is a bottle of Jack Daniel's sitting in the back seat, the officer can seize the bottle without permission. If the driver is arrested, the car can be impounded until a warrant is received to search it. An officer can also search a car on the basis of 'fruits of the crime.' This means that if the police just had a report of a car stereo being stolen and the car has a stereo in it with wires hanging out, the officer can search the car."

Erratt said that, while these are all legal reasons to search a vehicle, many times they prove to be insufficient reasons in court. Erratt said these "gray area" searches occur on a fairly regular basis in Bryan and College Station, but this community is no worse than any other in that regard.

"A lot of it is subjective," Erratt said. "Many of those searches, later in court the officer testifies as to his reason for searching the vehicle, and the judge does not believe the officer had probable cause, so that evidence is suppressed."



### Can I get arrested for insulting a police officer?

**Yes, if there is a witness who will testify that he or she is offended by the insult.**

Wiatt said the law assumes that a police officer cannot be offended, so a person cannot be arrested for insulting one. However, Wiatt said, if there are other people present, the police officer can ask them if they are offended by the insulting words or gestures. If the people say that they are, Wiatt said, the police officer can arrest the insulting citizen for disorderly conduct.



### How do I know when I need a lawyer? Anytime a person is arrested for anything more serious than a traffic offense, they should contact a lawyer.

Erratt said there are many times when people simply do not contact lawyers because they do not know they should. No one should hesitate to call a lawyer if they are arrested for anything more serious than a traffic offense, Erratt said. Most people simply do not know enough about the law to deal with prosecutors, so an attorney is a necessity, he said.

"Most people are at a great disadvantage when dealing with the police and prosecuting attorney," Erratt said. "Someone who has been arrested never knows exactly what they have or whether they are telling the truth. They may tell a suspect that the deal they are taking is great, but it may only be a great deal for the prosecutor. If a person is arrested for anything greater than a traffic offense, they should contact a lawyer as soon as possible. Many times people contact me, and it is just too late."

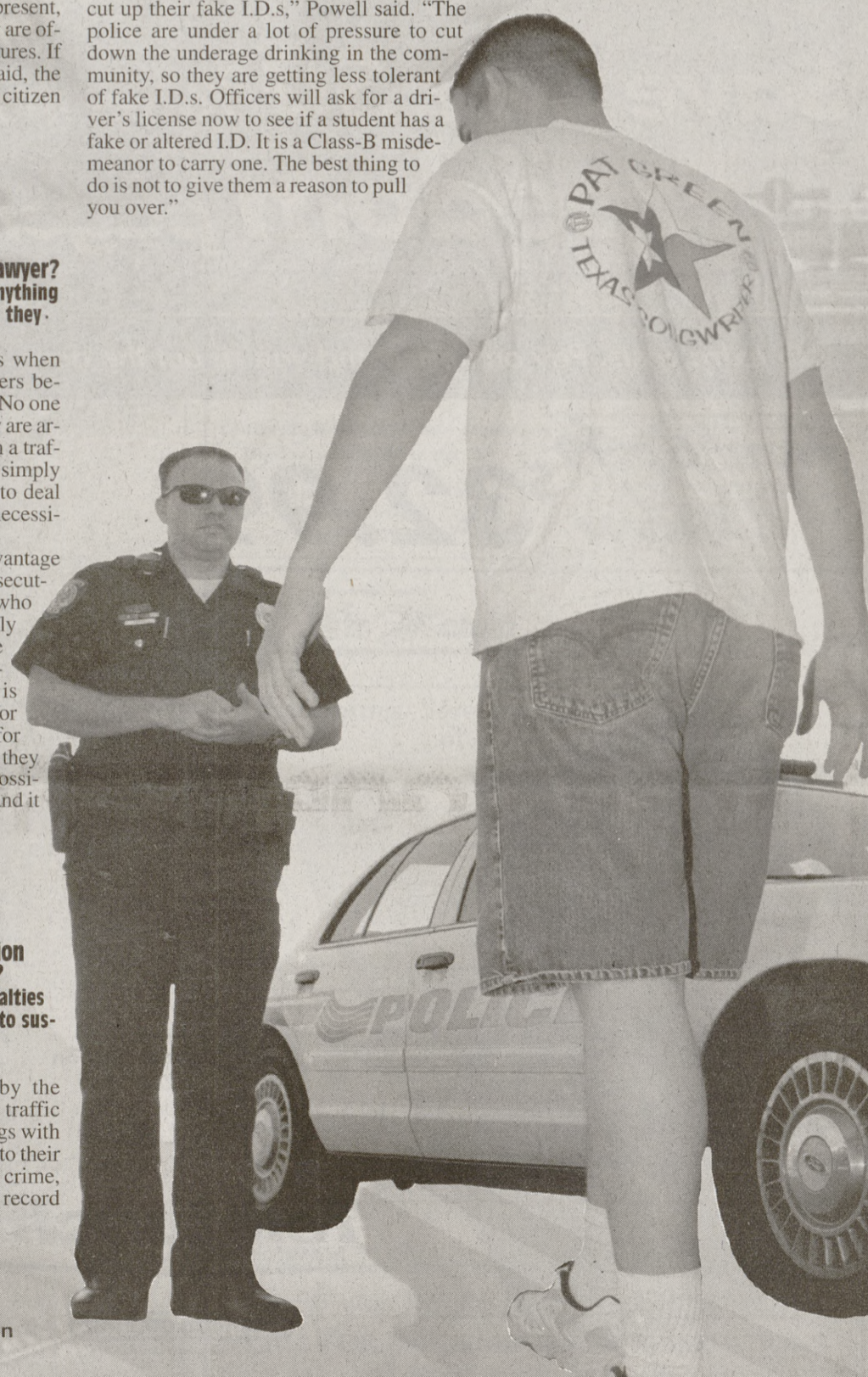


### Will the University take action against me if I am arrested?

**Yes, for offenses on campus, penalties could range from a verbal reprimand to suspension or expulsion from the University.**

Powell said students charged by the UPD for offenses more serious than traffic violations have to go through hearings with Student Judicial Services in addition to their court obligations. The degree of the crime, Powell said, and the student's prior record determine the punishment.

Story by Jason Bennyhoff  
Photo Illustration by Patric Schneider  
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