A clear and organized presentation of your story will make it much easier to assert and vindicate your rights. Start there. The next important step for you is to become better informed so that you can be proactive and not reactive.

Q. One night I was pulled over because I forgot to put my headlights on. The police asked me to get out of the car, they asked for my driver's license and social security number as well. They put me in handcuffs! They said I missed court when I hadn't. They also had the wrong birth date for me! Eventually, they let me go.

What are my rights? What can I question the police on? -- Frustrated Male-Cleveland

[*Minor revisions have been made to this question for readability*]

A. Thank you for your question. The experience you describe does sound frustrating but it also seems that we will need additional details to clear up some of the gaps and better understand the course of events.

Any encounter with an abusive police officer or other official will be frustrating and upsetting. We expect police officers to uphold the law and apply it fairly and appropriately. However, as you have read here before, the world is not perfect and the systems within are not either. Nonetheless, you should understand and remember, despite these encounters, that most police officers are professionals and are not seeking to oppress or embarrass. Professional police officers have to deal with the stigma and challenges caused by “bad” police work, just as we in the community are required to face and consider it as well. Experiences with police officers can have a significant psychological impact on both parties which may ultimately affect actions or inactions. It is best to at least be aware of how these experiences are impacting your conduct and thought process before, during and after an encounter with law enforcement.

Whenever you have an encounter with an abusive police officer, which may come in the form of intimidation or the wrongful application of authority as opposed to just physical abuse, it is vitally important that you take the time to recall and write down all of the details of your experience. Take yourself and your claims seriously. Spend the time required to effectively recreate the scene and include all of the facts of the encounter not just the one’s relating to the abusive behavior or those that support your opinions and perspective. It is always best to have a credible witness to cite but absent such person, your clear and precise description of the events may prove essential. Do your best to draft a narrative story of the events and include the exact language and words used by yourself and the officer. This narrative will serve as a great reference and informal record should you move forward with any claims.

You have the right to report abusive behavior. When doing so, you should be professional, concise and accurate. Speaking up and going through the appropriate channels of reporting is the way to cause change. Your narrative will be helpful in being accounted for and will be on file with your incident report. Getting upset, being consumed by anger, spreading your story to mom and pop, friends and family, and strangers at the barbershop or other neighborhoods places is not going to adequately advance and protect your interests or alter the quality of future police encounters. In fact, it may just make your wounds and those of the folks you speak with feel deeper. It is fine to vent but it is better to use the methods of recourse built into the law enforcement and justice system.

A clear and organized presentation of your story will make it much easier to assert and vindicate your rights. Start there. The next important step for you is to become better informed so that you can be proactive and not reactive. Police officer’s may stop your vehicle if they have a reasonable basis to suspect that you have broken a traffic law. This seems to have been the case in your letter. Driving after dusk without headlights is a danger to other drivers and pedestrians and generally also a violation of traffic law. The police officer may not stop your

vehicle on the basis of a hunch or your appearance. Generally, simple traffic violations which may cause a police officer to pull you over do not allow for your arrest or jail time. Whether the course of events after the stoppage was appropriate, however, will depend upon what other information was provided to or discovered by the officer during the stop.

Go back over the course of events and try to pinpoint the inappropriate conduct and everything that lead to it. This process should help you. If you have additional questions and concerns, feel free to send another question to the Counselor at counselorsdesk@call-post.com

Godspeed and Good luck.

Aaron A. O'Brien, Esq.

Committee Member, Legal Aid Society of Cleveland