

Arrested in Hawai'i? Tips for adults:



Police Contact Card

Don't say anything without a lawyer. Besides giving your name & address, you have the right to remain silent. Save your defense for court.

Ask to call your lawyer or a public defender immediately. Public defender's offices:

Oahu:	District Felony	808-586-2100 808-586-2200
Maui:		808-984-5018
Molokai & Lanai:		808-984-5018
Kauai:		808-274-3418
Hilo:		808-974-4571
Kona:		808-322-1945

Within a reasonable time of your arrest or booking, you have the **right to make a local phone call** to your lawyer or a family member. **Unless you are calling your attorney, the police may listen.**

You must be charged or taken before a judge within 2 business days of your arrest. Ask your lawyer if you can get bail lowered or be released without bail.

Don't say anything or make decisions about your case until you've spoken with a lawyer.

For Adults over 18 in Hawai'i

v.3.1 9/2006



Stopped by the police? Follow these basic rules:

Remain calm. Don't run. Think about your words, movement, body language & emotions.

Don't argue, swear, or threaten a complaint. Anything you say or do can be used against you.

Keep your hands where officers can see them.

Don't touch any police officer.

Don't resist, even if you think you're innocent.

Don't make statements about the incident.

Write down everything you remember ASAP, including **badge & patrol car numbers.**

Injured in a police confrontation? **Take photos** (but get medical attention first!).

If you're stopped for questioning by police in Hawai'i:

Speak carefully. It's not illegal to decline to answer questions, but bad-mouthing an officer isn't helpful.

ID Checks. If stopped in a car: the driver **must** show license, registration & insurance. If you are **not driving** & police ask for your name, you don't have to give it unless there is **"reasonable suspicion"** that you're involved in a crime. You generally can't be arrested for refusing, but officers have wide latitude to compel you to give your name, so if you can - it's best.

If you get a ticket, sign and accept it, or you can be arrested.

Searches. Never consent to searches of your car, house or person. You cannot be arrested for refusal to consent. **If you consent, it can affect your rights later in court.** Police may search your car or "pat down" your clothes for weapons when they believe there is **"probable cause"** to do so. Police may enter your home if an emergency condition exists (e.g. a person screaming). If you're arrested, the police can search you & the area "close by". In a building, this is usually just the room you're in. If the police say they have a search warrant, **ask to see it.**

If you're suspected of **driving while intoxicated** (DWI), you can refuse to take a blood, urine or breath test, but you face a one (1) year license suspension.

If driving commercially, laws or company rules may compel you to take a drug test. Talk to your lawyer.

Never interfere with or obstruct police – you can be arrested for it.

Ask if you're under arrest.

If yes, you have a right to know why.

If not – you are free to leave.

Rights violated? File a police complaint in Hawai'i:

Honolulu Police Commission: 808-547-7580 (w/in 60 days)
1060 Richards Street, Suite 170 Hon, HI 96813

Maui County Internal Affairs: 808-244-6325 Maui P.D. 55
Mahalani Street Wailuku, HI 96793

Hawai'i Island Police Commission: 808-961-8412 (w/in 60 days)
Form: http://www.hawaii-county.com/police_commission/complaint_form.pdf

Kauai County Police Commission: (written, w/in 30 days)
Secretary c/o Office of the Mayor, Rice St. Suite 235 Lihue, HI 96766



Aloha! This booklet is general in nature & does not constitute legal advice. Hire an attorney for legal advice. Produced & distributed as a free public service by the American Civil Liberties Union of Hawai'i Foundation, a non-partisan, non-profit civil rights advocacy group that accepts no government funds. P.O. Box 3410 Honolulu HI 96813. 808.522.5900, <http://www.acluhawaii.org>

Was your stop based on **race or ethnicity?** if so, please call the ACLU hotline at 1-877-6-PROFILE.