



## Common Myths about Police Encounters

**Myth:** *“Undercover law enforcement officers must tell me whether or not they’re cops”*

**Fact:** Police not only can lie to you, they *will* lie to you in order to get what they want: an arrest.

**Myth:** *“...but that’s entrapment, so my case will get thrown out.”*

**Fact:** Although undercover stings may seem like entrapment, courts do not see it that way. In the legal sense, entrapment only occurs when a cop induces someone to commit a crime that the person would otherwise not have committed. If you are unlucky enough to be busted by an undercover cop, the courts will simply assume that you would have committed the “crime” with another person; this will fatally undermine any entrapment defense.

**Myth:** *“I can talk my way out of this situation.”*

**Fact:** Police are trained to elicit incriminating information from suspects. You will never talk yourself out of trouble; you will only talk yourself into more trouble. When the police warn that “anything you say can and will be used against you,” they mean it. The more you tell police in the street, the more leverage a prosecutor will have against you in court. Politely exercising your Constitutional right to remain silent is the single best way to avoid making a bad situation even worse.

**Myth:** *“...but the cop said if I talked, things would be easier on me.”*

**Fact:** Remember, police *will* lie to you in order to get their way. Police are under no obligation to follow through on their promises, even if you hold up your end of bargain by cooperating. Cooperating only increases the chances that you will incriminate yourself, while having no effect on criminal sanctions.

**Myth:** *“Nothing happened between us. It was all talk, so I can’t get arrested.”*

**Fact:** It is a crime both to solicit prostitution and perform the act itself. Simply implying that you might be interested in such a transaction (for example, by telling someone that you will “work something out later” or by instructing him to “leave the money of the table”) could lead to an arrest and conviction. As a rule of thumb, if someone asks you to engage in sexual conduct for money, just say no.

**Myth:** *“If I simply remain silent, police must stop questioning me.”*

**Fact:** Recently, the Supreme Court ruled that you must assert your right to remain silent out loud. Politely inform the officer that you are choosing to exercise your right to remain silent, and that you refuse to answer any questions without an attorney present.

### **The bottom line:**

- Do not trust the words of a police officer. He is there to *arrest* you, not to protect you.
- Be polite with police and do not physically resist. If a police officer asks for your name, give it to him. In Nevada, you do not have to provide identification, only your name.
- Exercise your right to remain silent.
- Have the phone number of a criminal defense attorney readily available.

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