

What is Student Legal Services?

Established in 1979, Student Legal Services has four full-time, licensed attorneys to provide free legal services to enrolled UCF students.

We assist students with:

- ◆ Most criminal matters.
- ◆ Traffic tickets.
- ◆ Simple wills.
- ◆ Landlord tenant matters.
- ◆ Consumer issues.
- ◆ Chapter 7 bankruptcies.
- ◆ Uncontested divorces.

Students are only responsible for paying any court costs, fees incidental to litigation, fines, penalties, or amounts of any judgments awarded against you.

We cannot represent students against other students, students against UCF or the State of Florida, students in their income producing activities, and students in university disciplinary matters.

This brochure is for informational purposes only and is not intended to be a substitute for legal advice.

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Having a problem?

Have Questions?

Come see us!



STUDENT LEGAL SERVICES

Serving Students since 1979



STUDENT LEGAL
SERVICES

You can find us at:
Ferrell Commons 142

Phone: 407-823-2538

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STUDENT LEGAL SERVICES

Police Stops & Searches



Ferrell
Commons 142

UNIVERSITY OF
CENTRAL FLORIDA

Police Stops and Searches

What should a Knight do if he or she is stopped by police?

One, stay calm and be respectful! The Knight's behavior will play a factor in outcome of the encounter. Two, if you are in your vehicle, place your hands on the wheel and turn the overhead light on if it is night. If you are on foot, do not run and keep your hands visible.

How does a Knight know if he or she is being arrested or detained?

If a Knight is unsure, he or she can ask the officer, "Am I free to go?" If the officer says yes, then the Knight is neither being detained or arrested and can slowly and calmly leave. If the officer says no, the Knight is being detained but is not under arrest, though an arrest could follow.

When a Knight is arrested, he or she should be informed of his or her rights by law enforcement.

What does a Knight have to tell the officer?

If it is a traffic stop, you must provide the officer with your license, proof of insurance and registration. In a non-traffic stop, failure to name yourself can be a factor determining if you are loitering under Florida law. The best practice is to identify yourself and say, "Respectfully, I do not wish to answer any questions. Am I free to go?"

When can a Knight be frisked?

Police officers can pat down the outside of your clothing only if they have a reasonable suspicion that you may be armed and dangerous. The purpose of the frisk is solely to search for weapons, and cannot be done to discover anything else. Never resist a pat-down, but you should tell the officer that you do not consent to a search if you do not want to be searched after the pat-down. If the officer asks you to remove an item from your pocket, you should repeat that you

do not consent to the search.

When can a Knight's home or car be searched?

Generally, police need a warrant to be able to search your home or car. However, police can search without a warrant if they obtain consent. Consent does not have to be given by you; a roommate or a guest whom police believe has the authority to allow for the search can consent.

Police can also conduct a warrantless search if they have probable cause to believe that criminal activity is likely taking place, that you have been involved in a crime or that evidence of a crime is in the place searched. For example, if an officer pulls you over and can smell marijuana in your car, then they would not need a warrant to search. In this situation, the odor gives the officer probable cause.

When can police use dogs trained to search for drugs and/or other substances (like explosives)?

Police do not need "reasonable suspicion" to use drug dogs to sniff around a car during a legitimate traffic stop. If the dog smells drugs, the police have probable cause to search the car. However, the dog must be brought to the scene within a reasonable amount of time after the stop. Police cannot prolong the stop to enable the dog to arrive at the scene. Florida courts have held that 20 minutes or less is reasonable. The UCF Police Department has 3 police dogs that can be called to the scene of a traffic stop.

What is a warrant?

A warrant is a document signed by a judge that gives law enforcement permission to enter a building or car to conduct a search or arrest someone. A "search warrant" allows officers to enter the place on the warrant and to search for the items listed. An "arrest warrant" allows for officers to take you into custody.

A warrant must contain the judge's name, your name and address, place to be searched, the date, items that are being searched for and the agency conducting the

search (i.e. UCF PD, the Orange County Sheriff's office, etc.). An arrest warrant does not need your name, but must describe you with enough detail to identify you.

What should a Knight do if the police come to his or her home?

The recommended practice is to step outside and close the door behind you. You should never feel pressured to consent to a search. You should say politely; "Officer I do not consent to a search;" or "Officer, I can't let you inside without a search warrant." If the officer has a warrant, you should read it to see if the information is correct; if it not, you should inform the officer and state that you do not consent to the search.

What should a Knight do if the police insist on search with no warrant or an incorrect warrant?

Clearly state that you do not consent to the search, but do not resist! Resisting can lead to serious charges against you.

During any search, you can always ask if you are allowed to watch the search. If so, take notes, including names, agency where the officers are from, what they searched and what, if anything, they took with them.

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