

# Alabama Traffic Stop Conduct for Motorists

## Upon Realizing You Are Being Alerted By The Police to Pull Over:

Signal a Right Hand Turn, then Pull Over on the Right Side of the Road at the First SAFE Opportunity. Do Not Delay. When you see blue flashing police lights in your rear-view mirror, pull over as soon as possible in a SAFE place on the Right Side of the Road that won't put you, or the Officer at risk. Turn off your engine and radio, keep your lights on, and have your passengers keep quiet.

## As the officer approaches your car - Keep your hands visible

The officer is always ON GUARD when approaching your car. Traffic stops, although routine, are one of most dangerous activities for law enforcement Officers due to its uncertain nature. The proper conduct is to roll down your window, place your left hand on your side rear-view mirror and right hand on top of your steering wheel. Remain CALM and still, do not get nervous or upset. Wait until instructed by the Officer to provide your driver's license, proof of insurance and registration.

If possible, keep your registration and proof of insurance together, and apart from every-

### The time to review these Guidelines IS NOT during a traffic stop.

Become familiar with these suggestions by reviewing them from time to time so that when it counts, they are second nature.

thing else in the vehicle; perhaps in the overhead sun visor pocket, driver's side door pocket or within visible reach for the driver. Keeping it in the glove box or closed compartment is an unnecessary complication at the time it is most important. Shuffling through papers, "I know it is here somewhere" just increases your anxiety at a time when it is important to remain cool and collected.

## Be Courteous and Respectful

Be Respectful and Courteous to the Officer. Address the Officer as such: "Officer". Being Rude or Belligerent shows disrespect for what the Officer represents: LAW ENFORCEMENT. Do not invite extra scrutiny upon yourself by displays of contempt or displeasure. The Officer already knows you do not want a ticket.

## DO NOT admit guilt

More and more police cars are becoming equipped with video cameras and audio recorders. What you say or do is being recorded, and will be used in court. For instance, when the Officer asks, "Do you know why I stopped you?", reply: "No, Officer I do not."

## DO NOT make excuses

Making excuses or begging for forgiveness

will not get you out of a ticket, it will be taken as an ADMISSION OF GUILT. Lying is not going work either, think about it, your dealing with an Officer of the Law, they have heard it all before, and if they haven't yours already - it has got to be pretty outrageous. An Outrageous Lie to the Police is not a good strategy.

## Ask for a warning

BEFORE the officer has begun to write the ticket, ASK for a "Warning". Example, "Officer, within your discretion, would you please consider issuing me a warning instead ticket, I will be more attentive from now on." Practice how you would say it yourself so it is natural and sincere. A appropriate time to ask is as you are handing the Officer your driver's license, vehicle registration and proof of insurance in an organized and timely manner after being directed provide them.

## What Happens Next

Your behavior and attitude towards the Officer thus far can determine what will happen next. You may not get a ticket, then again you may. If the Officer says, "NO, your getting a ticket", stay cool, they have not written the ticket yet. The Officer's desecration determines how severe they write up the ticket; one violation or many

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**GLOVE BOX GUIDE TO**  
**Alabama**  
**Traffic Stops**

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**Speeding Ticket in Alabama?**  
 The Smith Law Firm can DEFEND you!

Save Money on:  
 • Fines  
 • Court costs  
 • Car insurance rate increases.

Save Time:  
 • No going to court  
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violations. Receiving one violation may turn out to be getting a break under the circumstances. Knocking down your speed as written on the ticket is a common good break. The Officer not writing detrimental notes on the ticket for later use in Court is another good break. The Officer writing a note on the ticket that motorist had a good attitude, was compliant and courteous, and will help you in court later, and is very common and helpful to the District Attorney when exercising their desecration in court. Keep in mind that Everything counts.

### What do I do if I'm issued a ticket?

Politely sign the ticket; it is not an admission of guilt. Refusing to sign the ticket will result in your completely unnecessary arrest and a trip to the jail. The time to fight, debate or argue the ticket is in Court. On the side of road you will lose every time, in Court you have a good chance of winning, or at minimizing the consequence.

The most important point to remember is that from the time you get hit with the blue lights, conduct yourself in a manner that in the end will result in the least severe consequences in regards to court fines, fees, and contempt costs, car insurance rate increases, lost time, aggravation, anxiety and most importantly JAIL TIME. Do not let a traffic ticket ruin your day, it can be no big deal if handled properly.

## Alabama DUI Stops

### What if I'm asked about drinking?

You will have to make a judgment call about how to answer. First of all, don't lie. Lying leads to complications if the officer decides to charge you with DUI or DUI, remember that everything you do or say is probably being recorded.

A. If you have not been drinking, tell the officer you have not been drinking.

B. If you have engaged in very light drinking and believe you are not intoxicated, inform the officer because being honest may help you later in your defense.

C. If you are intoxicated, politely inform the officer that your attorney has instructed you to never answer an officer's questions without him or her present.

### What if I'm asked to get out of my vehicle?

You must exit your vehicle. Failing to comply will result in your arrest. Stand erect, hands at your sides, out of your pockets. Do NOT lean against your vehicle. If you are sober, be sober. If your not sober, ACT sober and not casual or relaxed.

### What if You are ordered to take a "Field Sobriety Test"?

REFUSE by Politely Declining, "No, thank you, I would prefer to not do that."  
 Simply stated: DO NOT WALK, DO NOT TALK, DO NOT FOLLOW MY

FINGER (nystagmus test). There is nothing to be gained and plenty to lose.

The field sobriety tests (FSTs) used in Alabama are heel-to-toe walk, one-leg stand, horizontal gaze nystagmus (they look at your eyes while using a pen light). Most officers will use a set battery of three tests. You are not legally required to take any FSTs. Most police officers have made up their minds to arrest you when they give the FSTs; the tests are additional evidence to use against you in court. Your results on those tests are determined by the completely subjective interpretation of the officer.

### What if you are ordered to take a Intoximeter Datamaster DMT-FC breath test.

Refusing to take a breath test results in a severe consequence, the automatic suspension of your driver's license. Your Refusal will get you a 90 day suspension with NO eligibility for hardship license. If you have a CDL license, your refusal will get you a 1 year suspension with NO eligibility for hardship license. If you are sober because you have not consumed alcoholic beverages, submit to the breath test, and if given a choice, choose the more accurate blood test (less chance of a false positive). If you are not sober, DO NOT TAKE THE BREATH TEST. Remember: trying to calculate how much alcohol you can consume, according to your sex, weight and while at the side of the road with the police lights flashing in your eyes, after having anything alcoholic to drink, is an absurd exercise in risk deliberation.

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### **I tested over the legal limit, does that mean I am guilty?**

NO! Sobriety tests are merely evidence against you and not conclusive proof that you violated the law. There are many, many factors to consider when planning your defense, including the conduct of the police officers, the accuracy of the test and how it was administered, as well as the timing of the test. You will always have defenses to advance in all cases.

### **ALWAYS request an independent test of your sample.**

If the officer is not able to preserve your sample (which may be the case with a breath test) request that you be given a different test (like blood or urine) that can be preserved and independently tested.

### **What if the officer asks to search my vehicle?**

Do not consent to anyone searching your vehicle! Do not hand the officer your keys or unlock or open doors for the officer, as this will imply permission. Generally speaking, when an officer requests permission to search your vehicle, he looks for weapons, illegal drugs or evidence of drinking, all things that could put you in jail if any of them they are found. Politely state that you not to consent to the search.

### **What if the officer threatens to call for a warrant or drug sniffing dogs?**

Refuse to consent to the search. In the end the police are going to do whatever they want to do anyhow, and are going to threaten you with this, that and the other all along the way. All you can do is say "NO", so say "NO" and see whether your Rights will be respected or not.

### **What if the officer wants to search my person?**

Do not consent to police searching your person! Do not open your jacket or pull out your pockets as these actions may imply you consent to be searched. A "Pat Down" (frisk) of an individual to make sure no weapons are present (for the safety of the officer) is not a search. 'Reasonable suspicion' is the standard for officers justifying a Pat Down and police are always suspicious, reasonably or not. Following these guides for conduct during a traffic stop is the prudent way to avoid this type of scrutiny and preserves your rights to challenge police conduct and exhibits offered into evidence at court.

### **What do I do if you're arrested?**

Remain cooperative and polite with the officer(s). Do not resist, struggle or argue with the officers and keep in mind that the entire encounter is probably being video taped. Refuse to answer all questions the officer(s) ask and do not engage in 'polite conversation' with them at anytime. Do not speak to ANYONE about your case

### **Speeding Ticket in Alabama?**

**The Smith Law Firm can DEFEND you!**

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| <b>Save Money on:</b><br><ul style="list-style-type: none"> <li>• Fines</li> <li>• Court costs</li> <li>• Car insurance rate increases.</li> </ul> | <b>Save Time:</b><br><ul style="list-style-type: none"> <li>• No going to court</li> <li>• No multiple trips</li> <li>• No missed work</li> </ul> | <b>Avoid Anxiety:</b><br>Clients almost never have to appear in Court when we represent them |
|--|---|--|

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including police, friends, relatives, cell mates or staff; you do not know else who is listening. Contact an attorney ASAP, either directly, through a relative, friend or acquaintance, in that order. Request a hearing to determine bail at the earliest possible time if the bail is not already "pre-set" for your charge. The three ways out of jail are: have a Judge call in a release, put up the bail to the jail, or buy a bond from the Bail Bondsman near the jail. An attorney will be best able to advise the people (family/friend) assisting you to be released during the time of your custody.

### **What happens to my vehicle?**

Unless the police allow a passenger to take possession of your vehicle, it will be searched, towed and impounded. During a legitimate arrest, the police are allowed to search your person and your vehicle, whether you have consented or not.

### **What if I'm not read my (Miranda) rights?**

Charges against you will not be dismissed because you were not read your rights. In some cases a judge (not the police or prosecutor) will refuse to admit evidence against you that was obtained without notifying you of your rights. The best course of action is to not answer any police questions or engage in communication about your arrest with anyone except with your attorney. During the process of being arrested, processed and jailed there are opportunities for adverse evidence to be gathered unbeknownst to you at the time.

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### What do I do now?

Find yourself an attorney you TRUST to handle your DUI criminal case. You will not be permitted to represent yourself in most courts. Reggie Smith, Attorney at Law can be reached at 205-394-4252 regarding your DUI, Driver's License Reinstatement or Traffic Ticket matter. On my website [alabamaduilawyerhelp.com](http://alabamaduilawyerhelp.com) I have additional information to help you understand the charges against you, the potential outcomes, and how you can fight the charges and protect your rights.

### Do not wait!

In Alabama you have 10 days to request an administrative hearing regarding the automatic suspension of your driver's license unless you take steps to protect it. Attorney Reggie Smith can help you stay on the road, keep your record clean and protect your rights.

## Tips to avoid getting pulled over in Alabama

### Avoid behaviors associated with intoxicated drivers

The National Highway Traffic Administration has identified a list of symptoms commonly used by law enforcement to spot intoxicated drivers. They include:

- Turning with a wide radius
- Straddling center of lane marker
- Weaving "Appearing to be drunk"
- Almost striking object or vehicle
- Swerving
- Driving on other than designated highway
- Tires on center or lane marker
- Speed more than 10 mph below limit
- Stopping without cause in traffic lane
- Following too closely
- Signaling inconsistent with driving actions
- Drifting
- Braking erratically
- Driving into opposing or crossing traffic
- Headlights off
- Slow response to traffic signals
- Stopping inappropriately (other than in lane)
- Turning abruptly or illegally
- Accelerating or decelerating rapidly

### Be Conscious Of "High Ticket" Hours

There are certain times of the day, week and year when officers are even more likely to pull you over. The closing time for local bars gives police an opportunity to search for drunk drivers. Similarly, weekend nights like Friday and Saturday are popular

nights to pull over drunk drivers. Also, special days like national holidays, sporting events and concerts can give officers a reason to pull over more drivers.

### Do not stand out from the pack

If you are driving on any highway, do not drive significantly faster than the speed of traffic. Troopers look for vehicles that stand out from others. In addition, do not weave in and out of traffic, as this behavior attracts attention from troopers as well.

### Keep your vehicle in top operating condition

Any problems with your vehicle, from a burned out bulb to a broken trunk latch, can give an officer a perfectly legal reason to pull you over. Similarly, vehicle modifications like window tint, custom lighting and mufflers that do not meet local vehicle codes give officers reason to pull you over.

### Watch for sudden speed limit changes

Many local highways and city streets have speed limit changes that provide natural opportunities for police officers to set up speed traps. As soon as you pass a sign noting a new speed limit, you are required to be at that speed, not just slowing to that speed.

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