

How to Not Get Arrested in New Orleans

(or, The Intersection of Racism, Power and Greed)

It is possible to visit New Orleans and not get arrested, it's just more difficult than you might think. You do have the same rights in NOLA as in the rest of the US, they just don't care here. And it's not just the cops. If you remember that you are a walking \$\$\$ to the cops, and the criminal IN-justice system of NOLA, you understand the dynamic at work.

NOPD + federal funds based on arrest statistics = arrests for offenses that usually get tickets.

Example: Riding a bike with one hand.

Orleans Parish Prison + city and emergency funds based on occupancy statistics = being held for days in an overcrowded, filthy holding cell.

Example: Becoming 'lost' in the system and serving more than the maximum sentence without even going to trial.

Common, and illegal, behaviors - With very selective enforcement

- **Public intoxication** Strange but true! Despite New Orleans' party town image, it is against the law to be intoxicated in public. In fact, it is illegal to APPEAR to be intoxicated in public – yes, that's how the law is written. If you appear to be intoxicated you can be arrested. You should ask for a blood alcohol or breathalyzer test: you won't get one, but later you can cite the denial in court.
- **Open container, walking:** It is illegal to drink on the street unless your drink is in a plastic or Styrofoam cup. You probably won't get arrested just for this, but they may tack on the charge or use it as an excuse to arrest you.
- **Open container, driving:** Drive-through daiquiri shops don't mean you get to drink and drive. It is illegal to have any open container of alcohol in a vehicle, and if you are stopped it is likely that everyone in the vehicle will be arrested, not just the driver. Drive-through drinks are considered 'open' if the straw has been in the cup, or if some of the contents are gone.
- **Public urination** This can get you a lewd conduct charge, which is a sexual offense and you may end up a registered sex offender! Find a restroom!

If you are detained by the NOPD or National Guard:

You have the right to remain silent, and to speak to your attorney – HOWEVER-

In the most common (harassing) situations, you may be able to improve the situation with minimal, respectful, calm, cooperative answers to minor questions.

REMEMBER:

It's all about selective enforcement – if they want to arrest you they will. Don't give them a reason to want to.

Stay Calm. Don't let your anger get the better of you, even if you've done nothing wrong

Don't lie to the police –it's illegal – it's better to say nothing at all.

Be polite. ("Yes, sir. No ma'am." It's repugnant, but it helps.)

Don't try to educate the police about your rights. If you do take this noble road realize your friends will likely be bailing you out the next day.

Don't assume everything police say is true. They lie, and they are allowed to, and they do it well.

Do ask if you are being detained. If you are not, ask if you are free to go.

Keep in mind

- If you are a man of color, you run an extreme risk of police profiling and arrest
- You are not legally required to carry ID (unless you are driving) but having ID can speed up the process if you are stopped or detained. Don't lie to the police about your identity or address – it's illegal.
- If you are stopped you can be 'patted down' to check for weapons. Your pockets or bags should not be searched unless you are already being arrested or there is some probable cause. Do not physically resist an illegal search, but say loudly and clearly, "I do not consent to a search."
- Cars, including trunk and all bags can be searched on probable cause, which can be anything from a 'funny scent' to a rolling paper. Remember, if police look in the window and see contraband in plain view, that's cause.
- Don't run, physically resist, or touch an officer or their vehicle. Touching an officer or their car is a felony assault.
- If you are not a local you will not be able to retain a bondsman, and will have to pay the entire bail amount.
- PAY ATTENTION! To your friends and to your surroundings, and to whatever bouncers or private security staff say. They have a close working relationship with the police; think of them as off-duty cops.
- Riding a bike without a headlight at night, busking (performing for money), panhandling, sitting on the sidewalk or on even sitting on the steps of someone else's house are all arrestable offenses.

REMEMBER – USE YOUR BEST JUDGEMENT – YOU ARE DEALING WITH A PERSON WITH A GUN.