



Legal Services Department • 1631 Elysian Fields Avenue • New Orleans, LA 70117
Phone: (504) 323-2462 • Fax: (504) 662-1610

Alert: Police Checkpoints in New Orleans - Know Your Rights

The NOPD announced starting on April 21, 2020, that they will be conducting traffic checkpoints until the end of the Coronavirus stay-at-home order.

- I. At these checkpoints, the police have indicated they will be doing the following:
 - ***Checking to ensure seatbelts are being worn properly.***
 - ***Checking driver's license, insurance and registration.***
 - ***Providing information regarding the stay-at home order in place within Orleans Parish due to the COVID-19 public health crisis.***

- II. Additionally, the NOPD has the authority and power to do the following:
 - ***Arrest you for not stopping at the checkpoint.***
 - ***Ticket you for not wearing a seatbelt or having the right paperwork.***
 - ***Request a search of your vehicle, and if you consent, additionally perform a pat-down search of you.***
 - ***Detain you, search your car within your arm's reach, and perform a pat-down search of you if they have "reasonable suspicion" that they will discover evidence of a crime.***
 - ***Search and/or arrest you if they see evidence of a crime in plain sight.***
 - ***Search you, require a breathalyzer and/or a field sobriety test if they smell evidence of a crime.***
 - ***Arrest you if any search reveals evidence of a crime, or if you refuse a breathalyzer and/or field sobriety test.***
 - ***Arrest you for any warrants you might have.***
 - ***Search you and your vehicle subsequent to any arrest.***
 - ***Search your vehicle based on a search warrant.***

- III. You have the right to:
 - ***Only open your window enough to pass your driver's license, insurance card, and vehicle registration through.*** Given the highly contagious nature of the coronavirus and the effect on people who are immunocompromised, you have a valid reason to limit your exposure to others as much as possible.
 - ***Keep your medical information private.*** At the same time, you have no obligation to inform the police of your HIV, or any other illness. Should you choose to make the police aware of your HIV status, and they can construe any action you take as "spitting," you may be liable for criminally exposing the officer to HIV.
 - ***Refuse a request to search your vehicle.*** If a police officer tells you they are going to search your car, and then proceeds, regularly repeat the phrase "I do not consent to a search of my vehicle" until the search is complete.
 - ***Ask if you are under arrest or free to go.*** You cannot be detained indefinitely without being placed under arrest. If you are detained, and then told you are not under arrest, continue to ask if you are free to go until you are able to leave.

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