

What to Do When a Cop Asks to Search Your Vehicle

Even if you've done nothing wrong, you have plenty to worry about.

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Americans spend a lot of time in their cars, so it's not surprising the police pull over a *lot* of us—about [50,000 a day, and 20 million every year](#). If you've ever been pulled over (and based on those numbers, you probably have) you know how nerve-wracking the experience can be. Put simply, police have all the power in a traffic stop—or at least, they want you to believe they do. So when a police officer asks if they can search your car, it's hard to know what to do.

For most people, this will be an alarming request, implying the officer suspects you're doing something illegal. On the one hand, there's the old adage that if you have nothing to hide you should just comply—especially when so many police encounters turn ugly. On the other hand, your vehicle is your private property, and you have rights.

The time to think about this is *now*, when you're calm and have access to information. Waiting until your adrenaline is sky high and any attempt to Google your options might be misinterpreted is a bad idea. So here's what to say and do when a cop asks to search your vehicle.

Be polite

One of the most stressful aspects of a traffic stop is the power disparity, and

while most police officers will conduct themselves professionally, it's paramount you not escalate the encounter by being angry or insulting. There are certain requests or commands you should absolutely, 100 percent comply with:

- Produce your license, insurance, and registration when requested.
- Obey specific commands. If the officer tells you to step out of the vehicle, do so.

That's pretty much it. There are also things the police can do without your permission:

- Visually examine the exterior of the vehicle and access databases to

see if your car has been reported stolen or if the registered owner (presumably you) has any outstanding warrants.

- Visually examine the interior of the car—if something is in plain sight, the police don't need further justification to proceed to a search and/or arrest. For example, if you have a gun sitting on the passenger seat of your car, the cops will be completely justified in searching your vehicle, even if you have all the proper paperwork for the weapon.

Anything else the officer might ask you or tell you to do falls into the gray area between your rights and their job. The key thing to remember is that a cop's job is *not* to exonerate you. In other words, police—even when they're absolutely professional and doing their jobs the right way—are not your friends. Policing is a difficult, dangerous job, and making friends with people they pull over is not in their best interest. Which means allowing a search of your car upon request is not in yours.

Know your Fourth Amendment rights

The Fourth Amendment of the Constitution protects Americans from unlawful search and seizure, which means, in short, that the police can't search your car without probable cause or your permission.

Cops have broad authority in most situations. Probable cause is a murky subject; while police can't simply state they have a hunch or a gut feeling, it doesn't take much to justify a search—if the officer states they smelled alcohol or another substance, that's all they need. So the first thing to know is this: If the officer is asking permission to search your car, they *don't have probable cause*. If they did, they would already be searching your vehicle.

The one phrase to remember

The second thing to know is that you have every right to deny that permission. Your car is your property, and without probable cause for a search you can simply say no to the request. The phrase **"I do not consent to a search of my vehicle"** should be all you need to know. If the officer believes they have good reason to search your car they can obtain a warrant, usually within minutes over the phone.

So why do police ask if they can search your car? It's the same reason they will ask if you know why they pulled you over, or if you've been drinking, or (my favorite) if there's any other reason you might be in trouble: They're fishing. They're hoping you incriminate yourself. Because their job is not to exonerate you or prove your innocence, their job is to catch people who have committed crimes. They want to search your car to see if there's a crime to charge you with.

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In other words, consenting to a search of your car is *never* in your best interest—whether you have a body in the trunk or you've never broken a law in your life. Be polite, but state firmly that you do not consent. You don't need to offer a reason—if the officer presses you, simply repeat that you don't consent. If the officer conducts a search anyway, *do not resist*. You'll have a chance to file a complaint after the stop is over.