

# Know your rights; Exercise your rights; Preserve your freedom!

*"This will be the best security for maintaining our liberties. A nation of well-informed men, who have been taught to know and prize the rights which God has given them, cannot be enslaved." - Benjamin Franklin*

If you are like the majority of the public, you do not fully know and understand your legal rights, particularly when a roadside traffic stop or arrest is involved. Many people believe that an officer must advise them of all of their constitutional and statutory rights before arresting them and an officer's failure to do so will cause their case to automatically be dismissed. WRONG! Others believe that if they do whatever the officer requests they will simply be let go with a warning or have a cab called for them. NOT ANY MORE. Gone are the days where the local law enforcement officers will stop a suspected drunk driver and conclude the encounter without arresting the driver. Drunk driving offenses raise millions of dollars for the State of Iowa and local law enforcement agencies. Other people believe that by submitting to roadside sobriety evaluations they will somehow be able to convince the police not to arrest them. NOT SO! Studies have shown that trained police officers score sober individuals as "failing" these evaluations an astounding 46% of the time. **Most importantly, since these evaluations are 100% optional, why attempt to do exercises that many people cannot perform to a police officers satisfaction when completely sober?!** Additionally, many people do not know that they are not required by Iowa law to submit to a preliminary breath test offered by the officer at the side of the road. The results of this preliminary, handheld test are not even admissible in court to establish a blood alcohol concentration and your refusal of this test does not result in suspension of your driving privileges.

The "Iowa Driver's Rights Card" attached hereto is provided by the law offices of Gourley, Rehkemper & Lindholm in order to educate and assist citizens in the State of Iowa in asserting their constitutional and statutory rights to the maximum extent permitted by law. Any time you are stopped by a police officer and questioning goes beyond the minimum information needed to issue a traffic citation, you should consider handing the card to the officer and remaining silent. Let the card speak for you. Do not read it to the officer. **These cards won't prevent a suspected drunk driver from being arrested, so don't expect the card to do anything EXCEPT accurately assert your rights. You can and should be respectful with the officer when exercising your rights.**

The "Iowa Driver's Rights" card is perforated, so you can keep our contact information when you give the Notice to the officer. **Be sure to read and fully understand the rights shown in the card BEFORE you are stopped.**

## IOWA DRIVER'S RIGHTS CARD

PROVIDED FREE TO THE PUBLIC BY:

Gourley, Rehkemper & Lindholm P.L.C.

**Toll Free: 1-800-DIAL-DUI**

303 Locust Street, Suite 200  
Des Moines, IA 50309  
Office: (515) 226-0500  
www.iowaowidedefenders.com

### NOTICE TO OFFICER

**Officer - this document constitutes an official notification of the exercise of my legal rights that should be retained for your records. By handing you this card I hereby invoke my constitutional and statutory rights under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and Articles 1 Sections 7, 8, 9 and 10 of the Iowa Constitution and Iowa Code section 804.20 and 232.11. I will not consent to a search of my person, property or affects; I do not wish to answer any questions or make any statements; and I will not agree to do anything further until I have had an opportunity to contact and consult in person with my attorney.**

From this moment forward I demand that I be videotaped by use of police video equipment, both at the roadside and at the police station, and that all such tapes be preserved for my later use at court so that the jury will be able to objectively determine my state of sobriety. Should video equipment not be available at the roadside, I request that an audio tape be used to record any verbal statements made during this event.

As required by Iowa law, I am providing you with my driver's license, registration and proof of insurance. I have not committed a crime or traffic violation and am requesting that all of my documentation be returned to me and that I be permitted to carry on about my business immediately. Unless you return these items to me and advise me that I am free to leave I must assume that this is more than a brief traffic stop, that my liberty is restrained, that I am under arrest, and that I must obey your orders without resistance, however, I do so under coercion and protest.

Iowa law does not require me to submit to any field sobriety testing. I know that these so-called "tests" are subjectively graded and are designed for me to fail. I therefore chose not to participate in these so-called "tests". If you ignore my constitutional and statutory rights set forth on this card and verbally coerce me into taking these exercises I am not performing any of these exercises willfully and voluntarily but am doing so only to avoid confrontation with you.

I am further requesting to have my attorney present during any questioning, testing or proceedings. I also request to place telephone calls to my attorney and family members upon my arrival at the place of confinement. I specifically request to consult in person with my attorney and a family member before I decide to submit to or refuse chemical testing.

**CONTINUED ON BACK =>**

Pursuant to Iowa's Implied Consent Law and the Iowa Constitution, I refuse breath, blood or urine testing until I am given a reasonable opportunity to contact my attorney. Only after a reasonable opportunity to contact and consult with my attorney can I make a knowing, voluntary, and intelligent decision regarding chemical testing. I wish to know additional information regarding the impact of my decision on my driving privileges including any commercial driving privileges and/or the issuance of a temporary restricted license.

In the event that I am not provided a sufficient opportunity to contact and consult with my attorney, I cannot make a knowing, voluntary and intelligent decision regarding chemical testing. Any decision that I do make regarding chemical testing is made uninformed and under protest and coercion and in direct response to the threat of greater punishment for exercising my constitutional rights and promise of lesser punishment in exchange for submission to your assertion of authority.

If I submit to your request for chemical testing I hereby demand that a sufficient sample of my blood, breath or urine be collected and properly sealed, and immediately refrigerated in a locked and secure refrigerator to prevent deterioration of the sample so as to permit re-analysis to be accomplished at a later date. Please honor this request for preservation of a sample by selecting a machine or type of test that can preserve a sample. After the administration of your test, I request that I be immediately transported to the nearest available private medical facility which will conduct independent testing at my own expense.

I also request that I be taken to the nearest law enforcement agency (not affiliated with your agency) that possesses an approved breath machine (DataMaster cdm) so that I may be given an independent breath test by an officer other than you or someone employed by your police department. I will pay for this test if there is a charge for conducting it. Any and all tests selected by me are being done as work product for my attorney, and they are confidential, as guaranteed by the attorney-client privilege and pursuant to my constitutional right to gather evidence in my defense. I do not consent to any independent sample being divided or collected for use by the State, nor do I consent to copies of test results being given to anyone except me or my attorney, please be advised that I want the independent breath test regardless of whether I receive an independent blood or urine test.

**These requests and demands are to be considered continuing in nature.**

## **NOTICE AND DISCLAIMER**

The attached "Iowa Driver's Rights" card is intended to help educate citizens of the State of Iowa as to their rights under the law and to assist presumptively innocent individuals in properly asserting those rights. It is NOT intended to aid drunk drivers in evading punishment.

The card should be given immediately to the law enforcement officer ONLY IF any questions about alcohol or drug use are asked and:

- (a) You are pulled over for any reason; or
- (b) You are stopped and detained at a roadblock; or
- (c) You are being questioned by law enforcement regarding recent operation of a motor vehicle; or
- (d) After being involved in any type of accident

This card is meant to assist the officer in correctly determining how you wish to be treated under the law. **No further communication with the officer is necessary. DO NOT READ THE CARD TO THE OFFICER! ALL POLICE OFFICERS MUST BE ABLE TO READ IN ORDER TO SUCCESSFULLY COMPLETE THEIR POLICE ACADEMY TRAINING. YOU MUST FIRST FAMILIARIZE YOURSELF WITH THE "NOTICE TO OFFICER" ON THE REMAINDER OF THIS CARD AND KNOW YOUR RIGHTS BEFORE ANY CUSTODIAL SITUATION ARISES.**

For additional information regarding your constitutional and statutory rights in the State of Iowa, log onto [www.iowaowidedefenders.com](http://www.iowaowidedefenders.com)