

# KNOW YOUR RIGHTS



The background of the slide features a light teal gradient with several dark teal silhouettes of people. Each silhouette has one or both arms raised in a fist, symbolizing protest or solidarity. The silhouettes are layered, with some appearing in front of others, creating a sense of a crowd.

**Civil Liberties Defense Center**

**Lauren Regan, Attorney & Executive Director**

**Eugene, Oregon**

**[www.cldc.org](http://www.cldc.org)**

**Email: [Info@cldc.org](mailto:Info@cldc.org)**

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# **What rights do I have?**

- **Whether or not you're a citizen, you have these constitutional rights:**
- **The Right to Remain Silent**
- **The Right to be Free From “Unreasonable Searches and Seizures”**
- **The Right to Advocate for Change**

# The Right to Remain Silent

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- **The Fifth Amendment to the U.S. Constitution gives every person the right not to answer questions asked by a police officer or government agent.**
- **You NEVER have to answer any questions!**  
(except in court by judge)

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# **The Right to be Free from "Unreasonable Searches and Seizures"**

- **The Fourth Amendment is supposed to protect your privacy.**
- **Warrants**
- **Warrantless Searches**
  - **In tents, other structures**
  - **Backpacks, other items?**
- **NEVER CONSENT TO ANY SEARCHES!**

# **The Right to Advocate for Change**

- **The First Amendment to the U.S. Constitution protects the rights of groups and individuals who speak, assemble, express themselves**
- **Public Forum vs. Private Forum**
- **Speech Not protected by 1<sup>st</sup> Amendment**
  - **“fire” in crowded theatre, slander/libel, some hate speech**

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# **Three kinds of initial police encounters:**

- **Conversation**
- **Detention**
- **Arrest**

# Conversation:

- ***You are under no legal obligation to have a conversation with the police, FBI, ICE, TSA or investigator.*** If you agree to talk to them, you will very likely *give* them the very information they need to arrest you or prosecute you or someone else.
- **Your best bet is to *politely but firmly* refuse to speak to them. Always make your refusal to speak to them *clear*, in words, as opposed to simply shaking your head.**



## **Detention:**

- **A Police officer may *only* detain you if he or she has a *reasonable suspicion that you are involved in a crime.***
- **“Reasonable suspicion” *must be more than a mere hunch.***
- **Police must be able to put their “reasonable suspicion” into words. Under the law, this is called the “articulable suspicion” provision.**

# What to do if you are stopped by the police

- **Remember!** What you say can and will be used against you. *Stay calm and in control of your words and actions.* Avoid arguing with the police but firmly assert your rights.
- *Never run or physically resist* even if you think that the stop is unreasonable or unlawful.
- *Ask if you are free to leave;* if they say yes, do so. You are not required to provide identification if they are not detaining you (unless you are the driver of a motor vehicle).

# **If you are not free to go, ask why you are being detained**

- **You *must* provide name, address and D.O.B. if detained but are *not* required to say anything else.** It is a crime to give a false name. Police must I.D. their name, agency, and badge number.
- **You may be patted down and any possessions within your reach may be searched if police reasonably suspect you pose an imminent threat of serious physical injury.**
- **Write down everything you can remember about the police interaction including officers' names and badge numbers.**

# **Am I Under Arrest?**

- **The police cannot move you unless you are under arrest**
- **If you are arrested, immediately ask for a lawyer. Do not respond to any police inquiries.**
- **<18 has the same rights, but normally only released from jail to parent/guardian.**
- **If you are injured, seek medical attention and take photographs.**

# **Arrest: So, you are going to jail**

- **The police may arrest you if they *witness* you breaking the law, have *probable cause* to believe you have committed a crime, or have an *arrest warrant*, signed by a judge, for your arrest.**

# **Arrest: Searches**

- **When making an arrest, the police are allowed to search you “to the skin.”**
- **May search your bags, and may search your vehicle.**
- **An officer searching your body must be of your own gender.**

# **Cops Can Lie or Trick You**

- **The police ARE allowed to lie to you or misinform you. Don't be fooled.**
- **Many times they will promise you that your situation will be easier if you fully cooperate or tell them what they want to know, but they do not have to follow through on their promises.**

# Assert Your Rights!

- **"I am going to remain silent, and I want to contact an attorney."**
- ***This phrase immediately invokes your constitutional Fifth Amendment rights which protect you from police interrogation. Once you utter these words, the police are legally required to stop questioning you.***
- **Even if you don't already have an attorney, police must provide you with a phonebook. Invoking your right to have an attorney present is a fundamental right!**



# The Miranda Rights

- **You have the right to remain silent and to refuse to answer questions.**
- **Anything you do say can and will be used against you in a court of law.**
- **You have the right to an attorney and to have an attorney present when questioned.**
- **If you cannot afford an attorney, one will be appointed to you at no charge.**
- **If you decide to answer questions now, without an attorney present, you will retain the right to stop answering at any time until you talk to an attorney.**
- **Do you understand these rights as explained to you?**
- **Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?**

# **"Demand of Rights"**

- I will not talk to you or anyone about anything.**
- I demand to have an attorney present before I speak to anyone.**
- I will not answer any questions, or reply to any charges, without my attorney present.**
- I do not agree to perform any test, consent to any searches, or participate in any line-ups, except DULL tests that don't involve words.**
- I will not sign anything unless my attorney agrees I should do so, except jail release agreement.**
- I will not waive any of my constitutional rights.**

# **Property Rights**

- **Cops can remove homeless camps from public property under certain conditions**
- **You have the right not to lose your property without a fair legal process**

## **Law Enforcement Must**

- **Post notice** in English & Spanish at least **24 hours before** removing camps
- **Inform a local social service agency 24 hours before removing camps**
- **Store** all personal property **at least 30 days** (not “junk” or unsanitary stuff)
- **Make stored property reasonably available to anyone claiming ownership**

## **Camp Sweeps**

- **If present when camp is being swept, ask for a property receipt**
- **Ask cops where and when you can pick up your property**
- **Call local police or social service provider for assistance if needed immediately.**
- **If you cannot recover your property and you think cops may have violated the law, seek legal help asap.**

# **No 24 Hour Notice Required**

- **Other illegal activities may be occurring at the same, or**
- **If there is an emergency of immediate danger**

The background of the slide features a teal-to-white gradient with a faint, semi-transparent image of a crowd of people. Many of the people in the crowd have their right fists raised, a symbol often associated with protest or solidarity. The overall aesthetic is clean and modern.

- **2.825 Personal Property Sale Procedures**  
**Storage.**

- **It shall be the duty of the police department, whenever a motor vehicle, animal, other than a dog, or other personal property shall be found without an owner claiming the same, or shall, by reason of arrest, confiscation, impoundment, or in any other manner, come into the hands of the police department,**

**2.825 (con't)**

**to either place the same on the city hall grounds for further disposition, or store the same with some reputable motor vehicle storage yard, garage, pound or other storage**

**place pending investigation of ownership.**



## 2.830 Personal Property Sale Procedures - Investigation and Notification.

(1) The police department, on finding a motor vehicle or other personal property, or coming into possession of the same, shall make diligent inquiry of all persons as to the name and address of the owner....

- **Must hold property for at least 30 days**
- **>\$25 must hold for 60 before sell/destroy**

## **Other Legal Issues**

- **Panhandling: you have the right to ask people for money, as long as you are respectful and not aggressive.**
- **Vehicles: Sleeping in your car is OK unless you are violating other traffic or parking laws**
- **(Eugene may attempt to enforce ordinance barring sleeping materials in cars-legal challenge likely to that action)**

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## **Downtown Exclusion Zone**

- **No more 90 day exclusions**
- **1 year exclusion if convicted of more serious crimes**
- **Zone boundaries remain the same**
- **Law ends October 2013**

# **Sample Conversations With the Police**

The background of the slide features a teal-to-green gradient. Overlaid on this gradient are several dark green silhouettes of people. Some of these silhouettes have their right arms raised with their fists clenched, a gesture often associated with protest or solidarity. The silhouettes are positioned behind the main text, creating a layered effect.

- **Conversation**
- **Detention**
- **Arrest**

# CONVERSATION

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- **COP:** “Hi, can I ask you a couple of questions?”
- **YOU:** “Are you detaining me or am I free to go?”
- **COP:** “I just want to talk to you.”
- **YOU:** “I choose not to talk to you.” (you walk away)

# DETENTION

- **COP:** “Hi, can I ask you a couple of questions?”
- **YOU:** “Are you detaining me or am I free to go?”
- **COP:** “I’m detaining you. Hands against the wall, feet back, and spread ‘em.”
- **YOU:** “Why am I being detained?” (What is your reasonable suspicion?)

**(Memorize and report the response.)**

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# ARREST

- **COP: “I’m placing you under arrest.”**
- **YOU: “I am going to remain silent. I want to contact an attorney.”**
- **COP: “That’s fine. You’ll be able to contact your lawyer at the police station.”**

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# **Special Rights & Concerns for Non-documented People**



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# **What if I am not a citizen and the ICE contacts me?**

- **Assert your rights. Failure to demand your rights may result in a waiver of your rights, and ICE may deport...**
- **You have the right to an interpreter who speaks your native language.**

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# **Do Not Consent. Do Not Talk.**

- **Do not sign papers without a lawyer- make sure all documents are read to you by a sworn interpreter.**
- **Do not rely on agents or family members to translate important and often complicated legal information. Demand an Interpreter**

# **Talk to a lawyer**

**You are not entitled to a free lawyer if you cannot afford one.**

- **Always carry with you the name and telephone number of an immigration lawyer and who will take your calls. You must carry your immigration papers such as "green card," I-94, work authorization with you as well.**

# **What to do if you are detained**

- **You do not have to answer questions about your immigration status or any other questions.**
- **In most cases, you have the right to a hearing before an immigration judge before you can be deported.**
- **If you are a foreign national arrested in the U.S., you have the right to call your consulate or to have the police inform the consulate of your arrest.**

# Immigration Help

- **NLG National Immigration Project**

Help finding immigration attorneys and help for lawyers

**617.227.9727**

**<http://www.nationalimmigrationproject.org>**

- **American Arab Anti-Discrimination Committee**

Report hate crimes, harassment and discrimination against Arabs and Muslims, help for non-citizens and attorneys

**202-244-2990, [www.adc.org](http://www.adc.org)**

- **American Immigration Lawyers Association**

Referral to immigration attorneys and resources for immigration attorneys

**1-800-954-0254, [www.aila.org](http://www.aila.org)**

# Legal Help

- **Access the Law**

<http://www.accessthelaw.org>

sliding scale legal services: bankruptcy, landlord-tenant, domestic relations, family law

245 West 13<sup>th</sup>, Eugene \* Ph: (541) 686-4890

## **Legal Aid**

<http://www.lclac.org>

legal assistance to low income people

376 East 11th, Eugene \* Ph: (541) 485-1017

# Legal Flow

