

Know Your Rights



The CLDC works to confront the attacks on our freedom and to protect the civil rights of all people, particularly activists exercising their constitutional rights.

Injustice anywhere is a threat to justice everywhere.

—Martin Luther King, Jr.
Letter from Birmingham Jail, 4/16/63

Join the Civil Liberties Defense Center

Annual Membership:

\$35

Or make a donation:

\$100 \$500 \$1,000

The best way to help is to join our monthly sustainer program at www.cldc.org/donate or call 541-687-9180.

Civil Liberties Defense Center
1430 Willamette Street # 359
Eugene, OR 97401
WWW.CLDC.ORG

Thanks for standing up for your rights!

Name: _____

Address: _____

Organization: _____

City/State: _____

E-mail: _____

Phone: _____

Area(s) of Interest: _____

We also offer a variety of educational presentations regarding the USA PATRIOT Act, Mass Surveillance, Grand Juries, the Military Commissions Act, the Animal Enterprise Terrorism Act, and other threats to our civil liberties. The Civil Liberties Defense Center focuses on challenging and changing these statutes when they are used to censor and eliminate the rights of people engaged in political expression.

If your group would like to schedule a presentation or would like the Civil Liberties Defense Center to organize legal observers for an upcoming event, please contact us at 541-687-9180 or info@cldc.org.

Key Phrases:

1. Am I being detained? Why?
2. I don't consent to any searches.
3. I want a lawyer.
4. I'm invoking my right to remain silent.

If you choose to go to trial, it may be your responsibility to locate and secure witnesses on your behalf.

If you are found guilty at trial, or elect to plead guilty, you are allowed to delay sentencing at least 48 hours. At the sentencing hearing, you may be ordered to serve jail time, so be prepared to report to jail immediately.

IF YOU HAVE ANY QUESTIONS, contact the Civil Liberties Defense Center at 541-687-9180 or info@cldc.org.

The Civil Liberties Defense Center

is a nonprofit organization, founded in 2003, of practicing public interest attorneys.

The Civil Liberties Defense Center offers Know Your Rights (KYR) and Legal Observer workshops. We provide these trainings, and trainers' trainings, to enable participants to explain complex legal issues in their communities. The KYR trainings and legal observer trainings build confidence and awareness of what to expect from interactions with law enforcement or counter-protesters.

WHAT TO DO IF YOU ARE STOPPED BY THE POLICE:

There are 3 distinct categories of police interference with a person's liberties: Conversation, Detention and Arrest. It is important to identify your situation so you know your rights, and remember, anything you say can and will be used against you! Stay calm and in control of your words and actions at all times.

Level 1: Conversation

Police officers have the same right as any other person to approach you and inquire about circumstances of interest. However, absent any reasonable suspicion that you are involved in criminal activity, an officer cannot detain you.

You do not have to provide identification to an officer at this level unless you are the driver in a motor vehicle. This includes non-US citizens. do not have to provide any information to a police officer about your immigration status. You have the right to an interpreter at any time. Exercise this right and make sure you understand what is being asked of you.

You do not have to answer any questions unless asked by a judge in a courtroom. Minors (citizens under 18 years of age) do not have to answer any questions. Minors are free to invoke their right to remain silent. If you do answer questions, make sure any response you provide is correct.

Determine if you are in a Level I situation by asking if you are free to leave. If so, leave.

Level 2: Detention

If an officer reasonably suspects you have been involved in a crime, they may detain you for questioning. You may invoke your 5th amendment rights and remain silent. You must provide identification upon request at this level (name, address, d.o.b.). Giving false information is a crime.

You do not have to consent to a search. However, if the police have probable cause or a warrant, your consent is not required. Even if they have PC or a warrant, never verbally consent. Simply repeat: "I do not consent to this search."

If the police say they have a warrant, ask to see it.

Police may pat down your clothing if they have a reasonable suspicion that you are carrying a concealed weapon; do not physically resist but make it clear that you do not consent to any further search.

What you choose to say to the police is important — it can be used against you later and can provide the police with probable cause to arrest you.

Police are allowed to lie to you, but you can't lie to them.

Running away from cops will likely lead to your arrest and injury.

Remember officers names and badge numbers and write down everything about the incident as soon as possible.

Level 3: Arrest

You have the right to remain silent— wait for your attorney before saying anything. Repeat this demand as often as necessary.

Ask for an attorney immediately upon being taken into custody.

If you refuse to provide a name and address while in custody, you may not be eligible for release or a court appointed attorney.

Within a reasonable time, the police must allow you to make a phone call to your attorney and they may not legally listen to that call — but assume they will.

Do not talk to fellow arrestees regarding the circumstances of the arrest — you never know who might be listening.

You must be provided adequate medical care while in custody. If you are on medication, inform the jail of that fact immediately and repeatedly, in writing if possible.

If you have dietary restrictions for health or religious reasons, the jail may be required to provide you with alternative meals. Inform the jail of your dietary needs as soon as you arrive. If the jail fails to accommodate those needs, begin the grievance process immediately.

Transgendered people have the right to be safe while in custody. Inform jail staff of issues of concern.

What Happens Next?

Either while in custody, or shortly upon your release, you will be required to appear in court for an arraignment hearing.

Plead NOT GUILTY to all charges. Apply for a court appointed attorney if you so choose. You will receive a future court date to appear.

Make contact with your attorney as soon as possible. It is your responsibility to remain in contact with your attorney, this may be frustrating, but will be essential to your defense!

If you remain in custody, you have a right to a jury trial within 60 days in Oregon and Washington, or 30 in California. Other states have similar laws.