

Drinking

continued from page 8B

goodness you're here." Your guests still face MIP citations, but at that point, you have to fall into damage control mode. Announce that the cops are coming and let them fend for themselves.

In order to enter a residence, the police need two things, according to Gilliam.

"We have to have exigent circumstances [reason to believe that an immediate response is necessary] and we have to have probable cause," he said. "Probable cause means more likely than not, somebody's committing a crime. That's not good enough. If we see a minor in possession inside a house through a window, we can't just

“There's not a lot of room to argue that the officers shouldn't be in there. Don't debate or banter. Things like 'I know my rights' and 'My father's a lawyer' are like fighting words for the Eugene police. They seem to like to punish people for stuff like that.”

Iлона Koleszar
attorney with
ASUO Legal Services

rush in and grab the person.”

Koleszar said that her interpretation of when police are allowed to enter a private residence differs from that of the EPD. Eugene police have maintained that a party where alcohol is being served to apparent minors constitutes exigent circumstances, and allows them to enter the premises. Municipal courts generally side with the EPD on this issue.

“There's not a lot of room to argue that the officers shouldn't be in there,” Koleszar said. “Don't debate or banter. Things like 'I know my rights' and 'My father's a lawyer' are like fighting words for the Eugene police. They seem to like to punish people for stuff like that.”

Try as best you can to keep other guests from engaging with the officers. It only takes one loose mouth to escalate the situation.

The police will find a reason to enter the house, and they are allowed to do so through force, if necessary. Koleszar recommends that you lock up tight if the police arrive.

“I always recommend that you don't open the door, and get away from the door because it could come flying back at you,” she said.

Koleszar said that police will prefer to enter in a way as to imply the consent of the residents. If the door is open, front or back, they will walk in. They can later claim that it was an “open party” and that they felt free to come in. They can attempt to coerce a guest into inviting them in, through either threats or offers of leniency. They can force their way through the door when it is opened to allow a guest to leave. A door hanging off the hinges trumps all claims of consent.

“It eliminates that 'yes he did/no I didn't' kind of argument, which the officer will generally win in court,” she said.

This won't get you off the hook, but it will force the police to justify the need for the forced entry, which could play in your favor.

So, there you are: locked in a smoke-filled house with blankets over the windows and the music off, waiting for the cops to bust down your door. Some party.

“I've heard stories about some of the younger officers and the things that they did in their youth and before they got out of college,” Koleszar said. “Now they're out there enforcing the rules that certainly some of them broke. I'm not suggesting that because they got away with it, they should let someone else get away with it. I would just hope that they could recall their youth and keep things in perspective.”

Gilliam, when asked the age at which he had his first taste of beer, said “Aw, man. I don't want to answer that question. You're putting me on the spot.”

Gilliam also said that there is a high degree of alcohol abuse among many police departments, but said that he has arrested too many people for DUII and seen too many fatalities involving alcohol while on the job.

“Let's just say that I no longer drink.”

The ultimate search engine is @your library.



Robin Paynter, Reference Librarian, Knight Library, U of O.

A UO tradition continues...

SCANDALS dance club

proudly presents

“Weekend Warrior

September 29th and 30th

2 for the price of 1 admission with UO student ID
non-stop music • dancing
prizes given away all night long • more surprises

After 10:30 - Prizes, Music and Fun ALL NIGHT LONG. The best dance party in Eugene is always at Scandals.
2222 Centennial Blvd. (Next to Autzen Stadium) 343-4734

10,000 Daily Circulation

Pick up an Emerald at 93 campus & community locations.

Tenant rights

continued from page 6B

lowed.

When it came to signing her new lease, Stedman was prepared. “I read the OSPIRG Renters' Rights Handbook,” she said.

After reading her rights Stedman said she felt more secure about not being taken advantage of in the future.

“There are so many rights I didn't know I had — everyone should know this stuff,” she said.

Jordan Bennett, a pre-business major, encountered problems with a rental company but stood her ground. “I signed a lease and paid my fees but two months later they started adding fees to my lease that I had already signed,” she said.

Bennett, however, knew her rights and refused to pay. “I let them know that what they were doing was wrong and they dropped the fees,” Bennett said. “They just wanted to scam me.”

Miani said students can avoid almost all conflicts by knowing their rights and recommended that all students get the Renters' Rights Handbook. OSPIRG can be contacted at 346-4377.

“I get the feeling, sometimes landlords are counting on students not putting up a fight,” Miani said.

Student tips on how to avoid problems while renting

“Take pictures of everything when you move in and when you move out.”

— Judy Kratochvil, undeclared

“Pick a reliable roommate and sign separate leases to avoid roommate problems.”

— Glen Phillips, physics

“Make sure your parents will give you money to pay for any repairs.”

— Grace Foreman, psychology

“Read your lease and keep your papers and make copies of everything.”

— Meghann McKinley, journalism

“If you're going to move into a place, write down everything that's wrong and have the landlords sign the paper as proof.”

— Chris Demaske, Ph.D.

“Go with a smaller company and do your research.”

— Jordan Bennett, pre-business

“Don't get elected house manager and don't put your name on any of the bills, then nothing is your fault.”

— Becca Richards, communications