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Students should know rights, laws when dealing with police

Editor's note: This commentary is part of the Emerald's and ASUO Legal Services' ongoing efforts to assist students through education as well as representation. Information disseminated herein does not constitute legal advice and does not create an attorney-client relationship. For legal advice, contact an attorney licensed in your state.

Warrant requirement

It is a common misconception that police cannot enter your house without a warrant. In fact, the law authorizes a warrantless entry by police where they have probable cause of a crime and an exigent circumstance justifying immediate action.

For example, police can make a warrantless entry into your home if they have probable cause that you are furnishing alcohol to minors, and

that the alcohol will be poured out and the minors will run away to avoid detection while officers wait to get a warrant. The Oregon Court of Appeals decided a case on similar facts in *State v. Jangala*. This case is the prime justification relied upon by the Eugene Police Department for entering houses with parties that appear to have alcohol and minors present.

If police show up at your door requesting permission to enter, you have the right to deny consent. However, the police will come in without your consent if they feel they have probable cause plus an exigent circumstance. In this circumstance, you are best served by remaining calm and following police orders. Pay careful attention to what is said and done so you can discuss it later with your lawyer.

Interfering with an officer

Increasing numbers of students are cited with "Interfering with a Police

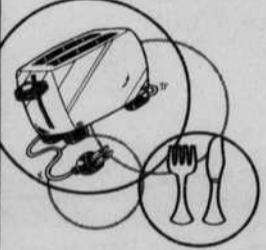
Officer." Under Oregon law, "interference" occurs when a citizen intentionally tries to prevent an officer from performing his duties, or when the person refuses to obey a lawful order of the officer. This charge often arises when students question an officer's actions. Comments like "Get out of my house" or "I know my rights — you can't search me," can quickly escalate to a Class A misdemeanor.

If an officer asks for permission, you can say no. If an officer makes an order, you act at your peril by engaging in questioning or resisting behavior. To be valid, consent must be free and voluntary. Ask the officer if you are being ordered to comply. If, after the fact, it is found that the officer's request to you was not lawful, your resistance may not constitute the crime of "Interfering with a Police Officer."

Unfortunately, you run the risk of incurring criminal charges and

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GUEST COMMENTARY



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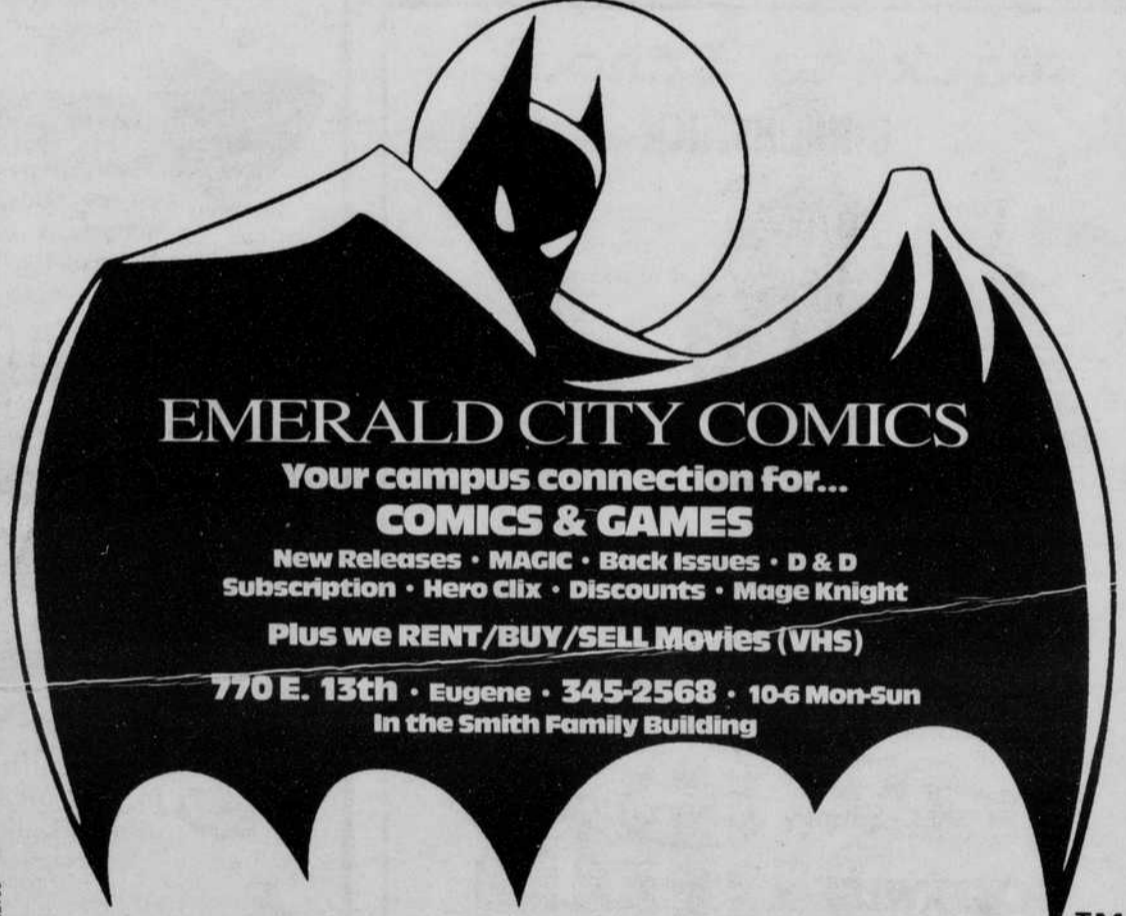
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