

Know Your Rights

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WHAT TO DO IF YOU ARE STOPPED BY POLICE IN OREGON:

- **Stay calm and in control** of your words, body language, and emotions. **Anything you say or do** can be used against you.
- **Do not argue** with police or badmouth officers. If you complain or tell police they are wrong, do so in a non confrontational way that will not intensify the situation.
- **Keep your hands** where the police can see them.
- **Do not run.**
- Do not touch any police officer.
- **Do not resist physically** even if you believe you are innocent.
- **You do not have to make any statements about the incident.**
- **If arrested, ask for a lawyer immediately. Explaining your situation without a lawyer may harm your case.**
- You may ask for **officers' names, badge numbers, and business cards**. Write these down along with **patrol car numbers** and remember **physical descriptions**.
- **You never have to consent to a search** of yourself or your belongings, including your cell phone (or other electronic device), car, or house. Consenting to a search can affect your rights in court.

- Try to find **witnesses** and write down their names and phone numbers.
- If injured, **take photos of the injuries, but get medical attention first**. Ask for copies of your medical treatment files.
- **Write down everything** you remember as soon as possible after the encounter.

If you have a police encounter, you can protect yourself.

IF YOU ARE STOPPED, QUESTIONED, AND/OR FRISKED WHILE ON FOOT...

- What you say to the police is always important. Be polite at all times. **Everything you say** can be used against you.
- You have the right not to speak. To exercise this right, say **“I would like to remain silent.”**
- Do not interfere with or obstruct police - you can be arrested for doing so.
- Police may stop and detain you briefly only with reasonable suspicion that you have committed, are committing, or are about to commit a crime or a violation. However, you do not have to stop unless the police order you to. Unless ordered to stop, you may leave at any time, but should ask whether you are free to leave.
- It is not illegal in Oregon to refuse to identify yourself, but police may detain you until they establish your identity. You can be charged with a crime if you provide false identification information.
- You may refuse to provide your Social Security number.
- You do not have to answer questions without a lawyer present. To exercise this right, say **“I want to speak to a lawyer before answering any questions.”**

- You may be required to show immigration papers if you are not a U.S. citizen and are being detained or arrested for a crime. Under federal law, you are required to carry immigration documents at all times.
- You do not have to consent to any search or seizure and cannot be arrested simply for refusing. This may not stop the search from happening but will protect your rights if you have to go to court.
- If police threaten to get a warrant, you may tell them to get one. Police may be able to detain you until they obtain a warrant.
- If searched without a warrant, do not resist physically. Say **“I do not consent to this search.”**
- **If police say they have a search warrant, ask to see it.**
- If asked to empty your pockets or your bag—even if the officer says you will not get in trouble—do not do it. Say **“I do not consent to this search.”**
- Police may ask for consent to search or inquire about the presence of weapons and may pat down your clothing without consent if they have reason to believe you are carrying a weapon.
- If any property is taken from you by the police, you have the right to request a receipt.
- You do not have to leave the vicinity with police unless you have been arrested.
- Do not badmouth a police officer or run away, even if you believe what is happening is unfair. Doing so could lead to your arrest.
- In many situations, police do not have to advise you of “Miranda” rights in order to use your statements in court.

IF YOU ARE STOPPED IN YOUR CAR...

- Upon request, show your driver license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant. To protect yourself later, say **“I do not consent to this search.”**
- If suspected of drunk driving, you will be asked to take a breath-alcohol and coordination test. If you fail a test or refuse to take it, you will be arrested, your driver license may be suspended, and your car may be taken away.
- If you are arrested, your car will be subject to a search.

IF POLICE COME TO YOUR HOME...

- Police can enter your home without permission if they have a warrant or in an emergency. **If they say they have a warrant, you may ask to see it.** Check that the warrant shows the correct address.
- If arrested in your home or office, police can search you and the area immediately surrounding you or where evidence of criminal activity is in plain view.

IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION

- You have the right to remain silent and the right to talk to a lawyer before talking to police. **You do not have to tell the police anything except your name and address.** You do not have to give any explanations, excuses, or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.
- **You do not have to say anything to the police without speaking to a lawyer first.** If you have a lawyer, you may ask to see your lawyer immediately. If you cannot afford a lawyer, you have the right to a free one once your case goes to court. You can ask the police how to contact a lawyer.

- Within a reasonable time after arrest or booking, ask police to contact a family member or friend. If permitted to make a phone call at the precinct, anything you say may be recorded or listened to. **Never talk about the facts of your case over the telephone.**
- Do not make any decisions in your case or sign any statements until you have talked with a lawyer.

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