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Know Your Rights You Have a Right to Film

Provided by Berkeley Copwatch

Origins of Resistance



“The origin of police in the US is rooted in systemic racism, slavery, and land dispossession. Volunteer militias composed of white settlers hunted & captured enslaved Africans attempting to escape bondage. They slaughtered Indigenous people to clear the land for more plantations.”

@The_Red_Nation twitter

History of Berkeley Copwatch

| | |
|------|--|
| 1990 | Berkeley Copwatch founded. Begins all-volunteer street patrols to document police harassment of homeless people* on Telegraph Avenue. |
| 1994 | Copwatch Report exposes secret meetings held by Berkeley's City Council that led to the approval of anti-homeless legislation. |
| 2007 | FIRST NATIONAL COPWATCH CONFERENCE July 13-15, Oakland, CA. |
| 2012 | In response to Public Records Act Request, Copwatch learns of police plans to acquire an armored personnel vehicle. Copwatch launches campaign and stops BPD, Albany Police and UCPD from acquiring the tank-like vehicle. |
| 2013 | Copwatch wins the "James Madison Freedom of Information Award" for its effective use of the Public Records Act to stop the armored personnel carrier. |
| 2014 | Copwatch publishes it's "People's Investigation Guide" to help survivors, victims and families to conduct credible, community based investigations. |
| 2020 | Launch of The People's Database, a local database project for police accountability |

*According to City of Berkeley Report 2019: 65% of homeless people in Berkeley identify as Black or African-American while making up only 8% of the overall city population

Today we will cover:

1. Introduction and Principles of Copwatching
2. Legal Rights and how they play into filming the police
3. Three Types of Stops, Violations, and Police Misconduct
4. Copwatching Techniques
5. How to Film
6. Notes on Getting Arrested, COVID-19 and Curfews



7. Success Stories- Putting Film to Work

Please mute yourself if you are not speaking.

If you have questions, put them in the chat!



The way that you choose to interact with the police is a very personal choice, carrying different risks based on your race, gender, class and more. We know from experience that the police will treat you differently based on their perception of you.

Black people, trans people, and unhoused people are unfairly and disproportionately targeted by police.

The information in this training is meant to empower you and offer you choices when confronted by the police. It is not meant to replace your lived experience or tell you what is right in every situation. Only you know that.

KNOWLEDGE IS POWER.
FIND YOUR VOICE.

together
WE LIFT
THE SKY



BERKELEY COPWATCH PRINCIPLES:

- FILM THE POLICE
- DE-ESCALATION & NON-VIOLENCE
- SUPPORT THE RIGHTS & SAFETY OF THE DETAINEE
- THROUGH OBSERVATION PREVENT VIOLENCE
- DOCUMENT AND DEMAND JUSTICE
- SEEK ALTERNATIVES TO POLICING
- COMMUNITY BUILDING & EMPOWERMENT

WE ENCOURAGE YOU TO:

- ASK QUESTIONS
- DISAGREE
- FORM YOUR OWN OPINIONS

WE UNDERSTAND THE NEED FOR A DIVERSITY
OF BELIEFS AND TACTICS

Know Your Constitutional Rights

1st Amendment:

Right to petition the government for redress of grievances: The Right To Film!

4th Amendment:

Protection against unreasonable search and seizure: The cops can't take your phone!

5th Amendment:

Right to due process, protection against self-incrimination: You have the right to remain silent. Use it!

6th Amendment:

Right to speedy and public trial and a jury of peers, right to know why you are being arrested, right to legal counsel

8th Amendment:

Protection against cruel and unusual punishment, protection against excessive bail/excessive fines



Three Types of Stops

1. CONSENSUAL

Ask, “Am I free to go?”

2. DETENTION

- Based on reasonable suspicion
- Best to give your **name & address** to avoid arrest
- If officers are asking for consent to search, say NO!
However they can do a pat search, without going in your pockets.

3. ARREST

- Based on probable cause (evidence)
- Citation or custodial arrest
- Habeas Corpus: you have the right to appear before a judge

Consensual Stop vs. Detention



Three Types of Violations

1. INFRACTION

- Fine only
- Right to a judge, not jury (think: traffic court)
- No right to a free lawyer

2. MISDEMEANOR

- Fine and/or probation, jail up to 1 year
- Right to judge, jury and counsel

3. FELONY

- Fine and/or probation, jail or prison
- Right to a judge, jury and counsel

NOTICE
Date of Violation: 7/6/20 Time: 9:20 AM Day of Week: Case No.
Name (Print, Mobile, Last, First, Middle Initial) [Redacted] Driver's Responsibility (Veh. Code, § 40001)
Address [Redacted] State: ZIP Code:
City: [Redacted] State: Age: Birth Date: Juvenile (Phone No.)
Driver Lic. No. Sex: M Hair: Eyes: Height: Weight: Race: Other Description
Veh. Lic. No. or VIN Model Body Style Color
Yr. of Veh. Make Model Body Style Color
Evidence of Financial Responsibility
Registered Owner or Lessee
Address State ZIP Code
City State ZIP Code
Correctable Violation (Veh. Code, § 40610) Description: M I
Yes No Code and Section
13 [] [] 040 22475.2(4) - [Redacted] M I
14 [] [] 040 22475.2(4) - [Redacted] M I
15 [] [] 040 22475.2(4) - [Redacted] M I
16 [] [] P.F. Max. Spd. Veh. Lmt./Safe Radar Continuation Form Issued N
17 [] [] [] [] [] [] W E
18 Location of Violation(s) at [Redacted] Collision S
Comments (Weather, Road & Traffic Conditions)
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Date: 7/6/20 Arresting or Citing Officer: Serial No.: Days Off:
Date: Name of Arresting Officer, if different from citing Officer:
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X Signature: [Redacted]
24 WHEN: CONTACT COURT CLERK AFTER 30 DAYS BUT NO LATER THAN: 7.6.20 Time: 9:00 AM
25 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE
26 Where: Superior Court of California, Alameda County



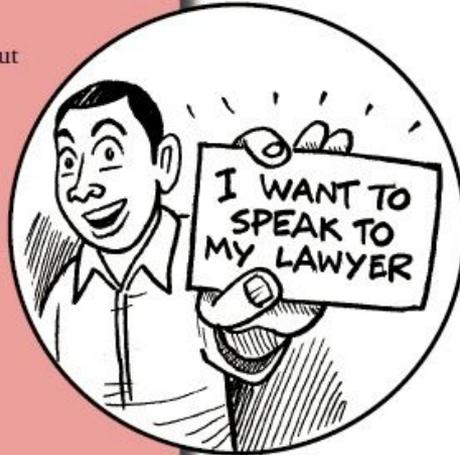
Vehicles

- Driving is a “privilege” not a right (I.D. required, etc)
- Don’t confess guilt to anything ever
- “Plain view” protocol
- Role of officer discretion (towing, tickets, etc)
- If they are asking for it, it means they need permission- just say NO!

Undocumented People's Rights

IF YOU ARE UNDOCUMENTED...

- ✓ Don't provide government officials information about your immigration status.
- ✓ Do not lie.
- ✓ Do not give false documents.
- ✓ Do not carry papers from another country. If you do, the government can use this information in a deportation proceeding.
- ✓ Show them the Know Your Rights Card attached.



Constitutional Rights apply to **EVERYONE** on U.S. soil.

“If you are arrested, **REMAIN SILENT** and **DO NOT SIGN ANYTHING** until you speak to a lawyer”

We Have Rights: When Documenting ICE Arrests



Three Types of Police Misconduct

1. VIOLATIONS OF LAW

- Corruption
- Excessive force, wrongful arrest

2. VIOLATIONS OF POLICY

- Every department has their own policies and procedures
- Tasers, crowd control techniques

3. UNJUST LAWS

- Anti-homeless laws discriminate and are selectively enforced
- Police officers Bill of Rights



COPWATCHING FUNDAMENTALS

- P.C. 148- Interfering/obstructing/ delaying an officer on duty
- Right to watch- 1st Amendment
- P.C. 830.10- Cops must be identified by name or number



Tips for Copwatching

- Approach the situation **calmly**
 - Hands need to be visible (i.e. not in pockets)
 - Do not run or make abrupt movements
 - Avoid escalating the situation
 - Do not bring any weapons/drugs
 - Use a scanner (App: Broadcastify)
 - De-escalate with body and voice.

- Assert your right to observe
 - Do NOT interfere with police investigations
 - Announce to civilian that you are with Berkeley Copwatch, or that you are there as a civilian observer



If your goal is to
DE-ESCALATE
& not escalate the police

DO

- + keep your hands visible
- + moderate your voice and use it to calm the situation
- + stand where the cop can see you
- + give the cop at least two arms length of space
- + take a step back if you are asked to
- + tell police that you don't mean to interfere
you are just trying to observe
- + avoid quick movements
- + remain silent if police harass you but
don't give them false information

COPWATCHING PROTESTS DURING COVID-19



Tips for Documentation & Follow-Up

When on scene:

- Collect witness statements & get contact info
- Document injuries/arrests
- Video the physical scene of the incident
- Check for other surveillance cameras near the scene

Follow-up:

- Try to make contact with the individual
- Jail logs and Inmate Locator can provide info. Public Defender or DA
- Write up a narrative of what happened
- Use CPRA to request police report of the incident
- Radioreference.org for archive of police dispatch

SUMMARY



VIDEO SUMMARY

1. Safety first: of yourself and of the people you're filming. Cameras on the Cops.
2. Your rights: 1st amendment right to film law enforcement in public spaces (tip: film yourself backing up if asked to do so).
3. Capture the details: badge numbers, uniforms, are they wearing PPE, what weapons are present on police, which police forces are present.
4. Make sure your footage is verifiable: landmarks, street signs, the home screen of someone else's phone to show time and date, exterior of buildings, film continuously
5. If violence does occur we recommend you stay quiet when you're filming** and let the footage speak for itself. This is the best option especially when others are present to vocally advocate for the person being detained, thus allowing your footage to be more legally viable later.
6. Get something incriminating on film? **Reach out to your local copwatch or NLG before releasing it on social media.**

**You may also choose to use your voice to remind a detainee of their rights or to call out an officer directly for violent behavior. We acknowledge that these different options all carry a risk with them, especially for Black People and People of Color. Stay safe, stay in pairs, have each others' backs.

What to do if you are being Arrested

1. The police must tell you why you are being arrested.
2. Get the name and badge number of your arresting officer.
3. Invoke your right to remain silent and ask to speak to your lawyer
4. Do not consent to a search but know that if you are arrested, you will be searched with or with-out your permission
5. Don't talk to anyone in jail about your arrest except your lawyer.
6. As soon as possible, and in no case later than three hours after booking, you have the right to three phone calls: to a friend or relative, to a lawyer and to a bail bondsman. THE POLICE MAY LISTEN IN TO A CALL IF TALKING TO FRIENDS OR FAMILY, BUT NOT YOUR LAWYER.

National Lawyers Guild Protest #: 415-285-1011

What are Our Options When Cops Abuse?

- Police Review Commission
- Sue in Civil Court/ Class action lawsuit
- Criminal Charges
- Bad Publicity
- Community Organizing
- Copwatch in our communities
- Create alternatives to calling police
- What else?

STILL WAITING



**FOR THE "GOOD" COPS TO ARREST
THE BAD ONES**

...generator.net

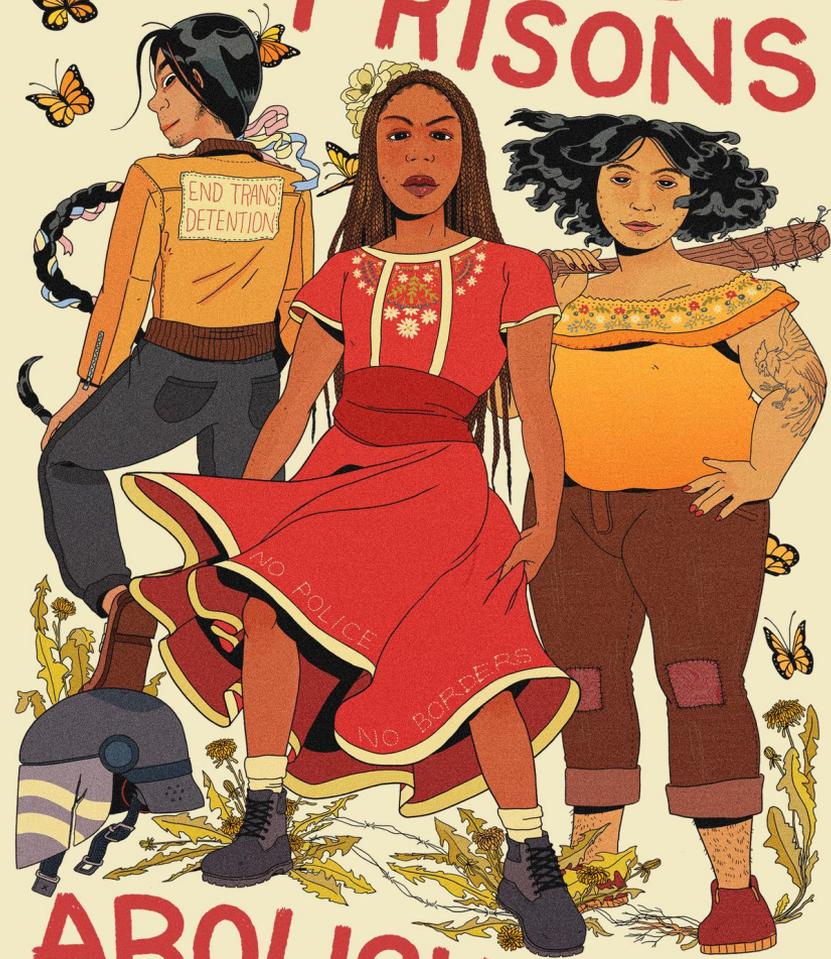
BUILDING SUCCESSFUL CAMPAIGNS: THE PEOPLE'S DATABASE



REMEMBER!

1. Am I free to go?
2. I would like to remain silent.
3. I do not consent to a search
4. I am not interfering and I have a 1st amendment right to film the police in public.

DISMANTLE
PRISONS



ABOLISH I.C.E.

ART TWINK

ANY
QUESTIONS?

ART BY ART TWINK

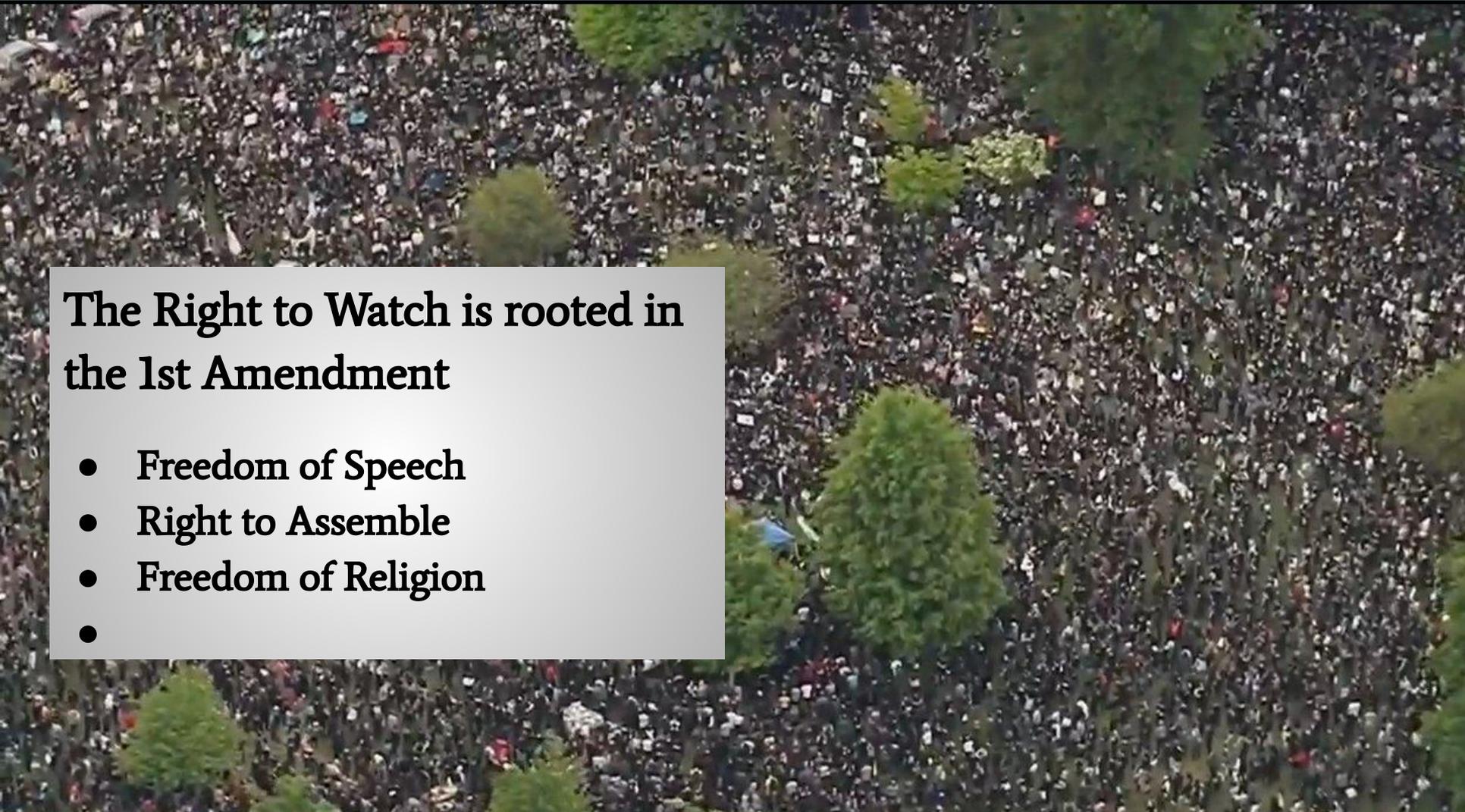
End of Presentation

Supplementary Material

1st Amendment: Right to petition the government for a redress of grievances

The Right to Watch is rooted in the 1st Amendment

- **Freedom of Speech**
- **Right to Assemble**
- **Freedom of Religion**
-



4th Amendment: Protection Against Unreasonable Search & Seizure

Most of our rights when encountering the police are rooted in the 4th Amendment



****Keep your cameras on the COPS!****

5th Amendment: Protection Against Self-Incrimination

**HOW TO
TALK
TO THE
POLICE:**

1. DON'T

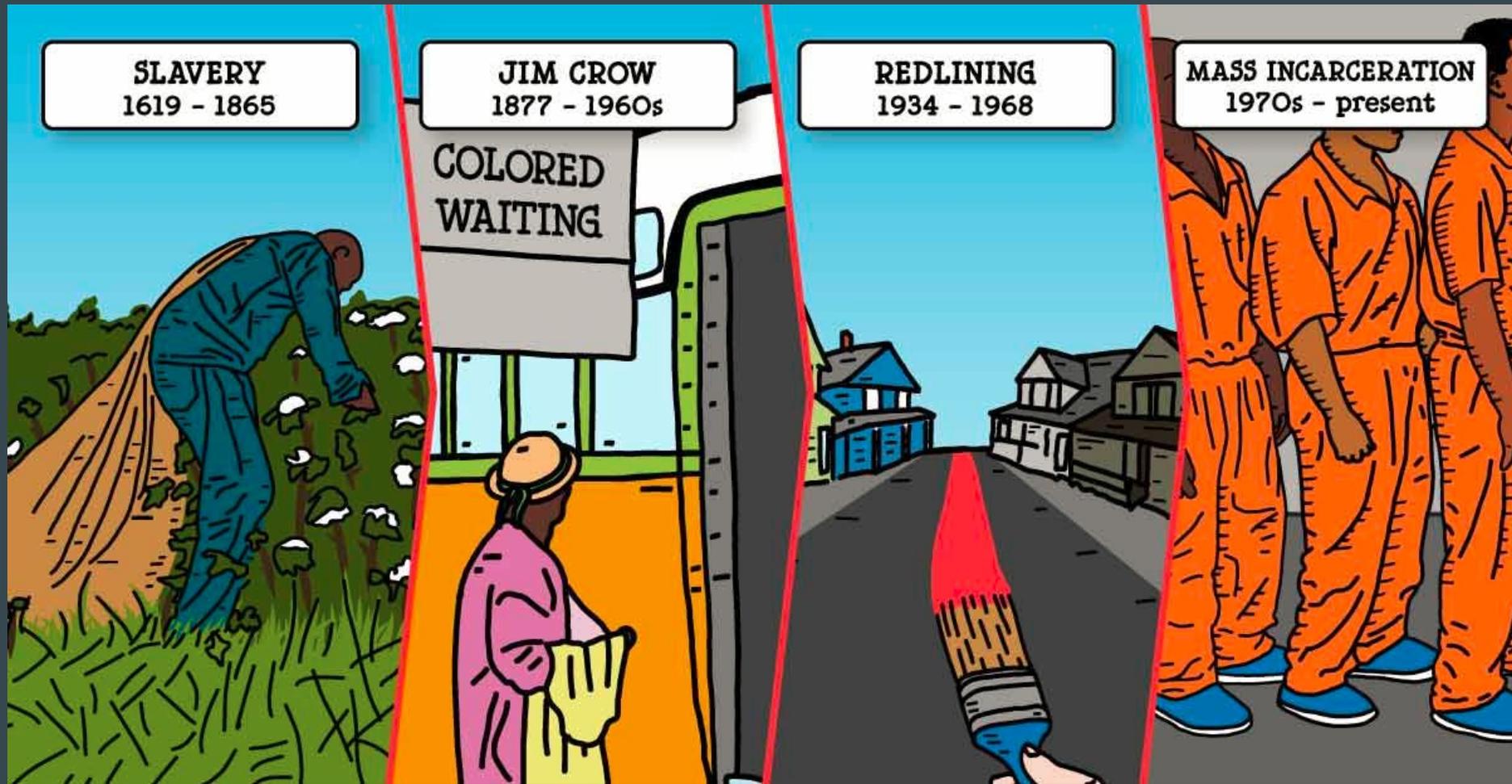


Right to not have to testify against yourself .

Do not talk to the police. You do not have to answer their questions.

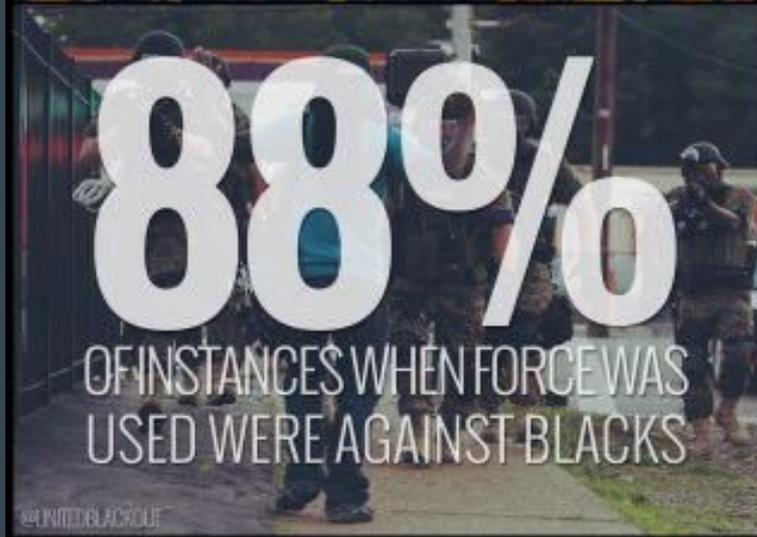
“Plead the 5th!”

6th Amendment: Right to know why you are being arrested & Right to a speedy and public trial



70% of people in jails RIGHT NOW have not been convicted of a crime

8th Amendment: Protection against cruel and unusual punishment, & Protection against excessive bail/fines



13th Amendment: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction



ROUGHLY 4,000 PRISONERS IN CALIFORNIA FIGHT FIRES FOR \$1 AN HOUR

150 COME FROM L.A. COUNTY JAILS

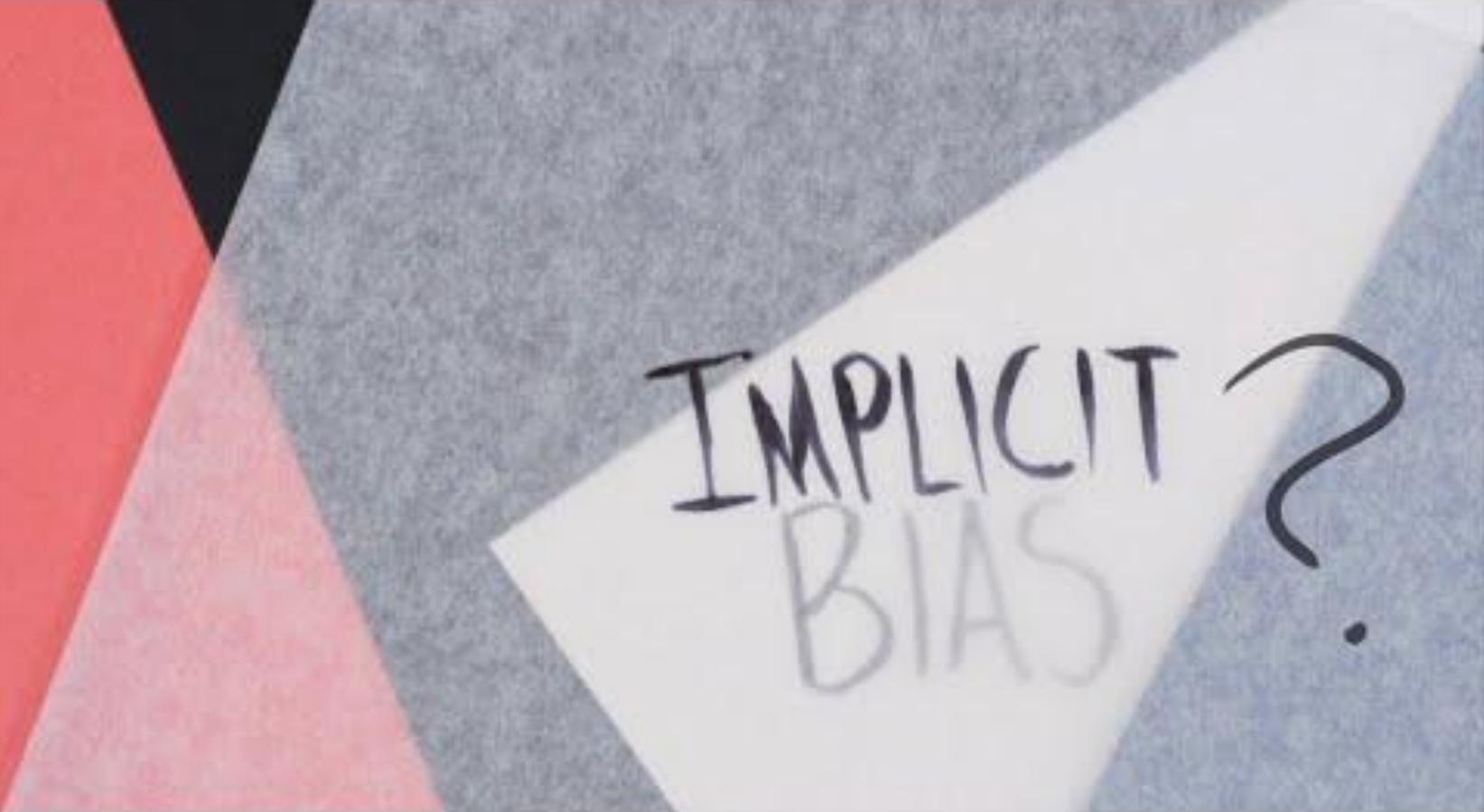
THEY CAN'T WORK AS FIREFIGHTERS WHEN THEY GET OUT BECAUSE L.A. COUNTY FIRE DEPT WON'T HIRE SOMEONE WITH A FELONY ON THEIR RECORD

Dignity & Power NOV

SOURCE: NEW YORK TIMES; L.A. CO. POPULATION MANAGEMENT BUREAU 2016; SLICKR; GLENN BELTZ CC BY 2.0

**PRISON
LABOR
IS
MODERN
DAY
SLAVERY**

IMPLICIT BIAS



IMPLICIT
BIAS ?

COPWATCHING DURING COVID-19

- Cars, bikes and on foot are options.
- In some cities, mask are required and people can be cited for not having one. (In Oakland it was previously illegal TO WEAR a mask in public.)
- Outreach Worker Exemption to Shelter-In-Place
- Take photos of citations and document property taken
- Officers SHOULD be taking precautions but these are a matter of departmental policy
- Wear proper PPE

COPWATCHING DURING CURFEW

- Read the actual order: Generally these are citable offenses
- Police action BEFORE the actual curfew goes into effect is an offense
- Curfews are political and are NOT enforced evenly across the city (selectively enforced against protestors or targeted individuals)
- Curfew is emergency order based on powers reserved by the City Manager or the City Council

BPD stops during May 31-June 2 Curfew

| Ethnicity | Stops | Percent of total stops | Disparity compared to White stops |
|------------------------|--------------|-------------------------------|--|
| Black | 92 | 62.16% | 5.11 |
| Latinx/Hispanic | 18 | 12.16% | |
| White | 18 | 12.16% | |
| Asian | 11 | 7.43% | |
| Other | 9 | 6.08% | |
| TOTAL: | 148 | 100.00% | |

BASED ON CITIZEN'S ANALYSIS OF RAW DATA PROVIDED BY THE CITY OF BERKELEY