

Dim Sum Bullet Points

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A note on role plays

We call these “Dim Sum” trainings because, much like the Chinese cuisine, you can mix and match from a large variety according to your individual needs.

Each role play needs one or two volunteers. We ask for volunteers and give them role play cards during the introduction. Ideally the card for the first role play goes to someone who’s seen this style of training before, but it’s not a big deal.

The participants follow the directions on the role play card, which tell them to react exactly wrong to the situation. Then we talk about what went wrong, brainstorm what the participant should’ve done, and (usually) we do it over correctly. If they still mess some things up, quickly mention what went wrong and how it should’ve gone.

We can do a training in two hours, but it’s a lot less rushed if you have two and a half. We usually do 5-7 role plays intermixed with short discussions that are not necessarily related to any of the role plays. A typical training would be:

Role Plays:

Weed in the Park
Shoplifting
Stop & Search
Gap Blockade
Cat’s Out of the Bag
Snitch/Countersnitch
Arraignment

Discussion topics might include:

Legal Support
Court Support
Booking
FBI/Grand Jury/Patriot Act
Targeted Individuals
Non-Cooperation
Working with Lawyers

Introduction

- We aren’t lawyers, but activists who work with the law to demystify it and make it accessible to other activists. This workshop is designed for the law “on the street” — what your rights are and how cops try to trick you out of them.
- All of this information has been run by lawyers, but the law changes all the time — if you are risking arrest, it is very important to discuss it with a lawyer you trust. Come to us after the workshop and we’ll point you to a few friendly lawyers willing to work with activists.
- For the situations we go over in this workshop, minors and non-US citizens have the same rights to remain silent and see a lawyer. Minors often risk being prosecuted as adults for “crimes.”
- All information applies to local cops, FBI, Secret Service, sheriffs, etc. “Federal officers” don’t have any more authority to take away your constitutional rights — even if they think they do.

- The workshop works when everyone participates. Answers don't come from us but from you. This means that everyone is encouraged to volunteer answers, even if you're not sure they're right.
- Role plays give you the experience of dealing with cops without actually getting arrested.
- If your role play card is unclear, tell us and we'll explain it, or the role play won't work.
- If you don't want to do a role play, tell us and someone else can do it. No problem!

Getting to Know You...

- Please raise yr hand/stand up if...
- You've ever been to a protest
- You've ever talked to a police officer before
- You've ever been harassed by the police
- Ever been arrested at a protest...
- Arrested at any other time
- Been to a training about your rights before
- *What kind of questions do you have/situations do you want us to cover?*

COPS LIE – SHUT THE FUCK UP!

Weed in the park

Scenario: An activist is walking home through a park after a long week of organizing. A narc tries to sell participant some pot. The participant asks the narc if she's a cop and the narc says no. The participant challenges the narc to prove she isn't a cop by smoking. The narc and participant smoke out. The participant agrees to buy the pot and pulls out some money. The second, hidden cop (in uniform) pops out of the bushes and arrests her.

Lessons:

- Cops are allowed to lie about being cops — have to to be effective undercover.
- Cops are allowed to do drugs — same reason.
- This isn't entrapment. The cops basically have to coerce you into breaking the law, and you have to look like an angel to the jury (no previous record, etc.). The entrapment defense is almost impossible to use successfully.
- Informants are regular people who have made a deal with the cops (may have strikes, etc.) They look right, talk right, and you may have a history with them.
- Infiltrators are the political equivalent of narcs.
- When people at meetings ask members of the media and law enforcement to identify themselves, they give people a false sense of security.

Provocateur

Scenario: Participant is walking down a side street at a mass action. Infiltrator asks her to help him throw a newspaper box through a window. Participant asks, "Are you a cop?" Infiltrator says, "No! I'll be doing this, too. I can't be a cop – we've been to all the same meetings." They pick up the box and a second cop jumps out and arrests participant.

- Cops are allowed to lie about being cops — have to to be effective undercover. This applies to those announcements about media and cops at the beginnings of meetings.
- Cops are allowed to break the law – same reason.
- This isn't entrapment. The cops basically have to coerce you into breaking the law, and you have to look like an angel to the jury (no previous record, etc.). The entrapment defense is almost impossible to use successfully.

- Sometimes people who are familiar might be informants, because they are facing a third strike. This is very common with drug offenses.
- They look right, talk right, and are familiar faces.
- **Know and trust people you do high-risk actions with.**

Shoplifting without Miranda

Scenario: The participant is going on a hot date and needs protection, so she shoplifts condoms from a Walmart. The plainclothes security guard detains her. He tells her to empty her pockets and asks her questions. The participant empties her pockets and gives a lot of contradictory excuses (which are on the role play card). The security guard then hands her a confession, tells her it says she didn't try to attack the security guard or run away, and to sign it. The security guard then calls the cop who comes and arrests the participant WITHOUT reading the Miranda rights. Participant keeps making bad excuses.

- Miranda Rights — the only good advice you'll ever get from cops. Shut up!
- Magic Words: "I am going to remain silent, I want to see a lawyer." **[everyone says them together]**
 - Cops are supposed to stop questioning you when you say this.
 - Sounds super formal, but is clear and legally safest.
 - Say it loud enough for witnesses to hear it.
- Cops only have to read you your rights if you are both 1) under arrest or detained, and 2) being questioned. But anything you say to cops (or rent-a-cops) can be used against you in court.
- Be very careful about trying to talk your way out of things. A lot of lawyers say a case is lost when their client talks.
- Don't sign ANYTHING except a citation (e.g. a traffic ticket). A citation is a promise to show up in court — it will say at the bottom, "A signature is not an admission of guilt."
- Security guards can make citizen's arrests, which means they can detain you until the police come. You cannot resist even an unlawful arrest by a real cop, but you can legally resist an unlawful citizen's arrest. [read between the lines, folks]
- **Probably state by state specific** *Security guards cannot search your person without your consent, only your bags.*
- The Magic Words are not cure-alls, but are legal band-aids. You might still get arrested, but you'll have a better chance in court.

SEARCH ROLE PLAYS

Stop & Search

Scenario: Participant is riding bike away from a protest where demonstrators were blockading. Two cops stop her and tell her she has to give them her ID. They then question her about the protest they saw her come from, and ask her to confirm that the organizers are Joe and Mary from the Anarchist House. After getting that confirmation, they cops demand to search her bag. Whenever the participant asks if she has to do something, the cops tell her that she does. The role play ends when the cops find her Slingshot™ anarchist day planner and start copying down the names and phone numbers in it.

Level of interaction

- Three levels of interactions with police: Casual questioning, detention, arrest. The levels of suspicion for these interactions: Casual questioning - none. Detention - "reasonable suspicion." Arrest - "probable cause."
- Ask if you're being detained. If not, leave. If so, say the Magic Words: "I am going to remain

silent. I want to see a lawyer.”

- If you're being detained, ask why.
- Don't participate in casual conversation with cops. They will use this information against you and your friends.
- According to some copwatch groups, what's been safest for people on the street is to give your name and birthdate, but nothing of **any** substance – where you're coming from, who you work for, who your friends are, etc.

ID

- You only need to carry ID when you're driving or if you aren't a US citizen. (maybe as condition of parole or probation)
- Don't have to show ID, but it speeds things up if the cops are going to give you a citation. If you do not have ID, they can book you (fingerprint, take your photo, etc.) and keep you in jail until you can prove (by ID) or they can confirm your identity or until your trial.
- Some areas (like the whole state of Texas) require you to have ID if you're arrested. But you can't be arrested *just* for not having ID.

Search

- Magic Words 2: “I do not consent to a search.” Try to say it loudly and often enough for witnesses to hear it. [**Everyone says it together.**]
- It sounds formal, but “I do not consent to a search” is the legally safest thing to say. Otherwise, like with “I'd rather you didn't search my bag...”, the cops can testify that you reluctantly gave consent.
- Legal band-aid, it might not prevent them from searching you, but if they search you anyway and find something incriminating, it *should* be thrown out (in legalese, "be declared inadmissible").
- If they are doing a lawful search, it doesn't matter whether you consent. If it's an unlawful search and you do not consent, they technically can't use the evidence in court. If it's an unlawful search but you do consent, they can use the evidence.
- Even if there's nothing illegal or incriminating in your bag when you hand it to the cops, when they get it they might plant something; find something illegal you didn't know about (marijuana seeds, etc.); find something technically illegal, like a knife; something that gives them a new line of questioning, like a flyer for last week's protest; or sensitive information, like your address book. Cops make it sound like it'll be quicker and easier if you cooperate with them, but letting them search your bags *never* makes things quicker or easier.
- If you are being detained, cops can pat you down to see if you have any weapons if they feel threatened. If they feel something suspicious on your person or in a bag that you can immediately access, they can search that specific area, but not anywhere else.
- If the cops feel something illegal (that's not a weapon) while legally patting you down - like a vial of crack - they can arrest you for it.
- **California specific** If you are being *arrested*, they can search your bags, and in some circumstances strip search you.

(The following bullet points could be put in another role play, like police liaison, or in a discussion on safety and dealing with cops.)

- How you talk to cops and what you say will probably be different if you are alone in a dark alley than if you are on a crowded street in the middle of the day. Trust yourself and your intuition when deciding how to keep yourself safe physically as well as legally.
- If I'm a police liaison, I am going to talk the cops, it's my job. If I'm copwatching, I might ask

the cops what's going on. In reality, I don't say the Magic Words every time I see or interact with a cop. But in these situations, I'm not having a "casual conversation" and I am not answering questions. If I am being questioned and/or detained anywhere, if I am at a political rally, march, or action, if I am being arrested – I don't say anything to the cops except the Magic Words.

Stop & Search — In high school

Scenario: Principal approaches participant in high school and demands to search her bag, saying "I know you're up to no good." Participant refuses at first, but eventually gives up and gives consent to search her bag.

- School admins can't search you because they don't like you, or because they have a hunch you did something wrong. They need a reason to search you, but not as strong a reason as cops need.
- But if they have one or more reasons to suspect that you have broken the rules or law (**true for breaking the law? Is that automatically breaking school rules? Or do they have to call in the cops?**) – you have red eyes, smell like smoke, and just came out of a smoky bathroom – they can search your bags.
- Ask why they want to search your bag – if it's not legit, you can bring it up later in school hearings, court, a lawsuit...
- Say Magic Words 2: "I do not consent to a search." Try to say it loudly and often enough for witnesses to hear it. **[Everyone says it together.]**
- It sounds formal, but "I do not consent to a search" is the legally safest thing to say. Otherwise, like with "I'd rather you didn't search my bag...", the admin can make it sound like you reluctantly gave consent.
- If you want, try to demand to have your parents or an advocate present during the search.
- If the administrator tries to grab your bag, it's your choice whether to resist or not. However, if you accidentally hit the admin, or if they're in a bad mood, they can just call the cops, and they'll almost certainly search your bag (and maybe arrest you).
- Even if you know there's nothing against the rules in your bag when you hand it to them, your friend might have left something in there, or when an administrator searches it they might "find" something. If you consent, you won't have a leg to stand on in court.
- The more people who resist, the harder it will be for them.
- You can fight unfair searches politically:
 - Start a group to keep track of what's happening, and to who. This way people will have a way to talk to each other and turn the search into something constructive and effective, instead of demoralizing and damaging. Keep track of witnesses, too.
 - Everyone they try to search can ask why they're getting searched, and compile the answers. If it turns out the searches are bogus and targeted, you can try to change the policy, get the admin fired, sue, etc.
 - Try to talk with a lawyer you can trust early in the campaign to see what kind of evidence you need to be collecting – how many people need to get searched, etc.
 - Talk to other organizers about other things like media &etc.

Search Warrant

Scenario: Two cops bang on the participant's door and demand she open up. When she does, they wave a piece of paper at her and say, "We've got a warrant to search the premises. You have to let us in." The participant gives them permission to come in without reading the warrant and the cops find illegal and/or political things. Participant gets arrested.

- If the cops come to your door with a search warrant, read it. Look for the address, date and time, and signature.
- The warrant is going to be dated. While there's no hard and fast rule, a warrant more than a month old is usually considered illegitimate. Searches are generally made within two weeks of the warrant being signed.
- Search warrants have a range of hours the cops can come — sometimes just "day" or "night". If the cops come outside that range, they technically can't search.
- The warrant is usually for a specific area for a specific thing. A warrant might only be to look for stolen goods in one bedroom of a house. Unless the cops see something illegal on the way to that bedroom, they aren't supposed to go into the rest of the house.
- **In NY, the copy of the warrant shown to people being searched doesn't have to be signed – as long as a signed copy is on file. We should see if this is true in Ca. Also: I've read your lawyer can be present during the search. We should check.**
- Show example of search warrant from DC.
- There's nothing physically stopping them from searching just because you've shown the warrant is not legit. They still have the physical ability to charge in and look around. It's just that whatever they find will possibly be thrown out later.
- Say Magic Words 2: "I do not consent to a search." [**Everyone says it together**] It sounds super formal, but it's the legally safest thing to say. If you say, "I'd rather not have you search my house..." the cops can say that you reluctantly gave consent.
- Even if it looks legit, there might be something wrong with it a lawyer will find later.
- Cops will lie to get you to consent to a search. (give examples)
 - The cops may say there are exigent circumstances so that you'll consent to a search. But if they really had exigent circumstances, they wouldn't bother with consent. They'd just kick the door down.
 - Cops aren't legally allowed to make threats to get you to give consent- but saying they'll get a search warrant isn't a threat.
- If the cops come to search your place, go outside and lock the door behind you.
- Physically blocking the cops is probably not a good idea. Slim odds that you can fight off the cops. You'll likely get hurt and arrested and the cops still get inside.
- When the cops come, try to record everything they say and have a lawyer on the phone if possible.

Arrest Warrant

Scenario: The cops come to the participant's door with an arrest warrant, and she agrees to go with them. The cops tell the participant that it's going to be a long, long ride and she should go to the bathroom first. She goes back inside to use the bathroom and the cops follow and search the apartment. They find illegal and/or political things.

- Once you are in the cops' custody, they can't let you out of their custody. This means if you are walking through your house to go to the bathroom, they can walk through your house and go into the bathroom.

- Any evidence that is in “plain sight” can be used against you in court.
- Also, to protect themselves, the cops can search anything within “lunging distance.” Their argument is that you could lunge for a hidden weapon and attack them with it. In a typical room, all four walls are within lunging distance of the middle.
- So the cops can take as evidence anything that is in plain view after they’ve torn your place apart.
- If the cops come to your door with an arrest warrant and know you’re inside, don’t hide — they can just break in. Go outside immediately and close the door behind you. Don’t go back in for your jacket, bathroom, or anything.
- Cops often wait until they know you’re home before they arrest you, just so they can have a chance at searching your home.
- Note: In a lot of places cops don't use physical warrants - the cops just get a notice on their computers with the information. No paper involved, so don't expect the cops to always have a form to show you.

Border Search

Scenario: Participant is crossing the border to Mexico in a car. When the Border Guard asks to look in the trunk, participant refuses and obnoxiously says: “I do not consent to this search.” Participant is offended and confused when the Border Guard turns her away.

- It’s normal to get searched when crossing border (or in an airport, etc.)
- Getting turned back is the *best*-case scenario. They could tear your car apart and call in lots of cops on suspicion.

INTERROGATION ROLE PLAYS

Good Cop, Bad Cop

Note: Ideally, the Good Cop should be the same age, gender, and race as the participant.

Scenario: Participant has been arrested and is cuffed in an interrogation room with the Good Cop and Bad Cop. Bad Cop is aggressive and threatens participant with physical violence and makes dire predictions about his charges and sentence. Good cop gets Bad Cop out of the room, then pours on the charm and asks participant to talk. It’s important for the Good Cop to be sincere and not condescending or sarcastic. Participant resists for a bit, but folds when Bad Cop comes back.

Sample dialogue

Bad Cop: The streets are bad enough without you punks coming in and fucking everything up! Well I’m not gonna put up you with you stinking assholes fucking up our city! I’m gonna make sure you go away for a long time! Well, what do you have to say for yourself? Huh? Huh?

Good Cop: Take it easy! Take it easy!

Bad Cop: You take it easy! I’ve had it with these assholes! I’m gonna make sure the judge throws the book at her! She’s going away for a long time for this shit!

Good Cop: Look, you’ve had a long night Sarge. Why don’t you make yourself a cup of coffee while I talk to this kid and straighten everything out.

[Bad Cop leaves]

Good Cop: Wow, that Sarge is a piece of work, huh? Look, I ran your prints and I know you have a clean record. I can tell you’re a good kid. All we need is for you to answer a few basic questions everyone answers and I’ll make sure you’re released tonight, no charges. How does that sound?

[Participant refuses]

Good Cop: Look, I know you might want to talk to a lawyer and everything, but Sarge is a tough

case. He's liable to really go off on you tonight, and after that, he'll make sure you go to prison. That's not what you want, right? Look, I'm your only friend down here and my shift is over 15 minutes. After that you're going to be left here alone with Sarge all night. All I need is for you to just answer a few basic questions and I'll take care of you from there. How does that sound?

[Bad Cop storms back in]

Bad Cop: Well, is that asshole gonna cooperate?

Good Cop: Yeah, she's a good kid. She's gonna cooperate. [Looking at participant] Right?

[Participant agrees. Good Cop and Bad Cop high five.]

- [Ask participant] Why did you agree to answer their questions? (Participant almost always says because she's scared and wants a friend)
- GC/BC works because you're tired, scared, cold, hungry, thirsty, don't understand what's happening and haven't gone to the bathroom in a long time. You're looking for a friend— Good Cop is that friend.
- The cops deliberately try to find a cop who's the same age/race/gender as you are to be the "Good Cop."
- Remember — there are no good cops!
- Magic Words!
- Cops lie. You never have to talk to them.
- It's your choice whether to talk, but it's their job to take what you say and twist it into something incriminating – against you or your friends. Even if you think you're innocent, you might admit to something that's technically illegal. OR, they can convince you that you've admitted to something illegal, and then get you to try to explain your way out of it – thereby giving them more information about you, your work, and your friends.
- If you remain silent and demand a lawyer, they can't use that against you in court later.
- If you really want to talk, you have the right to have a lawyer present during questioning.

We don't do this one a second time.

Cat's out of the bag

Scenario: Cops arrest participant for possession with intent to distribute. Cops read participant his rights. Participant says the Magic Words. Cops place participant in squad car. En route to station, the police have a conversation directed at participant about all the horrible things that will happen in jail. Participant asks, "What's going to happen to me?" Cops ask a few questions and offer to let participant off the hook for squealing. Participant is convinced to confess.

Sample Dialogue

Talkie Cop: Another fucking junior attorney. Hey, remember what Sarge did to that last junior attorney?

Less Talkie Cop: No, what's that?

Talkie Cop: He put him down in D block.

Less Talkie Cop: Butcher block? That's fucked up! I bet it was bend over boyfriend all night for him.

Talkie Cop: Yeah, they were mopping up his teeth the next morning. And you know Sarge's uncle is the judge. So that kid went to prison for five years just for possession.

[Participant asks, "What's going to happen to me?"]

Talkie Cop: What happens to you depends on how much you cooperate with us. Now, I know you're just a little fish right? Just sell to a couple of your friends?

[Participant agrees]

Talkie Cop: The guy we want is Big Joe. We know he's the main dealer for this neighborhood. We're going to drive by his corner and all you have to do is identify as your source. You can even duck down so he doesn't see you. After that, we let you go, no charges. This is a one-time deal. Ok?

[Participant agrees]

- Admitted to selling drugs by agreeing she's "just a little fish."
- When you say the Magic Words, the cops are supposed to stop questioning you. But *these* cops were just talking to each other...
- Your rights are like a light switch. If you say anything to the cops after saying the Magic Words (like asking to go to the bathroom, have your cuffs loosened...), you turn your rights off, and they can directly question you. You can solve this problem by re-invoking your rights — just say the Magic Words again.
- It's never too late to re-invoke your rights, no matter what they say.
- Avoid turning your rights on and off. It confuses you and makes your story less believable in court. Be consistent. Say "I am going to remain silent" and do it.
- The cops use your stereotypes against you – threatening you with "butcher block" when most people in jail are homeless, alcoholics or drug addicts, poor folks, etc.
- Think the cops are really going to let the participant go? Don't plea bargain with cops, they don't have power to cut you a deal and – COPS LIE!

The second time, we start with "What's going to happen to me?"

Snitch/Countersnitch

Scenario: Two participants got arrested together for doing a banner hang, but are immediately separated. Now they are in 2 separate holding cells. The cop has conversations with one, then the other (usually 3 conversations each) trying to get them to rat out their friend. The cop tells lies about their charges and about what each said about the other. The participants resist for a bit, but eventually both cave.

- We call this snitch/countersnitch. It works because
 - you're scared.
 - you don't trust the people you're with.
 - you and your friend gave information to the cops that didn't seem important.
 - you believe that by talking you can get out of trouble.
- The cops can lie about anything. They can say they have DNA evidence they don't have, wave around a fake signed confession from your friend, make up fake incidents and charges, whatever.
 - You will *never* be better off giving the cops information when they're questioning you! It'll hurt you and your friends.
- If you are going to do something with your friends that might put you at risk of being arrested, confirm with your friends that you will all remain silent no matter what.
- Know the risks you are taking so the cops' threats will be less scary.

We don't do this a second time.

Probation Officer (or Parent)

Scenario: Participant is on probation and got arrested for the same activity. She said the Magic Words. Probation officer (or parent) comes to the jail and tried to pressure her into talking to the cops.

- Judges often take probation officers' suggestions for punishing their clients because a probation officer often gives an "impartial" perspective on their client's likelihood of breaking the law again if released.
- Say you want to cooperate, but you have a lawyer who won't represent you if you talk.
- If you don't have a particular lawyer, say you've spoken with lawyers from the National Lawyers Guild who said the same thing – talk to the cops and no representation.

With parent:

- Cops will tell your parents that all sorts of terrible things will happen to you if you don't talk to them. Your parents will probably be really angry and scared for you.
- Be polite but firm with your parents. Explain that you know what will be best for you right now and for the future.
- Your parents don't have the right to give away your legal right to remain silent and ask for a lawyer.
- BUT, the cops won't let you go except in the custody of your parents (or someone they give permission to), so beware of "tough love."

REDUCING ARREST RISK

Police liaison

Scenario: Three participants are at a political event (rally, FNB serving, etc.) in a park. Cops approach, not really sure what laws are being broken, but trying to get everyone to leave. All participants talk and chant at once. The situation escalates until the cops call for backup.

- With everyone talking, the cops can't understand anyone.
- A police liaison is someone who can communicate with the cops.
- Go out to meet approaching cops so that you can talk to them away from the action, thus taking the heat off of your friends.
- Stall.
- Communicate only what the group has decided, and not make your own decisions for the group.
 - This means communicating the starting point for negotiating (where they'll go, whether they'll quiet down, etc.), and not compromising on what the group decided was not negotiable – leaving early, moving at all, etc.
- Relay information from the cops to the group.
- The police liaison is not kissing ass, is not going to try to be the cops' buddy, and is not adversarial, but should approach the interaction as a business relationship.
- Negotiate with the commanding officer at the scene — they are responsible for what happens and can be more flexible than low-ranking cops.
- At a meeting beforehand, consense on what you group will and won't compromise on. It's often too late to do this at the protest itself.
- In most groups, especially ones that have frequent actions - like Food Not Bombs – it's hard to have a full-time police liaison.
- The cops like to talk to the obvious "person in charge" – this is often the straightest, whitest, male-est person at your action, regardless of if they're the liaison or not.
- If group dynamics aren't worked out beforehand, men often talk over women, more "experienced" activists might try to take over for the liaison if they decide the liaison isn't doing a good enough job, etc. *Internal stuff has to be resolved for this to work.*
- The police liaison has a higher risk of arrest. Prepare accordingly.

Mass arrest

Scenario: Three participants are at a political event (rally, FNB serving, etc.) in the park. Two cops approach aggressively and tell everyone they have to leave immediately. When one person speaks up, one cop sticks his baton in her face. She touches the tip and they take her down. She flails a bit as they search her. They find a leatherman on her and also charge her. The cops say they are arresting her for assaulting an officer, carrying a concealed weapon, resisting arrest, and felony conspiracy.

- The cops will provoke you, but don't touch them - on purpose or by flailing around.
- Don't carry anything illegal and/or could bring additional charges - drugs (including marijuana), alcohol if you are underage, weapons, things that could be construed as weapons (leatherman, drill, stapler...), etc.
- Have someone you can call if you get arrested, who can bring take care of your business when you're in jail and provide bail money and ID.
- Magic Words!
- Cops often lie about what charges you'll get, or actually try to charge you for things you never did:
 - To intimidate you into confessing to a lesser crime - "We'll drop the two felony charges if you plead guilty to the misdemeanor."
 - To increase your bail, making it harder for you to get out of jail before your trial.
 - In some cases, to cover their tracks. If the cops injure someone in the course of arrest, they'll often add a charge like "Battery of a Peace Officer." That means that the person they arrested attacked (but did not necessarily injure) an officer or officers. This makes police brutality look like self-defense.
- The District Attorney (DA) decides what your actual charges will be at your arraignment (your first court appearance). Cops only suggest what you get charged with.
- However, DAs are used to cops inflating charges. Since it doesn't do the DA any good to lose cases, they will often drop bogus felony and misdemeanor charges at arraignment, thereby decreasing bail and the number of things you have to worry about.

Gap blockade (Police liaison)

Scenario: Four participants are blockading a GAP store. One cop is very friendly and tells them that they can stay until nightfall, then asks casual questions about the purpose, planning, and organizers of the event. She also asks why they couldn't just hand out flyers. One activist explains that blockading is to hurt the GAP financially, reinforcements from USAS are coming, and points out an organizer. The cop tells the organizer they all have 5 minutes to get out of there or they will all be arrested for trespassing and she'll have added conspiracy charges. The organizer says that they've done this before but have only gotten tickets. Everyone starts yelling, the cop calls for backup, the situation escalates, and people are arrested.

- Cops are allowed to lie to get information.
- Nothing is *ever* off the record with a cop.
- Cops didn't have to read Miranda warning.
- If you get arrested, say the Magic Words: "I am going to remain silent. I want to see a lawyer."
- This is a legal Band-Aid™. Saying the Magic Words might not keep the cops from arresting you, but it makes you *much* safer in court later on.
- The activists answered the cops questions and ended up incriminating themselves and their

friends.

- Answering cops' questions or trying to convert the cops can be dangerous — any information you give them might be used against you.

Police liaison

- Only designated police liaison(s) should speak to the police.
- The police liaison is not kissing ass, is not going to try to be the cops' buddy, and is not adversarial, but should approach the interaction as a business relationship.
- Negotiate with the commanding officer at the scene — they are responsible for what happens and can be more flexible than low ranking cops.
- Communicate only what the group has consensed on; the liaison does not make decisions for the group. This means communicating the points up for negotiation and not compromising on what the group decided was not negotiable.
- Relay information from the cops to the group.
- Higher arrest risk. Prepare accordingly.
- The cops like to talk to the obvious “person in charge” – this is often the straightest, whitest, male-est person at your action, regardless of if they're the liaison or not.
- If group dynamics aren't worked out beforehand, men often talk over women, more “experienced” activists might try to take over for the liaison if they decide the liaison isn't doing a good enough job, etc. *Internal stuff has to be resolved for this to work.*

COURT ROLE PLAY

Arraignment

Note to Trainers: We explain briefly what an arraignment, bail hearing, and appointment of counsel is before doing this role play.

- Arraignment is one of the most confusing parts of getting busted, and for that reason, one of the scariest. Most people don't know what to do and are not prepared
- Your first court appearance is usually 3 hearings rolled into one: Arraignment, Bail Hearing, and Appointment of Counsel.
 - A. Arraignment (what, when)
 - Formally charged and you enter a plea
 - Sometimes charges are dropped or “lost” at this point. This is fairly common for political arrests, where the point is to get you off the street.
 - Judge can dismiss case; this is also relatively common for political arrests.
 - **In California** Within 72 hours of booking (not arrest). That's business days.
 - They may ask you to “waive time” (which means wave bye bye to your right to speedy trial). If you aren't sure, you can keep your right and always waive time later.
 - B. Bail Hearing
 - The judge will decide whether to set bail or release you on your own recognizance (OR)
 - You might want to have friends and/or family there to support you and possibly to testify that you are not a danger to anyone, that you live/work/go to school and are a member of the community
 - C. Appointment of Counsel
 - If you don't have money, you have the right to a public defender (or a court appointed private attorney). You probably won't meet them until minutes before the arraignment.

- In fact, most times there is one public defender at arraignment and you don't get your own for a few more days.
- You'll probably never see this public defender again.

Scenario: The participant has been in custody for three days (her bail was really high because of felony conspiracy charges) and is brought to arraignment. The judge tells her that her charges are trespassing (**PC 602.8**) and resisting arrest (**PC 148**), that he will drop the 148 if she pleads guilty to the 602.8 with a sentence of 2 years probation, 2 days in jail (credit for time served) and fine of \$100 and a penalty assessment of \$200.

The public defender begins to negotiate with the judge without speaking to the client, saying that because she has no priors she should only receive 18 months on probation. The participant does whatever he or she would in real life.

PD: Ignore questions, try to rush defendant through, pressure them to take the deal “this is the best deal you are going to get, and that if you don't take it now, you won't get another offer.”

Judge: If the participant pleads not guilty, ask: “Do you know you have the right to a speedy trial? Do you know you have the right to a jury trial? Do you waive those rights?”

- We aren't lawyers, so we can't give you legal advice, but as a life rule, don't do anything without a clear understanding of what you are committing to and its consequences.
- For judges and lawyers, including the PD, arraignments are an everyday never-ending process they just plow through. Anything that deviates from them getting it done ASAP may piss them off. Most cases are resolved by plea bargaining, so everyone is eager for plea bargains.
- Don't let the lawyer railroad you into accepting a plea or doing anything you are unsure about.
- You can stall; you can talk to the judge. For example, you can say that you can't enter a plea until you talk with your lawyer, and a stand-in won't do.
- You can always plead guilty later, but once you've plead guilty you can't change your mind.

FOREST-SPECIFIC ROLE PLAYS

Treesit Trickery

Scenario: Participant is in a treesit. Two Freddie's (one good cop and one bad cop) arrive. The good cop tells her that she needs to come down and sign a citation for reckless endangerment and go back to town. When she refuses, the bad cop yells that if she doesn't come down and sign the citation right now they'll call in a helicopter and arrested her for Disorderly Conduct, Reckless Endangerment and Maintaining an Illegal Structure on Public lands, all felonies. She'll also be charged \$8000 for making them bring a helicopter to remove her. They also say they have identified her with photos, video, and voice recordings. When she comes down she's arrested and the Freddie's start calling in the loggers.

- The cops will lie to get you within their reach to arrest or question you.
- Become aware about the things you could be charged with so the Freddie's are less likely to use effective scare tactics.
- You have a certain amount of anonymity when in the woods. Its not uncommon to wear face masks and never identify yourself when asked your name.
- When being charged remember that your charges will be federal if on federal lands, even if its a petty misdemeanor.
- Have a plan for when the Freddie's come – make sure you can count on your ground support.
- The Freddie's have started using voice recognition

Blockading a Logging Road (Police liaison)

Scenario: Logging trucks come up the road and everyone gets in the road and locks arms. The two Freddies (Forest Service cops) come up and ask to speak with the leader. The leader identifies herself, and the cops tell her that if she doesn't get all 25 of her friends to leave, everyone gets arrested immediately. The leader reluctantly tells everyone to leave right now.

- If you need to communicate to the cops, it's safest and most effective to have a police liaison who is prepared to talk to the cops and know what the group has consensed to say and do.
- If someone acts as a police liaison, help protect them, because they are also at risk of getting arrested.
- If engaged in soft blockades or lock downs keep in mind that if media are present things are less likely to get as hairy and painful. Try to have video cameras on hand at all times, you are isolated in the woods and need to protect yourself, mainly from Freddies.
- Federal land works differently in cases of mass arrest, feds don't have the resources or time to take 25 folks to jail and process them in in federal court the same way they can on private lands and state lands. Keep in mind they have restrictions as well, and use it against them.
- You have negotiating power, take your time and don't let them rush you into decisions.
- Act as a group. They can take on a few of us but not all of us, especially all at once.

DE-ESCALATION ROLE PLAYS

We collaborated with Clare and Kerry of SF/Food Not Bombs on these role plays.

Fight in the food line

Scenario: Participants are serving with Food Not Bombs. One is a server, and the floater is handing out spoons. Two eaters have an altercation over the last piece of bread. The server escalates the situation and a fight breaks out. The floater doesn't get involved

- Announce that bread is running out, so people have realistic expectations.
- Listen to the person without bread's concerns.
- Speak in a way that doesn't escalate the tension.
- Offer a solution — splitting the bread, giving more potatoes instead.
- The floater isn't tied down behind the tables, and is able to help deal with these situations. This allows the rest of the line to keep going without one person blocking it up.

Sexism in the food line

Scenario: An eater makes a sexist comment to a female server at a Food Not Bombs serving. A male server comes to her 'rescue' in a patronizing manner.

- Respect the people you work with – in this case, don't speak for/over them.
- Especially true with gender dynamics.
- Agree *beforehand* on what to do if this happens – often predictable and/or recurring.
- Have a non-verbal signal – like touching her elbow – that says that you're there if needed.
- Some possible reactions for the woman?
 - Feign ignorance and move them along.
 - Address it – “That's completely inappropriate.” [and more]

- Humor.
- Some possible reactions for the man?
 - Humor – “Ill marry you!”

Before doing the role play over, give the participants a minute or so to talk over a possible reaction.

Storeowner rage

Scenario: Participant is at a Food Not Bombs serving in the park. An enraged store owner comes over to complain about how all the riffraff are bad for business. Participant is snide and condescending. Store owner leaves to call the cops.

- Have one person ready to talk to angry storeowners, passers-by, etc.
- Have the group consense beforehand on what it will compromise on – finishing time, moving, etc.
- Be respectful and calm.
- Validating the feelings, not the complaint – “I’m sorry you feel this way,” or, “I understand this is frustrates you.” Not, “I’m sorry you hate everyone who doesn’t look like you,” or, “I’m sorry you’re a fucking idiot.”
- Try to use the same words the storeowner is using.
- Good communication often takes them by surprise and takes away a lot of their reason for being angry.
- Try mirroring: Start out using the same body language they’re using, then slowly shift until you have a more relaxed, open posture. Breathe slowly and deeply.

ROLE PLAYS WE NEVER DO

Shoot me

Scenario: Participant is walking home in a not nice area at night. Two scared rookie cops stop her and shout, “Who are you? Identify yourself!” Participant reaches for her wallet and the cops shoot her.

- Cops are like wild animals. They are very dangerous, especially when scared.
- Don’t touch cops or their stuff. You could get charged with assault and beat up.
- Freeze when the cops start shouting things at you — often they will shout things that are confusing/unintelligible/contradictory.
- Tell them, slowly and calmly, that you are cooperating, and explain what you are doing while you're doing it ("Ok, I'm reaching for my ID now...")
- Make sure they can always see your hands.
- Consider eye contact based on your own experience — it can be seen as reassuring or a challenge to their authority.

WAL-MART

I, _____, do hereby swear and affirm that I took from Walmart #
_____, in _____, _____, the following item(s),
without intention to pay for them:

I hereby waive the right to seek damages of any kind from the corporation or employees of Wal-Mart. I have signed this document of my own free will.

_____ (signature) _____ (date)

IN THE MUNICIPAL COURT OF THE OAKLAND JUDICIAL DISTRICT

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF ALAMEDA

ARREST WARRANT 314159
Register No. 007
Arrest No. 696969

The People of the State of California, to:

ANY POLICE OFFICER IN ALAMEDA COUNTY

Complaint on oath, having been made before me on this date by Detective B. T. Heat 86, Oaktown Police Dept., CA, that the crime of possession of a controlled substance with intent to distribute has been committed and accusing _____ thereof, you are therefore commanded to arrest the above named defendant and bring him forthwith before me or this court, or to any other court in respect to which the above offense is triable.

Time of issuance _____

Signature of Magistrate

Dated _____

IN THE MUNICIPAL COURT OF THE OAKLAND JUDICIAL DISTRICT

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
135791113
COUNTY OF ALAMEDA

SEARCH WARRANT

Register No. 007
Arrest No. 24681012

The People of the State of California, to:

ANY POLICE OFFICER IN ALAMEDA COUNTY

Proof by affidavit, having been made before me on this date by Detective I. Narkum #50, Oaktown Police Dept., CA, that there is probable and reasonable cause for the issuance of the search warrant, as set forth in the said affidavit.

YOU ARE THEREFORE ORDERED to make a search on and in the premises, structure, rooms, receptacles, and on-site storage lockers situated at 1000 Sales Blvd., Apt. 24, Oaktown, Alameda County, California; further described as a multi-story apartment complex. The numbers 1000 are affixed to the apartment building.

And the person(s) of Newt Gangrinch, male, white, d.o.b. 25Dec42, 280 pounds, white hair, license number D1234567.

And the vehicle(s) described as a 1993 black Suzuki Samurai, license number 24DBOY7.

For the following property and things consisting of cocaine, cocaine packaging paraphernalia and items used in the preparation of cocaine sales such as: diluting agents, scales, measuring spoons and measuring devices, paper bindles and plastic bags. Indicia which would tend to show or prove control, ownership of premises/vehicles, such as building/vehicles keys, clothing, canceled mail, utility and rent receipts, or vehicle registration. Records and/or notebooks which may indicate cocaine sales transactions, the deposit or transfer of proceeds from such sales with funds from legitimate sources; articles of personal property tending to establish the existence of a conspiracy to sell cocaine, consisting of and including personal telephone books, address books, telephone bills, papers and documents containing lists of names; firearms, and U.S. currency.

And if you find the same or any part thereof, to bring forthwith before me or this court, or to any other court in which the offense in respect to which the property or things taken is triable, or retain such property in your custody, subject to the order of the court pursuant to Section 1536 of the Penal Code.

Time of issuance _____

Signature of Magistrate

Dated _____

ENDORSEMENT FOR NIGHT SERVICE

For good cause shown, I direct that this warrant be served at any hour of the day or night.

Endorsement of Magistrate