

# Trainer's Guide to Midnight Special's "Know Your Rights" Training

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## Intro to our Trainings

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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 to four audience participants (usually just one). 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 make all the worst choices in a situation. Then we talk about what went wrong, brainstorm what the participant should've done, and (usually) re-do the role play with the participant using the lessons the group came up with. If they still make mistakes, quickly mention what went wrong and how it 'could have been better.'

It's best to have three trainers, but two will do. We usually do 5-7 role plays intermixed with short discussions that are not necessarily related to any of the role plays (such as how to provide legal support, grand juries, working with lawyers, etc.), and, of course, the Introduction. This takes about two hours, but can be as short as one hour if we just do a few role plays about not talking to the police. Here's an example of a typical training:

- Role Plays
- Weed in the Park
- Shoplifting
- Stop & Search
- Police Liaison
- Cat's Out of the Bag
- Snitch/Countersnitch
- Arraignment

The main lessons we teach are: 1) Don't trust cops, and 2) 'I am going to remain silent. I want to see a lawyer,' and sticking to it. Unless the group specifically asks for it, anything else - 'I do not consent to a search,' copwatching, being a police liaison - is gravy.

Nearly all of the legal information in here is based on the Constitution, which doesn't change much. However, it's safest to run the information by a cool local lawyer first to be sure it's accurate. Some of the laws may change state by state.

Lastly, it's important to make the scenarios believable, so practice acting like a cop, a judge, a lawyer, etc. Spend a few hours at your local courthouse to see what arraignments really look like.

You can also contact us with any questions, or to arrange a free "trainer training." Email us at [info@midnightspecial.net](mailto:info@midnightspecial.net). If you use this guide at all, please let us know – we're always trying to make it better.

## **Explanation of Role Play Format**

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### **Title - self explanatory**

**Note to trainer:** *A quick description of how the scene will play out. Don't read this out loud.*

**Role Play Card:** We pass these out during the introduction. They have instructions for the participants. Cut them out and hand them out to the volunteers. Some role plays need more than one copy of the card, or two different cards.

**Intro:** What we usually say to set the scene.

### **Sample Dialog:**

MSLC: Although improv is encouraged, we've included sample dialog in some of the role plays.

You: Really? That was nice of you.

MSLC: Hey, thanks!

### **Lessons:**

- We go to the lessons after going through the first role play once – that is, after everything goes wrong.
- We put all the lessons in bullet point format after each role play so each lesson is clear.
- It's up to you to make these interesting! You can:
  - Solicit info from the participants
  - Ask leading questions
  - Tell (interesting and relevant) anecdotes
  - Be funny and entertaining
- Make sure you plan in advance how you will explain things so the participants will understand each lesson clearly

[Info that varies widely from place to place will appear in brackets.]

Everything in italics is to describe to you what happens in the role play, and not intended to be read out loud. The "Intro:" is to be read out loud to participants before the role play, and the bullet points after the role play is done incorrectly. Then we usually do the role play over again doing everything right. This time the participant uses all the lessons you've just gone over to make sure they don't get into (more) trouble.

# Sample Training Agenda and Role Plays

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## A. Introduction

- We aren't lawyers. We are 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. Non-US citizens risk serious scrutiny if they get arrested, or are affiliated with radical groups. We can refer you to cool immigration lawyers if you have more specific questions.
- 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 Patriot act hasn't much changed the laws used against us. But they have changed the climate as far as what cops (and other people) think is permissible.
- 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!

*We usually ask the people who organize our trainings what people want to learn about. But sometimes the organizers don't know who'll be coming to their event, in which case we ask "Getting to Know You" questions:*

### **Getting to Know You:**

- We're going to ask some questions so we can get to know each other.
- Please stand up if...
  - You've ever been to a protest of any kind
  - You've ever been to a march
  - You've ever been to a march without a permit
  - You've ever used consensus process in a meeting
  - You've ever seen someone get arrested
  - You've ever avoided arrest
  - You've ever been arrested
  - You've ever been arraigned

## B. Cops Lie! Shut the Fuck Up!

### B.1) Weed in the Park

**Note to trainer:** Participant is walking in the park. The A Narc asks her if she wants to buy pot. Participant asks, 'Are you a cop?' The Narc says no, and they smoke up together to prove the Narc isn't a cop. When the Participant and the Narc make the exchange of money for the pot, she gets arrested.

**Weed in the Park:** When the Narc offers to sell you weed, ask if she's a cop. Then ask her to smoke up with you to prove she isn't a cop. Then buy the pot. (When you get arrested, do not resist.)

**Intro:** (Participant) is walking through the park after a hard week of work and is looking for a way to relax. S/he runs into (trainer 1), who's actually a narc. (Trainer 2) is a cop hiding in the bushes. Action!

#### **Lessons:**

- Cops are allowed to lie about being cops - otherwise they wouldn't be effective undercover.
- Cops are allowed to break the law - same reason.
- This isn't entrapment. To use the entrapment defense, 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.
- It's not just Narcs you have to look out for. Sometimes people you know might be helping the cops because they are in trouble (maybe facing a third strike, etc.).
  - This is very common with drug offenses.
  - They look right, talk right, and have familiar faces.
- 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.
- **If you are going to do risky things, make sure you know and trust the people you do them with.**

## B.2) Provocateur

*(an alternative to "Weed in the Park," geared toward protest training)*

**Note to trainer:** Participant is walking down a side street at a mass action. The Provocateur asks her to help him throw a newspaper box through a window. Participant asks, 'Are you a cop?' Provocateur says, 'No! I'll be doing this, too! Besides, 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.

**Provocateur:** When the cop asks you to break the law, ask if she's a cop. After some hesitation, go ahead and do it. (When you get arrested, **do not resist.**)

**Intro:** (Participant) is walking around during a crazy anti-war protest. S/he runs into (trainer 1), who's actually an agent provocateur. (Trainer 2) is a cop hiding around the corner. Action!

### Lessons:

- Cops are allowed to lie about being cops - otherwise they wouldn't be effective undercover.
- Cops are allowed to break the law - same reason.
- This isn't entrapment. To use the entrapment defense, 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.
- 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.-'
- It's not just agent provocateurs you have to look out for. Sometimes people you know might be helping the cops because they are in trouble (maybe facing prison time, etc.).
  - This is very common with drug offenses.
  - They look right, talk right, and have familiar faces.
- **Know and trust people you do high-risk actions with.**

## B.3) Shoplifting

**Note:** The 'confession' is attached at the end of this Trainer's Guide.

**Note to trainer:** Participant is going on a hot date and needs protection, so she shoplifts condoms from a Wal-Mart. 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 that she didn't try to attack the security guard or run away, and that she should 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.

The second time, the guard still tries to get the participant to sign the form, but gives up immediately and calls the cop. The cop asks if the guard witnessed the participant stealing. The guard says they did, the cop says, 'That's good enough for me,' and arrests the participant *WITHOUT* reading them their rights.

**Shoplifting:** Steal something and slip it into your pocket. When the store security guard detains and questions you, give lots of bad excuses. **Don't run away.** Empty your pocket when asked. The guard will tell you to sign a form. Sign it without reading. When the police arrive, give them all of the se excuses:

- I didn't notice they fell into my pack.
- I bought it yesterday, but threw away the receipt.
- I'm really drunk. I don't know *what* I'm doing.
- My friends dared me. I wasn't really going to steal it, I just wanted to see if I *could*.
- I'll work in the store cleaning up if you don't tell my parents.

**Intro:** (Participant) has a hot date tonight. But she doesn't have a lot of money. So she's going to shoplift a condom from this Wal-Mart. Let's see what happens.

### Lessons:

- [To everyone] What are the Miranda Rights? (You have right to remain silent...)
- We say the Miranda Rights are the only good advice you'll ever get from cops. Shut up! And stay 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 the arrested person talks.

- Don't sign ANYTHING except a citation.
  - A citation is a promise to show up in court — it will say at the bottom, "A signature is not an admission of guilt." (e.g. a traffic ticket)
- 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.

## C. Search Role Plays

### C.1) Stop & Search

**Note:** This role play has a very long discussion at the end. Take your time!

**Note to trainer:** 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. One cop does most of the talking. The other, less talky cop throws in quick, off-topic questions when the participant tries to think or asks questions. (Example: Participant: 'Umm, do I have to answer your questions?' Less Talky Cop: 'Is this your current address?'). Both cops stand menacingly close to the participant (right next to her and right behind her).

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, the cops demand to search her bag. Whenever the participant asks, 'Do I have to answer that?', the cops answer, 'Yes, you do.' The role play ends when the cops find her 'Slingshot' anarchist day planner and start copying down all the names and phone numbers in it.

**Stop and Search:** You are riding your bike home from a blockade and you get stopped by 2 cops who ask you questions. You are confused and often ask the officers if you have to do what they say. You reluctantly answer all of their questions, show them your ID and let them search your backpack.

**Intro:** In this next role play, (participant) is biking home from a blockade and gets stopped by two cops. Let's see what happens.

#### Lessons:

##### Levels of Interaction

- Three levels of interactions with police: 1) Casual questioning, 2) detention, and 3) arrest.
- Each level of police interaction requires a different level of suspicion before cops can search anything. They are:
  - 1) Casual questioning - none.
  - 2) Detention - "reasonable suspicion."
  - 3) Arrest - "probable cause."
- Don't participate in casual conversation with cops. They will use this information against you and your friends.
- To find out if the cops are "casually questioning" you, 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. Find out what the cops' "reasonable suspicion" is

that you have broken the law. Using these buzz words helps cops recognize that you know your rights.

- When you have been arrested, police can legally search your person and your bags, even strip search you.
- 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.

## Carrying 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)
- You 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, if you say something like 'I'd rather you didn't search my bag', the cops can testify that you reluctantly gave consent.
- The Magic Words 2 are "legal band-aids", it might not prevent them from searching you, but if they search you illegally and find something incriminating, it should be thrown out in court (in legalese, "be declared inadmissible").
- If cops 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, they might plant something; find something illegal you didn't know about (marijuana seeds, etc.); find something technically legal, like a knife; something that gives them a new line of questioning, like a flier 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 (unless you're crossing a border or going through airport security).
- 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.

## C.2) Search Warrant

**Note:** A sample search warrant is attached at the end of this Trainer's Guide.

**Note to trainer:** Two cops bang on 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 stuff ("Look, a Slingshot planner!" "Look, a Molotov cocktail!"). Participant gets is arrested.

**Search Warrant:** The cops will show up at your door with a search warrant. Let them in without even looking at the warrant.

**Intro:** In this next role play, (Participant) is running a welcome center for a protest out of her house. This makes the cops unhappy. Let's see what happens.

### Lessons:

- If the cops come to your door with a search warrant, read it! Look for the address, date and time, and signature.
- The warrant will have a date on it. 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 usually specifies an area or a thing to be searched for. 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 allowed into the rest of the house. Don't let them!
- [In some places, like NYC, 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. Trainers: check your local laws]'
- Show example of search warrant at the end of this Trainer's Guide.
- Cops might search even though you've pointed out that their warrant isn't legit. They still have the physical ability to charge in and look around. It's just that whatever they find may 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 the warrant 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 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. (Exigent circumstances: cops are in "hot pursuit" of someone who ran into your house, they are responding to an emergency, they

know that evidence is about to be destroyed).

- Cops aren't legally allowed to make threats to get you to give consent- but saying they'll get a search warrant and come back 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. Plus, if there's a warrant, you could be charged with obstructing an officer.
- When the cops come, try to record everything they say and have a lawyer on the phone if possible.

### C.3) Arrest Warrant

**Note:** *Though cops often don't use them, we've attached a sample arrest warrant at the end of this Trainer's Guide.*

**Note to trainer:** *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 ("Look, an anarchist magazine," "Look, parts for a molotov cocktail!") and arrest her.*

**Arrest Warrant:** The cops will show up at your door with an arrest warrant. Tell them you'll go willingly, but you want to get your coat and go to the bathroom first.

**Intro:** In this next role play, (Participant) is going to get a visit from the cops. Let's see what happens.

#### Lessons:

- If the cops are really really sure you've committed a crime, they can get a warrant for your arrest. If there's a warrant out for your arrest and you get pulled over the cops will arrest you.
- If you don't show up for a court appearance, especially for a misdemeanor or felony, an arrest warrant may be put out for you.
- Once you're 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 with you. You might be able to convince a cop of the opposite gender (where applicable), to wait outside the bathroom, but he might refuse if he thinks there's a chance you might escape or destroy evidence.
- Any evidence that is in "plain sight" can be used against you in court. This includes smells (like smoke...)
- Also, to protect themselves, the cops can search anything within "lunging distance" of a person they are going to arrest. 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.'
- 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 to search your home. Don't give it to them!
- Note: In a lot of places cops don't use paper arrest warrants - They 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, unless the warrant is for your home. You have the right to a paper copy of a warrant to search a residence!
- [Optional: Show an example of a search warrant.]

## C.4) Border Search

**Note to trainer:** 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.

**Border Search:** You are driving across the border. The border guard asks to look in your trunk. Refuse and say, "I do not consent to a search." Act like a self-righteous know-it-all. The guard will turn you back — act confused and offended.

**Intro:** In this next role play, (Participant) is trying to drive into Mexico for a giant protest and gets stopped by the Border Patrol on the way. Let's see what happens.

### Lessons:

- It's normal to be 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 they are suspicious.
- Some activists will come up with a good cover story beforehand and have it prepared. They'll have a non-political tourist destination in mind, have made reservations (for free) at a hotel, and have printouts of all the plans they've made. Immigration officers at borders and airports have been known to separate people and question them individually, so everyone has to be able to tell the same story. This is especially true around big international protests.
  - Try to look like a tourist and not like an activist. Especially if it's a big protest, dress nice, have some spending money in cash in your pocket, and have as little activisty stuff (zines, flyers, bumper stickers, protest signs, homemade body armor) on you as possible. It might feel like a lie to wear that Hawaiian shirt, but we assure you it isn't.
  - Note: It's illegal to lie to a law enforcement officer, so we would never endorse it!
  - That said, we once met some activists who successfully got into Canada during a huge protest who gave this tactic a big thumbs up!

## D. Interrogation Role Plays

### D.1) Good Cop, Bad Cop

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

**Note:** We don't do this role play a second time. Just go through it once, then discuss.

**Note to trainer:** 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/her 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.

**Good Cop, Bad Cop:** You've been arrested and the police are interrogating you. **Say the Magic Words: "I am going to remain silent. I want to see a lawyer."** One officer will yell at you then leave the room. The other officer is nice and she'll try to persuade you to answer some questions for your own good. Say the Magic Words again, but then give in.

This role play involves the "bad cop" shouting at you and threatening you. Please tell us if you'd rather not do this one.

**Intro:** In this next role play, (participant) has been arrested by herself and taken downtown. Let's see what happens.

#### **Sample dialog:**

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 hippies 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 in 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 personally 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.]

### **Lessons:**

- [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.

## D.2) Cat's out of the bag

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

**Note to trainer:** Cops arrest participant for having a small amount of marijuana. Cops read the participant her 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 in return for squealing. Participant is convinced to confess.

**Cats Out of the Bag:** The police will arrest you and read you your rights. **Say the Magic Words: "I'm going to remain silent. I want to see a lawyer."** In the squad car, the police will talk about all the terrible things will happen to you. **After they talk about the judge sending the last guy to prison,** get nervous and ask, "What's going to happen to me?" The police will ask questions and offer to make a deal. Reluctantly give them what they want.

**Intro:** In this next role play, (participant) has been busted for possession, but is smart and says the magic words. Let's see what happens.

### Sample Dialog:

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 him 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]

### Lessons:

- 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, etc.), 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, sex workers, etc., *not* hardcore gangbangers.
- Do you 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!

### D.3) Snitch/Countersnitch

**Note:** We don't do this role play a second time.

**Note to trainer:** Two participants got arrested together for doing a banner hang, but are immediately separated. Now they are in 2 two separate holding cells. The cop has conversations with one, then the other (usually 3 three 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.

**Snitch/Countersnitch A:** You were arrested with a friend and are now alone in a holding cell. When the cop **first** questions you, tell him to go to hell. Then, when the cop questions you a **second** time, get nervous and tell them it was your friend's idea and car. The **third** time the cop comes around, blame everything on your friend.

**Snitch/Countersnitch B:** You were arrested with a friend and are now alone in a holding cell. When the cop **first** questions you, tell him to go to hell. Then, when the cop questions you a **second** time, get nervous and tell them it was your friend's art supplies and artistic vision. The **third** time the cop comes around, blame everything on your friend.

**Intro:** In this next role play, (participant 1) and (participant 2) were arrested at an awesome banner hang. They were immediately arrested, placed in separate police cars, and taken to separate interrogation rooms. It's now twelve hours later and they haven't had anything to eat, drink, or a chance to use the bathroom. Action!

#### Lessons:

- 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 just 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.

## D.4) Probation Officer

**Note to trainer:** Participant is on probation and got arrested against for the same charge. She says the Magic Words. The Probation Officer then comes and tries to pressure her into talking to the cops.

**Probation Officer:** You're on probation for a past offense. Now you've just been arrested for a similar offense. **When the cop asks, say "I'm going to remain silent, I want to see a lawyer."** Your probation officer arrives at the station and tells you to cooperate with the police or she'll recommend you go to jail. First say the magic words, **then agree to talk** about what happened.

**Intro:** (Participant) was already on probation, and just got busted for a similar offense. Now she's at the station and her probation officer is asking her why she did it. Let's see what happens.

### Sample dialog:

Cop: So are you going to talk?

Participant: I'm going to remain silent, I want to see a lawyer.

Cop: Ok, well try saying that to your probation officer.

[Cop leaves, Probation Officer comes in]

Probation Officer: (Participant), you're in for the same stuff again, huh? Look, I think I can keep you out of jail, but you gotta tell me what happened?

Participant: [holds out]

Probation Officer: Look, I know you want to remain silent, but if you don't do some explaining I'm going to have to recommend to the judge that you spend some time in custody. You don't want that, do you? Now just tell me what happened and I'll take care of you.

Participant: [spills the beans]

Probation Officer: [while the participant is talking] Oh my God...

### Lessons:

- Judges often take probation officers' suggestions for punishing their clients because they believe a probation officer 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.

## E. Reducing Arrest Risk

### E.1) Police Liaison

**Note to trainer:** Six Participants are at an anti-war blockade in front of an ROTC recruiting office. A cop comes and tries to get everyone to leave. The cop threatens the "leader," who then tells everyone to disperse.

Print five copies of the first role play card, and just one of the "Leader" card.

**Police Liaison:** You're blockading an ROTC recruiting office to protest the war. Chant "1-2-3-4, We don't want your fascist war! 5-6-7-8, Organize and smash the state!" When the cop comes, immediately direct them to the leader.

**Police Liaison Leader:** You're the leader of this action! When the cop asks you questions, here are some answers:

- We need to physically stop them from recruiting - writing letters isn't enough.
- We're expecting reinforcements from MoveOn.org at 2:30pm - around 50 people!
- We've done this before and only gotten warnings.

**When the cop makes threats to you, freak out and tell everyone to disperse right away.**

**Intro:** This group is blockading an ROTC recruiting office to protest the war. Let's see what happened.

#### **Lessons:**

- Problem: With everyone talking, the cops can't understand anyone. This will escalate the situation out of your control.
- Solution: A police liaison.
- What a police liaison does:
  - Communicate with the cops. Make sure you let them know you're a spokes person, not a "leader."
  - Relay all information from the cops to the group.
  - Stall!
  - Communicate only what the group has decided. Don't make 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.
  - 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.

- A police liaison is better than a "leader" because 1) if you are the leader of a group that is breaking the law, you can get nailed with more serious charges (conspiracy, etc), and 2) its bad to let the cops impose their hierarchy on the way we organize ourselves!
- Police liaison tips:
  - 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.
  - 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.
- Potential police liaison traps:
  - 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.

## F. Court

### F.1) Arraignment

**Note:** Explain briefly what an arraignment, bail hearing, and appointment of counsel is before doing this role play.

**Note:** There is no Role Play Card for this one, we usually ask for a volunteer who has been arraigned before.

- 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.
- What is arraignment?
  - The District Attorney (DA) formally charges you and you enter a plea
  - Sometimes charges are dropped or "lost" at this point. This is fairly common for political arrests, where the point was to get you off the street.
  - Judge can dismiss case; this is also relatively common for political arrests.
  - **[In California** you must be arraigned within 72 hours of booking (not arrest). That's business days.] Most states have similar rules to provide "due process."
  - They may ask you to "waive time" (which means wave bye bye to your right to a speedy trial). If you aren't sure, you can keep your right and always waive time later.
- Bail Hearing
  - The judge will decide whether to set bail or release you on your Own Recognizance (OR). OR is like \$0 bail. Your promise to come back to court is enough to get you out. In other states, OR is referred to as "PR," for "Personal Recognizance."
  - When a judge sets your bail, she is only allowed to consider two things: 1) whether you are a public safety risk; and 2) whether you are likely to return to court. To make this easier, 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.
  - *[Optional]* Some places like San Francisco and NYC have non-profits that will send someone to interview you before arraignment and verify the residential and employment information you give them. The judge will base her decision about bail/OR on this report and your prior record. You may choose to tell the truth to these people for the chance to get out sooner and for free. These people look and act like counselors, not cops.
- Appointment of Counsel
  - This is where your attorney gets officially assigned to the case.
  - 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 might never see this public defender again. Get her card, though. She works for you until your case is resolved or reassigned. Most jails have a way of calling your public defender for free from jail.
  - We don't want people to think all public defenders are bad. There are plenty of good lawyers you'll get for free, and plenty of bad lawyers you'll spend a fortune on.

**Note to trainer:** *The participant has been in custody for three days and is brought to arraignment. The Judge and Public Defender (PD) try to get her to accept a crummy deal. The participant does whatever he or she would in real life. By the way, the "PC" in the dialogue stands for "Penal Code [section #]."*

**Intro:** (Participant) has been held for three days for a direct action, and is now at her arraignment. The public defender is going to do his best to get her a good deal.

**Instructions for the trainers:**

*The PD should ignore the participant's questions, and try to rush them through and pressure them to take the deal. Say things like "I've worked in this court for the last 10 years and this is the best deal you are going to get. If you don't take it now, you won't get another offer." But if the participant refuses, don't press too hard. The Judge should be impatient and overbearing.*

**Sample dialogue:**

Judge: Now hearing case #2394 A. Is Ms. (Participant) present?

PD: Mr. (Trainer) standing for the Public Defender's office, your honor.

Judge: Good morning, Mr. (Trainer).

PD: Good morning, your Honor.

Judge: It looks like Ms. (Participant) is charged with trespassing, PC 602.8, and resisting arrest, PC 148. I'll drop the 148 in exchange for a plea on the 602.8, with two years on probation, a \$200 fine, \$98 victim restitution fee, and 3 days in jail, credit for time served. How does Ms. (Participant) plead?

PD: Your honor, Ms. (Participant) has no priors, and we suggest that 18 months on probation is more appropriate.

Judge: Your suggestion is accepted. How does Ms. (Participant) plead?

PD: [to the participant] This is a really good deal. I suggest you take it.

*[This is where the PD tries to convince/strongarm the participant into accepting the deal. If they accept, PD says, "Ms. (Participant) pleads guilty, your honor," and the Judge brings the next case.*

*If the defendant refuses the deal, the PD gives them a hard time and then says to the Judge, "Your honor, I apologize, but it seems that the defendant wishes to plead not guilty." The Judge then asks, "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?" If the defendant says anything like "Yes," the Judge will say, "Next hearing is set for June 2006," and brings the next case.]*

**Lessons:**

- [Start by asking the participant how this compared to their experience. They will almost always say it's shockingly accurate (for real).]
- 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 some of them off (especially prosecutors and judges). 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. You can ask them in plain English for an explanation of what they're saying, like "What do I have to do while I'm on probation? What happens if I get arrested again? I can't plead until I understand what the consequences are."
- You can always plead guilty later, but once you've plead guilty you can't change your mind.

## G. High School

### G.1) Stop & Search — In high school

**Note to trainer:** Participant approaches participant in high school because she's five minutes late to class. But the principal then 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.

**HS Stop and Search:** You're a little late getting to class and the principal stops you in the hall and demands to search your bag. Ask why, but then give her/him your bag.

**Intro:** In this next role play, (Participant), a well-known student organizer, is caught by the principal walking to class 5 minutes late. Let's see what happens.

#### Lessons:

- School admins can't search you just 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.
- If admins have one or more reasons to suspect that you have broken the rules or law - you have red eyes, smell like smoke, and just came out of a smoky bathroom - they can search your bags.
- Ask why they wants 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, if you say something like "I'd rather you didn't search my bag...", the admin can make it sound like you reluctantly gave consent.
- Demand to have your parents or an advocate present during the search. An advocate can be any teacher or administrator you trust.
- 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 as many arguments in court or disciplinary hearings.
- 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 being 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.

### **With Police:**

The cops need even more proof that you've done something wrong in order to search you (probable cause vs. reasonable suspicion). But they're better at tricking you into it. Say "I do not consent to a search!"

### *Levels of Interaction*

- Three levels of interactions with police: 1) Casual questioning, 2) detention, and 3) arrest.
- Each level of police interaction requires a different level of suspicion before cops can search anything. They are:
  - 1) Casual questioning - none.
  - 2) Detention - "reasonable suspicion."
  - 3) Arrest - "probable cause."

### *Using the Levels of Interaction*

- Don't participate in casual conversation with cops. They will use this information against you and your friends.
- To find out if the cops are "casually questioning" you, 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."

## G.2) Parent Pressure

**Note to trainer:** Participant got arrested for fighting at school. She says the Magic Words. Then her mom comes to the jail and tries to pressure her into talking to the cops "so there isn't any trouble."

**Parent Pressure:** You've been arrested and you're at the police station. Your parent arrives and yells at you, demanding you answer the questions the cops ask you. First say the Magic Words, **then agree to talk** to your mom about what happened.

**Intro:** In this role play, (Participant) was busted at school for getting into a scuffle. The school called the cops, and now the participant is at the police station where the cops called her parents in. Let's see what happens.

### Sample dialogue:

Cop: So are you going to talk?

Participant: I'm going to remain silent, I want to see a lawyer.

Cop: Ok, well try saying that to your mamma.

[Mom walks in. Cops stays in the background listening.]

Mom: (Participant), what are you doing? I was scared to death! The police officer said that if you don't explain what happened, you're going to jail for a year! Now tell me what you did!

Participant: [holds out]

Mom: Don't try that with me young lady. If you don't talk to me I'll let you stay in here. You don't want to spend a year in jail, do you? Now just explain what happened so we can get you home! It breaks my heart to see you in here!

Participant: [spills the beans]

Cop: [listens intently and takes notes]

### Lessons:

- Cops will tell your parents that all sorts of terrible things will happen to you if you don't answer their questions. 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.
- 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.
- 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 maybe someone your parents give permission to), so beware of "tough love."

### G.3) Postering the halls

**Note to trainer:** Participant is hanging pro-Palestinian posters on school property, gets harassed by the principal, who tells her to tear them all down or she'll be expelled.

**Postering the halls:** You are hanging posters on the high school campus with political messages about supporting the Palestinian people. The principal will give you a hard time about them. Resist a little, then agree to take all the posters down.

**Intro:** In this roleplay, [Participant] is hanging pro-Palestinian posters on school property

#### Lessons:

- Do school administrators have the right to ban political expression? NO! You have your 1<sup>st</sup> Amendment rights to free expression AND there are CA laws that protect freedom of speech and press in schools.
- However there are limits to free speech on school property.
  - First of all, there are "time, place and manner" restrictions (explain)
  - Also, administrators can censor you if your speech is:
    - 1) legally "obscene";
    - 2) libelous or slanderous (that is, it is untrue and harms someone's reputation); or
    - 3) creates the immediate danger of causing students to commit an act that is unlawful or in violation of school rules, or that would cause a substantial disruption of the orderly operation of the school.
  - Administrators *cannot* censor you just because your speech is:
    - controversial or provocative
    - critical of the school or school officials
    - uses the school emblem (ie. writing something in the school newspaper)
- Usually you'll have to fight to assert your 1<sup>st</sup> Amendment rights as most administrators take a conservative line.
  - Schools must have their policy on censorship in writing, so you should ask to see it.
- [Ask for comments on the disposition of Berkeley High admins & discuss.]
- [Discuss differences of being on campus or off campus. Talk about the rights of minors (legally, process, cops fucking with them)]

## G.4) When bad things happen to good people - unexpected legal observer

**Note to trainer:** Participant is walking down the street and sees her Friend getting fucked with by the cops. She escalates and they both get busted

**Unexpected L.O. A:** You are getting harassed by the cops for tagging a building downtown.

**Unexpected L.O. B:** You are walking down the street and you see your friend getting harassed by the cops. Confront them! Be pushy and rude and don't listen to them. (You will get arrested.) Some things you can say:

- What's your badge number, pig?!
- I have a right to stand here and watch and you can't stop me!
- This is police brutality!
- I'm going to sue you and you're going to lose your job!

### Lessons:

- Why stop and watch the cops?
  - to keep cops in line (sort of).
  - to be a good witness if they have to go to court.
  - to support your friend so it's less scary.
- Don't get arrested. Use your street smarts.
  - How close can you stand? There's no set distance. A good rule of thumb is stay outside of lunging distance.
- Don't totally ignore the cops (because they'll get pissed and escalate) but don't necessarily do what they ask if it's unreasonable (like telling you to go 3 blocks away). Show that you're complying (as little as possible). Don't escalate the situation.
  - Make sure your friend knows you are supporting them and not gawking.

**[do roleplay again the right way – The tagger gets arrested, but the observer doesn't]**

### Lessons 2:

- when your friend gets arrested, what do you do?
- Decide whether or not to call their parents. They may be pissed, but better to hear it from you than from the cops. If they are under 18 and get taken to youth jail, the cops probably won't release them until their parents come to pick them up.
- Call their friends.
- Call the jail to find out what's going on.
  - Again, with youth jail, it's harder to get information than in adult jail. But it's still good to call. If the parents are involved, they can call the jail and get more info than you can.

- Ask what they are being charged with, when they'll be released and see if they need anything (bail money, an ID, etc.)
- Even if they won't give you information about your friend, you can ask general questions, like "usually if someone is arrested at this time of day, when do they get released?"
- Expect the clerks to be rude and unhelpful. You have to super-polite and organized.
- You were a witness to the arrest. As soon as you can, write down what you saw in detail (because you'll forget stuff). Get the names and contact info of any other witnesses. If you took pictures or video, make sure to save them.
- Emotional support: Jail sucks. Here are some tips to make it suck a little less.
  - While they're in jail, have someone they can call. Maybe this means sitting around their house in shifts waiting for the phone to ring.
  - When they get out, go with their parents to get them. (This might not be possible if their parents are really pissed.)
- [Discuss people's experiences in jail and what sorts of things were helpful and what they would have liked.]

## **G.5) Keeping Safe with Public Art – A rap, not a roleplay**

You have the right to free expression. The more loud, obnoxious, controversial, or unpopular your expression is, the more people will try to stop it. There are no clear boundaries. Here are some typical laws – check to see what they are specifically in your area.

- don't be obscene (discuss, since obscenity is in the eye of the beholder)
- don't obstruct sidewalk, roadway, or entrance of a building
- don't loiter
- signs, posters, placards, cards, stickers, banners, etc might not be legally stuck to anything public. Unless it's *temporary* sign on a utility pole or lamppost.
- noise ordinance: obnoxious noise that disturbs the peace is bad. Non-commercial public speaking and public assembly activities in public spaces is exempt. The cops could give you a ticket, but there are lots of ways to fight it (they have to show that it was unusually loud and disruptive, based on the time of day, ambient noise, etc.) There are specific decibel levels allowed. You may have to get a noise permit.
- You may have to get a permit to have a march in the streets. Permit or no, always use your street smarts around the cops.
- Trespass: person in control of a private area can tell you to leave.
- Graffiti/vandalism: painting or etching or marking buildings is considered graffiti. You can be fined. In California, damage of more than \$400 is a felony. Most graffiti is going to be more than \$400 to clean up.
- If you are planning an action than is . . . risky . . . you should talk with a local lawyer first so you can stay as safe as possible and understand the risks you do choose to take.

## **G.6) Race, gender, class and the police – A rap, not a roleplay**

- We talk a lot about street smarts in this training. This has a lot to do with who the cops are and how they perceive you.
- Police violence is real and staying physically safe is important.
- Do people think the police are racist? [Discuss]
- The way I talk to the cops when they're alone and I'm surrounded by my friends is very different than how I talk to them when I'm alone and they're surrounded by their friends.
- We are not saying you shouldn't invoke your rights. This is about how you talk to the cops.

## H. Forest-Specific Role Plays

### H.1) Treesit Trickery

**Note to trainer:** 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.

**Treesit:** You are in a treesit and the Freddie's come and try to make you come down. Resist for a little bit, but then agree to come down.

**Intro:** (Participant) is in a tree sit by herself and the Forest Service comes to make a visit. Let's see what happens.

#### **Lessons:**

- 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 put you in federal court if on federal land, 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 to identify masked protesters.

## H.2) Blockading a Logging Road (Police liaison)

**Note to trainer:** There's a 5 people protesting on a logging road. Logging trucks come up the road and locks arms in the road. Two Freddie's (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 of her friends to leave, everyone gets arrested immediately on felony trespassing. The leader reluctantly tells everyone to leave right now.

Make four copies of this one

**Blockade:** You're blockading a logging road. Chant "1-2-3-4, You can't kill our trees no more! 5-6-7-8, Organize and smash the state!" When the cop comes, immediately direct them to the "leader".

**Blockade LEADER:** You're the leader of this action! When the cop asks you questions, here are some answers:

- We need to physically stop them from logging - writing letters isn't enough.
  - We've done this before and only gotten warnings.
- When the cop makes threats to you, freak out and tell everyone to disperse right away.

**Intro:** This group is blockading a logging road. Here come some Freddie's. Let's see what happens.

### Lessons:

- 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.
- A police liaison is better than a "leader" because 1) if you are the leader of a group that is breaking the law, you can get nailed with more serious charges (conspiracy, etc), and 2) its bad to let the cops impose their hierarchy on the way we organize ourselves!
- 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 Freddie's.
- 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 what restrictions they have, 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 you, but probably not all of you, especially all at once.

# **I. De-Escalation Role Plays**

*We collaborated with Clare and Kerry of San Francisco Food Not Bombs on these role plays.*

## **I.1) Fight in the Food Line**

**Note to trainer:** Participants are serving with Food Not Bombs. One is a server, and the floater is handing out spoons. Two people in line (the trainers) 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

**Food-line fight SERVER:** You are serving with Food Not Bombs. Two people in line start to have a little fight over the last piece of bread. Say things that escalate the situation. Some things you can say:

- Why are you being such a jerk!?
- Just calm down.
- If you two don't shut up, I'm going to make you shut up!

**Food-line fight SPOON:** You are handing out spoons at a Food Not Bombs serving. When two people in line start to get in a fight, hang back and don't help at all.

**Intro:** (Participant) is serving with Food Not Bombs in a park. (Spoon participant) is handing out spoons. (Trainer) and (Other Trainer) are people in line. It's about to get interesting.

### **Lessons:**

- Announce when food 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.

## I.2) Sexism in the Food Line

**Note:** When doing the role play over, give the participants a minute to figure out a reaction.

**Note to trainer:** Someone in line 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.

**Sexism Female-identified:** You are serving with Food Not Bombs. Someone in line will make a sexist comment. Before you can respond, a male server will come to your "rescue".

**Sexism Male-identified:** You are serving with Food Not Bombs. Someone in line will make a sexist comment to a woman. This is your chance to realize your superman fantasies! Come to her "rescue" in a patronizing manner.

**Intro:** (Participant) and (other Participant) are serving with Food Not Bombs in the park. (Trainer) is someone in line with an issue.

### Lessons:

- Respect the people you work with - in this case, don't speak for/over them. This is especially true with gender dynamics.
- Agree beforehand on what to do if this happens - it's often predictable and/or recurring.
- Some possible reactions for the woman?
  - Feign ignorance and move them along.
  - Address it - "That's completely inappropriate, etc."
  - Humor.
- Some possible reactions for the man?
  - Humor – Respond, "I'll marry you!"

### I.3) Store owner Rage

**Note to trainer:** 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. It ends with the Store owner leaving to call the cops.

**Store owner Rage:** You are serving with Food Not Bombs. A local store owner will come and complain to you. Be a total jerk and escalate the situation. Some things you can say:

- Don't you have some blood to suck, Capitalist?
- I'm sorry your priorities are so messed up.
- Whose park? Our park!

**Intro:** (Participant) is serving with Food Not Bombs. (Trainer) is a local store owner who is just fed up with all the homeless people hurting his business.

#### Lessons:

- Have one person ready to talk to angry store owners, 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 store owner 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.

## J. Miscellaneous Role Plays

### J.1) Shoot Me

**Note to trainer:** Participant is walking home in a not nice area at night late at night in a sketchy part of town. Two scared rookie cops stop her and shout, "Who are you? Identify yourself!" Participant reaches for her wallet and the cops shoot her.

**Shoot Me:** You are walking home late at night after a loong day. When the cops start to shout at you, reach for you wallet to show them your ID. They will shoot you - do a good death scene.

**Intro:** (Participant) is walking home in a bad neighborhood late at night after a loong day. (Trainer) and (Other Trainer) are a couple of freaked out rookie cops walking their beat.

#### **Lessons:**

- 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.

## **K. Evaluation**

- Any final questions?
- This is the most important part of the training for us. This is where you tell us what was less than perfect, so future generations won't live through the same mistakes you did.
- What did folks think about the training?
- What did you like?
- What could have gone better?
- [Hand out "Dealing With Police"]

## Sample Confession

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# WAL-MART

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

Item serial #	Value
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I hereby hold Wal-Mart corporation and any and all of its agents and subsidiaries harmless from any and all damages. I hereby waive the right to seek damages of any kind from the corporation or employees of Wal-Mart corporation and any and all of its agents and subsidiaries. I will pay restitution to Wal-Mart corporation for any expenses incurred in my theft, including but not limited to: repairs or replacement of merchandise, reimbursement for employee wages, injury to personnel or others, and any and all other restitution or damages available under state and federal law. I have signed this document of my own free will.

\_\_\_\_\_ (signature) \_\_\_\_\_ (date)

\_\_\_\_\_ (witness) \_\_\_\_\_ (date)

# Sample Search Warrant

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IN THE MUNICIPAL COURT OF THE OAKLAND JUDICIAL DISTRICT  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

SEARCH WARRANT 135791113  
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

P.C. 840, 1527, 1529, 1534, 1536, 1551, 1541

# Sample Arrest Warrant

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IN THE MUNICIPAL COURT OF THE OAKLAND JUDICIAL DISTRICT

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA  
Arrest No. 876543

ARREST WARRANT 314159  
Register No. 007

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 \_\_\_\_\_

## Role Play Cards

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**Weed in the Park:** When the Narc offers to sell you weed, ask if she's a cop. Then ask her to smoke up with you to prove she isn't a cop. Then buy the pot. (When you get arrested, **do not resist.**)

**Provocateur:** When the cop asks you to break the law, ask if she's a cop. After some hesitation, go ahead and do it. (When you get arrested, **do not resist.**)

**Shoplifting:** Steal something and slip it into your pocket. When the store security guard detains and questions you, give lots of bad excuses. **Don't run away.** Empty your pocket when asked. The guard will tell you to sign a form. Sign it without reading. When the police arrive, give them all of these excuses:

- I didn't notice they fell into my pocket.
- Ok, I bought it yesterday, but threw away the receipt.
- Ok, I'm really drunk. I don't know *what* I'm doing.
- My friends dared me. I wasn't really going to steal it, I just wanted to see if I *could*.
- Fine, I'll work in the store cleaning up if you don't tell my parents.

**Stop and Search:** You're riding your bike home from a blockade and you get stopped by 2 cops who ask you questions. You are confused and often ask the officers if you have to do what they say. You reluctantly answer all of their questions, show them your ID and let them search your backpack

**Search Warrant:** The cops will show up at your door with a search warrant. Let them in without even looking at the warrant.

**Arrest Warrant:** The cops will show up at your door with an arrest warrant. Tell them you'll go willingly, but you want to get your coat and go to the bathroom first.

**Border Search:** You are driving across the border. The border guard asks to look in your trunk. Refuse and say, "I do not consent to a search." Act like a self-righteous know-it-all. The guard will turn you back — act confused and offended.

**Good Cop, Bad Cop:** You've been arrested and the police are interrogating you. **Say the Magic Words: "I am going to remain silent. I want to see a lawyer."** One officer will yell at you then leave the room. The other officer is nice and she'll try to persuade you to answer some questions for your own good. Say the Magic Words again, but then give in.

This role play involves the "bad cop" shouting at you and threatening you. Please tell us if you'd rather not do this one.

**Cats Out of the Bag:** The police will arrest you and read you your rights. **Say the Magic Words: "I'm going to remain silent. I want to see a lawyer."** In the squad car, the police will talk about all the terrible things will happen to you. **After they talk about the judge sending the last guy to prison,** get nervous and ask, "What's going to happen to me?" The police will ask questions and offer to make a deal. Reluctantly give them what they want.

**Snitch/Countersnitch A:** You were arrested with a friend and are now alone in a holding cell. When the cop **first** questions you, tell him to go to hell. Then, when the cop questions you a **second** time, get nervous and tell them it was your friend's idea and car. The **third** time the cop comes around, blame everything on your friend.

**Snitch/Countersnitch B:** You were arrested with a friend and are now alone in a holding cell. When the cop **first** questions you, tell him to go to hell. Then, when the cop questions you a **second** time, get nervous and tell them it was your friend's art supplies and artistic vision. The **third** time the cop comes around, blame everything on your friend.

**Probation Officer:** You're on probation for a past offense. Now you've just been arrested for a similar offense. **When the cop asks, say "I'm going to remain silent, I want to see a lawyer."** Your probation officer arrives at the station and tells you to cooperate with the police or she'll recommend you go to jail. First say the magic words, **then agree to talk** about what happened.

*Make four copies of this one:*

**Police Liaison:** You're blockading an ROTC recruiting office to protest the war. Chant "1-2-3-4, We don't want your fascist war! 5-6-7-8, Organize and smash the state!" When the cop comes, immediately direct them to the leader.

**Police Liaison Leader:** You're the leader of this action! When the cop asks you questions, here are some answers:

- We need to physically stop them from recruiting - writing letters isn't enough.
- We're expecting reinforcements from MoveOn.org at 2:30pm - around 50 people!
- We've done this before and only gotten warnings.

**When the cop makes threats to you, freak out and tell everyone to disperse right away.**

**HS Stop and Search:** You're a little late getting to class and the principal stops you in the hall and demands to search your bag. Ask why, but then give her/him your bag.

**Parent Pressure:** You've been arrested and you're at the police station. Your parent arrives and yells at you, demanding you answer the questions the cops ask you. First say the Magic Words, **then agree to talk** to your mom about what happened.

**Postering the halls:** You are hanging posters on the high school campus with political messages about supporting the Palestinian people. The principal will give you a hard time about them. Resist a little, then agree to take all the posters down.

**Unexpected L.O. A:** You are getting harassed by the cops for tagging a building downtown.

**Unexpected L.O. B:** You are walking down the street and you see your friend getting harassed by the cops. Confront them! Be pushy and rude and don't listen to them. (You will get arrested.) Some things you can say:

- What's your badge number, pig?!
- I have a right to stand here and watch and you can't stop me!
- This is police brutality!
- I'm going to sue you and you're going to lose your job!

**Treesit:** You are in a treesit and the Freddie's come and try to make you come down. Resist for a little bit, but then agree to come down.

*Make four copies of this one:*

**Blockade:** You're blockading a logging road. Chant "1-2-3-4, You can't kill our trees no more! 5-6-7-8, Organize and smash the state!" When the cop comes, immediately direct them to the "leader".

**Blockade LEADER:** You're the leader of this action! When the cop asks you questions, here are some answers:

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- Just calm down.
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**Shoot Me:** You are walking home late at night after a loong day. When the cops start to shout at you, reach for you wallet to show them your ID. They will shoot you - do a good death scene.