

# KNOW YOUR RIGHTS

## COPWATCH

### Know Your Basic Rights

- 1st Amendment: you have the right to assemble
- 4th Amendment: protection against unreasonable search and seizure
- 5th Amendment: protection against self-incrimination
- 6th Amendment: you have the right to a speedy and public trial, you have the right to an attorney
- 8th Amendment: protection from excessive bail and cruel and unusual punishment

### Three types of stops

1. Consensual- ask "I free to go?"
2. Detention- based on reasonable suspicion, show I.D. but otherwise don't. talk, cops can pat search but do not consent to bag/pockets search. Search clause: if you are a parolee, you may be searched.
3. Arrest- based on probable cause (evidence), this can be in the form of a citation or custody, you have the right to know why you are being arrested, you have the right to appear before a judge (habeus corpus).

### Three types of violations

1. Infractions- fine only
2. Misdemeanor- fine and/or jail up to a year, no right to a jury
3. Felony- fine and/or jail longer than a year

### Three types of Police Misconduct

- |                      |  |   |
|----------------------|--|---|
| 1. Violations of Law | 2. Violations of Policy                        | 3. Unjust Laws                                  |
| • corruption         | • tasers, identity,                            | • anti-homeless                                 |
| • excessive force    | • each dept has unique policies and procedures | • selective enforcement (i.e. racial profiling) |

### Right to Watch

- P.C. 148- Interfering/obstructing/delaying an officer on duty
- Right to watch- 1st Amendment
- Right to video- cops have no right/expectation of privacy
- P.C. 830.10- Cops must be identified by name or number

### When Copwatching...

#### Do...

- Get badge#, dept., and name of officers
- Video/document incident, write narrative
- Speak with witnesses and get contact info
- Photograph/document injuries
- Keep calm, use polite language, slow movements, visibility to de-escalate
- Use California Info Act ([www.cfac.org](http://www.cfac.org)) to get documents
- Be an organizer
- Assert your rights!

#### Don't...

- Bring weapons/drugs
- Drink/use drugs
- Warn people cops are coming
- Run or move suddenly
- Videotape if victim doesn't want you to
- Escalate the situation
- Interfere with police activity
- Conceal your hands