

BERKELEY COPWATCH GUIDE TO

# COPWATCHING

DURING PROTESTS



[BERKELEYCOPWATCH.ORG](http://BERKELEYCOPWATCH.ORG)

The following information is intended to help orient you to be an effective observer of police conduct at protests. Be sure to get familiar with the laws of California and the specific policies for your police department since they vary from agency to agency. You are also supposedly covered by the Bill of Rights at all times.

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# WHAT TO LOOK OUT FOR AT A PROTEST

-  Detailed description of police misconduct (verbal abuse, wrongful arrest, excessive force), including the exact date, time and location. Note failure to warn, refusal to allow dispersal, etc.
-  Nickname and affinity group of the victim(s) if possible.
-  Other witnesses' names, addresses, emails and phone numbers.
-  Names of any journalists, videographers or photographers
-  Number of officers and law enforcement vehicles. Identify departments present.
-  Commanding officer's name, rank and badge number (note if officers refuse to supply this information).
-  License plate and ID number of police vehicles, as well as private cars moving through the demonstration.
-  Police equipment and weapons, such as body armor, shields, batons, tear gas, pepper spray, tasers, rubber bullets, wooden bullets, bean bags, stingers, etc.
-  Which police weapons were used and how. For example, protesters drenched with pepper spray, tear gas canisters fired at persons (rather than onto the street), horses or vehicles run into people, etc.
-  Routes taken by demonstrators and police. **RECORD THE TIME AND STREET** frequently. Keep a chronology. This is important for creating a framework for the footage and evidence after the protest is over.
-  Statements made by police (particularly commanding officers) and civil officials. Whether orders or warnings were audible and/or intelligible.
-  Are body cams on? Look for a small green or red light.

# TIPS FOR RECORDING THE POLICE

## EVIDENCE

For your footage to be useful in court, it will have to be unedited and cannot be "anonymously" presented into evidence.

## FOCUS ON POLICE

Concentrate on documenting police response. You don't want footage that can be used to prosecute protesters. Keep your camera focused on POLICE behavior.

## CUT THE EDITORIAL

Be aware of what you say while you are recording. Your commentary can influence the way that people and juries perceive what is happening in the video, and swearing and yelling may bias a jury against the person.

## WHERE? WHEN?

Date and time stamp footage while you are filming, or say it on tape. Tape location identifiers such as street signs.

# RIGHT TO WATCH

Assert your right to observe. Remember, you do not have the right to interfere. Get names and badge numbers of officers, if possible.

# KEEP YOUR CAMERA

Cops cannot take your phone without a warrant. Do not let them have your camera or phone. Don't resist physically, but don't consent to giving your belongings to them.



# POLICE TACTICS

## TO KEEP IN MIND

### KETTLING

Cops on either end of the block to trap you inside the "kettle." Everyone within the kettle gets arrested. Police should warn protesters before a kettle, or at least give protesters a chance to leave

### SNATCH & GRAB

A line of cops opens up, grabs a person and then closes up behind the person. Often, a person behind the individual pushes the person forward so it looks like they are charging at the police.

### POLICE MAKE A LIASON

Police may single you out to represent the protest or receive information. Explain that you are just an observer. **DON'T IDENTIFY LEADERSHIP** to the police.

### CROWD MANAGEMENT VS. CROWD CONTROL

Management is related to monitoring and managing a crowd. Control is when they want to disperse the crowd or end the protest with harsher tactics.

## SKIRMISH LINE

Identify where the police are holding a line and what possible objective they trying to achieve with it. Is it simply a provocation?



## GET 'EM RUNNING

Officers can attack a crowd and intentionally make them run in order to make arrests or to target individuals.



## UNLAWFUL ASSEMBLY

Defined by law as "conduct that poses a clear and present danger of imminent violence," and used to describe when a demonstration or crowd event is gathering to commit a criminal act. Cops will make an announcement when they believe the gathering has become an unlawful assembly.



## CONTROL HOLDS

Carotid artery, wrist lock, etc. Pain compliance techniques can be used to make someone stand.



## MOTORCYCLES

Cops are not allowed to run into people.

## **BATON STRIKES**

Overhead, sidearm, jab, thrust. OPD policy on crowd control states, "Officers shall not intentionally strike a person with any baton to the head, neck, throat, kidneys, spine, or groin or jab with force to the left armpit except when the person's conduct is creating an immediate threat of serious bodily injury or death to an officer or any other person. Batons shall not be used against a person who is handcuffed."

## **CHEMICAL AGENTS**

OPD policy on crowd control states, "Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall be used only if other techniques such as encirclement and mass arrest or police formations have failed or will not accomplish the policing goal as determined by the Incident Commander."

## **LESS LETHAL MUNITIONS**

Bean bag, rubber bullet, wooden dowel, etc. OPD policy on crowd control states, "Direct Fired SIM may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive. Direct Fired SIM may be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to him or herself, officers, or the general public or who is engaging in substantial destruction of property which creates an immediate risk to the lives or safety of other persons."

## **DOGS, FIRE HOSES**

Are not allowed for crowd control in San Francisco, Oakland or Berkeley.

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# MISCELLANEOUS INFO

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**Medical care:** Is expected by policy when pepper spray is used.

**Probable cause:** Individuals may not be arrested based on their association with a crowd in which unlawful activity has occurred. There must be probable cause for each individual arrest. However, officers often make arrests without probable cause, particularly when they use tactics like kettles.

**Mutual aid:** Occurs when agencies from other cities are assisting in policing. The OPD policy on crowd control states that outside officers:

1. Do not bring any weapons or force that is prohibited under OPD's policy;
2. Are provided a copy of OPD's Crowd Control Policy and Use of Force policies;
3. Are not assigned to front-line positions or used for crowd intervention, control or dispersal unless there is a public safety emergency.

**Resisting, obstructing or delaying a police officer:** As an observer, you should assert your rights, but be aware that cops can claim that you were keeping them from doing their job. Keep your hands visible and your voice calm. The distance between the action and you is the "dance" we do when we observe.

# **STAY SAFE AND ASSERT YOUR RIGHTS**

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