



# ICJB

International Campaign  
for Justice in Bhopal



## KNOW YOUR RIGHTS (Applicable for the USA)

Protests and demonstrations have created social and environmental change throughout history. From the Boston Tea Party to the Montgomery Bus Boycott to the Taco Bell boycott, non-violent direct action has played a crucial role in exposing injustices and winning important victories. These actions allow us to exercise our basic rights and participate more fully in the democratic process. Most importantly, nonviolent direct action is empowering because it works.

Most demonstrations encounter few problems with police. However, it is important to know your basic rights before you hit the streets. Knowledge is power, especially when dealing with the legal system. Laws vary in every country and even state by state, so make sure to look into your local laws. **Although most forms of direct action are entirely legal, it is always important to know your rights!** No matter what the action, you may end up encountering police or security guards. Keep your group's rights in mind and **BE PREPARED!**

We're not lawyers or legal experts, but we've collected some great resources from people who *are* experts and lawyers, including the Midnight Special Law Collective. The following is not meant to be comprehensive legal advice – it just provides the basics. **Look over the information below, but don't stop there!** It's a good idea to check with a National Lawyers Guild lawyer for your state's specific laws.

### Police/Security Liaison

- Delegate one or two people as police liaisons – they will communicate with the police and relay info from police to the crowd.
  - *Others should send police to the liaison and **only** the liaison.*
- This person is NOT the leader of the group. If a cop asks, there is no leader; everything was decided in consensus.
- The Liaison should be VERY polite and respectful, “clean cut,” maybe even a bit older, if possible, and good at keeping their temper.
- As soon as police/security arrive, the Police Liaison(s) should go up and introduce themselves as the liaison (but make clear that you're not the leader/person in charge).

### Police Encounters

General rules for talking with police

- Don't make them nervous.
- Talk with hands OUT of any pockets – make sure they are clearly visible.
- **Don't touch them** or make sudden movements.
- Remember that police are allowed to lie about certain things, but it is illegal to lie to them.
- Police don't decide charges (prosecutors do).
- Make sure to write down all the information about the police officers:
  - Name, badge number, what took place; try to have a witness.

### Casual(ish) Conversation

- Do not talk to the police unless you're the police liaison, except to point them in the direction of the police liaison.
- Be very respectful if you do say something– however, you don't have to say anything.
- If they persist in questioning you, ask **“Am I being detained?”**

- If not, then you are free to leave. If the action is finished, leave.

## **Detention**

- If they say “yes” to “Am I being detained?,” then you are in “detention.”
- They can only detain you with reasonable suspicion that you broke a law.
- You don’t have to say anything to them but your name and “**I am going to remain silent, I want to see a lawyer**” – repeat this loud and clear as many times as necessary.
- You have to stay put, but it should only be a short time.
- While detained, the police might search bags and pat you down. Say “**I do not consent to this search**” loudly and try to make sure a witness hears you say this.
- The police can only go into pockets if they feel a weapon.

## **Arrest**

- The police can only arrest with probable cause that you committed a crime.
- If arrested, they can search to skin (same gender) – Remember “**I do not consent to this search.**”
- If you are arrested, they can search your car.

## **REMEMBER THESE CODE WORDS!**

1. “Am I Being Detained?”
2. “I am going to remain silent, I want to see a lawyer”
3. “I do not consent to this search”

## **Security Guards**

- If they ask you to leave, then it is illegal for you to stay on that property, and you could be charged with trespassing (once police arrive).
- You are free to leave anytime: don’t get stalled by them saying “YOU HAVE TO STAY HERE” or “YOU NEED TO COME TO OUR OFFICE.” You don’t have to do anything, unless they are police officers and have detained you.
- They can place you under citizen’s arrest; however, you can lawfully resist an unlawful citizen’s arrest (unlike unlawful arrests by police officers).
- Remember that these laws vary state-to-state and sometimes even between establishments – check before you have an action inside of a private space, like a mall.

## **Legal Observer**

- It’s a good idea to get a Legal Observer for your action. This person does not participate in the action – they are a third party witness who observes your encounters with the police. Contact the ACLU or other legal advisors to find a trained Legal Observer near you.

If you would like more information on legal issues, there are many activist law collectives, including:

- The Midnight Special Law Collective: <http://www.midnightspecial.net/>
- The Just Cause Law Collective: <http://www.lawcollective.org/>
- The New York City People’s Law Collective: <http://www.tao.ca/~nycplc/>.

Also, the American Civil Liberties Union has lawyers all over the country that work to protect our rights and freedoms. <http://www.aclu.org>. The National Lawyers Guild is also a good resource, [www.nlg.org](http://www.nlg.org).