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Written by DC Antifascist Legal Collective
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Know Your Rights!

**A primer for D.C.
protesters**

**by The D.C. Antifascist Legal
Collective**

to search your house. Without opening your door, ask if they have a warrant and ask them to slip it under the door. Ask for their business cards so that your attorney can call them and tell them you do not want to speak to them without an attorney. ask if you can step outside so they cannot search your house because they will try to enter if you open your door.

These rights only apply in D.C. and only if you declare to the officers that you are transgender. It is up to you whether you want to out yourself as trans. They also apply to anyone under 18.

You cannot be stopped for being trans.

You cannot be frisked to “determine” your gender.

Officers must respect your name and pronouns.

Officers can't ask about your body, surgeries, etc.

Officers cannot perform squat searches in front of other people or in public.

Officers cannot make you remove clothes, hair, falsies, binding, etc unless they think it will pose a threat.

During arrest and booking, you can ask to be searched by a male or female officer.

You should be placed in an individual holding cell for the length of time you're held by MPD.

If moved, you should be transported separately.

If you have an old record with MPD, they must update it to reflect your current name and gender.

*"I know my rights
But thanks for explaining
The day they're enough
Will be the day it starts raining"*

'War on Christmas' by Ramshackle Glory

*"Don't settle for justice
Punch it through the screen
And every dead commercial in between
Calls you, calls you to be captured
To write you
To write you in*

*We followed these streets
Through the city's red lights
Underneath these iron trees
On rooftops worth burning
Whispers to prayers
In these strange futures
Know your rights"*

'Iron Trees' by Strike Anywhere

EDITOR'S NOTE

This guide is by no means a silver bullet to dealing with the legal system. It will not prepare you for any potential torture or interrogation by law enforcement in jail/prison. It is important to remember that the police lie, and will do & say anything to get you to incriminate yourself and others. It is also not comprehensive advice for those that wish to take more extreme risks with regards to direct action. For some other related resources it is recommended that you check out the following:

- "A Tilted Guide To Being a Defendant" by The Tilted Scales

Collective <https://tiltedscalescollective.org/wp-content/uploads/atiltedguide-web-1.pdf>

- "Basic Politics of Movement Security" by J. Sakai, Mandy Hiscocks

<https://theanarchistlibrary.org/library/j-sakai-basic-politics-of-movement-security>

- "Confidence. Courage. Connection. Trust---A proposal for security culture" by Anonymous <https://theanarchistlibrary.org/library/anonymous-confidence-courage-connection-trust>

been lawfully arrested for committing a crime, DC law does require you disclose your identity. Maryland only requires disclosure of your identity if police suspect you are carrying a handgun.

If the cops do stop you and you cannot just keep moving the first thing to ask is "Am I free to leave?" You should ask because the cops have no duty to tell you. If they say no, you are not free to leave, you are in the detention phase. You can then ask "Are you detaining me?"

You can ask why you're being detained, but they do not have to give an honest response. It's called an investigatory stop so they want to get information from you. You may say at this point, "I wish to remain silent."

This is where a pat down can come in—in theory this should only be for a weapons and not, for example, for drugs. If they ask "can I pat you down," the next set of magic words, "I do not consent to a search."

Physically resisting the search can lead to an arrest, but it is important not to consent. This can be used in court if anything is found. 90% of searches are consensual, which means most people are waiving their right to privacy. You can say no and should.

Lying to the police is a crime in DC.

IF YOU ARE ARRESTED

In the case of arrest the most important thing you can say is "I want to remain silent and I want to talk with my attorney," and then literally stop talking!!! If you re-initiate conversation with the police, you have then waived your right to remain silent. The cops may try to keep questioning you although that is illegal. Simply remaining silent does not invoke your right, you have to affirmatively invoke the right. We know that's bullshit, but it's important to remember.

IF THE POLICE COME TO YOUR HOME

If they have a warrant for your arrest, they can go to your house or arrest on the street, but without a search warrant, they do not have permission

- Blur out faces, tattoos, and any other identifiable information
- Take pictures from a distance
- Remember- don't record anything you wouldn't want to show up in a courtroom

PROTEST/SPEECH

1st amendment: the first amendment protects our freedom of speech, but as we know the cops can violate the law and act irrationally. The cops didn't go to law school and just because you are engaging in speech that is protected by the first amendment does not mean the police will not arrest you for it. Arrests at protests are often a source of crowd control without any intention of prosecuting the charges. So always know that our rights may not be respected. However the Supreme Court has held that burning an amerikkkan flag is protected political speech. Assess your risk before you engage in arrestable action like burning in the streets.

D.C. Criminal Code §22-1313 criminalizes fires on the street.

IF YOU'RE STOPPED BY THE POLICE

You are never obligated to speak with the police without a lawyer. If you want to avoid arrest, keep the interaction with the police to less than 5 words, polite and minimal and keep it moving. not speaking at all can give them a reason to escalate. In *Hiibel v. Sixth Judicial District Court of Nevada*, the Supreme Court upheld that a state statute can require a suspect to disclose his or her name in the course of a brief stop, if the stop was based on reasonable suspicion. Therefore, if state law requires identifying yourself to an officer, refusing to answer a request for one's name during a stop could lead to an arrest. DC does not have such a statute. However, if someone has

INTRODUCTION

We are police and prison abolitionists seeking to dismantle the entire carceral system. We chant FTP in the streets with the hope to one day live in a world where that chant is no longer necessary. Until then, let us keep each other safe. This zine provides some information about your "rights" when interacting with the police so that you can better protect yourself and your comrades. It is meant to be one resource in the toolkit for liberatory and confrontational direct action. You get to decide how to fight.

PRE-ACTION CHECKLIST

It might be a good idea to bring;

- Valid ID
- Medication in pharmacy container with your name on it
- A heart full of love and solidarity :)

It might be a good idea to NOT bring;

- Anything that could be perceived as a weapon
- Illegal Drugs
- Cannabis: Initiative 71 legalized the possession and home cultivation of cannabis for personal use on DC property. Federal law still criminalizes cannabis. If you bring cannabis on federal property (e.g., National Mall, National Parks, etc.), you can be charged with possession.

Commit important phone numbers to memory

Emergency Contact

Jail Support Number (NLG Hotline 202-888-1731, as of September 2020)

Consider yours and your comrades individual level of risk:

- Immigration status
- Probation
- Medical Needs
- Outstanding Warrants

AT THE ACTION

Protest Buddy: It is best to go to an action with a buddy. If you go alone, introduce yourself to some people and check-in throughout the action.

Make a plan to exit the action safely: park in the same area so that you can leave together, walk to the metro in groups, etc. Don't give cops the opportunity to confront you alone!

If you witness an arrest---

Document: first name, last name, date of birth of arrested person, which agency the officers are from, their badge numbers, any other details.

Call the jail support hotline and report the arrest

If you bring your phone---

If arrested, cops may press your finger on your phone to unlock it. To avoid this, turn on the 5-digit password instead of the fingerprint or facial recognition.

The cops can and do conduct surveillance during protests. Turn off location services during protests. Ideally you should turn the phone off and/or remove the battery if possible.

Always use encrypted messaging apps like Signal.

BlueLeaks revealed that cops still struggle to access encrypted messages. However, messages from encrypted apps can still fall into the hands of the pigs. [Editor's note: physical access means that once the phone is in their possession and out of your sight, it will likely become compromised with malware. Prepare to have new backup

phones after an arrest with your organization/AG]

RECORDING THE POLICE

Can be a useful tool but know the risks

You have the right to record but cops can arrest you if they deem you are interfering with their actions

Maintain a reasonable distance, if they tell you to move back (and you want to avoid arrest) you should comply

If cops threaten to arrest you explain "I do not intend to interfere, but have the right to observe their actions."

#1 thing to remember---film the cops, not comrades!!!

SOCIAL MEDIA

Not all videos of police misconduct/ violence are safe to post to social media. Anytime you post footage from a protest, you put the activists in the footage at risk. Posting footage of an arrest is especially dangerous because it may be used by the government to add additional charges like resisting arrest.

You may think something is totally legal or the police are clearly in the wrong but it doesn't matter. The government can use your videos as evidence in prosecuting protesters.

Live Streams:

Using live streams is risky because it timestamps you and your comrade's whereabouts

Law enforcement/ ICE use info found on live streams to target activists

If using, focus on the police and their use of force!

Good practices:

- Get consent from comrades who are identifiable in the content you are posting