

Know Your Rights for Animal and Environmental Activists

NATIONAL LAWYER'S GUILD
ANIMAL LIBERATION COMMITTEE
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Session Logistics

- ▶ Thank you for taking time out of your day to attend and for the work you do or will do on behalf of animals and the environment
- ▶ Today's training will have two parts:
 1. General "Know Your Rights" information – *Will Lowrey*
 2. "Know Your Rights" information specific to activists – *Kathy Hessler*
- ▶ Each section will be approximately 30 minutes (1 hour total) with 30 minutes reserved at the end for Q&A

Important Disclaimers

- ▶ This training is not a replacement for legal advice. If you need legal advice, please contact an attorney.
- ▶ Each situation is unique, and we are unable to provide overly prescriptive advice.
- ▶ Our goals tonight are to:
 1. Educate you on what rights you have
 2. Ensure you understand the risks you may face
- ▶ Tonight's session is intended only as a **general overview**; there are many resources available online for further research and education
- ▶ Risks vary based on the circumstances and the parties involved (minors, immigrants, BIPOC, etc.)
- ▶ Knowing your rights is **not a magic solution** that will eliminate every risk you face and resolve every interaction with police
 - ▶ Just because you have rights does not mean police will respect them or courts will uphold them
 - ▶ But by knowing your rights, you make it harder for police to use any statements or evidence found during a search against you at a later proceeding

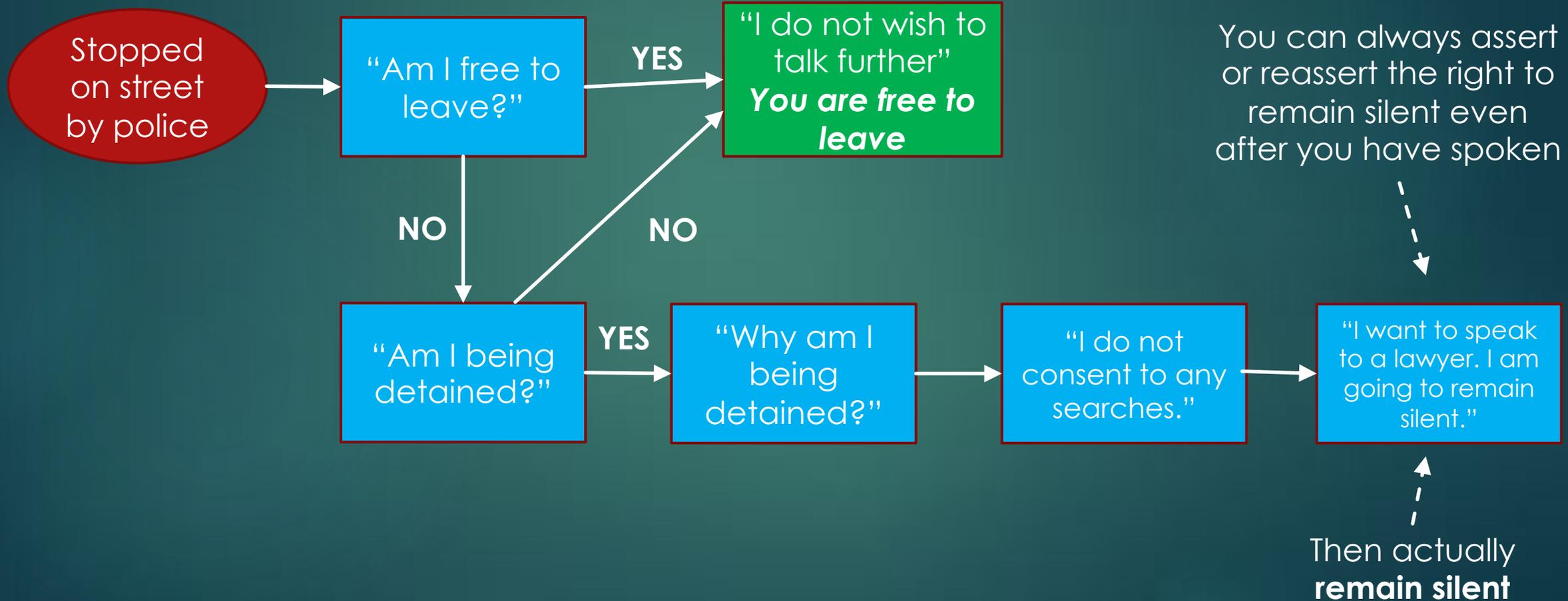


Levels of Police Interactions

- ▶ **Casual questioning/conversation** – No justification necessary
 - ▶ Police can approach to ask questions without any legal basis
 - ▶ Ask “Am I being detained?” to determine if it is casual questioning which means you can and should leave
- ▶ **Detention (Detained)** – “Reasonable suspicion” of a crime
 - ▶ “An objectively justifiable suspicion that is based on specific facts or circumstances that justifies stopping and sometimes searching (as by frisking) a person thought to be involved in criminal activity at the time.”
 - ▶ If police reasonably suspect that the person is armed and dangerous, they may frisk (pat down) the outer clothing
 - ▶ No legal time limit for how long you can be detained, but must be “reasonable” given the stated reason for detention
- ▶ **Arrest** – Probable cause to believe a crime was or is being committed
 - ▶ “Probable cause for arrest exists when facts and circumstances known by the police officer would lead a reasonable person to believe that the suspect has committed, is committing, or is attempting to commit a crime.”

Stopped in the Street

Your goal: End the interaction as quickly as possible



Stopped While Driving

- ▶ Police can stop a vehicle if:
 - ▶ Reasonable and articulable suspicion that the motorist has violated a traffic law
 - ▶ Checkpoints (at or near borders, related to automobiles)
- ▶ If stopped while driving, you must show:
 - ▶ Driver's license
 - ▶ Registration
 - ▶ Proof of insurance (some states)
- ▶ Police can search your car if:
 - ▶ There is a checkpoint
 - ▶ They have a warrant
 - ▶ There is probable cause to believe there is evidence of a crime in your vehicle
 - ▶ You have been arrested and the search is "incident" to that arrest
 - ▶ Your car has been impounded after arrest (inventory search)



Stopped While Driving (Continued)

- ▶ Stop the car in a safe place
- ▶ Turn off the car, place your hands on the wheel, stay calm, and avoid sudden movements
- ▶ If requested, provide driver's license, registration, and proof of insurance (varies by state)
- ▶ Ask if you are being detained
 - ▶ If NO, leave (do not speed away)
 - ▶ If YES, ask why you are being detained
- ▶ Ask for an attorney: "I want to speak to an lawyer."
- ▶ Assert your right to remain silent: "I am going to remain silent" ***then actually remain silent***
- ▶ Do not consent to any searches: "I do not consent to any searches"

Each situation and individual is unique. The above are only suggestions; you must decide what is right for you.



Common Police Interview Tactics

- ▶ Lying
 - ▶ Claiming to have evidence
 - ▶ Offering a “deal”
 - ▶ Misstating penalties
 - ▶ “We’ll just go get a warrant”
 - ▶ “We are just trying to help you”
- ▶ Leading Questions
- ▶ Reid Technique
 - ▶ Step 1: “We know you are guilty” (pressure)
 - ▶ Step 2: “I understand why you did it” (offers outlet to alleviate pressure)



“I want to speak with an attorney. I am going to remain silent.”

Dealing with Arrest

- ▶ If attending an event that carries risk of arrest:
 - ▶ Tell a trusted person where you will be and memorize their phone number
 - ▶ Make plans in advance for any animals, children, or other dependents
 - ▶ Do not bring anything with you that you are not comfortable losing
- ▶ If you are arrested:
 - ▶ Resisting arrest can lead to other charges and possible physical risk
 - ▶ Say: "I want to talk to an attorney. I am going to remain silent."
 - ▶ Be cautious speaking with other arrestees
 - ▶ As soon as able, call your trusted person or an attorney (number of calls varies by state; assume the call is being monitored)
 - ▶ Obtain an attorney independently or through a legal support organization

Each situation and individual is unique. The above are only suggestions; you must decide what is right for you.



When Your Rights Are Violated

- ▶ Identify the officer(s) involved
 - ▶ Ask for name(s) and badge number(s)
- ▶ Record the interaction if possible
 - ▶ But never make sudden moves or disobey commands to obtain recording device
 - ▶ In some jurisdictions, you may take **pictures and video** of police exercising duties, but do not interfere. *Note that in some states, taking **audio** may violate wiretapping laws.*
 - ▶ Do not consent to police access for your phone/camera (requires warrant)
 - ▶ You do **not** need to delete any pictures or video at the request of police
- ▶ If injured by police, try and obtain photos before any medical treatment
- ▶ Consider filing a report about police misconduct and/or obtaining an attorney



Issue Spotting

1. You're riding your bicycle down a rural road that leads to a factory farm to join a demonstration and are detained by police because they think you look suspicious and are going to cause problems.
2. You have been arrested after a disruption and are being questioned by police. You state "I think I may need a lawyer." The police continue to question you.
3. You are pulled over in your car on the way back from a protest at a new gas pipeline. The police ask your passenger whether they can search your car and she consents. The police search your car.
4. You are standing on a public street outside an animal research laboratory, a police officer gestures for you and asks "Can I talk to you?"
5. You and a small group are at your home preparing posters and materials for a direct action. Two police officers knock on the door. You open it, they look inside at the materials and ask to enter. You decline. They say they "will just go get a warrant if you don't let them in."