

**GUESS WHAT !**



**WE'VE GOT RIGHTS ?!**

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# GUESS WHAT !

## WE'VE GOT RIGHTS ?!

### *Building strength in relation to the police*

*This pamphlet was produced in 1998 by the COBP collective (French acronym for Collective Opposed to Police Brutality) with the collaboration of lawyers Pascal Lescarbeau and Julius Grey and the assistance of QPIRG-McGill. This document is anti-copyright. Feel free to copy and distribute.*

**COBP**

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*This pamphlet offers words of advice when confronting abusive police power. It informs you of your rights when dealing with the police. Above all, it proposes ways of building a position of strength in relation to the police. For the most part, this information applies to the Montreal Police Department (MPD).*

*We have to rely on ourselves to know our rights and have them respected. The police systematically abuse their power, particularly when confronting unconventional individuals: the poor, youth, and anyone questioning authority. This information is based on Canadian laws as well as on the rules and regulations applying to police forces in Quebec. Carry this pamphlet on you because you never know when you might need it.*



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# IDENTIFYING YOURSELF?

**Your identity is your own. You are under no obligation to identify yourself to a police officer except in the following cases:**

- × if you are under arrest
- × if you are driving a motor vehicle; you must show your driver's license as well as the vehicle registration (keep in mind: passengers don't have to identify themselves)
- × if you are under 18 and are found in a bar or movie theatre (you are obliged to identify yourself to prove that you are 18 or over)
- × if you are found at night in a public place (park, street, etc.). According to some municipal by-laws, people who refuse to identify themselves can be charged with "vagrancy."



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Asserting your rights might provoke two kinds of reactions from the cops:

- !?** **Surprise:** The police are not used to dealing with people who are aware of their rights, so they may decide to let you go without further questioning.
- !?** **Frustration:** The police may feel that they are being provoked and take advantage of the situation to put you under arrest (see p.5).

## Identification (ID)

Canadian law doesn't require that a citizen carry ID. However by carrying ID, you may avoid a trip to the police station in the case of a minor infraction.

## Don't talk to the police unless you have to

Any information provided to the police can be used against you and/or your friends. If the police try to engage you in conversation, you can face the other way, move, or act as if they don't exist. Don't fall for their tricks. Since "community policing" started, the police might seem to be acting more sympathetically to the public. However, they're still cops and their smiles can quickly change into harassment, intimidation, blackmail, etc.

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Other than these exceptions, you are never obliged to speak to the police. If cops call out to you, you can pretend you don't hear them and peacefully continue on your way. If the police insist and ask you to identify yourself or to come with them, ask them: "Am I under arrest?" If you're not, you must firmly but calmly tell them that you don't have to either identify yourself or follow them.



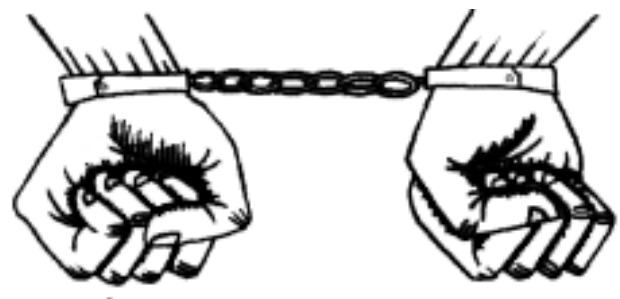
## However, police have to identify themselves

According to their own code of conduct, the police are required to identify themselves and/or wear badges with their names and ID numbers on them. You shouldn't hesitate to ask them to identify themselves, even if you don't get the answer you're expecting.

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# A R R E S T S

Unless you are charged with a crime, the police have no right to detain or arrest you. If you are neither being charged nor arrested, but the police ask to see your ID, just ignore them (see exceptions p.2). If the police insist, you should ask if you are being charged or if you are under arrest. If neither is the case, tell them to stop harassing you. If the police do not tell you that you are under arrest, but they continue to detain you, tell them that you insist on leaving, ideally in front of witnesses. Unless you are under arrest, you are not required to follow, obey, or speak to the police.



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## PEPPER SPRAY

Since January 1996, MPD guidelines stipulate that the cops can use pepper spray before they use physical force against anyone who is verbally or physically resisting arrest.

If you are pepper sprayed:

- X don't rub your eyes
- X thoroughly rinse the affected areas with water

Don't panic. The burning sensations will pass in time.

## Under Arrest

### What am I being charged with ?

If you are placed under arrest, the police are legally obliged to tell you what you are being charged with. The most common charges are mischief, assault, obstruction of a police officer, disturbing the peace, and unlawful assembly. Ask the police what the charges are.

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## Write down the details of the arrest

The police are required to identify themselves. Their names and ID numbers are usually indicated on their badges, which they generally wear on their jackets. Write down names, badge numbers and ranks of the arresting officers. If you don't have a pen and paper, try to memorise this information. If the officers refuse to identify themselves, try to remember their physical appearances (build, hair colour and any identifying characteristics), the car number (the first two numbers sometimes refer to the police station), as well as the time of the arrest.

## Arrest Without a Warrant

You can be arrested without a warrant in the following situations:

- x if you are caught committing an offence.
- x if the police have "reasonable grounds" to believe that you have just committed an offence.
- x if police have reason to believe that there is a warrant against you, such as for unpaid tickets.

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## INTERROGATIONS

Remain silent and say nothing to the police. Don't talk unless your lawyer is present. Never show your feelings. Now that you are under arrest, the police's one and only goal is to get information from you. It is better to stay silent, not let yourself be intimidated, and pretend that you don't hear them. The police have developed different interrogation methods and they will try to use them.

## Good Cop, Bad Cop

The "good cop" will be polite and understanding, while the partner will take on an aggressive, threatening role. The goal is for the "good cop" to gain your trust.

## Promises

Cops will promise to drop some charges against you in exchange for your co-operation. These "promises" are nothing but lies and blackmail, and they are not binding.

## Identification of Objects

The cops may ask you to identify objects that belong to you or others. It is smartest simply to answer that you have nothing to declare.

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## Arrest With a Warrant

A warrant for arrest is a piece of paper that police get from a judge. If you ask to see the warrant, the police are legally required to show it to you. The name and description of the offence must be written on the warrant. It must also be signed and dated by a judge.

## When you are under arrest, you must provide:

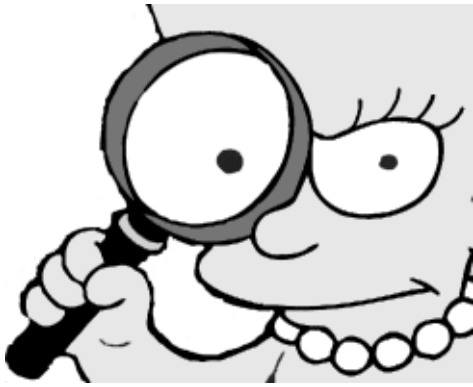
- x your first and last names
- x your complete address
- x your date of birth

In most cases, you will have to sign a promise to appear. Read it carefully before signing it and demand a copy.

## The Golden Rule: The Right to Remain Silent

Aside from providing your name, address, and date of birth, you have the right to remain silent. If you are under arrest, you should say absolutely nothing else to the police. If you are questioned further, just say "I have nothing to say," or "I will speak only in the presence of my lawyer."

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## Photos, Line-Ups, and False Witnesses

During a photo line-up a “witness” can pretend to recognize a person. The police use this false evidence to squeeze information from you. Don’t fall into this trap. If you haven’t spoken to your lawyer yet, insist on your right to meet with one of your choice.

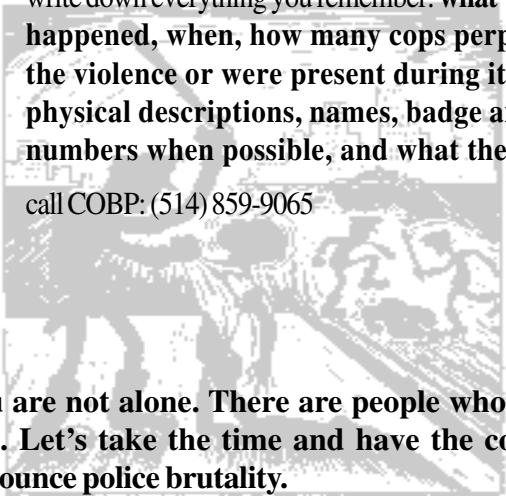
## Lies

The cops may try to convince you that your friends have talked and said things about you. It is best not to confirm anything. Don’t compromise yourself. Most of the time these lies are made up to get you to talk.

## If You Are a Victim of Police Brutality

Go see a doctor and insist on getting a full medical report of your physical and mental state (anxiety, fear, depression).

- × take pictures of your injuries and bruises.
- × find people who can be witnesses to your condition before and after you were brutalised.
- × write down everything you remember: **what happened, when, how many cops perpetrated the violence or were present during it, their physical descriptions, names, badge and car numbers when possible, and what they said.**
- × call COBP: (514) 859-9065



**You are not alone. There are people who can help you. Let’s take the time and have the courage to denounce police brutality.**

**Reporting it can help others!**

## Intimidation

The police may use all kinds of threats to scare you or make you crack. They lie or abuse their power, which can expose them to civil or criminal suits (which are extremely difficult for the complainant). Stay calm. You won’t be in jail for long, and you have friends on the outside.

## Violence

Any harsh treatment, even a shove from a cop, is considered to be physical violence. Avoid responding physically, but at the same time protect yourself from their aggression. Don’t crack. Telling the police what they want to hear when under physical pressure only proves that using violence works. Police violence usually leaves no marks.



# S E A R C H E S

## Any Search Before an Arrest is Illegal

The only situation in which cops are authorised to search someone before arresting them is if they have “reasonable grounds to believe” that a person is in possession of a firearm or drugs. “Reasonable grounds to believe” is a vague concept and therefore leaves room for improper searches. However, it certainly doesn’t allow cops to perform searches because of how you are dressed or because you are hanging around with people they don’t like.

## Improper Searches

If you are not under arrest and the police still want to search you, don’t feel obliged to co-operate. You shouldn’t empty your pockets right away. Let the cops know that you don’t agree with being searched and that they are abusing their power.

## What Should You Do?

During a search, it is useful to remember the names and badge numbers of the police officers involved, or ask them to identify themselves, which they are required to do. This will make it easier to file a complaint or to sue the cops. If you need advice or help with this, contact COBP.

# SEARCH AND SEIZURE

## Searches After Arrest

If you are arrested, cops are allowed to search you and your possessions. They must have a good reason to arrest you; simply wanting to conduct a search is not a legitimate one. Once you're under arrest, the police can search you to make sure that you don't pose a danger to them or to yourself, or to find incriminating evidence.

You can only be searched **by a police officer of the same sex**. There are generally two kinds of searches:

- × summary search: a pat-down search with your clothes on. The contents of your pockets are examined, as well as your personal effects.
- × strip search: you must completely undress. Your clothes as well as your personal effects are completely searched.

If you think that you have been abusively searched and can identify the cops involved, you can file a complaint and demand compensation. You can contact COBP to find out how.

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If the police come knocking at your door, don't let them in. You can talk to them outside or through the door. Ask them why they are there. Be firm and calm.

## Warrants

In order to enter your home, the police must have a search warrant that is signed by a judge with the reasons for the search on it. Ask to see the warrant, read it carefully and try to remember as many of the details as possible (the signature, for example). If everything is in order, you have to let them in.

## What Should You Do?

If you block the way for a search, you can be charged with obstruction. It's advisable to exercise your right to remain silent. Don't say anything to the police and don't answer their questions. You shouldn't allow yourself to be intimidated by their comments. They may pretend to know more than they do. Let them lie and invent their stories. Carefully observe the police officers; when you're in your own home, you're not required to stay in one room. It's risky to leave the police roaming around alone in your place. Keep detailed notes of what they did, took, and said.

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## Planning Ahead

If you have papers, information, or documents that may be of interest to the police, make sure you have at least one other copy stored in a safe place. The same applies for computer files. If you think you might be searched, think ahead and relocate anything that may be of interest to the cops. Remember, the State can fabricate evidence and use illegal means. So, be ready for emergencies and have contacts on hand.



**If you are the victim of a search, be sure to tell close friends, comrades, and the general public. But don't use your home phone because it may be "tapped." Try to take control of the situation!**

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## DEMONSTRATIONS



Depending on the type of demo or action, it might be a good idea not to speak about it on the phone or any place where you might be overheard.

## Protecting Your Identity

The Identification Division of the Montreal Police "accompanies" demos, rallies, etc., with the sole purpose of identifying demonstrators, activists, organisers, and speakers. You can choose to wear a mask or a disguise in order to protect your identity. Wearing a mask will attract the attention of police, especially of undercover cops, as well as of the media. Being masked or disguised "with the intent to commit a crime" is a specific criminal offence. A disguise might also frighten some demonstrators.

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## What to Bring

### x Pen and paper

These are handy to take detailed notes of any incident that might occur during the event. For example, if there are arrests: the names of the people arrested, their phone numbers, friends to contact, details of the arrest, actions of the police, identification numbers of the police cars, descriptions of the police and, if possible, their names and badge numbers, as well as the names and phone numbers of anyone who witnessed the arrests.

### x Cameras and videocameras

These are essential. Cops don't like being caught in the act, so cameras and videocameras might keep them in line. Plus, they allow us to have our own identification division.

- ✓ photograph the license plates of all undercover cop cars
- ✓ take pictures of the police, those who might be police, and suspected provocateurs
- ✓ photograph any incident

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## Undercover Cops

Don't expose an undercover cop on your own, since you might then be accused of "obstruction." Discreetly and calmly spread the word to people you know. Then you may collectively decide to circle the cop while chanting, pointing fingers, and jumping. In general, the undercover cop won't stick around.

## Voluntarily Dispersing

The end of the demo is always your most vulnerable time. Always leave in groups, because if people are targeted for arrest, it's often at the end of the demo.

## Involuntary Dispersal by Riot Police

### When Riot Police Attack

- x break down into groups of 10 to 15 people who will scatter and later regroup, or
- x manoeuvre the demo into one compact unit.

## Pepper Spray

See section on *Arrests*, p.6.

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Don't forget to bring more than enough film, and **above all** make sure that the negatives don't fall into the wrong hands. Be vigilant and anticipate possible mishaps.

### x Tape recorders

A tape recording of cops' remarks and statements is a valuable addition to photos and videotapes.

## Clothing

Before going to a demo, ask yourself: Am I wearing shoes that are good for running? Does the colour of my clothes make me easy to identify? Can I be easily grabbed by my hair? etc.

## What Not to Bring

Leave your address book or any other documents that may contain sensitive information at home. Don't bring any illegal drugs or anything that cops might consider to be a weapon. Choose beforehand which ID you'll bring, and leave the rest.

## Watch What You Say

The person beside you may be a cop, so be careful about what you say.

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## Tear Gas

- x **HC** - crowd-dispersing smoke: This white smoke is harmless and non-toxic, but is used for its psychological effect.
- x **CN** - standard tear gas: This gas is easily identifiable by its apple-like odour. It can cause a burning sensation in the eyes and skin, as well as irritation of the mucous membranes.
- x **CS** Gas - This gas is ten times stronger than standard tear gas and has the same effects. It has a very strong pepper smell and can cause nausea and vomiting.

## What Should You Do?

- x Don't panic. Effects of the gas will wear off in 10 to 15 minutes, and panicking will only make it worse.
- x Go to a well-ventilated area, facing the wind with your eyes open. Don't rub your eyes.
- x Rinse your face and any parts of your body that were exposed to the gas with water. Adding a little baking soda will improve the effectiveness of the water.

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