DEVELOPING ALTERNATIVES TO POLICING

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AROC
ARAB RESOURCE & ORGANIZING CENTER
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Build the Block

Between 2015 and 2016, with support from the Soros Justice Fellowship, Build the Block was created to pilot strategies aimed at decreasing calls to 911 and contact with law enforcement among residents in Oakland and San Francisco. The project worked with neighborhood groups, formal organizations, and individuals to consider the circumstances under which people may rely on law enforcement intervention and what no-call resources, relationships, knowledge, and practices may be employed to decrease that reliance.

Arab Resource and Organizing Center

The Arab Resource and Organizing Center (AROC) evolved from the San Francisco chapter of the American Arab anti-Discrimination Committee (SF-ADC), which built Arab leadership, defended civil liberties, mobilized against war and occupation, and challenged anti-Arab racism and Islamophobia. In 2007, the local group began operating as AROC and shifted its focus toward grassroots organizing, legal service provision, and youth leadership development. AROC’s work has focused on advancing immigrants’ rights, challenging war and occupation (with a particular emphasis on Palestine), and resisting state repression, racial profiling and surveillance.

AROC is unique in its emphasis on Arab-led grassroots organizing combined with legal services, migrant justice, and youth development that is also orientated toward liberationist and Third World solidarity politics. The organizational shift away from civil liberties and toward more transformative political stances has made AROC a powerful voice in San Francisco Bay Area organizing communities, but has also increased the number and seriousness of attacks against them by Zionist forces who are threatened by AROC’s work against racism.2

1. For the purposes of this project, “no-call” refers to analysis, policies and practices that assume that law enforcement contact should be a last resort rather than a first response. In this context, no-call policies and practices are those that ensure that an organization, group, or community has taken agreed upon steps to take actions that do not rely on law enforcement intervention.

2. Zionism is a racist political ideology and a form of Jewish nationalism. It is the set of beliefs that drove the founding of the settler-colonial state of Israel in Palestine and continues to drive its expansion today.
In 2015 AROC undertook a review of its work and structure. The review resulted in an organizational restructuring and a commitment to four core areas of programmatic work: ending war and occupation, anti-repression and anti-Zionism, youth empowerment, and immigration and immigrant rights. The structural re-organization included new leadership and decision-making processes and a new membership structure. The restructuring also coincided with staffing transitions, and two new full time staff members joined the staff just after the new structure, vision, and programmatic focus were approved.

This period of growth and transition seemed to be an opportune time to incorporate policies and practices that reduced a reliance on law enforcement, in AROC’s executive director, Lara Kiswani’s opinion. Lara understood the restructuring as an opportunity to build knowledge and skills around reducing contact with law enforcement and other aspects of the prison industrial complex (PIC), to integrate an anti-PIC analysis into the organization’s revised mission and visions, and to develop policies and practices that could help AROC’s staff, leadership, members, and community reduce law enforcement contact. Further, as AROC was managing these transitions, they were also experiencing targeted attacks by the Zionist organization Jewish Community Relations Council (JCRC). AROC worked with a group of community partners and consultants to defend against the JCRC’s racist attacks.

AROC’s approach was bold. Although not an anti-PIC organization, but one rooted in immigrant and migrant justice work, work against war and occupation, and resistance to state repression, Lara understood that AROC’s work would be strengthened by infusing its ongoing work with anti-PIC analysis and practice. AROC’s community experiences broad and intensive surveillance. While a significant amount of that surveillance (and related entrapment) is from federal law enforcement, Bay Area communities have also experienced similar pressure from local law enforcement agencies as well. Some sectors of AROC’s community, especially store owners, have faced pressure from police to put surveillance cameras in their stores that are connected to local police department feeds, thereby facilitating surveillance of their stores, but also their neighbors. Sometimes, cops have pitted neighbors against each other—profiling Black residents as people likely to rob their stores, for instance—as a way of encouraging the placement of these cameras.

A portion of AROC’s community, especially more recently arrived immigrants, have different experiences of police from their home countries, so may be unaware of the potential dangers of collaborating with law enforcement until they have already become deeply ensnared in informant-type relationships.

Finally, as an organization that uses public events, mobilizations, and direct action as tactics, AROC’s members frequently find themselves in contact with law enforcement agents. AROC had a commitment to doing its own safety for events and actions, and also wanted to ensure that the volunteers engaged in those safety teams were skilled in creating an effective buffer between the community and police, and also didn’t inadvertently wind up taking on a policing mentality in their safety team roles.

It was within this context that AROC became a Build the Block pilot site: an organization in growth and transition with new staff members coming on, a revision of the core mission and vision, and an organizational restructuring. AROC identified working with Build the Block as an opportunity to infuse no-call policies and practices into AROC’s new structure and programmatic work.
Step 1: Understanding the Context

AROC began this work with a strong group of long-standing members who had been involved in the organizational assessment and restructuring and who were also connected to other organizations and movements. The organization had done a good job of documenting its work and could return to those documents as a basis from which to develop this new strand of work. Finally, and perhaps most importantly, the organization had a commitment to fighting state repression and building self-determination that could serve as a jumping off point for developing no-call practices.

When Lara expressed interest in AROC joining with Build the Block, she had three primary goals: 1) to establish shared values and principles around engaging law enforcement that aligned with AROC’s politics; 2) to develop organizational protocols and practices based on those values and principles; 3) to provide political education and training for AROC’s staff, leadership, and members that could inform campaigns, projects, and their community safety teams.

As AROC’s membership was on hold during the restructuring, Build the Block and AROC’s joint approach was based on the idea we should begin our work with AROC’s staff and leadership team. We hoped to build political alignment around a no-call approach and commitment to integrate those policies and practices into AROC’s structure and programming. The staff and leadership team would then be responsible for educating and training the membership and AROC’s community in this orientation and practice.

To meet these goals we began with some initial steps. First, AROC shared documents describing the organization’s history, its revised mission and vision statements, its new organizational structure, its existing security documents, and the policy manual for its fiscal sponsor. We then interviewed two long-standing members who have been central to AROC’s safety and security practices for many years to solicit their sense of underlying organizational assumptions and established practices around safety and security, about knowledge about the prison industrial complex, and attitudes toward engaging law enforcement. From the information gathered in that interview, follow-up notes provided by the members interviewed, and from the organizational documents, we then generated a summary document laying out AROC’s organizational assumptions about safety, the PIC, and engaging law enforcement (APPENDIX 1). That document was shared with the rest of the leadership team for discussion and feedback, and to draw out points of strong unity as well as those of contradiction or disagreement. Those conversations also helped us identify gaps in knowledge, analysis and practice that we should address through our process. We were then able to talk through the contradictions and disagreements to eventually come to a version of the document everyone could support.

The outline of organizational assumptions became the basis for statement of principles about AROC’s orientation toward the prison industrial complex.
(APPENDIX 2). The document was modeled on the statement of vision and principles that the organization had developed during its assessment process and is meant to be a touchstone to which AROC can return to ensure that it was able to integrate a no-call approach into its structure, operations, membership, and programs.

Step 2: Aligning Values and Vision

Questioning AROC’s assumptions about the PIC helped us see that before jumping into developing policies and practices, we should spend time ensuring political commitments and alignment. Without that alignment, any policies Build the Block and AORC established would not be as likely to stick. AROC’s commitment to fighting state repression provided an important point of entry to discuss employing a no-call approach. Because of its experience withstanding and resisting Zionist attacks (many of which aimed to close the organization), the organization had not only strengthened its commitment to self-defense and self-determination, but it already had fairly developed security practices in place. This gave us a good foundation from which to build. Despite those strengths, as executive director, Lara also astutely identified that while AROC was able to implement individual security measures (in the office, for instance), it faced more challenges in integrating a more comprehensive approach to diminishing PIC contact and sometimes experienced inconsistencies or contradictions in its practices as a result. She hoped that work with Build the Block would bolster AROC’s capacity to diminish contact with the PIC in all aspects of its work, not simply make the staff and members more security conscious.

To help articulate and solidify AROC’s anti-PIC principles and begin to apply them to every aspect of its work, we took up a series of political education workshops. We adapted tools that had been developed by national anti-PIC organization Critical Resistance on the prison industrial complex. We also developed some new tools and workshop aspects to meet AROC’s specific needs (APPENDICES 3-8). Following the model of building first with AROC’s leadership, the majority of the political education sessions happened with the staff and the leadership group. We also did an introduction session with potential new members as part of a political education series AROC held for its new membership process.

Taking time to have political conversations and think about applying to those politics to the situations AROC faces regularly, helped the leadership team develop its own language and to pull out priority areas that would resonate most
with AROC’s community. It also reinforced the values and principles they had established, better preparing them to integrate a no-call approach into its structure and work. The workshops also encouraged them to think creatively about organizational assets, allies, and community resources to bring to bear in situations in which they might otherwise engage law enforcement and to brainstorm alternate responses in a safe learning environment. This kind of preparation increases the likelihood that when harm occurs or a crisis arises a group will be more likely to apply what it’s developed together than to default calling on law enforcement.

Step 3: Putting Ideas into Practice

Analysis, of course, is only as useful as its application. AROC’s community is continually confronted with profiling, surveillance, and entrapment by all levels of law enforcement. It is targeted for deportation and detention. It is also subject to xenophobia, racism, and racist violence at the hands of its neighbors, especially in periods such as those following attacks in San Bernardino and Paris in 2015. This context generated obstacles to which AROC had to respond including incidents of law enforcement entrapment of young people in AROC’s community and the call for self defense from sectors of its community targeted by neighbors. Despite all these challenges, AROC took up addressing these needs and putting its anti-PIC principles into place.

To respond to these community needs, AROC and Build the Block developed additional programmatic pieces. In response to requests from community members who were experiencing increased verbal and physical abuse from their neighbors following the San Bernardino shootings and presidential candidate, Donald Trump calling for a ban on Muslims entering the US, AROC supported community members to hold a press conference and rally calling on public officials to speak out against racism and Islamophobia, and for communities across the Bay Area to stand in solidarity with Arab and Muslim communities. The rally was a success, and the leadership team reported feeling confident about integrating their anti-PIC values into their messaging and talking points (APPENDIX 9 and http://pacificaeveningnews.blogspot.com/2015/12/muslim-americans-protest-rising-racism.html?m=1). AROC felt able to discuss the need for a response to the violence happening in their community without defaulting to law enforcement intervention as an appropriate response.

Through the planning for the rally the concept of self defense was central. That theme helped
us consider how incorporating a self defense approach to Build the Block and AROC’s work together could create a useful point of entry to draw community members into the no-call work. Having a framework grounding a response to harm in community strength rather than reliance on state intervention allows people experiencing fear and violence to understand that there are a range of responses they can participate in to respond from within their own community. We pulled lessons from community self defense programs such as Barrio Defense Committees and Black self defense groups that have operated within the US for decades while drawing on structures and experiences from people’s home countries to consider what hybrid forms might work best for AROC’s community (APPENDIX 10).

Similarly, AROC works with a community of young people, doing leadership development with them and supporting their organizing efforts. When AROC got word that a young person in its community had been visited by federal law enforcement, jailed, charged and convicted, and concerns had been raised about potential entrapment both from in-person interviews and via social media, AROC’s leadership used their principles and values and employed a community self defense response to help understand which community members may have been at risk and to educate the community about their options in dealing with law enforcement as well as about self defense strategies for participating in social media.

From those concerns we created a guide for social media security (APPENDIX 11), and reached out to the National Lawyers Guild (NLG)-San Francisco and the Electronic Frontier Foundation (EFF) for additional support. The NLG-SF created a guide for avoiding entrapment (APPENDIX 12) for use by AROC, but that could also be used more broadly. The NLG and EFF also collaborated with AROC to facilitate a Know Your Rights workshop tailored for AROC’s community (APPENDICES 13-15). AROC also held follow up meetings with they youth organizers with whom they work to learn more about the pressures they are facing, to share information about what they had been hearing about law enforcement visits, and to reinforce some of the tools from the workshop.

After months of discussion, education, training, and practice, we also developed tools that could be integrated into AROC’s organizational policies and procedures as well as some new supplemental tools. In developing these tools, we revisited Lara’s initial goals for working with Build the Block in addition to thinking through the kinds of practical supports that AROC might need to really be able to integrate a no-call approach into every aspect of its structure, operations, membership, and programs. The materials ranged from practical office security measures, to guidelines for AROC’s safety teams, to guidelines suggesting steps AROC could take in addressing interpersonal harm within the organization (APPENDICES 16-24).
Step 4: Integrating No-Call Analysis and Practices

The hardest part of taking up new approaches is fully integrating them to the point where they become a seamless part of how the organization functions. Rather than creating a host of new rules and regulations for AROC and its members to follow, we hoped to offer a political analysis that was both compatible with AROC’s existing values and principles and that added a new practical dimension to its work. We hoped that a no-call approach would become completely common sense within the organization.

For this approach to become common sensical, AROC will need to put the tools to use and will need to practice using the analysis over and over and over. Examples include:

- AROC has incorporated its no call policies and practices into its general membership orientation and membership documents.
- AROC’s leadership has sharpened its analysis about the relationship between policing and US state repression, and that analysis is informing choices about the work they take up and how they represent their work to external audiences.
- AROC’s youth arm, Arab Youth Organizing (AYO), has been trained in the anti-PIC workshop, know your rights basics, and no-call policies.
- AYO leader, Sharif, has conducted alternatives to policing and knows your rights workshops at various high schools in San Francisco with Arab and Muslim youth to help them integrate the ideas into their daily lives (APPENDIX 25) and in response to the young people’s requests for support in responding to police violence in San Francisco.
- AROC is developing new bilingual outreach materials informing communities about how to protect themselves from law enforcement from visits and raids.
- All new AROC members will be trained in the anti-PIC workshop, and member leaders will receive a training for trainers on the Build the Block approach.
- AROC’s staff will begin regular outreach to corner stores and mosques to raise awareness about alternatives to law enforcement.
- AROC developed relevant outreach material in Arabic to use in its office, in the streets, and in tabling at events, to discuss militarization, policing and Zionism in support of its participation in the Stop Urban Shield Coalition (APPENDIX 26).
- Through work with Build the Block, AROC also recognized potential digital security vulnerabilities and has since begun work with digital security consultants to fortify its digital infrastructure and practices.

Conclusion

The contexts in which Arab and Muslim communities find themselves encountering law enforcement agents and experiencing harms related to policing have suggested to groups like AROC that diminishing contact with law enforcement is likely the best way to reduce those harms. More and more communities of color and marginalized communities are reaching the same conclusion. As AROC’s Lara Kiswani notes:

*Given the ongoing attacks on our community, we have found know your rights workshops and trainings to be insufficient. The day-to-day interactions with law enforcement that youth face in schools and in their neighborhoods and families face at home and work, the growing fears of deportation and detention, as well as the infiltration and attacks on organizations, necessitate a deeper understanding of surveillance, policing, sentencing and imprisonment. We need an understanding that draws out the relationship between these forces and our relationship to them. Today, it isn’t far fetched for the same family to have a parent that was a former political prisoner in Palestine, been visited by the FBI in their Bay Area home, have a jailed son that has found himself caught up in the system that criminalizes young Brown and Black*
men, and an activist daughter that regularly fears surveillance of her and her friends at protests. This is in fact a real story, and a story that illustrates why immigrants, Arabs, and Muslims in the US must understand and fight state violence.

We need ways to respond to harm and fear that do not make us rely on law enforcement or on the criminalization of other communities. We need to ways to develop internal capacity to respond, defend, and build power in places that are most vulnerable. The work we did together has laid the groundwork for AROC to move in that direction with clarity and alignment with our values and principles.

Through concerted efforts to build up knowledge, skills, confidence, and capacity to reduce contact with law enforcement in a way that aligns with and reinforces their politics, AROC is increasingly able to draw connections between policing in the US and state repression, Zionism, and war in their members’ homelands. They have increased the number and variety of tools they use to fortify and intentionally articulate why reducing contact with law enforcement is central to their work against war and occupation and for anti-repression and anti-Zionism, youth empowerment, and immigration and immigrant rights. And, they have reduced the likelihood that their staff, leadership, members, and broader community will call on law enforcement without considering alternative approaches first.

While time and practice will be essential for these early efforts to become effective and lasting, the commitment that AROC has made to integrating this approach holistically into its organization’s structure and programming stands as a model for what other organizations may take up. The time for creative thinking about reducing the violence of policing is ripe. If not now, when?
AROC’s starting PIC assumptions (2015)

Are there anti-PIC principles or values in place already?

- When we transitioned from ADC to AROC, we drafted an internal document with political principles, but we could use some help implementing them.
- We need collective alignment in all areas, not just around political prisoners for instance, but all aspects of the PIC. Our shared politics need to radiate out in terms of both content and people articulating values.
- AROC has what seem more like practices and goals than values.
- We need a comprehensive plan that includes all aspects of our political vision and strategy and that should include the PIC.

Does the work taken up in AROC’s new structure explicitly articulate an anti-PIC analysis?

- It centers liberation and by extension a belief in destroying the PIC. That’s not specifically articulated around prisons, but the work and set of values support the destruction of prisons.
- The 2015 political strategy—work to create conscious anti-Zionist community that is connected to opposing law enforcement. AYO and language services access. BDS and state repression, and respond to requests for mobilizations. All areas should include analysis of the PIC.
- If we examine the principles of the lead members and the current staff we would be very close in analysis, but we haven’t articulated that explicitly. For the members, I don’t think it’s shared. We’re in a transitional time with member development. We would need to be in alignment and integrating those politics as they’ll need to be sharp in how they develop within the membership.

Does AROC share an understanding of what the PIC is?

- We haven’t had that conversation.
- My sense is that we’re roughly in the same ballpark, but we haven’t tested that; especially recently. We used to need to discuss those political issues in more depth when we did voter guides around ballot issues, for example. It would take political discussion to come up with AROC’s position, but that practice isn’t ingrained.
- Assume the understanding is broadly abolitionist, broadly anti-state repression

Assumptions about AROC’s positions/analysis

imprisonment/prisons:

- Acting in allyship with formations that are doing local anti-PIC abolitionist work, we agree that imprisonment and prisons are an extension of oppressive systems to continue to eliminate the power of the underclass, POC, and anyone not fitting the hegemony of US culture; that by taking away the freedom of oppressed people and removing them from civil society, hegemony is protected. We believe that all people deserve access to “protection” by have access to freedom and basic needs of life - work,
education, healthcare, connection/relationships, interdependence, and dignity.

- We have discussed imprisonment related to micro-level issues around imprisonment and detention, political prisoners in Palestine or personal experiences.
- We haven’t had discussions in which we’ve articulated these ideas outside of conversations about ballot initiatives that related to issues of imprisonment.

**Courts:**

- laws and courts are part of the underpinnings of the PIC
- laws are created by and for the protection of the ruling class / white supremacy / the already privileged by punishing those who are not abiding by their “rules” whether truth or lie
- courts uphold these laws and the whole system is depending on one another to continue these systems of oppression (patriarchy & heterosexuality, white supremacy, christian supremacy, economic & class supremacy)
- We’ve never really discussed courts apart from specific cases: Rasmea Odeh, LA 8, grand jury cases via Bay Area Committee to Stop Political Repression (BACSPR). BACSPR helped us think about the necessity of a political response to repression, not just a legal one.
- No clear shared value

**Surveillance:**

- it is a system of monitoring and control of delinquency
- promotes fear as a control mechanism and works to repress political activities
- it is how dominant institutions collect information on vulnerable communities in order to feed into the PIC
- BACSPR is the only place where we’ve talked about surveillance in a collective way
- AROC’s collaboration with the Stop LAPD Spying Coalition will help us articulate our perspective. Surveillance and repression are some of the biggest concerns of the community, especially around the increased use and expansion of surveillance technology. Right now we have a weak understanding of surveillance in our work and political education. We need more. Even looking at Rasmea, we focused more on political repression and what’s used to repress. We tend to have individual practices and individual responses and our own safety responses (text encryption, what we discuss in person, etc.). There’s assumed agreement, but not much more than assumptions.
- It is relevant to our work to have some kind of framing about surveillance and the police state as a mechanism that quells dissent in the name of anti-terrorism which along with fear of terrorism, have been used to fragment our communities.
- We’ve had conversations, but they’re always limited to surveillance by cops or FBI monitoring mosques or email and related to political repression. We’ve never talked about shared attitudes about surveillance cameras in general or biometrics, for example. We did a little work against the fusion center.

**Law Enforcement:**

- Per BACSPR’s training, I hope that our assumption about FBI/federal agents/local law investigations - is to not talk to them and consult with the group about best strategy for dealing with them. When we did the BACSPR training for AROC we began having some of those conversations in relationship to the feds, but it could also apply to local cops. We didn’t come up with shared principles, but began building toward a shared analysis.
- For events, demos, etc, we have a pretty clear understanding in AROC that we do not engage the police at all - except in a minimal way to keep them in check. We don’t want them at our events and if they show up (which they almost always do) then they are potential threat to the safety of participants and we engage to the extent necessary to keep our participants safe from them. This has, however, been put to
some test - at one of the Gaza demos some loosely affiliated members called on the police to enforce permits to keep zionists from using amplified sound at Justin Herman plaza where we were having our demo.

- I do think that there are further situations related to engagement with local police that we need to flesh out.

- I think the theoretical assumption is that in the cases of harm between community members that our values are that we would resolve this without the police. However, this needs to be backed up with practical training on alternative to engaging the police.

- There’s a difference between practice and values. Our guidelines for prepping for actions are practice, but we don’t articulate them as shared values. Safety team members sometimes believe those ideas only apply when they’re on the safety team, but not as a shared value to be used all the time. They see the role but don’t make the leap that is reflective of those underlying values.

- At the BACSPR training, members seemed surprised that AROC has a practice of not calling the cops and there was some confusion among members related to that issue. They raised “what ifs” about when to call. If there’s shared analysis among staff and lead members, it may not be the case with members. Could be the case that they may need additional political education.

- Among staff and lead members and the advisory board, there’s agreement that shouldn’t engage law enforcement. Not the same with the members.

- The Stop Urban Shield Coalition is the most formalized place where we’ve taken an articulated position—around a particular campaign, but we didn’t necessarily take those positions from the perspective of, “this is what AROC believes, therefore, our position will be…”, but it’s where we’ve taken the most clear position.

- When prepping for actions, we’ll include what our orientations toward cops should be—it’s implicit in the dos and don’ts and how to be in relationship as a member of the safety team.

- AROC is not communicating well enough that we can’t be distracted by the “nice cop” as an individual issue and need to focus on the structural and systemic issues. The systemic things aren’t reflected in the way we’ve done the safety team guidelines such that they can be integrated sufficiently internally within the organization. Because of our low capacity we may have been letting our practices stand in as our principles.

- This raises vulnerabilities—our default is to call the cops. Store owners engaging the cops, for instance. Who feels safe engaging the state? Unless we do lots of education and training around this position, there will be a lack of clarity.

**Does AROC have an emergency response plan/practice?**

No. When we had an instance of abuse among clients, two staff members were able to defuse the situation, but I’m not sure that would have happened if it had been other people. What if it had escalated? Their response wasn’t based on AROC’s shared values, but on their individual values and practices.

**General Thoughts**

Our work around Urban Shield and surveillance requires that we build a shared analysis of the PIC, but developing that analysis hasn’t been named as a piece of work we need to take up. We haven’t detailed how we will go about doing that work.
So, while our values are clear that we SHOULD NOT engage at any level, I don’t think we’ve ever questioned it or fleshed out what that means in practice. We need to solidify the rationale of why we engage with the courts for immigration services (and example where we do actually engage) but do not want to engage police/courts for safety at an event (as an extreme example where we are clear not to engage) or when we see someone in the office being abusive to someone else (as an example that, depending on the severity of the harm, might be grey for some). Without such clarification, I can see that different people may have different ideas of when/how it might be practically necessary to engage.

I think this sums up our situation in general: police, courts, prisons, and surveillance are all aspects of the state that seek to maintain power and hegemony for those who benefit from the current system and we theoretically are opposed to collaboration with the state on all levels. Yet, there are practical aspects of living within that system that we need to flesh out and clarify assumptions. For example, we do, in fact, engage with the courts to resolve immigration status. Is that OK? Our opposition to the state includes opposition to “national” borders.

I would generally say that all of the above has been used to attack and oppress poor and people of color in the US. In other countries, these do the same in addition to normalizing colonization and imperialist projects. AROC’s position would be to uncover the central purpose of the PIC to reveal that it is not actually keeping us safe, but rather pitting poor and POC communities against one another - a distraction from the real threats to our communities.
APPENDIX 2

AROC Anti-PIC Principles

AROC envisions a world that uses liberatory approaches, and seeks safety and accountability without relying on alienation, punishment, state or systemic violence including imprisonment and policing.

We do not believe that we should rely on police and other forms of law enforcement for safety and responses to harm. We know that this system is used to exercise state repression, and inhibit people of color and poor people’s self-determination. Rather than providing safety and a response to harm, this system is a cause of harm and insecurity for our communities. In the US we identify this system as the prison industrial complex (PIC) which includes, surveillance, policing, sentencing, and imprisonment. Similarly these repressive state responses to social issues exist globally. Though the context, names, and details may differ, these manifestations of the PIC in other countries are connected to the US PIC in aim and, often, in practice.

This understanding compels us to integrate an analysis of the PIC, in the US as well as other countries, into our work and to fight against its impacts in our structure and organizational relationships, in our campaigns, projects, and services, and in our alliances, coalitions, and collaborations.

Specifically, in the current context:

• We reject the surveillance and monitoring of our communities and the use of racist data collection in generating fear and criminalizing our people. We oppose the use of those scare tactics in arresting and sentencing our communities which are already made vulnerable by racism, xenophobia, poverty, and immigration status.

• We recognize that forces involved in attempting to “normalize” the Israeli occupation of Palestine are also at work attempting to normalize the use of the prison industrial complex in the US for containing, repressing, and eliminating aspects of the communities in which Arab people and people of color live and work.

• We reject imprisonment from the political imprisonment of Palestinians and other Arabs to the imprisonment of millions of poor people, people of color, and political dissidents in the United States.

We know that in order to establish powerful, liberated Arab communities, we cannot participate in language or actions that fuel or maintain the prison industrial complex. We also know that one of the surest ways to reduce the harm caused by the prison industrial complex is to reduce our contact with it. AROC will, therefore, make every effort to strengthen our organization and community’s abilities to increase our shared health, stability, and wellbeing, while attempting to reduce the role and power the prison industrial complex has in our lives and work.
APPENDIX 3

Introduction to the Prison Industrial Complex for AROC leadership

Introduction

- Participant Introductions (name and anything else important to know about you—pronoun, physical things, etc.)
- Context setting—L why AROC working with Build the Block what done to date; why do these workshops (PIC, abolition, prep for members); what wanting to build together
- Review Agenda
- Group Agreements

Defining the Prison Industrial Complex

- Participant definitions
- PIC shout out (what do they think the PIC is—put brainstorm up on flipchart)
- Introduce definition (describe how developed); other language to describe that might be more helpful in different situations

DEFINITION:

The interdependent relationship between public and private interests that use imprisonment, policing, surveillance, the courts, and the cultural tools associated with them to build and maintain social control and power differences.

- Talk about how all the elements fit together, this definition could be helpful in centering the PIC in AROC’s work (let them know we’ll come back to the definition before the end to think about changes that would make it most useful for their work)

Picturing the PIC

- Introduce circle exercise
- Introduce each circle
  1. Elements of the PIC are written out on post it notes to the side of the flip chart
  2. Each participant puts up one post it at a time, progressively working from the inside circle to the outside. As they put up the post it, they talk about why they are putting it there and anything they want to say or questions they have about the element—including as it relates to any work they’ve done with AROC
  3. At the end of each circle, open up for additional comments or fill any gaps in the conversation
Applications for AROC

- Return to definition—what would need to be adjusted for a shared definition of the PIC to work well for AROC?
- Is it important for AROC to develop a strong anti-PIC analysis? Why or why not? What are some potential challenges?
- What are some of the ways you could apply a shared understanding of the PIC to AROC’s work?

Closing

- Pass out handouts (PIC talking points, What is the PIC? Repression Breeds Resistance, Critical Resistance Los Angeles circle)
- Evaluation
APPENDIX 4

Prison Industrial Complex Definition

The interdependent relationship between public and private interests that use imprisonment, policing, surveillance, the courts and the cultural tools associated with them to build and maintain social control and power differences.
Because AROC opposes...

- Zionism
- militarism
- police departments
- SWAT
- poor people of color
- displacement

Stop Urban Shield

AROC opposes these systems of oppression that maintain the PIC.

and use these tools...

to target these people...

producing these results...

requiring these forms of resistance...

adapted from Critical Resistance, Los Angeles
APPENDIX 6

Introduction to the Prison Industrial Complex Part 2 for AROC

Warm Up

PIC Review:
- review vision statement and definition (which may still need tweaking)
- what are some of the key elements that are important to highlight for AROC audiences?

Practice

Everyone takes a turn saying it in their own words. Pick different audiences (AROC members, allies, public settings).

Anti-PIC Principles

AROC’s anti-PIC principles are rooted in an idea that AROC will attempt to reduce the role and power the PIC has in your community’s lives and work. What is important to draw out about AROC’s principles against the PIC?

Putting the ideas into practice

Scenarios (3 groups)
Each group gets a scenario. Based on your understanding of the PIC and on AROC’s principles about fighting the PIC, how should AROC react in these scenarios?

Each group takes a difference scenario; spends time brainstorming, and then uses instructions to fill out a flip chart with responses. They present those responses to the large group and other participants provide feedback and additional ideas about how to respond.

Applying the Practice Everyday

Based on political vision and principles, as well as on the kinds of instances in which AROC will need to deal with/confront different aspects of the PIC, what infrastructure, education, and skill building will AROC need to invest in building and maintaining? How will those also be transferred throughout all aspects of the organization (so that not just staff and lead members have skills and access to the information)?

Close and Evaluation
PIC 201 Scenarios

Scenario #1:
AROC is one of a group of organizations involved in a protest. You have trained a group of members to act as part of a safety team for the protest. There are cops present, but they have been standing off to the side of the protest. During the protest AROC members and other protestors start being pushed and verbally attacked by Zionists that have come to disrupt the protest. What should AROC do?

INSTRUCTIONS:
1. Read over the scenario. If there are gaps in information that are crucial for you to move forward in discussion, make up some information and fill in the gaps.
2. Think through 3 phases
   • What should AROC do immediately?
   • What could AROC do moving forward to support whatever actions it takes in the immediate?
   • What else could AROC have done in the past to build up capacity to deal with these kinds of situations?
3. Think through tools
   • What tools or resources (people, materials, etc.) does AROC already have (or have access to) that it could use to address this situation?
   • What tools or resources would it be good for AROC to produce or gather together from other sources to address this situation?

Scenario #2
AROC is visited by FBI agents at its office. They ring the front door buzzer and ask to come speak to you about one of your members. Four of the staff members are in the office as are three clients waiting to be seen for services.

INSTRUCTIONS:
1. Read over the scenario. If there are gaps in information that are crucial for you to move forward in discussion, make up some information and fill in the gaps.
2. Think through 3 phases
   • What should AROC do immediately?
   • What could AROC do moving forward to support whatever actions it takes in the immediate?
   • What else could AROC have done in the past to build up capacity to deal with these kinds of situations?
3. Think through tools
   • What tools or resources (people, materials, etc.) does AROC already have (or have access to) that it could use to address this situation?
Scenario #3

AROC hears from one of its members that another member has been verbally and physically abusing her partner. Recently the neighbors called the police when they heard the member and her partner fighting. No one was removed from the household, but the cops said next time they would take someone with them to spend the night in jail. The member that alerted AROC about the situation is asking for the organization to intervene in some way. What should AROC do?

INSTRUCTIONS:

1. Read over the scenario. If there are gaps in information that are crucial for you to move forward in discussion, make up some information and fill in the gaps.
2. Think through 3 phases
   - What should AROC do immediately?
   - What could AROC do moving forward to support whatever actions it takes in the immediate?
   - What else could AROC have done in the past to build up capacity to deal with these kinds of situations?
3. Think through tools
   - What tools or resources (people, materials, etc.) does AROC already have (or have access to) that it could use to address this situation?
   - What tools or resources would it be good for AROC to produce or gather together from other sources to address this situation?
Introduction to the Prison Industrial Complex for AROC New Members

WORKSHOP OUTLINE

Three key points for this workshop: The PIC is complex; the PIC works/is not broken; because AROC believes in powerful, liberated Arab communities, the fight against the PIC is essential

Introductions

• Warm Up
• Review Agenda
• Participant Introductions (name and anything else important to know about you—pronoun, physical things, etc.)
• Review why we’re doing the session

AROC’s Definition of the PIC

• Participant definitions
• PIC shout out (what do they think the PIC is—put brainstorm up on flipchart)
• Introduce AROC’s definition, relate back to 3 main points*
• Talk about how all the elements fit together, why AROC uses this definition, how this understanding fits into the organization’s work

Picturing the PIC (40 min.)

• Introduce circle exercise
  Introduce each circle
  1. Elements of the PIC are written out on post it notes to the side of the flip chart
  2. Each participant puts up one post it at a time, progressively working from the inside circle to the outside. As they put up the post it, they talk about why they are putting it there and anything they want to say or questions they have about the element—including as it relates to any work they’ve done with CR
  3. At the end of each circle, open up for additional comments or fill any gaps in the conversation

Closing (10 min.)

• Feedback on the session
• Any outstanding issues?
• Pass out readings—AROC statement on PIC, Repression Breeds Resistance, Recording Carceral Landscapes by Trevor Paglen and Ruth Wilson Gilmore.
FOR IMMEDIATE RELEASE:

San Francisco Arabs, Muslims and allies speak out against racism and Islamophobia.

Contact: Omar Ali, 415-244-4929, omar@araborganizing.org

#resistracism #standwithmuslims

San Francisco, December 18, 2015 – over 150 from the Arab and Muslim community and allies participated in a press conference to demand an end to the systemic racism and Islamophobia taking place in streets and in the media. They called on public officials to take a stand and speak out against racism. Arab Resource & Organizing Center organized the press conference attended by Supervisor John Avalos. They called on everyone to challenge the scapegoating of Arabs and Muslims.

Anti-Arab racism and anti-Muslim bigotry has increased after Donald Trump proposed the “banning of Muslims” from entering into the United States, and after the event in Paris, which vilified the Syrian refugees. Community members living in the Bay Area have been experiencing physical and verbal abuse in their daily lives. Lara Kiswani of the Arab Resource & Organizing Center said “It is a responsibility on all our parts to build on the history of solidarity in the Bay Area, to organize our communities to protect one another and stand for each other’s dignity at a time when we are being told by media and government policies and practices that we are not worthy of such a thing.” Supervisor John Avalos stated a solidarity statement “It was an honor to be part of this rally. It is so important for the Arab and Muslims community to express how they feel about the hate they are expressing at this moment. Specially how many experience random acts of verbal abuse from people who don’t understand anything about them.”

According to human rights organizations and civil rights organizations, it has been the deadliest year for Muslims in the United States. So far, there have been 63 recorded attacks on mosques nationwide; 17 of those attacks occurred in November of this year. After the San Bernardino shootings, the top Google search in California with the word “Muslims” in it was “kill Muslims.” This trend of racism and Islamophobia is nothing new. This is a result of historical vilification of Arabs and Muslims in the United States. This vilification intensifies as politicians and media outlets exploit tragedies like 9/11 and San Bernardino. We are witnessing this vilification and political exploitation further militarizes law enforcement and increase surveillance on the community and their site of worship on the bias basis of “national security.”

Community based organizations throughout the Bay Area are joining forces to develop tools to respond to hate crimes and racism in order to protect families and loved ones.

The event in front of City Hall was organized by the Arab Resource and Organizing Center (AROC) and endorsed by Alliance of South Asians Taking Action (ASATA), A.N.S.W.E.R. Coalition Bay Area, Asian Americans Advancing Justice - Asian Law Caucus, Bay Area Women in Black, Bill of Rights Defense
APPENDIX 10

Community Self Defense

There is a long history of migrant and immigrant communities using self defense committees of different kinds to provide mutual aid and share resources, to share information, and to protect themselves from attacks from the government as well as from their neighbors. Here are some basic notes about how those groups have operated.

Some common practices to bring self defense committees together or that they implement as a group:

- community asset mapping (also helpful to map community assets in response to specific threats)
- building a community network (sharing contact information, creating space for people to connect with each other, share stories; build up mutual aid)
- developing a rapid response team/network that can respond quickly to attacks and support people that have been targeted
- researching and writing reports/briefs for educational purposes—ways of creating tools that people can use to have a better sense of their rights/options, available resources, etc.
- establishing regular meetings to facilitate information sharing and to develop trust and relationships among a group
- holding regular public events to educate the community, encourage others to get involved
- listening circles—what are people’s experiences? What are they facing? What have they tried?

Self defense committees seem to work best when they are in some relationship to a community organization with clear politics and good discipline to help avoid just becoming vigilante groups/militias, which have a different history in the US. They also seem to work best when they’re voluntary and have strong accountability mechanisms. Some models have lawyers or legal workers involved in self defense committees to be available to provide ongoing legal information and support.

These groups typically use know your rights trainings as a way to do outreach and initially bring people in. Some are structured geographically (neighborhoods or sectors of cities) while others are structured around a community identity or around a grassroots organization. They’ll often use that initial big meeting to float the idea of smaller committees and test for interest from there. If there’s interest, then people break into smaller groups (or could simply form one committee with interested people).

Some groups establish infrastructure to support people that are detained (raising funds for lawyers, bail funds, child care and supporting family needs, etc.).

Often, groups will consider what traditional/commonly used practices of mutual aid or community support from home can be applied to this context or modified to work here. Building from shared cultural practices that are already familiar is a good way of getting people to feel more comfortable participating.

Self defense committees often wind up having other supportive results including increased community cooperation, translation and interpretation support, increasing mechanisms for sharing food, childcare, clothes, etc. These groups work equally well when there is not a community-wide crisis, but can be activated in times of crisis as well.
APPENDIX 11

Social Media Security Tips*

While no set of guides will be perfect to protecting you from things you might face using social media, here are a few tips to keep in mind.

Use common sense.

Think about what you share before you share it. Be mindful not just about the information you’re sharing about yourself through posts, photos, and videos (your location or surroundings, who else is involved, what you’re holding or can be seen in a picture, what information you’re sharing, etc.), but also about who else might be impacted by what you share. If there are people you do not want to have access to that information, don’t post it. Think before you tag photos and share locations.

Watch out for people looking for your personal information.

To avoid giving your information away, your best bet is to never give your password to anyone, never log-in to an account from a website or link that is unfamiliar to you, and try not to use your social media accounts to log into other websites. Only log-in to your social media accounts through their official site in your browser or through the official apps.

One exception is when you reset a password for a site (the website needs to provide a personalized link for you to change your password). In this case just make sure that you requested a password reset and use unique password.

Use Strong Passwords and Two-Factor Authentication (2FA)

Hacking a social media account is really easy if you use a simple password to log into your account. But this hacking is very easy to avoid! Two-Factor Authentication (instead of needing just a password to login, you need to enter a second piece of information, too. Typically the second piece of information is a short code sent to you in an email, a text, or generated by an app on your phone). Setting Strong Passwords for your accounts is another really good way to avoid someone getting your information. Here are some tips for setting strong passwords:

Here are a few general rules to follow for creating good, strong passwords:

• Don’t use the same password for more than one site.
• Use a mixture of random letters, numbers, and special characters.
• Passwords that are 12 characters or more are the strongest.
• If you have real words in your password, try to use obscure and/or weird misspellings.
Don’t login to websites from Facebook, Twitter, or Google

Lots of websites offer you the option to log in with your social media account instead of having to create a new account for the website. This might be convenient, but is a big security risk. By encouraging unsuspecting users to use their social media accounts, people could easily collect usernames and passwords. To be safe, it’s better to just create a new account for the site.

Be careful when using public wifi

When you are on a wifi network, anyone else using that network can watch or intercept what you’re accessing on the web (even if it’s a password-protected network). For instance, someone could be sitting in a public place and intercepting all requests to facebook.com so everyone using that network would see a fake site instead of the real Facebook page, and doing that could collect people’s passwords.

A good option is to use a Virtual Private Network (VPN). When you access a website with a VPN connection, the website will see the request coming from the VPN server, not you. Someone trying to see what was being passed between your computer and the VPN server won’t be able to see what you’re doing; because it’s all encrypted. Another alternative is to use the Tor Browser (you can learn more about Tor Browser here) to do internet searches. If you’re on a phone, try to only use your regularly installed apps for using websites instead of logging in through a browser (since phone browsing is much less secure).

Look out for Geotagging

Lots of social media services use GPS data from your phone or IP address location from your computer to find the physical location of your posts. This information is often easy for anyone that can see your posts to find out very sensitive information about your home and travel habits. Many sites, like Twitter, offer an option to disable geotagging in their privacy settings, so look for that option on any site you post content or media to. You could also use a VPN (described above) so all of your activity looks like it’s coming from a random location.

Don’t trust apps that make you give them access to your account.

It’s very popular to use apps both within a social media site (for instance, a Facebook app) and outside a site (for instance, a Snapchat utility). However, when you sign-up for these apps, you often expose a ton of personal information your identity, your pictures, your messages, your friends. Lots of these app services are created by people interested in collecting your information to sell things to you. Unless you really, really need the app, think about whether you want someone you don’t know seeing everything you do on a social media site.
Understand your site’s Privacy settings

Every social media site has different security settings. Here are some privacy guides for popular sites. They can help you understand what privacy settings you’ll have available with each site.

- Facebook
- Twitter
- Instagram
- Tumblr

Think before you chat.

Lots of people use messaging programs like Facebook Chat or Google Hangouts to talk to friends. Unfortunately, these conversations are vulnerable to data mining for marketers and government agencies. And if anyone ever hacked or leaked your account, they could see years and years of private conversations because that data never goes away.

*Most of this information is adapted from the great information provided by Safe Hub Collective—you can see their full guide here.
It’s a Trap!
Undercover Cops, Informants, and Cooperating Witnesses

Since 9/11, (actual or perceived) Arabs and Muslims have been viewed by law enforcement as a potential threat on no basis other than religion or ethnic background. Multiple law enforcement agencies – including local police, the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS) and a partnership of these agencies called the Joint Terrorism Task Force (JTTF) – have diverted public resources to monitoring and entrapping members of these communities as part of the United States’ “War on Terror.”

As part of these practices, law enforcement agencies pressure members of the targeted communities to engage in “community policing” to secretly assist in surveillance and entrapment of specific individuals and organizations. Since these tactics by law enforcement are becoming more common, it is important for you to know what types of individuals may be part of community policing. There are three main categories of people who secretly may be collecting information for law enforcement or trying to ensnare you in illegal behavior:

**Undercover Cops** are police officers who don’t identify themselves as such. They may claim to be interested in joining your social/religious/activist group, having political discussions, or worshiping with you.

**Informants** are not sworn officers employed by the government but they may be paid or coerced or provided other incentives. They are often people with ties to a community or movement or a group who can be leveraged to provide assistance.

**Cooperating Witnesses** are people who agree to provide information to law enforcement and testify against others usually in exchange for leniency in their own cases.

We will refer to them collectively as “undercover agents.” Here are some important things to know → → →

**UNDERCOVER AGENTS ARE COMMONLY FROM WITHIN YOUR RELIGIOUS, POLITICAL, CULTURAL, OR ETHNIC COMMUNITIES.**

**UNDERCOVERS DO NOT HAVE TO TELL YOU THAT THEY ARE WORKING FOR THE POLICE (even if you ask them).**

**UNDERCOVER AGENTS CAN PARTICIPATE IN, AND EVEN ENCOURAGE, ILLEGAL ACTIVITIES in furtherance of a legitimate law enforcement purpose.** For example, they can provide drugs or other contraband to their targets, and they can provide the means or materials to commit a crime.
Example 1: Ahmed Ferhani, an Algerian-American man, who has a long history of mental illness, was befriended by an undercover officer of the New York Police Department (NYPD). The undercover officer encouraged Ferhani to become involved in various schemes, including gun sales and purchasing cars to be exported and sold on the black market. As they became friendlier, the undercover officer initiated conversations hostile towards zionists, and began encouraging Ferhani to attend pro-Palestinian rallies.

Later, the undercover officer suggested blowing up a synagogue, but Ferhani was more interested in making money off gun sales. Ferhani met with another undercover officer pretending to be a “weapons dealer.” This undercover again initiated discussion of the synagogue plans with Ferhani. Although there is much controversy around the tactics used by the NYPD, and Ferhani’s actual interest or involvement with the synagogue plans, he was arrested by the NYPD. On December 4, 2012, he took a plea deal in which he was forced to admit guilt to nine terrorism-related charges and one hate-crime charge. In March 2013, Ferhani was sentenced to 10 years in prison. On April 7, 2016, Ferhani attempted suicide by hanging himself in Attica Correctional Facility.

Example 2: Khalil Abu Rayyan was a shy young Palestinian-American in Detroit who met a young woman online. The two became romantic and Abu Rayyan even proposed marriage at one point. The young woman also spoke of joining the Islamic State, but Abu Rayyan rebuffed such suggestions. The young woman was actually an FBI informant.

Abu Rayyan was arrested in February 2016 and charged with unlawful possession of a firearm, because of a gun he owned for self-defense. The FBI has not, yet, charged him with any terrorist offenses, but they are treating the case as a national security matter and have made references to Abu Rayyan’s statements about violence and the Islamic State. He first came to the attention of the FBI because of his posts on Twitter.

Unfortunately, these stories are not unusual. The targeting of Arabs and Muslims for surveillance contributes to, and helps perpetuate, the notion that these communities are outsiders who are more threatening than any other community.

*Entrapment: If an undercover agent induces you to commit illegal activities you were not predisposed to commit, you may be able to defend yourself against the charges by claiming that you were “entrapped”; however, this is hard to prove. Entrapment occurs when an agent or informant plants the idea to commit an offense in the mind of an individual who would not otherwise have been disposed to commit such an offense and then encourages or helps that individual commit the offense in order to prosecute her/him. Although courts will not convict people if they have been entrapped, it is very difficult for people to prove that the action of undercover agents was entrapment. Undercover agents can legally suggest, encourage, and facilitate crimes and this is not considered entrapment.

Due to the current situation for Arabs and Muslims in the United States, it is important to be aware of the prevalence of surveillance and entrapment used by law enforcement agencies and their undercover helpers.

For more information or support contact:
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info@araborganizing.org
AROC KYR

* Adapted from Muslim Defense and Street Law projects of the NYC NLG KYRs

WHO ARE WE?

What is the National Lawyers Guild?
• The National Lawyers Guild is a group of progressive lawyers who formed at a time when lawyers of color were not admitted to the mainstream Bar Associations.
• Believe human rights are more sacred that property rights

What Do We Do:
• We do KYRs
• Legal Observing: We are able to come out to communities and provide legal observing. We can come if you have an event or a rally and you think that the police might give you a hard time. It helps to show the police that neutral people who are not taking part in the protest are watching them also.
• We also know a network of lawyers who are committed to fighting for civil liberties.
• We believe this workshop is important because we all understand and have these rights, and we understand that as they get chipped away from one community, they get chipped away from all of us.

TRAINING

Social Barometer
Suggested Statements Include:
• I feel safe on my campus/in my community.
• I have had— an encounter with law enforcement. (not necessarily an arrest, could just be a small interaction)
• I believe that law enforcement protects my community.
• Students should cooperate with law enforcement.
• I believe that I have the right to free speech in this country.
• Just saying you’re going to commit a crime is not a crime.
• I have stopped providing funds to Muslim organizations because I am afraid that I will be arrested for supporting terrorism.
• It’s better not to discuss politics in public spaces because it’s too dangerous.
Introduction- Purpose of the Workshop & Ground Rules

- After 9/11 we saw an increase in the surveillance of Muslim communities and individuals are perceived as Muslim or middle eastern
- Four different kinds of surveillance:
  a. Informant (generally no salary, not trained in police practices)
  b. Undercover (often pulled out of police academy pre-training)
  c. Secondary (hang out and get second-hand information)
  d. Technical (actually planting bugs and surveillance cameras) (did they need warrant?)
- Joint Terrorism Task Force is active in San Francisco, JTTF is a special sector of the local police and federal agencies that allows for collaboration on issues of “national security”
- These agencies have been known to not only spy on communities but also keep large databases of information individuals and entire communities.

What is predatory law enforcement?

Predatory law enforcement is a blanket term for a several types of police behavior including racial or ethnic profiling, the presumption of guilt, dehumanization of the subject population, and heavy use of informants and undercovers. “Pre-emptive,” “Broken Windows,” and “Preventative” policing are often-used euphemisms for predatory policing. This type of policing is justified through the use of fear mongering and lies about the alleged threat (i.e. the people being arrested and jailed) and it is maintained and legitimized by a disinterested press and obsequious legal system. Unsurprisingly, this type of policing is primarily used against Black, Latino, immigrant, and Muslim and Arab communities.

Brief Discussion on Rights and purpose of the training:

- While we will be explaining what your rights are in a theoretical sense, please understand that all of these situations are highly fact-specific. What you decide to do will depend on your judgment of the situation.
- We will be telling you some MAGIC words. These words trigger certain legal protections that you are supposed to have. Some of these things play out later in court. But there is no script and there is no guarantee. But the best thing you can do to protect yourself and your friends and your communities is to understand the underpinnings of some of these encounters.
- While you have these rights, in theory, it is up to you how you decide to use them. Rights get violated all the time. But we at least want you to know what they are so that you know when they have been violated and you can decide how you want to proceed when that happens.
- This is not legal advice, this is just information. So we cannot answer specific questions at this time.

Roadmap for Training

- Encounters with known law enforcement
- Encounters with unknown law enforcement and the First Amendment
- Encounters with known law enforcement
  a. Initial police questioning
  b. Detention and search
  c. Search
d. Arrest  
e. In Custody  
f. FBI and home search/visit  
g. Airports  
h. Immigration  
i. Grand juries

**a. Initial police questioning (Interactions on the Street, outside your community center, at your job, or outside your home)**

Police encounters can be intimidating because of the huge power imbalance between you and the police. You can shift that balance by asserting your rights and protecting yourself.

**Important:** keep in mind throughout that these interactions between police and you often depend upon small aspects like your attitude and body language.

- Being polite, using “Yes, Officer” and “No, Officer” are some of the most helpful strategies when dealing with the police.
- The goal is to stay calm, and get out of the situation unharmed.

**WHAT RIGHTS ARE WE TALKING ABOUT?**

This section will focus on the basic encounters a person might have with the police on the street:

- Street Encounters: Conversation, Detention, and Arrest  
- Home visits  
- Airports  
- Immigration

“We will be teaching you to use legal language that it is legally significant and will help you if you end up in front of a judge or in court.

We are here to make sure you know your rights, but **you have to decide how to use them.**

**When can the police approach you and ask you questions? What are some reasons that you may not want to speak with the police?**

You may not want to speak to law enforcement without a lawyer present because:

- You don’t know what they know  
- You don’t know what or who they are investigating  
- There is a difference of a one-on-one police encounter and when a whole community decides to speak with the police.
- You don’t know what will incriminate you  
- You want witnesses for anything you say to them
- Having a lawyer will help balance the power dynamic, the police are the state and its system.
- Police lie to you and are allowed to do so

You may want to speak to law enforcement if:
- If you or someone else is in immediate danger

**Although the police can approach you at any time, you:**

- ARE NOT OBLIGATED TO STAY
- ARE NOT OBLIGATED TO SPEAK
- This is what we call the conversation stage.
- Am I free to leave? (Magic Word)

To protect yourself and your community remember these tips:

Police can ask general questions, why you’re there, your name, address (part of their investigative function)
BUT YOU DON’T HAVE TO TALK TO THEM

**KEEP ANSWERS SHORT (5 WORDS OR LESS)**

- Provide your name and the least amount of additional information possible
- You do not have to answer basic questions beyond your name, but refusing to answer basic questions may make the police suspicious of you

WHY?
- “I have nothing to hide,” don’t want to look like I’m hiding or suspicious
- Remember you don’t know why they are approaching you
- You should try to minimize your conversation with law enforcement
- Anything you say can and will be used against you, if not you, then your friends, your community

If you decide to give an ID, give them an ID with as little information as possible (NY, “stop and identify” statute)

- Avoid giving them a passport or driver’s license, which have your address on them.
- Immigrants have the same rights, you don’t have to answer questions about your immigration status, again provide an ID with as little information

DON’T LIE [LYING to a federal officer is a crime, 18 USC 1001—can point out that you may not know who is a federal officer due to the cooperation between the Joint-Terrorism Task Force]

ALWAYS be polite with the police, but also be firm (use your judgment)

- If not polite, can arrest you for disorderly conduct, very broad term (even swearing in public has been used to arrest for disorderly conduct)

NEVER touch a police officer (not even anything connected to them, such as their hat)

Keep your hands where the officer can see them

Don’t resist or interfere with an officer (even if you think he or she is wrong)
If you want to leave or police stop you on the street and you want to leave, but the police keep insist on asking questions beyond basics, ask “**am I free to leave?**” to which if the police answer “yes”, LEAVE,

- Be persistent, you may not get an answer the first time, keep asking if you are “Free to leave”

**REMEMBER TO ASK:**
- “**Am I free to go?**” If yes walk away!!!! (Magic Word)
- Don’t be afraid to repeat yourself

“**INTERACTION:** Will get to the detention/search aspect next, but first let’s practice this

- Practice 5 words or less, giving short answers
- Practice “am I free to leave”

**b. Detention and Search**

**IF THE OFFICER SAYS YOU ARE NOT FREE TO LEAVE THEN YOU ARE BEING DETAINED.**

And you are now in the detention stage.

- Now you are obligated to stay
- BUT are NOT obligated to speak

**YOU SHOULD:** ask “are you detaining me?”

- If the police answer YESà you are being detained.
  At this point the police have some suspicion of you, though maybe not enough to arrest you. Again, for the same reasons as above, it’s best to remain silent.
- You have the right to know why, so you can ask “why?”, but they may not tell you why.
- AT THIS POINT if they are asking you questions, just can just say **“I wish to remain silent” (Magic Word)**

You don’t necessarily have to ask at this time, “I want to have an attorney present.” Later, we’ll get to when it is important that you ask for an attorney. At this stage, it could escalate the situation so you will have to use your judgment on whether you want to pull the attorney card.

- Why is it important to remain silentà what you say will be used against you, your friends, or your organization

**ALL ADVICE AND TRAINING AIMED AT ONE BASIC RULE: BEYOND INITIAL QUESTIONS, DON’T TALK TO THE POLICE WITHOUT A LAWYER PRESENT. THIS IS THE BEST WAY YOU CAN PROTECT YOURSELF, YOUR FRIENDS, AND YOUR COMMUNITIES**

- By “talk” we mean respond to probing questions about you, your community, your views, activities. You don’t know the purpose of this questioning and how you might be implicated in any investigation of your community
- Begin observing.
  - Look to see who’s around, where you are, badge numbers, description of officer
Stop-n-Frisk

- In NY the police are allowed to pat down the outside of your clothing, and feel for weapons. This is about their safety. They cannot search the inside of your belongings unless you give them permission or if they have probable cause that you have a weapon in there.

If the police try to look in your pockets or in your bags, say loudly and clearly, “I do NOT consent to this search!” DON’T resist.

- This will give your attorney some ability to challenge the search later in court though it will not stop search at the moment
- Make clear that you do not consent to any further search of your person (like bag, which they have to ask to search)—may not stop search but preserves your rights
  - SILENCE can be interpreted as consent
- If say “sure”, you have WAIVED YOUR RIGHT TO CHALLENGE THE SEARCH
- WHY IMPORTANT TO REFUSE TO CONSENT TO SEARCH: again even if you have nothing to hide, anything you think is innocent can still be used against you or your friends, community, etc.
- 95% of searches are consensual-meaning most people just give up their right to refuse to consent

Here it is very important that you be observant of your surroundings and see if there is anyone around

- Become your own reporter: You are not speaking here so be observant
  - Remember the officer’s badge number and name.
  - Write down everything you remember as soon as you can! (Like the officer’s badge number and name) UNLESS YOU ARE ARRESTED.
  - Try to find witnesses. Get their names and phone numbers.
  - If you are hurt, get medical attention! Take photos of the injuries as soon as possible

- INTERACTION: now going to practice search, so pick up where we left off
  - Police have stopped us on the street
  - We kept answers short to 5 words or less
  - Said “am I free to leave”
  - NOW IF no, ask “are you detaining me”, and if yes asked “why?”
  - “I wish to remain silent at this time”
  - now being patted down or searched
  - PRACTICE SAYING “I DO NOT CONSENT TO A SEARCH”

**c. Arrest**

Should know the effect of conviction:

- Trouble getting job
- Effects immigration
- Financial aid can be denied (federal funding)
- Public housing can be a problem
- Time spent in jail could affect job (even just waiting for arraignment after arrest can take 48 hours in NY)
ARREST: Police cannot arrest you without “probable cause”, meaning an officer is able to articulate how your conduct or act links to some kind of criminal activity is happening or has happened, or will happen

- Don’t expect to be read your Miranda rights upon arrest, Police are only required to do this is if they are interrogating you.
- IMPORTANT: Invoke both your right to remain silent and right to an attorney-- important to invoke immediately and simultaneously
  - Ex: if only invoke right to remain silent and not right to attorney, police can wait for a “reasonable period of time” to reinitiate interrogation
  - If invoke both, police may not question you about the crime for which you were arrested without counsel present
  - When you invoke you must remain silent in all forms: no writing, no phone calls to family, no conversation with cell mate regarding the arrest. Talk about other things, BUT NOT the circumstances of the arrest.
  - Can question you about unrelated charges/crimes à SO REMAIN SILENT
  - Try to remember cop name, badge number, or cop car number
  - INTERACTION-now going to practice being arrested and saying “I invoke both my right to remain silent and my right to an attorney”, or “I’m not talking without my lawyer”

*ROLE PLAY / INTERACTIONS:

(After each sub-section above, or at the conclusion of all of the sub-sections, the facilitator should ask participants to volunteer to participate in one or more role plays to help people practice their encounters with police – with some participants acting as law enforcement and some acting as themselves, or the facilitator acting as law enforcement. Depending on the size of the group, there can be multiple role plays occurring simultaneously in different parts of the room).

Role Play:

Initial police interaction

- Practice 5 words or less, giving short answers
- Practice “am I free to leave”

Police have stopped us on the street

- Keep answers short to 5 words or less
- Say “am I free to leave”
- NOW IF no, ask “are you detaining me”, and if yes ask “why?”
- “I wish to remain silent at this time”
- When being patted down or searched,
- PRACTICE SAYING “I DO NOT CONSENT TO A SEARCH”

Arrest

- “I invoke both my right to remain silent and my right to an attorney”, or “I’m not talking without my lawyer”
Example: police officer walks up to student as student leaves meeting of Muslim Students Association.

**Officer:** Hey you, what are you doing?

**Student:** Not much, thanks, [keeps walking]

**Officer:** Hey, are you a part of that organization?

**Student:** who, me?

**Officer:** we think one of your members is involved in a foreign terrorist organization?

**Student:** Officer, am I being detained?

**Officer:** We have permission from your administration to contact you and the administration will be notified if you don’t cooperate.

**Student:** Officer, am I being detained? Or am I free to go?

**f. FBI and Home search/visit**

**What if law enforcement approaches you at your home?**

Do not ever speak to the FBI or federal agent without a lawyer

- 18 USC 1001: Lying to a federal agent is a crime punishable by 5-8 years in prison
- They will try to trip you up into a lie and use this to make you talk

If the FBI, SFPD or other law enforcement officer comes to your door DON’T OPEN THE DOOR or INVITE THEM IN

- BECAUSE once inside can search what is in plain view or your arm’s reach

Ask for a warrant.

- If no warrant then say "I have nothing to say to you, I will have my lawyer contact you"
- If you first open the door and see it's FBI or police, STEP OUTSIDE AND CLOSE THE DOOR BEHIND YOU so they can’t see what’s inside your home
- When they leave write down as many things as you can remember and immediately call the Guild or a lawyer

IF SAY THEY HAVE A SEARCH WARRANT, ask them to slide it under the door to see if it’s signed or if you’ve stepped outside ask to see it first (must let them search home)

- Be sure to check the date, address and that its signed by a judge
- Must have a warrant unless in “hot pursuit” of suspect, or you (ask to see warrant)
- Warrant must be signed by a judge
- Watch what they search, what they seize
- MUST give you an inventory when they are done with the search of what they took
- Roommates can consent to search of common areas, but not your private area
• Parents, spouses CAN consent to search of private areas

IF THEY HAVE AN ARREST WARRANT, again read the warrant checking for all the factors and then have the person step outside closing the door behind them.

Agents can search trash you have placed outside without a warrant since you are surrendering it to the public

If approached about becoming an informant, contact the MDC hotline

Role Play: FBI comes to apartment and tries to get inside to ask questions

Goals: get participant to demand warrant, assert right to consult lawyer, not let officer into home

Example:

Knock, knock.

FBI: is Rahma home?

Renter: I’m Rahma

FBI: can we come inside? We’re just going out into the community and meeting folks. Can we ask you a few questions.

Renter: wait, who are you, and what’s this all about?

FBI: I’m officer Thompson, and we’re just going around to meet different students. No big deal. Can we come inside?

Renter: do you have a warrant?

FBI: no we don’t have a warrant. This really is no big deal; just want to ask you a few questions. We’re happy to do it out here, but thought you might be more comfortable inside. What masjid do you go to?

Renter: I’m sorry but I’d really feel more comfortable talking to an attorney before speaking with you. If you want to leave me your card, my attorney can give you a call.

Renter: a lawyer? Listen, we don’t want this to rise to that kind of level. Don’t complicate things. It would be best for you if you do this the easy way. The administration has authorized us to come and talk to students and we will report back if folks aren’t cooperative. Now, do you know Faisal Ahmed?

Renter: Sir, I have nothing to hide. Leave me your card and my lawyer will contact you.

Take away:

Always consult a lawyer before talking to law enforcement; they can lie and do whatever they can to get you to talk – even if you have nothing to hide, even seemingly innocuous behavior can be turned against you or others

Never let law enforcement in without a warrant
Your rights in airports are different than on the street or in your house. That is because there is it is implied that you consented to certain infringements on your fourth amendment rights when traveling.

Things to Remember:
- Stay Calm
- Be polite and clear to the officer; NEVER Threaten them
- If available and will not cause you delay you can choose the metal detector instead of the whole body imaging machine
- Think about your clothing choices to make security screening easier (slip off shoes, jackets, belts etc.
- You can always ask for a supervisor to assist you if you are having a problem with a specific agent

Airport Searches

1) Going through Security

WHOLE BODY SCANNER:

A whole body scanner uses radiation to see through your clothes and provide TSA agents with the ability to see an image of your body without clothing. Some of these machines can provide very detailed images of your naked body, others provide an outline that highlight bodily anomalies or medical conditions.

You have the right to: Refuse the full body-imaging scanner, but you must affirmatively assert this right. TSA agents are required to honor your request.

Clearly state “I wish to opt-out”

If you assert your right to refuse this type of scan, you will be required to undergo an enhanced pat down.

ENHANCED PAT DOWN:

An enhanced pat down includes an agent touching your body through your clothes, which may include up your leg to your groin, between the buttocks and under you breasts. The agent is supposed to use the back of their hand. A person of the same gender as you conducts this search.

- Remember to tell agents about any sensitive areas, such as injuries or medical devices
- If you are uncomfortable being patted down in public you can ask to be patted down in a private location. You can also bring a companion.

HEADCOVERINGS: If you are wearing a headscarf you can tell the TSA official that you do not wish to remove the scarf. However, the TSA agent can pat your head down or ask you to rub your headwear and place your hands in a machine to test for chemical residue.

- If despite this the TSA agent wants to remove your scarf, you can ask to be taken to a private area and bring a companion.

RESOLUTION PAT-DOWN

- If an agent detects an “anomaly” you will be subjected to an additional pat down. Here the TSA agent will take you to a private room and conduct a more invasive pat down, using the front of the agent’s hand, including the groin area.
- **You can ask to bring a witness with you, or ask that TSA provide a witness for you.**
- A person of the same gender should conduct this search.

SEARCHES OF BAGS, LAPTOPS, AND ELECTRONICS

- U.S. Customs and Border Patrol **can** confiscate laptops, cell phones, digital camera’s, and other electronic devices upon entry into the US without suspicion of wrongdoing.
- If your electronics are confiscated:
  - Get a receipt so you can track your belongings
  - Note the agent’s name
  - You can ask for a supervisor to present while the search is conducted
- If you have documents copied ask for a receipt and note the agent’s name

2) **Questioning by CBP officials, other immigration or federal agents**

- CBP and immigration have the authority to ask questions about your identity, immigration status, and general details of your trip when you are leaving or entering the country
- You should answer these questions truthfully, BUT avoid giving them too much information
- You are not obligated to answer questions about your political or religious beliefs, or associations. If you are asked this type of questions you should say “I am not going to answer any questions about my religious or political beliefs, or about who I know.”
- If the agents press you to answer these questions assert your right to remain silent and ask to speak with a lawyer.
- If you are detained for a long time you can ask to make a call or have the CBP official to make a call for you.

*If you are improperly questioned or detained you can file a complaint with a supervisor, the Civil Rights Office of the Department of Homeland Security, or DHS Trip.*

3) **Fingerprinting**

Generally, all visitors and lawful permanent residents are fingerprinted upon entry into the US

4) **Additional Considerations**

If you are a US citizen you cannot be denied access no matter how long you have been away from the United States

If you are a lawful permanent resident (green card holder) you are expected to live in the U.S. for at least six months (180 days) per year. Failure to satisfy this requirement can lead to you forfeiting your residency. If you must be away for longer than six months you may apply for a reentry permit
h. Immigration

The facilitator should make clear that she/he is giving only a broad overview, that she/he is not an immigration lawyer or expert, and that there are multiple iterations and subtleties based on an individual person’s immigration status, any crime with which they have been charged or convicted, etc.

Privilege, not a right, to be in US

Have generally same rights as others to protest, substantive due process rights (civil liberties)

Government has broad powers to withhold immigration benefits (discretionary relief or naturalization) and may potentially even initiate removal proceedings and bar entry into the U.S. based on a noncitizen’s speech

Even if not arrested, when applying for permanent residence or naturalization, asked to list organizations with which you have worked or been associated with, could cause problems

QUESTIONING

IF YOU ARE QUESTIONED ABOUT YOUR IMMIGRATION STATUS

• You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials

• You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. (Separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers.)

• If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent.

• Do not lie about your citizenship status or provide fake documents (providing fake documents is lying to federal agents, best to remain silent)

ARREST

An arrest, even without a conviction, can impact immigration status

• Immigration court can use even evidence that did not later lead to criminal conviction OR in most circumstances EVIDENCE SEIZED IN VIOLATION OF 4TH AMENDMENT RIGHT AGAINST UNREASONABLE SEARCH AND SEIZURE in deportation immigration proceedings

Once arrested fingerprints may be crosschecked with ICE.

• Each municipality makes their own decision about how early they run a check. And, it depends on how far into an ID background search a person can get too. Once police/courts know, they may report to ICE and jails have an ICE agent who runs checks on incoming detainees

Since passage in 1996 of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act, immigrants (even green card holders) convicted of a crime, including minor crimes, are at increased risk of being placed into removal proceedings and many may be subject to mandatory detention after they serve their sentences.

• Although many individuals placed in removal proceeding will have an opportunity to have an opportunity to have their case heard before an Immigration Judge, certain individuals, such as those with prior
removal orders may not be given a full hearing where they can explain their reasons for staying in the country. Even if they have lived in the United States legally for dozens of years, and have U.S. citizen children or run a business, they may be deported.

- Judicial Review of an Immigration Judge’s decision on an individual’s case has been severely restricted and Federal Court Judges have been stripped of the opportunity to make meaningful determinations of who should stay, and who should be deported.

If you are arrested, tell your criminal defense lawyer your immigration status. Ask your lawyer about the effect of a criminal conviction or plea on your immigration status. Your lawyer is legally required to tell you of any potential consequence which your criminal conviction or plea may have on your immigration status.

- Don’t discuss your immigration status with anyone but your lawyer.
- While you are in jail, an immigration agent may visit you. Do not answer questions or sign anything before talking to a lawyer.
- Read all papers fully. If you do not understand or cannot read the papers, tell the officer you need an interpreter.

CUSTODY

IF YOU ARE TAKEN INTO IMMIGRATION (OR “ICE”) CUSTODY

- You have the right to a lawyer, but the government does not have to provide one for you. If you do not have a lawyer, ask for a list of free or low-cost legal services. You have the right to contact your consulate or have an officer inform the consulate of your arrest.
- Tell the ICE agent you wish to remain silent. Do not discuss your immigration status with anyone but your lawyer.
- Do not sign anything, such as a voluntary departure or stipulated removal, without talking to a lawyer. If you sign, you may be giving up your opportunity to try to stay in the U.S.
- Remember your immigration number (“A” number) and give it to your family. It will help family members locate you.
- Keep a copy of your immigration documents with someone you trust.

Unknown Agents of Law Enforcement & What You Should Know About Your Speech

Roadmap

- Indicia of agent provocateurs
- First Amendment-in our communities
- First Amendment-in our schools
- What the First Amendment does not protect and predatory law enforcement
- Material support
- Conspiracy and attempt
- Entrapment
- Case Studies
*The prosecution of these cases raises serious questions about the meaning of culpability and guilt. The American criminal justice system leans heavily against defendants who choose to take their cases to trial. And communities may need to consider that their most vulnerable members are being targeted by informants, that is, the young, naïve, and mentally ill.

*The government’s use of these methods allows it to justify the War on Terror and increased the surveillance of all of us. Every time a new indictment is issued, the government organizes a huge press conference to justify its existence.

a. Review: Four Levels of Surveillance

1. Undercover: Officers who are on the SFPD payroll but pulled out before training to participate in covert training
2. Secondary Surveillance: Individuals sent to communities to hang around public places to listen into conversations and gather information about communities
3. Informants: Individuals sent to communities to seek out terrorism-related activity and to engage individuals in terrorist activities. These individuals often work for financial incentives or have criminal or immigration problems that the government exploits to have them do its dirty business.
4. Technological surveillance: electronic surveillance of any kind, wire taps, email interception, texts interception, etc.

At times, the surveillance has been on a combination of these levels or all four levels at once.

b. Indicia of Agent Provocateurs

1. There is a certain profile that has been formed of agent provocateurs. This is because they are not individuals from the community, they have a particular mission to fulfill, and they are not genuinely involved in the movement. Below are some of the red flags that individuals or communities who have encountered informants have noted in hindsight.

They tend to have:

- Lack of history in the community – no one knows their family, where they came from
- Unstable job, lack of work or education history
- Money: No idea how they make money, yet they are always providing gifts or making promise of gifts. This is to build trust and also to facilitate illegal activity where the actual individuals being targeted by not have the means to engage in the illegal activity.
- Politics: what they say makes little or no sense or makes too much sense. They either blow a lot of hot air or know stuff to incredible detail.
- Create messes between people. Try to isolate people. Again, this is both to build trust and cut individuals off from accessing their communities. Informants have often accused others of being informants to shift suspicion and to undermine others in the movement.
- Provocative talk, particularly about the need to take action and do something such as getting money to overseas to different groups. Love to talk about jihad.
- Target the most vulnerable and weak in communities
2. Be careful not to be overly suspicious or paranoid of each other. Disrupting communities is exactly an aim of this kind of surveillance!

   a. Other explanations are possible i.e. the person could be ideologically opposed to the work, mentally ill, misguided, difficult to work with, or maybe under surveillance by the state himself or herself
   b. Concentrate on the demonstrable evidence and address the individual's problematic conduct

3. Document everything!

   a. If you suspect you are dealing with an informant, then take note of interactions and conversations
   b. If you are contacted by the FBI or law enforcement, remember the first part of the training. You DO NOT need to speak with law enforcement without an attorney present. All the same reasons why you may not want to speak with law enforcement apply.

   **c. First Amendment – In our Communities**

The 1st amendment protects right to free speech and peaceable assembly

Political speech is the core protected speech of First Amendment

*Law enforcement do not have “rights. People have rights.*

The “chilling effect” of law enforcement’s surveillance of political activities has been recognized:

- We have heard of many individuals who fear voicing their opinion because of who may be listening or how it may be construed
- but don’t despair

   **d. First Amendment-Schools**

Have rights to free speech on college campus

Public campus: state actorà 1st amendment

However, there has been a recent attack on speech on campuses with laws that call advocating for Palestine anti-Semitic

Private campus: Guaranteed 1st amendment on private campuses in California, or through courts construing how the space has been used (how public has been invited in, whether political activity has taken place on university space, and has turned it into a public forum) or through university’s guidelines on open expression guaranteeing free and open expression (NOTE: recent California legislation has limited the right to free speech around Palestine, many people are fighting this but it is an issue)

- Just can’t disrupt educational mission, be harassing
- Guidelines state they will not discriminate based on content of speech
e. What the First Amendment Does Not Protect:

1. Certain categories of speech are not protected. Not protected: fighting words, obscenity, defamatory words, threats, direct incitement of violence

   - Examples of what counts as fighting, words intentionally directed at another that are so venomous as to cause one to suffer emotional distress or immediately incite a violent retaliation (rarely upheld, usually unconstitutional restriction of speech)

2. We do not have the right to agree to do something criminal. This can constitute conspiracy.

3. This pre-emptive model of prosecution operates in the following ways:

   - **Material support statutes** – statutes that make it a crime to provide the most nominal or innocent sorts of assistance to anyone or any group that’s on a designated list of “foreign terrorist organization” by the State Department or the Treasury Dept coupled with:

     - **Conspiracy/Attempt** – As described below, individuals can be charged with conspiracy or attempt to engage in certain acts – far from the actual completion of any crime.

     - **Entrapment** – the use of informants and undercovers in manufactured crimes where prosecutors frequently try to introduce evidence of the individual’s speech at rallies, comments on the internet, and the type of films or books that the individual read to prove that the person was predisposed to commit the crime. (As explained below, the government can overcome the argument that it entrapped an individual by proving that he or she was predisposed to commit the crime. Thus, people can essentially be prosecuted for thought crimes.”)

f. Material support

The gist of material support

- Secretary of State designates certain groups (without evidence or need of proof) as terrorists (lists them under the Foreign Terrorist Organizations list) and it is a crime to not only donate money to these groups, but to “materially support” them in any way. The definition of material support is complicated and we will discuss below

- The Treasury Department also has its own list

- Can be charged for violating both for the same conduct. This allows prosecutors to craft indictments that encourage pleas because the individual faces the possibility of even an even greater sentence. (See Indictment of Syed Fahad Hasmi, Counts I and II).

Survey.

The purpose of this exercise is

1. To explicate that (so far) the First Amendment allows for the broad protection of rights to engage in political speech.

2. To exemplify the shifting contours of the 1st Amendment.
Let's assume that you have a group called the “Peaceful People's Movement” (PPM). It is a designated FTO on either the State Department or Treasury list

Ask for a show of hands of which of the following is protected under the First Amendment.

1. I LOVE the PPM.
2. I LOVE the PPM and I wish I could help them out.
3. I LOVE the PPM and I get in touch with a member overseas and agree to distribute literature here that discusses how the PPM has a campaign to fight world hunger.
4. I send a donation to the PPM in the amount of $10.

Follow-up Discussion:

“Material support” is defined in the statute to include almost any kind of support for blacklisted groups, including humanitarian aid, training, expert advice, “services” in almost any form, and political advocacy (The Patriot Act broadened these provisions in the wake of 9/11)

- criminalize activities like distribution of literature, engaging in political advocacy, participating in peace conferences, training in human rights advocacy, and donating cash and humanitarian assistance, even when this type of support is intended only to promote lawful and non-violent activities
- Ex: if reach out to a group on the list to advocate that they switch to nonviolence, THIS IS MATERIAL SUPPORT
- Or if want to donate to humanitarian aid branch of this group, this is material support constituting supporting terrorism

Holder v Humanitarian Law Project (LA based nonprofit advocates peaceful resolution to armed conflict, HLP wanted to assist the Kurdistan Workers’ Party (PKK) with conflict resolution and human rights monitoring in Turkey)

- The decision marks the first time that the Supreme Court has held that the First Amendment permits Congress to make pure speech advocating lawful, nonviolent activity-human rights advocacy and peacemaking-a crime
- Doing so can land a citizen in prison for 15 years, all in the name of “fighting terrorism.”
- Nuanced Holding of HLP: Specifically, the Court held that if “speech to [designated terrorist organizations] imparts a ‘specific skill’ or communicates advice derived from ‘specialized knowledge’ – for example, training on the use of international law or advice on petitioning the United Nations – then it is barred [but] speech is not barred if it imparts only general or unspecialized knowledge.” Id. (finding that CAN ban plaintiffs from training members of designated terrorist organizations on how to use humanitarian and international law to peacefully resolve disputes and teaching members how to petition various representative bodies such as the United Nations for relief and this does NOT violate the First Amendment)
- In addition, the Court upheld a Ninth Circuit interpretation of the material support statute as not prohibiting “vigorously promoting and supporting the political goals of [designated foreign terrorist organizations].” Id. at 2730. This distinction may show that promoting that people they should not be afraid to continue to engage in political speech and advocacy.
- Be aware that material support statutes can make it a crime to associate with certain organizations, who the government has labeled its enemies.
- Case of Tarek Mehanna: Indictment includes: “Since the 2000s, he and his friends watched extremist
videos on the web and discussed going abroad to receive training in Pakistan and later Yemen.” Those training camps did not exist so he returned home and prosecutors claim that he was committed to spreading Al Qaeda’s ideology by translating extremist propaganda on the internet. He also translated web posts and websites. There is a real question in this case whether Mehanna was providing these translations at the direction of a terrorist group or whether his actions constituted “independent advocacy.”

g. Conspiracy & Attempt

1. Define conspiracy: “an agreement to commit an illegal act between 2 or more people”
   - California Requires
     - an over act for you to be charged with a conspiracy (CA PC 184)
     - Must know that the act is a crime
     - Agreement (but can be vague agreement)
   - Conspirators liable for foreseeable crimes committed by other conspirators in furtherance of conspiracy*
   - Conspirators don’t have to know each other
   - In CA, can withdraw from conspiracy itself if renounce conspiracy before an over act is committed

2. Define Attempt: Under CA PC 21a a person is guilty of criminal attempt if, they specifically intended to commit the crime and performed a direct act towards committing that crime.

The thing to note is that attempt would then be coupled with providing material support. Again, material support can be quite small.

See, e.g., indictment of Fahad Hashmi

Hashmi allowed a friend to stay at his apartment for two weeks. The allegedly friend had military gear (socks and ponchos) in his bag that he later gave to Al Qaeda. The fact that he let the friend stay at his house was considered material support.

h. Entrapment

Basically, the government engages in the manufacture of crimes. Informants are frequently heavily involved with the initiation, development, and the means for the plot.

Why aren’t people protected from the so-called entrapment defense?

The entrapment defense is notorious hard to invoke. Let’s examine how it works and you can see why:

- Entrapment is a complete defense to a criminal charge, on the theory that “Government agents may not originate a criminal design, implant in an innocent person’s mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute.” Jacobson v. United States, 503 U.S. 540, 548 (1992).
- A valid entrapment defense has two related elements: (1) government inducement of the crime, and (2) the defendant’s lack of predisposition to engage in the criminal conduct. Mathews v. United States, 485 U.S. 58, 63 (1988). Predisposition can defeat the defense.
• Thus, what is used as evidence in the courtroom is often what we would think of as core 1st Amendment activity: participation at rallies, videos that the individual watched ...etc.\(^4\)

**i. Closing Discussion**

You may consider ending on the note of what folks can do:

1. Encourage other members of the community to learn about their rights.

2. Attend court dates to learn more about these cases and to support our communities
   a. the 1st A is especially key because prosecutors and juries are subject to public opinion. Prosecutors will only bring cases that they believe they can get away with bringing. Public opinion has a huge impact on this.
   b. In the Newburgh 4 case, the judge was forced to acknowledge the role of the community who turned out and watched the proceedings with concern – and the obvious concern that the government had targeted a poor community

5. Provide support for family members as they report feeling incredible isolation from their communities

6. Support one of the organizations doing this work. Join listservs to be apprised of opportunities for actions such as petitions etc.

7. Speak out!

KNOW YOUR RIGHTS MANUAL

National Lawyers Guild San Francisco Bay Area Chapter

Rights with Law Enforcement

Law enforcement includes city police, campus police, law enforcement officials from federal agencies, BART police, etc.

When dealing with police, do not unnecessarily antagonize them; do not make sudden movements; keep your hands visible. Do not touch the officer or her/his equipment.

Police Encounters – 3 basic types: conversation, detention, and arrest.

Conversation

- When law enforcement officers don’t have enough information or evidence to legally stop you, they may just ask you questions and spark up a conversation. They may be looking for the evidence they need to detain or arrest you.
- You are not required to speak with them.
- You can say: “I’d rather not speak to you; I’m going to keep walking.” You can also ask if you are being detained. If they say “no,” equivocate, try to intimidate you, or ask you a question in return, you are free to walk away.¹

Detention

- When you are detained, you are not arrested, per se, but nor are you free to leave.
- Generally, officers must have “reasonable suspicion” that you are involved in a crime to be able to legally detain you.²
- Detention should only last a short time – no longer than necessary to confirm or dispel the suspicion.³ During a detention, officials may be allowed to pat you down and may be able to look into your bags, but they should not go into your pockets unless they felt a weapon or contraband during the pat down.⁴ If they say you are being detained or can’t leave, you may want to ask why.
- But if they ask you questions you may invoke your right to remain silent only by saying words to the effect, “I am going to remain silent. I want a lawyer,” and then remaining silent.
- Note that outside of California it may be a crime to not give your name, and thus a reason to turn a brief detention into an arrest.⁵
- You don’t have to show an ID to police unless you are driving a car.⁶

Arrest

- Police can only arrest you if they have probable cause that you are involved in a crime.⁷ If you are under arrest they can search you and the belongings you have near you.⁸
- Miranda
• The constitutional privilege against self-incrimination applies with equal force to people of all ages.
• Police do not necessarily have to read you your rights when you are arrested, only if they are going to interrogate you while in custody, and only if it is a police officer that will interrogate you.
• Even then, they may not read you your rights and whatever you tell them might still fall into an exception or otherwise be used against you, so if you want to invoke your Miranda rights, it is best to say “I am going to remain silent. I want to speak to a lawyer.”

Interrogation
• Police are trained to use numerous tricks to get you to talk, and they are fully authorized to lie. Also, be alert to the innocent sounding conversation which does not sound like interrogation or the non-officer asking you questions.
• If you answer some questions accidentally, you can still invoke your rights later.
• To fully protect your rights, you should not speak with law enforcement without your attorney present.
• It can be a serious crime to make a false statement to police or other officials, so you are better off not talking than furnishing false information.
• Note that it is not a crime or even unconstitutional for police to make a false statement to you to get you to talk, e.g., “we have evidence that you did it.”
• When you invoke your Miranda rights, the police are supposed to stop questioning you, at least for a while. However, since the repercussions for police are minor, they often violate this rule, and are often trained to violate it.
• Role Play – I’m a cop and you are in custody. How would you respond?
  • “You’re not a suspect – just help us understand what happened here and then you can go.”
  • “Answer my questions and you won’t go to jail.”
  • “All of your friends have cooperated and we let them go home. You’re the only one left.”
  • “If you’re not guilty, why don’t you talk?”
• Other techniques
  • Good Cop/Bad Cop.
  • Splitting up a group of people, and questioning them separately, looking for inconsistencies in order to create reasonable suspicion or probable cause.
  • They lie by telling you your friends snitched you out, simultaneously telling your friends the same thing in other cells.

Searches
• You never need to consent to a search, even if the police have a warrant. If the police want to, they will search you or your property regardless. By consenting, you waive various rights. You can simply say, “I do not consent to a search.”
• Not consenting may not stop them, but it may allow you to suppress evidence from being presented in court.
• Do not physically resist a search by police.
• Remember if a cop stops to talk to you, you may ask, “Am I being detained?” If the cop does not tell you that you are being detained, you are free to walk away.
• If arrested, to invoke your rights always say and repeat as often as necessary, “I am going to remain silent. I want to speak to a lawyer.”
• Document what you can: names, agencies involved, badge numbers, witnesses and contact information.
Free Speech Rights

- Your right to assemble and speak out and hold placards and hand out flyers is generally protected. There can be time place and manner restrictions.\(^{16}\)

- Depending on where you are located while engaging in expression, you may have different levels of protection. For example, you have more protections in a “public forum” (such as a sidewalk or a park), then on private property, or school grounds, or sensitive government property.\(^{17}\)

- Permits
  - When a permit is probably necessary.\(^{18}\) While marching in the street or blocking streets;\(^{19}\) while amplifying sound;\(^{20}\) while protesting in certain places, for instance, in so-called “designated free speech zones” or on certain school campuses.
  - Permit issuing procedures may not be arbitrary, or viewpoint discriminatory and they must serve some legitimate purpose, such as traffic control or public safety.\(^{21}\)
  - This permit process cannot be overly burdensome, cannot leave too much discretion to the permitting agency, and cannot require so much advance notice as to prevent or greatly dilute the effect of rallies or demonstrations that are rapid responses to unforeseeable and recent events.\(^{22}\)
  - If you don’t have a permit, you can stay on the sidewalk so long as you and your group do not impede pedestrians or entrances to buildings. This includes setting up an informational table on a public sidewalk or handing out literature.\(^{23}\)
  - Counter-demonstrators have the right to be present and to voice their concerns.\(^{24}\) However, they may not physically disrupt the event they are protesting. Police can keep two opposing groups separated, but they have to allow them to be within the general vicinity of each other.\(^{25}\)
  - Groups cannot be discriminated against or treated differently based on the content of their speech or their message.\(^{26}\)

Youth

Rights in School

- Searches
  - As a student at a public school, you are protected by the Fourth Amendment from unreasonable search and seizure.\(^{27}\)
  - Again, outside of school, law enforcement officers must have “reasonable suspicion” that you are involved in a crime to be able to legally detain you. However in California, police officers or school officials do not need reasonable suspicion to detain you at school.\(^{28}\) Therefore, a school official (a principal or teacher) is allowed to stop you to ask you questions, move you from one classroom to another or into the hallway as long as their actions are not *arbitrary and capricious*.\(^{29}\)
  - School officials may search you if they have reasonable suspicion that the search will produce evidence that you are violating the law or school rules.\(^{30}\)
  - The search must be reasonable in terms of what officials are looking for and your age.\(^{31}\)
  - In California, reasonable suspicion requires that any searches of students be based on “articulable facts” that lead to the suspicion that the student is violating some school rule, regulation, or criminal statute.\(^{32}\) For example, if they have reasonable suspicion that you have a stolen soccer ball from the gym, they should not be able to search your wallet or small purse.
  - Lockers are much less protected, so be aware that school officials have been given more leeway to search lockers.\(^{33}\)
  - Just because you are at school, doesn’t mean that you no longer have rights to free speech and political expression.\(^{34}\)
- As elsewhere, political and/or religious speech is protected more than other forms of expression.\textsuperscript{35}
- Generally, you have the same rights in public and private schools, except that a religious private school may be allowed to further restrict your rights if your activity goes against the religious tenets of that school.\textsuperscript{36}
- Your school can impose certain time, place and manner restrictions on your speech rights.\textsuperscript{37} This generally means that schools are allowed to limit free speech activities if they are disruptive of the educational process.
- You do not have the right to vocally protest in the middle of a class and disrupt that class, for example.\textsuperscript{38} That doesn’t mean you shouldn’t do it, but you should realize that there may be consequences.
- Consequences
  - Suspension
    - The California Education Code limits a school’s ability to suspend students. Generally, you can only be suspended for certain enumerated activities such as possessing weapons or damaging school property.
    - Suspension should be used as a last result AND only when a student’s presence “causes a danger to persons or property or threatens to disrupt the instructional process.”\textsuperscript{39}
    - Further, the act which the student is suspended for must be “related to school activity or school attendance.”\textsuperscript{40}
    - The principal of a school can suspend a student for a \textit{maximum} of five consecutive days, and cannot do so without an informal conference with the student, and notification to the guardians.\textsuperscript{41} Nevertheless, the principal cannot suspend a student for reasons beyond those enumerated in the Education Code.\textsuperscript{42} If the principal suspends a student in violation of these regulations, the student can appeal.\textsuperscript{43}
  - Expulsion
    - The standards for expulsion are even higher.\textsuperscript{44}
    - The Principal or Superintendent may only \textit{recommend} suspension, unless the student has committed one of several specific acts — e.g., possession of a firearm, brandishing a knife at another person, selling a controlled substance, committing sexual assault, and possession of an explosive.
    - The school board may only expel a student if she commits one of the defined acts in the Education Code, such as assault, possession of a controlled substance, robbery, or causing serious physical injury.\textsuperscript{45}
    - The governing board which orders the expulsion must show that 1) other means of correction are not feasible or have failed; or 2) the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
  - Truancy
    - The law says that other means of discipline must be used for truancy or absences from school, not suspension or expulsion.
    - You must be absent from school without a valid excuse 3 full days; or tardy or absent more than 30 minutes of a school day on 3 occasions in one school year without a valid excuse.\textsuperscript{46}
    - If you are found to be truant, your parents may be contacted and there may be other consequences depending on your school district.
  - What if law enforcement finds you away from school during school hours?
    - Police may be able to arrest you for not being in school depending on the law in your city. These offenses are generally infractions, and the officer generally is required to deliver the student back to school, to a parent or to a center specifically designated for truant students — not to jail.\textsuperscript{47}
    - San Francisco, Oakland and San Jose do not have these daytime curfew laws.
Rights with Respect to Military Recruiters

- The Supreme Court has said that military recruiters must have the same access as other employers or the school can lose federal funding.48

- Administrators can organize protests.49 We have found that sometimes administrators actually help recruiters. This is an important point. If the school says it is against recruitment but has no choice, tell them they should help organize a protest and make other statements against the recruiters while they are on campus.

- Release of Directory Information
  - Schools may release directory information to the public, including recruiters. However, the Family Educational Rights and Privacy Act requires schools to honor a guardian’s affirmative request that any or all of that information not be released without guardian consent.50
  - The No Child Left Behind Act also forces high schools that receive federal funding to release the name, address and telephone number of students to military recruiters and institutions of higher education upon request. In this case, a student or parent can opt out of consent to dissemination of such information.51

- Speaking to military recruiters: You don't have to. You can tell them you’re not interested and ask them not to contact you again.

- Recruiters Lie, and the courts have relieved the military of honoring their contractual promises to enlistees – such as to discharge you by a certain date.52

- Be careful before signing anything.
  - An actual enlistment contract will bind both you and the government for military service (but you more than the government).53
  - Courts have ruled that once you have enlisted, the military and the executive – i.e. the president – can block your discharge indefinitely.54

- Delayed enlistment
  - You can get out. You can simply not go on your ship date.55
  - You may also consider writing a letter to the commander of the recruiting center where you were recruited stating that you don’t plan to enlist.56
  - Don’t let recruiters intimidate you or talk you out of seeking legal recourse just because you’ve “made a commitment.”57
Endnotes

1. Florida v. Bostick, 501 U.S. 429, 434 (1991) (“So long as a reasonable person would feel free to disregard the police and go about his business, the encounter is consensual and no reasonable suspicion is required.”)

2. Terry v. Ohio, 392 U.S. 1, 9 (1968) (Police officer “must be able to point to specific and articulable facts” to justify a “stop and frisk.”); Wyoming v. Houghton, 526 U.S. 295 (1999) (Courts must evaluate the constitutionality of a search or seizure based on traditional reasonableness standards).

3. Generally, courts treat interrogations as “seizures” under the Fourth Amendment. See Lee Remington, The Ghost of Columbine and the Miranda Doctrine: Student Interrogations in a School Setting, 41 Brandeis L.J. 373, 379 (2002); Rules on detention conditions vary in accordance with jurisdiction. See In re Randy G., 26 Cal. 4th 556, 563-564 (Cal. 2001) (officials can bring a student into the hallway or to the side for questioning); Stockton v. City of Freeport, 147 F. Supp. 2d 642 (D. Tex. 2001) (upheld search, handcuffing, and transportation of students into police vehicles without a warrant on school grounds).

4. In re Randy G., 26 Cal. 4th 556 (upheld pat-down in seizure). Terry, 392 U.S. at 30-31 (upheld patdown where officer had reasonable grounds to believe that the arrestee was armed).


6. Hibbel applies only to providing officers with one’s name, not proper identification.


8. United States v. Robinson, 414 U.S. 218, 226 (1973) (“When an arrest is made, it is reasonable for the arresting officer to search the person arrested in order to remove any weapons that the latter might seek to use in order to resist arrest or effect his escape.”)


11. Courts will apply a “totality of circumstances” test when determining whether or not a young person has waived her Miranda rights. Hence, it is safest for the student or youth to state explicitly that she is invoking her Fifth Amendment rights. See Fare v. Michael C., 442 U.S. 707, 728 (1979); “Uniform Juvenile Court Act provides that a child charged with a delinquent act need not be a witness against or otherwise incriminate himself, and any extra-judicial statements that are obtained in violation of the Uniform Act or the Constitution cannot be used against him.” Lee Remington, The Ghost of Columbine and the Miranda Doctrine: Student Interrogations in a School Setting. 41 Brandeis L.J. 373, 379 (2002); Uniform Juvenile Court Act § 27(b) (1968).

12. See generally, 66 A.L.R.5th 397 § 8 for case law on obstruction of justice on the basis of false statements to officers for several states.

13. Colorado v. Spring, 479 U.S. 564 (1987) (upholding police officers misrepresenting the focus of the interrogation); Oregon v. Mathiason, 429 U.S. 492 (1977) (upheld conviction where police falsely stated that suspect’s fingerprints had been found at the crime scene).

14. Miranda v. Arizona 384 U.S. 436, 473-474 (1966) (“If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease.”); Michigan v. Mosley, 423 U.S. 96, 104 (1975) (“The admissibility of statements obtained after the person in custody has decided to remain silent depends under Miranda on whether his ‘right to cut off questioning’ was ‘scrupulously honored.’”)


student organization prayer group from using school facilities to meet on an equal access basis)

17. Brentwood Academy v. Tennessee Secondary School Athletic Ass’n, 531 U.S. 288, 296 (2001) (“The fundamental inquiry is whether the action in question is “fairly attributable” to the state...entwinement will support a conclusion that an ostensibly private organization ought to be charged with a public character and judged by constitutional standards.”); Robins v. Pruneyard Shopping Center 582 P.2d 341, 347 (1979) (the California Constitution protects speech and petitioning, reasonably exercised, in shopping centers even when such centers are privately owned); U.S. v. Grace 461 U.S. 171, 177 (1983) (free speech activities are protected in public forums or traditionally public forums).

18. Cox v. State of New Hampshire, 312 U.S. 569 (1941) (considered the reasonableness of permit fees for demonstrations); Walker v. Birmingham, 388 U.S. 307, 315-316 (1967) (Upheld a permit requirement for the city of Birmingham, ruling that the “free passage of traffic and the prevention of public disorder and violence” are both legitimate state concerns.); Coates v Cincinnati, 402 US 611 (1971) (permit ordinance struck down for vagueness); See San Francisco Municipal Ordinance Article 6 for permit requirements – a protest with under 50 people should not require a permit.


20. Kovacs v. Cooper, 336 U.S. 77 (1949) (Upheld conviction under Trenton ordinance that prohibited amplified sound based on local police power to protect the community from “loud and raucous” disturbance).


22. N.A.A.C.P., Western Region v. City of Richmond, 743 F.2d 1346, 1355-1356.

23. Lovell v. City of Griffin, Ga. 303 U.S. 444, 451 (1938); This is true as long as there is no time, place and manner ordinance relevant. U.S. v. Kokinda, 497 U.S. 720 (1990); See Adderly, supra note 35.

24. The law may not discriminate among speech by content rather than form. Regan v. Time, Inc., 468 U.S. 641 (1984) (Court struck down content-based portion of a NY statute regulating illustrations of federal currency. “Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.” Id. at 648-649); See also Madsen v. Women’s Health Center, Inc., 512 U.S. 753, 763 (1994) (upheld anti-abortion protest injunction. “Our principal inquiry in determining content neutrality is whether the government has adopted a regulation of speech ‘without reference to the content of the regulated speech.’”)


26. See supra note 39.

27. New Jersey v. T.L.O., 469 U.S. 325, 333 (1985) (“Equally indisputable is the proposition that the Fourteenth Amendment protects the rights of students against encroachment by public school officials...” Id. at 334)

28. In re Randy G., 26 Cal. 4th 556, 562 (Cal. 2001) (Seizure by campus security officers, where officer pulled student from the classroom for questioning and patdown upheld by the Supreme Court of California); A number of other states also do not require a showing of reasonable suspicion for detention of students in schools. Pennsylvania, See In re D.E.M., 1999 PA Super 59 (Pa. Super. Ct. 1999) (Rejected requirement for reasonable suspicion based on specific and articulable facts where school officials removed student from classroom and detained him at the principal’s office); Florida, See W. J. S. v. State, 409 So.2d 1209 (Fla. Dist.Ct.App. 1982) (Did not require reasonable suspicion for seizure involving a security guard bringing students to the principal’s office).

29. In re Randy G., 26 Cal. 4th 556, 563-564 (Cal. 2001)

30. New Jersey v T. L. O., 469 U.S. 325 (1985) (The first test for a fourth amendment violation asks whether the search or seizure was reasonable, and next whether or not there existed reasonable suspicion of the violation).

31. N.J. v. T. L. O., 469 U.S. 341 (“Determining the reasonableness of any search involves a twofold inquiry: first, one must consider whether the...action was justified at its inception; second, one must determine whether the search as actually conducted was reasonably related in scope to the circumstances which justified the interference in the first place.”); Reasonable grounds for search can be justified by facts such as the appellant’s age; his history and record within the school system. Rone v. Daviess County Bd. of Education, 655 S.W.2d 28, 31 (Ky. Ct. App. 1983); Cales v Howell Public Schools 635 F Supp 454 (ED Mich 1985).


33. Id. at 334


35. See supra note 39.

36. New Jersey v. T.L.O., 469 U.S. 325, 333 (1985) (“Equally indisputable is the proposition that the Fourteenth Amendment protects the rights of students against encroachment by public school officials...” Id. at 334)
student or students to be searched are violating or have violated a rule, regulation, or statute.” Id. at 1295. Court found that assistant principal lacked reasonable suspicion to search a student where the school official lack any prior knowledge or information relating student to drug use or possession, and relied solely on “furtive gestures” and appearance that he was tardy or truant from class.)

33 31 A.L.R.5th 229, §10

34 Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969) (“it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”); Kleindienst v. Mandel, 408 U.S. 753, 763 (1972) (“This Court has recognized that this right is ‘nowhere more vital’ than in our schools and universities.”)

35 Morse v. Frederick, 127 S.Ct. 2618, 2625 (2007) (While it was legal for a school principal to suspend a student for unfurling a banner reading “BONG HIT S 4 JESUS” at a school event, the Court explained that “this is plainly not a case about political debate over the criminalization of drug use or possession.”)

36 Because private schools are not always considered state actors, students may not be protected depending the state the school is located and the relationship between the government and the school. See Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass’n, 531 U.S. 288, 296 (2001) (A private actor will be held to the same standards as a public actor if the court finds that the private action is so entwined with state actions to be functionally a state action.). In California, students in private schools are protected by § 48950, which protects private school students’ speech and communication covered by the California and Federal Constitutions. Cal. Educ. Code § 48950(a) and (c) (Westlaw 2006).

37 Consolidated Edison Co. of New York, Inc. v. Public Service Commission of New York 447 U.S. 530, 535-536 (1980) (“This Court has recognized the validity of reasonable time, place, or manner regulations that serve a significant governmental interest and leave ample alternative channels for communication...But when regulation is based on the content of speech, governmental action must be scrutinized more carefully to ensure that communication has not been prohibited ‘merely because public officials disapprove the speaker’s views.’”); This right does not extend to unprotected speech such as fighting words and speech which may incite violence. e.g. Chaplinsky v. New Hampshire, 315 U.S. 568 (1942) (The government may suppress speech if it inflicts injury or tends to incite an immediate breach of peace).

38 See Grayned v. City of Rockford 408 U.S. 104, 115 (1972) (School anti-noise ordinance upheld as a time, place, and manner restriction, as it disturbs or tends to disturb the school session.); In California, a student can be suspended or recommended for expulsion if she disrupts school activities or “willfully denies the valid authority” of a school official. Cal. Educ. Code § 48900(k). Subsections (f) and (l) authorize suspension for damaging school or private property and vulgarity respectively.

39 Cal. Ed. Code § 48900.5; See also Cal. Educ. Code § 48900 (2003) (“Suspension shall be imposed only when other means of correction fail to bring about proper conduct”); § 48900(v) (“It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.”); Tinker, 393 U.S. 503 (1969) (Court struck down suspension based on non-disruptive speech).


41 Cal. Educ. Code § 4891(f) (Unless in emergency situations, a conference should be held with the pupil. § 4891(f) and (d), respectively).

42 Cal. Educ. Code § 4891(f) (Principal can only suspend a student for those offenses in §48900, which does not include walkouts, unless the pupil is disrupting school activities.) Further, the school cannot suspend students for more than five consecutive school days. § 4891(f). In total, a school cannot suspend students for more than twenty school days in a given school year. § 48903.

43 An appeal of suspension would most likely come from opportunities within the school administrative system, the school superintendent, or the local county board.


45 Cal.Educ. Code § 48915 (e)

46 Cal. Educ. Code §48260

47 § 48265 (“Any person arresting or assuming temporary custody of a minor pursuant to Section 48264 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or to a school counselor or pupil services and attendance officer located at a police station for the purpose of obtaining immediate counseling from the counselor or officer prior to returning or being returned to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.”); In California, police have authority to arrest students for truancy. § 48264; See In re Humberto O., 80 Cal.App.4th 237, 242, 95 Cal.Rptr.2d 248, 251 (Cal. App. 2 Dist. 2000).

48 20 U.S.C.A. § 7908 (a)(3); Rumsfeld v. Forum for Academic and Institutional Rights, Inc., 126 S. Ct. 1297, 1305 (2006). The majority even suggested that the federal government...
could require access on behalf of recruiters outright, but to date, Congress has only attached the loss of funds condition. Id. at 1307. (“It is clear that a funding condition cannot be unconstitutional if it could be constitutionally imposed directly. Because the First Amendment would not prevent Congress from directly imposing the Solomon Amendment’s access requirement, the statute does not place an unconstitutional condition on the receipt of federal funds.”)

Rumsfeld v. Forum for Academic and Institutional Rights, Inc., 126 S.Ct. 1297, 1307 (2006) (“Law schools remain free under the statute to express whatever views they may have on the military’s congressionally mandated employment policy, all the while retaining eligibility for federal funds.…[Solicitor General acknowledging that law schools ‘could put signs on the bulletin board next to the door, they could engage in speech, they could help organize student protests.’]” (citations removed)).

See 20 U.S.C.A. § 1232g.

Section 9528 of the No Child Left Behind Act, 20 U.S.C.A. § 7908. Go to http://www.aclu.org/standup/images/pdf/militaryrecruit_optout.pdf for form to opt out of military recruiting. 20 U.S.C.A. § 7908 (2) “Consent. A secondary school student or the parent of the student may request that the student’s name, address, and telephone listing described in paragraph (1) not be released without prior written parental consent, and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request.”

For more resources on recruitment tactics, see generally http://www.nlg.org/mltf/

Generally, enlistment contracts are governed by traditional principles of contract law, and rescission of an enlistment contract is only permitted if the government induced enlistment through means of fraud. Tartt v Secretary of the Army, 841 F Supp 236 (ND Ill). For other resources on how to leave service such as conscientious objection, see http://objector.org/.


USAREC Reg. 601-56, Chapter 3. See Table 3-1 for list of acceptable bases of separation, including conscientious objection, dependency, marriage, and not reporting on date scheduled.

56 It is probably more advisable to write a letter than not. http://www.objector.org/helpingout/Helpingoutchapters/04_Delay_Enlist.pdf. See http://www.objector.org/girights/delayed-enlistment-program.html for tips on writing a letter, or call the GI Rights Hotline 800-394-9544, girights@objector.org.

57 USAREC Reg. 601-56 §3-1(c) explicitly requires that recruiters “respond positively” inquiries regarding legal separation. Further, it prohibits threats, coercion, manipulation, intimidation, or obstruction of separation requests in such context.
APPENDIX 15

Police Encounters

“I’d rather not speak to you”
“I do not consent to any search.”
“Am I free to go now?”

“Am I being detained?”
“I’d rather not speak to you; I’m going to keep walking.”

“I am going to remain silent.”
“I want a lawyer.”

conversation

detention
reasonable suspicion

arrest
probable cause
Office Security

Office Security, Law Enforcement Visits, and Emergency Information

We do not believe that we should rely on police and other forms of law enforcement for safety and responses to harm. We know that this system is used to exercise state repression, and inhibit people of color and poor people’s self-determination. Rather than providing safety and a response to harm, this system is a cause of harm and insecurity for our communities. Our understanding of this system makes it important that we apply alternatives to it to our organizational relationships, in our campaigns, projects, and services, and in our alliances, coalitions, and collaborations.

To help keep our office and the people working there as safe as possible, we have policies to help us prepare for incidents that might come up in a way that reduces our reliance and potential for potentially harmful law enforcement contact. The more prepared we are to deal with incidents on our own and to be our own first responders, the less likely we will be to need to involve law enforcement and other arms of the prison industrial complex.

Office Security

- Have staff follow strict access control procedures, discipline is important for these to work well
- Never let anyone in the building without checking the front door camera first. If you do not recognize the person, ask for verbal acknowledgement of who they are.
- Keep master keys and extra keys locked either in a secure place (safe, etc.) in your office or in a secure offsite location.
- Develop a code word or phrase to use among staff to alert them to a potential crisis situation
- Develop crisis communication among key personnel and security office involving intercoms, telephones, duress alarms or other concealed communications.
- Arrange office space so unescorted visitors can be easily noticed, but include physical barriers like desks between staffers and visitors.
- Assess which documents are sensitive and keep sensitive papers locked in secure cabinets.
- Back up documents on a remote drive and keep copies in a secure location offsite.
- Keep offices neat and orderly to identify strange objects or unauthorized people more easily.
- Empty trash receptacles often.
- Shred sensitive materials immediately, do not leave them lying around the office.
- Keep closets, service openings, telephone and electrical closets locked at all times. Protect crucial communications equipment and utility areas with an alarm system.
- Establish protocols for staffers working unusual hours or working alone.
If law enforcement comes to the building:

- **do not** let them inside the building
- send the designated staff person to talk to them
  - if that person is not in the building, send other staff in decreasing order of vulnerability (regarding role in the organization, citizenship status, legal record, language skills, race, gender, etc.)—should make concrete decisions about the order in which to send staffers/members to speak with law enforcement, should agree upon that order and stick to it when an incident arises. This list should get refreshed when staffing/membership changes happen that affect the order. It may be useful to send two people even if the staff attorney is present and is one of those people
- ask who they are and what their business is. If they are inquiring about a member, ask why they are asking about a member—do not react in any way or indicate if you know the person or not.
- if the staff attorney is not present, tell the cops that you are going to remain silent until the attorney can be present
- get their business card(s)
- take notes on the interaction with the cops. Make sure to document details about what they say they want, who they are looking for, etc. If it seems like taking notes in front of the cops would make you vulnerable, pay close attention to the conversation and document it as soon as you’re able.
- do not consent to any searches. If they have a warrant, ask to inspect it.
- write up an incident report for internal use
- speak to lead members, the board of directors, or similar organizational leaders and update them on the visit (tell them it is urgent)

**Emergency Information**

(keep this information in a locked place in the office or in a secure offsite location)

- Make sure the office has basic emergency supplies on hand to use if you have an emergency you may be able to handle yourselves (first aid supplies, fire extinguishers, back up communication—could be radios you use for demos, flashlights/candles, blankets)
- Emergency contact information for each staff person and regular office volunteers including
  - Name, telephone number, home address
  - Medical information including (make sure to keep updated)
    - any notable health conditions, allergies, necessary medications (asthma inhaler, insulin, etc.) physician to contact (if the person has one), hospital/clinic preference (if the person has one)
    - any information to provide to a physician, but not to share otherwise (HIV status, pregnancy, etc.)

**Secure Setting**

If possible, consider establishing a physical space within the office in which a person could stay out of sight should the office be visited by law enforcement or someone intending that person harm.
Phone, texting, and social media security

We do not believe that we should rely on police and other forms of law enforcement for safety and responses to harm. We know that this system is used to exercise state repression, and inhibit people of color and poor people’s self-determination. Rather than providing safety and a response to harm, this system is a cause of harm and insecurity for our communities. Our understanding of this system makes it important that we apply alternatives to it to our organizational relationships, in our campaigns, projects, and services, and in our alliances, coalitions, and collaborations.

To help keep our staff, members, volunteers, and work as safe as possible, we have policies to help us reduce potentially harmful law enforcement contact. How and what we communicate is a core part of these considerations. While it is crucial to keep our work moving forward, we also want to use a shared common sense in communicating by phone and text.

Use good judgement about what information you share over the phone:

- Unless necessary to further the work, don’t share names and personal information about members
- Avoid sharing information about action steps, legal strategies, and similar programmatic work
- Assume that phone conversations may be overheard, surveilled, or recorded

Cellphones and texting

Because so much organizing work happens by cellphone these days, here are some other basic guidelines for cellphone use (from ACLU’s SOS Privacy project).

Encrypt and protect your phone with a strong password

To keep your information secure, encrypt your phone. If you’re an Android user, you must turn encryption on. The latest iPhone operating system runs encryption automatically. Make sure you have downloaded the latest software updates, no matter which kind of phone you use. Keep in mind that the encryption on Android and iPhone is only as secure as the password protecting it. If you’re worried about governments trying to access your phone, set your iPhone up with a random, 11-digit numeric passcode. If you’re using a Mac or Linux, you can securely generate a random 11-digit passcode by opening the Terminal app and typing this command:

```
python -c 'from random import SystemRandom as r; print(r().rand
```
Use secure texting apps

Police departments across the United States possess technologies that enable them to track cell phones. These devices, called stingrays, can pinpoint the identity and location of phones; some models can even sniff your texts and calls. To protect your communications, use Signal or WhatsApp. Both apps are free, end-to-end encrypted, and work on Androids and iPhones. You can set up secure group messaging in both, which is useful for communicating with a crew of trusted people. For organizing purposes, group messaging on Signal is a good alternative to secure email, which is more complicated to use. Make sure your friends download one or both of these apps; they only work if both the sender and the receiver have installed them.

Social Media

Check out Build the Block’s “Social Media Safety Guidelines” for tips for staying safe while using social media platforms. You can also check out the social media guide from Security in a Box by the Tactical Technology Collective: https://securityinabox.org/en/guide/social-networking/internet
APPENDIX 18

Accident & Incident Report Form

Date:

Time:

Name:

Witness: ___________________________  Witness: ___________________________
Role: ______________________________  Role: ______________________________
Phone #: ___________________________  Phone#: ___________________________

Witness: ___________________________  Witness: ___________________________
Role: ______________________________  Role: ______________________________
Phone #: ___________________________  Phone#: ___________________________

AROC leader taking report: __________________________________________

LOCATION: _______________________________________________________

(turn over)
Fully Describe incident:

Medical Attention Requested  yes  no
Medical Attention Required  yes  no

Please explain what was provided:

__________________________________________________________

FOLLOW UP: (who followed up / type of contact / date / response):

Supervisor Signature: ____________________________Date: _______________________
CC Member Review of Report: __________________________Date: _______________________

How to complete this form and what to do with it.

1. Fill out all the information as thoroughly as possible.
2. Return to Executive Director or Member of the Central Committee.
3. If the incident/accident involves a client, ED reviews and follows up with them to see how they are doing. This person should keep all members of the CC in the loop.
4. CC makes an assessment if any further action is required.
Policy on preventing and addressing harm within AROC
(adapted from Critical Resistance’s harm policy)

The framework and context:

AROC does not believe that we should rely on police and other forms of law enforcement for safety and responses to harm. We know that this system is used to exercise state repression, and inhibit people of color and poor people’s self-determination. Rather than providing safety and a response to harm, this system is a cause of harm and insecurity for our communities. Our understanding of this system makes it important that we apply alternatives to it to our organizational relationships, in our campaigns, projects, and services, and in our alliances, coalitions, and collaborations.

Because we know harm happens, and might happen among our staff and members, we seek as a part of our organizing and organization-building to envision and create environments that foreground responses that are not attached to the prison industrial complex into consideration in thinking about our work together. Toward that end, AROC seeks to create the potential and possibility for transforming conflict when it happens to strengthen our capacity to address harm, turn instances of conflict into building opportunities, and to foster support and constructive critique for staff and members. As such, we are committed to working together to prevent incidents or patterns of harm from occurring and to being able to address harm quickly, accountability, and openly when it does happen.

AROC Policy for Harm Reduction and Accountability

AROC is committed to building an organizational structure and environment in which we work together to prevent incidents or patterns of harm from occurring and are able to address harm quickly, accountability, and openly when it does happen.

As such, AROC staff members agree to:

1. Create an environment that prevents harm in the workplace and within the organization. Harm is defined as a damaging action or threat that one person or group does to another which has the effect of violence or may be further damaging or escalated by interference by the state. This definition includes, but is not limited to:
   - Physical violence and threats of violence;
   - Verbal abuse including demeaning or degrading language;
   - Non-consensual sexual or otherwise inappropriately intimate language, touch, or suggestion;
   - Discrimination and the creating of oppressive work or volunteer conditions due to gender, race, ethnicity, class, immigration status, sexuality, education, national origin, religion, age, and physical ability.
2. Address any such harms openly, honestly, and collectively through steps including:
   - A clear and collective process that takes seriously any requests for confidentiality by people who have been harmed. AROC staff and members will make a commitment to work together to discuss and address harm when it happens through an agreed upon process that allows for mutual or collective accountability.
   - Initiating, facilitating, and/or participating in the process outlined below these points.
   - A review of incidents that fall under this policy on an annual basis, with the participation of staff and members, in order to continue building tools and opportunities for harm reduction and accountability.

3. A commitment to intervention in situations where harm is occurring, threatened or might occur within the organization.
   - AROC will designate a committee of people available to staff and members who have experienced, are experiencing, or are concerned they may experience harm within the organization. Members of this committee will respond to requests for support within 24 hours and their contact information will be shared with a point person from staff.
   - AROC will commit resources (volunteer, staff, and financial) to making people available, and training people up to be available, to intervene in situations of impending or ongoing harm experienced within the organization.
   - AROC will prioritize finding/providing resources for people who have experienced harm, and for those who have engaged in, or threatened harmful behavior within the organization.

4. A commitment to developing and engaging ongoing education and training opportunities to both prevent and address harm in AROC, including
   - Annual training opportunities
   - Annual review and developing of this policy and AROC’s practices for preventing and addressing harm.

**Process Outline**

This process applies to conflicts or harms involving an AROC staff member, member, or volunteer.

- AROC will designate a group of people, Transformative Response Committee, to whom anyone experiencing harm can speak to initiate this process (ideally the person experiencing the harm would talk directly to a member of the group, but they could also speak to someone immediately known to them, who could contact someone on the committee). After being contacted, the group will begin the process outlined below and provide information to mediators/point people.
- The person who is experiencing harm can expect to have an appropriate response on next steps within two weeks if the incident has passed and is not on-going. If the incident is threatened or on-going, the response will be initiated within 48 hours, with continued follow-up thereafter.
- The process for initiating the conflict mediation/intervention group and process may proceed as follows:
  1. An AROC staff, member, or volunteer who fears harm, is being harmed, or has been harmed (“the initiator”) contacts a member of the TRC;
  2. That group member, or another if it is more appropriate, acts as point person for the TRC and responds to the initiator within 24 hours to explain the rest of the process;
  3. That TRC point member contacts the rest of the group within 24 hours and informs them of the request;
  4. The group determines whether the matter requires immediate action (within 48 hours) or if passed, needs a longer response (within two weeks);
  5. The person from the group who was initially contacted gets back to the initiator and updates them on the process, notes any specific needs that person has and passes on to the group;
  6. The group begins a process of meeting/talking with all people who are impacted – the person/people reporting harm, the person/people implicated in causing or perpetrating harm, and any witnesses to
specific incidents. This information is used to shape the response and determine response time;

7. In situations where immediate intervention is required, the group creates a plan and discusses it with the person reporting the harm. If any help or assistance is needed, appropriate staff members will provide additional assistance locating local resources;

8. In cases where a longer response is appropriate, or once the immediate situation is stabilized, the group will continue to talk with people who have been impacted by the reported harm. These conversations will be used to work with all parties involved to determine resources needed for:
   • meeting the needs of the person(s) harmed, including outside resources for healing
   • meeting the needs and addressing the behavior of the person(s) who perpetrated the harm (understanding that in some cases harm can be mutual or complex), including resources for addressing behavior (e.g., anger management, mentoring), possible actions by AROC to limit the person’s access or influence, tools for creating and managing a process of accountability
   • addressing the needs and responsibilities of AROC in taking the opportunity of the harm to transform the individual, organization/organizational dynamics and take collective responsibility for continued follow-up.

   • The process in every instance of reported harm will conclude, whenever possible, when a resolution is reached in which the people involved and the group agree to the terms of accountability and specific next steps.
   • Each process will be documented to the extent possible in writing (by summaries, written statements, etc.) while maintaining agreed upon confidentiality issues. Documentation will include what the situation was and how AROC addressed it, in order to help guide future conflicts/harmful situations.

Forming and maintaining the conflict mediation/intervention group (TFC):

The group will be made up of at least [one staff member, and one lead member]. Members of this group will receive training prior to starting their commitment [1-2 years]. In the first iteration, members of the group would need to have staggered rotation, so some would need to agree to 1.5 to 2 year commitments. The group would follow the process above.

   • In instances where the harm being reported was determined to require immediate intervention, this group would be entrusted to make inquiries into the situation and determine next steps, consulting with and updating [Spenta and Chris, as two transformative justice practitioners] regularly.
   • In instances where the harm is not ongoing or in instances of follow-up on harm that the group addressed earlier, this would include reliably bringing issues back to the membership to get the membership’s feedback on how they would like to proceed in addressing the issue at hand (based on AROC’s values and principles).
   • This feedback will be collected by the group and a recommendation will be made for next steps [Spenta and Chris].

I have read and agree to the Arab Resource and Organizing Center’s Policy for Harm Reduction and Accountability:

Signature____________________________________________________Date__________________
Printed Name_______________________________________________________________________
Witness Signature_______________________________________________________________________
SAMPLE ORGANIZATIONAL PHONE TREE

Executive Director
NAME
PHONE NUMBER

Operations & Communications Coordinator
NAME
PHONE NUMBER

Key Allies
1. NAME/PHONE NUMBER
2.
3.
4.
5.

Lead Organizer
NAME
PHONE NUMBER

Leadership Team
1. NAME/PHONE NUMBER
2.
3.
4.
5.

Staff Attorney
NAME
PHONE NUMBER

Membership
1. NAME/PHONE NUMBER
2.
3.
4.
5.

Membership #2
1. NAME/PHONE NUMBER
2.
3.
4.
5.

Youth Program Coordinator
NAME
PHONE NUMBER

YOUTH MEMBERS
1. NAME/PHONE NUMBER
2.
3.
4.
5.

YOUTH MEMBERS #2
1. NAME/PHONE NUMBER
2.
3.
4.
5.
Strategies for De-Escalation

Before De-Escalation Is Needed:

Personal Reflection: while anyone can become skilled at the style of interaction that usually helps de-escalation strategies be successful, some people have more natural skill in this area. Some people’s histories include negative events, relationships, and experiences that may be brought up during escalated interactions, and can potentially render them less able to practice de-escalation techniques in those specific moments. Spending some time before engaging in de-escalation doing self-reflection or self-assessment about one’s limits, boundaries, and triggers may better prepare a person to assess if they are appropriate to engage in de-escalation and under what circumstances. Take some time to assess your own strengths and challenges in responding to emotionally charged, aggressive, or crisis situations. Having a clear sense of one’s own skills and limits is crucial when entering into a charged situation.

Building a Network

It is always better to address difficult situations with others than on your own. Having people on whom you can call to help you respond to a situation can help things go smoothly. Having people with a variety of skills and strengths helps even more. If you’re already in a group, have a sense of where those people are. If you’re on your own, who can you call on in a time of crisis who will work with you? Have those people in your mind and a way to contact them easily at hand.

Educate Yourself

Learn about the range of community resources available to support different crisis situations—what do you know about hotlines, rapid response teams, or medical services that do not require law enforcement engagement?

When De-Escalation Is Needed

Assess the Situation and the Level of Danger

Before you engage any situation, do your best to assess how dangerous it might be.

- Is the person(s) in crisis on their own or in a group?
- Are they using or threatening physical violence?
- Do they have a weapon?
- Do they appear to be in psychological distress or chemically altered?
- Are they in a state in which you could have a conversation with them, or are they in a state in which standard conversation may be difficult?
None of these factors necessarily indicates immediate danger, but are some of the elements to consider in whether you want to engage someone and what approach, skills, allies, and tools you may need to bring to bear. Trust your judgement. If you feel that the situation is beyond your ability, it’s OK not to engage. If possible, get help from additional support people, seek community resources that are not involved with law enforcement.

**Stay Focused and Pay Attention**

If you decide to engage someone in a charged situation, it’s important to then give that situation your focus. Engaging someone while facilitating a meeting, having another conversation, texting, or passing by is almost never a good idea. Staying focused on what’s going on in front of you signals that you take the situation seriously, that you are giving attention to their concerns, and that you are interested in what they have to say. When people feel as if they are being ignored, they sometimes amplify their behavior to draw attention their way.

Keeping your mind, voice, and body focused and calm may be difficult, but can also be a good first step to diffusing a situation—do not enter into a situation you aim to de-escalate in an aggressive, coercive or threatening way. More often than not, those behaviors will escalate the situation instead. If appropriate, make your regular amount of eye contact with the person and keep a relaxed, open body. Keep your hands out of your pockets and visible. Make sure to keep some space between you and try not to turn your back on the person.

**Listen**

Sometimes when a situation is tense, our minds will wander and begin to make plans for what to do next, or how to respond should danger arise. While trusting your instincts in crucially important, it is also important to really listen to what the person is telling you. Ensure that your face and body are also conveying that you are listening and paying attention

Do not interrupt or talk over the agitated person, however paraphrasing what you’ve heard or asking open-ended questions can also help you communicate that you are listening carefully after the person is done speaking. Be mindful to repeat back what you hear the person saying, not your own interpretation of what you have heard.

**Be Patient and Respect the Pace**

We may wish that a tense situation would get resolved quickly. We may also tire or get frustrated if a person remains agitated and repeats the same concerns over and over. Engaging in de-escalation requires us to be sensitive to the pace at which a person may be calmed down or a situation be diffused. Sometimes allowing for moments of silence can be useful as well. Allow time for the person you’re speaking with to think about responses to your questions even if that results in a period of silence. If the person seems confused by your question, you may want to rephrase it and allow them to take another moment to reflect.
Lead with dignity and respect

If you decide to engage someone, treat them with respect. Feelings of shame and disrespect frequently escalate situations. You can do your part to assure the person you’re talking to that you will engage them respectfully. There may be situations in which a person turns their frustration or anger toward you and insults you or uses inflammatory language with you. If they are psychological distress or chemically altered, they may also say things that do not make sense to you. It’s important in de-escalating situations to not let those things distract you from the task at hand. If you have support from others with you and feel that you cannot continue to engage respectfully, it may be appropriate for you to remove yourself from the situation. It is essential that people attempting de-escalation not argue, act defensive, or try to convince an agitated person that they are incorrect.

Ask yourself, what does this person seem to need? How do they seem to be feeling? What are they asking for? Try to avoid being prescriptive. For instance, it may be helpful to avoid telling the person to calm down, or to take it easy, or to direct them to sit down.

When possible, affirm what you can about what you are hearing. If someone is saying they feel disrespected or frustrated, it may be helpful to affirm those feelings and to acknowledge that those are difficult feelings to have. Clarifying or reiterating what you have heard in a question form and soliciting confirmation from the person can also be helpful. Acknowledging shared understanding back and forth is often a helpful tool in beginning to diffuse tense situations.

Help Make a Plan

If necessary, help develop a plan that can transition people out of the situation. If having people physically separate is important, help think about potential places where people can go to transition from the situation and stay safe. You may need to consider transportation and who could be able to be there with them when the person(s) arrive. If additional planning is needed for future contact, think about how to either chart out a few next steps or confirm a time to get together and make a plan.

After the De-Escalation

It’s really important after you participate in de-escalating a situation, to take some time to reflect on what has happened, to pause and reflect on your own well being. The actions you take in remaining calm, focused, and open may be exhausting, may raise difficult memories or feelings, or may release a flood of adrenaline after the fact. If you need to rest, to spend time with other people, or spend time doing something you enjoy, this might be a good time to do that. If you’re not able to pause immediately after the de-escalation, do take time as soon as you’re able to pause, reflect, and rest.

This is another point at which the collective or collaborative practice of de-escalation is helpful. Taking time to talk about what happened, the impact it had on you, and what is possible moving forward is really important. Take some time to reflect on what went well, what could have been done better, and what you might want to do differently if you were to attempt de-escalation again. If possible and appropriate, document what happened in some way to be able to draw out lessons learned and to encourage others to participate in taking action in their own right.
AROC membership expectations regarding law enforcement

AROC does not believe that we should rely on police and other forms of law enforcement for safety and responses to harm. We know that this system is used to exercise state repression, and inhibit people of color and poor people’s self-determination. Rather than providing safety and a response to harm, this system is a cause of harm and insecurity for our communities. Our understanding of this system makes it important that we apply alternatives to it to our interpersonal relationships, in our campaigns, projects, and services, and in our alliances, coalitions, and collaborations.

As a member of AROC, you represent the organization when you present yourself personally and politically in public and what you do impacts the organization. To help keep our members and work as safe as possible, we have developed shared practices to help us prepare for incidents that might come up in a way that reduces our reliance for potentially harmful law enforcement contact. The more prepared we are to deal with incidents on our own and to be our own first responders, the less likely we will be to need to involve law enforcement and other arms of the prison industrial complex.

What AROC expects of its members:

• make a point of avoiding contact with law enforcement
• do not speak to law enforcement without a lawyer present
• do not share names, addresses and other information about AROC staff, members, volunteers and allies with law enforcement
• follow all AROC policies and guidelines including the harm and social media policies and the office and building protocols
• ensure confidentiality of organizational dynamics by keeping information about internal processes (e.g., disagreements, requests for accountability) inside the organization
• ensure that anything discussed within the leadership that is not a public position is not shared outside the organization
• understand that law enforcement attacks on you are an attack on the community and a) notify AROC staff or leaders in the event that you are approached or apprehended by any law enforcement and b) be committed to a community-based defense to such attacks against yourself or other AROC staff, members, or volunteers.

What members can expect from AROC:

• commitment and adherence to the organization’s anti-PIC vision and principles
• rapid response to any incidents of harm involving AROC staff, members, and volunteers
• a phone tree and similar infrastructure for responding organizationally to emergencies
• support for community-led efforts at self-defense
• legal advocacy and support as appropriate
• ongoing political education to support implementing this vision
Agenda for safety team orientation meeting

(60 min.)

1. Introductions (5 min.)

2. AROC’s orientation to safety (why safety teams are important for AROC) (15 min.)

1. AROC’s orientation to dealing with law enforcement.
   • AROC is committed to opposing the repression of our community and allies by law enforcement and others.
   • We know that the surest way to reduce harm at the hands of the police is to reduce contact with the police. Therefore, our safety teams are designed to provide a layer of protection between people participating in our actions and events and law enforcement.
   • While our teams provide that layer, we also are committed to maintaining a healthy, stable environment and do not purposefully antagonize or otherwise draw the attention of law enforcement.
   • Contact with law enforcement is our last resort rather than our first one.

2. AROC’s orientation to safety and self defense
   • AROC is committed to community self defense and believes that together we can keep each other safe. We believe that we are stronger and safer collectively than acting as individuals.
   • We believe that by looking out for each other we can identify potential disruptions and threats and diffuse or de-escalate them before they can cause harm to anyone.
   • We engage in safety practices that keep the focus on the program and political content of the action or event instead of potential disruptions.

3. Expectations of AROC safety team members (5 min.)

1. All safety team members will complete a safety team orientation and follow agreed upon practices and protocols.

2. All team members are expected to operate from AROC’s principles and use de-escalation, diffusion, and harm reduction approaches.

3. All safety team members are expected to be committed and disciplined during an action or event they are working on. Team members should focus on the action or event and avoid distractions. Each team member is also expected to focus on the role they have been asked to play.

4. All safety team members are expected to arrive before the action or event begins and to stay for the full length of the action or event.

5. Each team member is expected to stay in communication with the rest of the team throughout the action or event.

6. All safety team members are expected to remain flexible and agile and respond to needs as they emerge. This may involve responding to requests for assistance, shifting tactics, and similar last minute changes.
4. Clarify the purpose and goals of the action (10 min.)

Objectives of the action
1. Objective 1
2. Objective 2

Orientation of the tactical and safety teams
1. Tone and form is designed to maximize participation and reduce risk of arrest for most vulnerable participants while still attempting to achieve goals
2. Organizers are planning ___ and are not planning ___. (To march, to have a planned civil disobedience, to take action that puts people in an arrest-able situation.)

5. Clarify organization for safety: teams, leads, roles. (15 min.)

Specific roles for individuals (liaisons, captains, etc.)

(refer to roles worksheet that states roles with in safety team.)

Also, address:
• Information flows/communication structure
• What are the roles?

6. Talk about potential problems & contingencies. (10 min.)

• Dealing with police
• What if counter protesters show up?
• Unorganized agitators
• If a group decides to do organized CD?
• What if people want to or start to take other tactics that are outside of the plan?
• Brainstorm other problems and ideas for how to tackle them.
AROC Security Guidelines

Do:

Be courteous and respectful of our community members and encourage participation (chants, etc.)

Keep your eyes open looking above, to the sides, ahead, and behind to spot any potential disruptions

Stay in eyesight & communicate with security directly ahead, across from, & behind you, keeping space

Use agreed upon hand signals and verbal commands

Isolate potentially troublesome situations, moving the problem aside, & communicate with other safety team members to support you

Be aware of street obstructions and guide our contingent to move smoothly around objects and through narrow paths

Follow directions of security team leaders or captains

Do NOT!:

Attempt to command or control our community members in an authoritative manner

Focus your attention in only one direction or forget to observe the whole environment

Clump together too closely with other safety team volunteers or leave your designated section or role without agreement with partners and your team leaders

Try to engage, debate, argue with, or confront counter-demonstrators or agitators. Our responsibility is our folks and their ability to express themselves freely and safely

Use physical force to try and deal with a situation instead of isolating the problem and keeping our community safe.

Engage with police officers unless you are the designated police liaison for the action or event. They should be the only persons talking to or negotiating decisions or situations with the police
DEVELOPING ALTERNATIVES TO POLICING IN THE ARAB AND MUSLIM COMMUNITY

APPENDIX 26

لا لعسكرة قوَّات حفظ النظام

ما هو برنامج عسكرية قوات حفظ النظام؟

군사 قوات حفظ النظام هو ميزاني لhores الأسلاحة وتدريب القوات الخاصة (SWAT)، على المستوى الإقليمي، الوطني، والعالمي، والذي يقع في منطقة خليج فانرسبوك ووسطن وأوتش. يذهب المعرَّض قوات حفظ النظام من كافة أنحاء الولايات المتحدة الأمريكية والعالٍ لمشاركتها استراتيجيات ومهارات تدريب تهدف لفهم، وتجريب، وعسكرة مجتمعاتنا. ثم إنهاء برنامج عسكرية قوات حفظ النظام على يد محافظ مقاطعة ألاميدا "فريغوري أرينج" في عام 2007، وقد المؤتمت في مقاطعة ألاميدا في ذلك الحين.

من أين يأتي التمويل؟

تتلقى مقاطعة ألاميدا التمويل من الحكومة الفدرالية (وزارة الأمن الدولي (DHS) لاستضافة عسكرية قوات حفظ النظام. يُدعى البرنامج الفدرالي "مليارا من المنظمات المحلية" والذي هو معروض عدد ميزانية حماية النظام المدمرة تحت إدارته. يُسمى "اللحام على الإهاب". يُدعى مستمرًا يُسأل عسكرية قوات حفظ النظام بأن عرض الأسلحة والألعاب الحربية يعد ضرورياً لتدريب الجمهور على "الأمان العام". ومع ذلك، فإننا نرى أن هذا هو مجرد ذريعة لزيادة قوة الشرطة ما لا يجعل مجتمعاتنا أمنة.

من قصص القوات الخاصة: ماذا هو الأثر؟

ماريا كاليفو، وأسيرتها من الناجين من عسكرية الشرطة التي تسعي عليها عسكرية قوات حفظ النظام. في عام 2015، عندما كانت ماريًا بـ 13 من عمرها، داعمت منزلها عشرا من ضياع بإسم الأمن الدولي في مقاطعة ألاميدا. وفي هجومها وحدها، بما في ذلك لُصقها بالماء على ظهره. أدى الضراب أن لُصقها هكذا سلاحًا في بطانة الأسرة، ما طالبًا لحاقًا-than لرعيها عناكب السامان. بينما كانت أيدتها مضجرة بمعرِّضها.

خطة وفق عسكرية قوات حفظ النظام:

- في عام 2014، انتقلتنا من خلال إعداد واجبة المثلى على الخروج من مدينة أولاند.
- في عام 2015، قمنا بإعداد مكتبة المحافظة في وسط مدينة أولاند لعمل عسكرية قوات حفظ النظام.
- غير مرحبت بها في مقاطعة ألاميدا.
- على هذا العام 2016، نسعى للتوجه على المستوى الوطني لتسهيل الضرائب، على برنامج عسكرية قوات حفظ النظام وتعلم أننا لا نريد البرنامج في ولاية كاليفورنيا، أو في مكان آخر.

حلول المها:

حالة وفق عسكرية قوات حفظ النظام هو إنتاج واسم للمجتمعات والعوامل المتات لتسع لتحقيق المعايير الاجتماعية، والتي تحدث عادة في برنامج عسكرية قوات حفظ النظام. يُعلَن أن عرض الأسلحة يضع على عاتق الشرطة في هذه المدينة العظمى.

كيفية المشاركة:

المتغيرة في المرة، تجند الشرطة، وقف الدبابات تتحلى بمرايا الناطق للمنظمات والمصادر المختلفة، والعوامل في برنامج عسكرية قوات حفظ النظام. وستحقق نصراً هاماً في هذا المجال من أجل مستقبلنا، ومستقبل أبناؤنا.

إحضار، ما يمكن القيام به؟

- المحاكي في المرة، بالكامل، لدعب الولايات المتحدة الأمريكية بليالي من ماركا كاليفو، وأسرتها من الناجين من عسكرية الشرطة.
- العمل على حمل الجماعات المفيدة من أيضًا، وترويجها.

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