

LEGAL BASICS for OCCUPY VANCOUVER ACTIVISTS

ARREST & MEDICAL LINE: 604-757-2354

Call if you are arrested or detained and need legal counsel or if medical help is needed. Report any arrests, questioning or detentions, police abuses or misconduct, injuries, etc. as they occur. Also call to ask about jail support, missing friends, etc.

* Please help collect vital info by sending in photos and non-emergency accounts of witnessed arrests, police misconduct, experiences in custody, statements by police and city officials, etc.

Write to: OccupyVanc.legal@gmail.com

Disclaimer: Legal rights in theory often do not match how we are treated in practice. Document police misconduct.

YOUR RIGHTS WITH POLICE:

Conversation: Ask the police if you are free to leave: if they say yes, do so immediately. You are not being detained or arrested and police have no right to search you. NEVER consent to a search. If police insist on a search, do not resist but continue to repeat that you do not consent. You have the right to remain silent. Ask for the police officer's badge number and note any officer who abuses procedures or is violent. Try to recall exactly what police are telling and asking protesters and let the legal team know.

Detention: If the police tell you that you are not free to go, but do not place you under arrest, then you are being detained. You have the right to be told why you are being detained. You have the right to remain silent. Police can do a pat down search, but only to look for weapons. Unless you: are in a bar, are driving a motor vehicle, are being given a ticket, or are under arrest - you do NOT have to identify yourself (its value will vary with circumstances).

Arrest: Police should say "You are under arrest" or otherwise make it clear. You have the right to know why you are being arrested. You MUST identify yourself only with name, address and birth date (refusing can bring extra charges and delays). Other than identifying yourself, you have the right to remain silent. NEVER volunteer any other information, even casually. You have the right to speak with a lawyer without delay, regardless of your ability to pay. You must be told of all of your legal rights. Physically resisting the police can bring more charges and delays. (Passive resistance,

like remaining limp or not helping police to unlock you if restrained, is not considered physically resisting as it is like unconsciousness.) Police can search you and your property for weapons or evidence of a crime. (Strip searches must be done by a member of the same gender and in private). If you have medical or medication needs while in custody, tell police, guards and your lawyer.

WHAT TO SAY TO POLICE:

"Officer, tell me if I am under arrest or being detained. If I am free to go, tell me so; if I am not free to go, tell me why. I wish to be released without delay and exercise all my legal rights including my right to silence and to speak with a lawyer. I do not consent to be searched. I will not answer questions other than to identify myself. I will not willingly talk to you until I speak to a lawyer. Tell me your name and badge number and all of my legal rights."

COMMON CRIMINAL CHARGES AT PROTESTS:

Mischief – Damaging or interfering with the use of property.

Unlawful Assembly or Participation in a Riot – Assembling for the purpose of disturbing the peace, or creating a fear that the assembly will disturb the peace tumultuously or violently.

Obstructing a Peace Officer – Resisting or obstructing a police officer, or refusing to identify yourself when under arrest.

Assault by Trespass – Refusing to leave private or semi-private property (such as a university or City Hall).

Assaulting a Peace Officer – Actively resisting arrest, or harming or throwing something at an officer. (Going limp is not resisting.)

Breach of the Peace – Not a criminal charge, but gives police the power to arrest you and release you later (or elsewhere) if they say that you are disturbing, or about to disturb, the peace.

Contempt of Court – Violating an order or injunction from the court. Normally bylaw infractions only result in tickets but a court injunction allows police to arrest and criminally charge people for violating bylaws (like camping in a public park or postering) or court orders. The City of Vancouver now has an injunction against tents and structures (though not people) at the Vancouver Art Gallery Occupy site, and it takes effect on Mon., Nov. 21, 2011 at 2pm.

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