Cop Watch 101

By Bork
of the D.C. Justice and Solidarity Collective
< www.justiceandsolidarity.org >

We all need to copwatch—so lets do it!

For those who don’t know what “copwatch” is:
Copwatch groups seek to end police repression through directly monitoring police while they are engaging the public through questioning, detainment, or arrest. Copwatch volunteers spend time walking the streets, observing police and witnessing/recording police interactions with citizens on camera, videotape, audio-tape, and/or paper. They often concentrate in areas where known “trouble-making cops” are assigned or areas of High police activity. Copwatch groups also advise people of their rights and listen to their stories.

Copwatching goals are to discourage and attempt to stop police brutality and harassment by
• Educating people and communities to their rights and their responsibilities to each other.
• Letting police know that their actions are being observed and recorded that they may be held accountable for their actions.
• Trying to get laws and regulations in place and enforced that reduce police brutality and repression.

Remember that radicals may realize that policing as a concept is one that needs to be completely rethought. But in the meantime, people have to be protected from the brutality they currently face at the hands of the police.

Get a group together

Form a group. Put out calls for one everywhere [yes, even in church groups and on their bulletin boards] not just in the activist/anarchist community.

A. Educate neighbors [the best neighborhood watch includes a copwatch] and vulnerable communities to their rights and on how to accomplish a copwatch. Hold classes everywhere in your city but especially in vulnerable communities.

B. Hold regular, easily reached, well-advertised meetings—DO NOT depend on the Internet for all or even most of your communications. Those needing copwatch most, who you want to come to the meetings, are those least likely to have easy or regular Internet access. Decide on your goals and how you will go about them as a group.

C. Find cop “hotspots”. Look for them in the police blotter in your local paper, or ask “street lawyer” types, or ask around a given neighborhood.

D. Assign patrols and get report backs. Your group will be more effective if it is well organized.

E. When the cops are particularly brutal or kill someone, protest. Put pressure on them to change and keep the pressure high.

F. Agitate for laws and regulations about police to change. Try to get worst rogue police fired. Get people to give your Citizen Review Board some teeth. WWW.copwatch.com, while not appealing in many ways, has some suggestions that can give your community a starting point as to what measures you need to consider having your city or state enact to stop rampant police brutality and harassment. Get your group to analyze what is needed and how they are going to get it accomplished. Some of their more interesting suggestions are at the end of this pamphlet for group discussion.

G. Remember that when cops are brutal and harassing it isn’t just to one individual. Whole communities suffer when the cops run amuck as they almost always do. People from communities that are terrorized will almost always be afraid to stand up for themselves. [Unless it gets SO bad they riot—a separate issue]

H. A copwatch is often the first step towards solidarity with each other. This makes copwatching essential.

How to copwatch

To copwatch effectively all you need is your eyes and ears and something to record the incident. A pocket size notebook and pen/pencil are most useful and the least conspicuous. A camera of any kind is also useful in recording the incident. A cell phone can also be helpful.

Remember

1. Be legal! This means making sure that you follow the letter of the law. No drugs, alcohol, or illegal weapons on your person or in your system. This also means no jaywalking. I have friends who have done a perfect cop watch then jaywalked almost immediately after leaving the scene resulting in a $50 ticket for their efforts. If driving, make sure that you and all of your passengers have on their seat belts. No unnecessary honking of your horn or loud music as you drive away. Violation of noise pollution laws and ordinances can be used as a viable reason to detain and arrest you. If you are not “Letter Perfect Legal,” you may end up doing more harm than good and could get yourself arrested. Don’t give them an excuse to bust you.

2. Best done with 2 or 3 others. You are less likely to be arrested in a group. Also one person [cool headed and aware of their rights please] can take “point” to speak to officers, get their names, ranks, badge #, district designation, squad car #, license #, description and to make them aware of you being there as observers. The others should hang back recording every detail of the encounter, being even MORE careful to not interfere and obeying the law. If you have the numbers one can even try to look and act as an individual onlooker with no connection with the rest of the group. Decide on your roles before the encounter if possible.
3. Remember that you are there to defuse the situation not escalate it. Don’t encourage the police to arrest people as a way of getting back at you because of your attitude. Reign in any hostility—be polite but firm. The COPS are DANGEROUS! Walk, don’t run, and avoid quick or sudden movements around them. Don’t become a brutality statistic yourself.

4. Carry rights cards, flyers, and other information with you to give to people subject to arrest or harassment plus notebooks, pens, cameras etc. (You can get free Know Your Rights cards from the National Lawyers Guild or the ACLU—the ACLU cards are much more subservient to police “authority”). The citizen complaint review boards are often virtually useless as a way of dealing with particularly rogue cops but they can serve to document incidents. Tell people their rights, any numbers or Internet sites where they can contact a lawyer [www.nlg.org or Partnership for Civil Justice (in DC) etc.], how and where to file a complaint. For example, in DC, the Office of Citizen Complaint Review (OCCR)’s address is 730 11th Street, NW, Suite 500, Washington, DC 20001 (Phone: (202) 727-3838). Additionally for a lawsuit against the city in DC, as in many other cities, you must send a letter to the mayor announcing your intention to sue the District within 6 months. Tell people: “You don’t have to follow through with it but should secure your right if the incident is severe enough for you to even consider a suit.”

5. Try to get as much information as you can.
   • The day, time, and exact location of the incident
   • The officer’s name, badge number, and physical description and district/psa [s]he is from
   • Where anyone arrested will be taken
   • Witnesses’ names, addresses, and telephone numbers
   • Vehicle or license numbers for any police vehicles involved in the incident
   • Any other evidence available including videos, tapes, photographs, and complete descriptions of police actions and any resulting injuries. (If there were injuries of any sort be sure to include what medical attention was or was NOT offered by the police—people have been let go by officers who were “reminded” that copwatch members had observed medical attention being denied an arrestee even though the injuries had been not caused by the police).
   • Record everything you can. If you feel it is warranted you can call 911 [easier with a cell phone] and inform them that someone is being injured. Only tell them that it is the police doing it at the end but be factual—because all 911 calls are recorded and relatively hard to “lose”, this can become a legally useful report. You can call a friend or your own answering machine and record what is happening as it happens. This works well if the tape is long enough and can be essential if it looks like EVERYONE is getting arrested. If you get arrested—when you’re in the police vehicle, call a talk show or progressive radio station if the cops haven’t taken your cell phone yet.

6. Try to give the arrestee a way to contact you and vice versa. That is not to say you should give your name or get their name in front of police. Give your name ONLY if you are comfortable with the police getting it.

7. Aggressive copwatch. If you are comfortable doing an “aggressive” copwatch then you can introduce yourself when approaching the scene and explain that you are doing a cop-watch. Ask why they are detaining or arresting people but don’t speak to arrestees directly and don’t ask their name, as they might not wish the police to have it (but write down their name and address if arrestees say it to the police loud enough so you can hear). If the stop is vague, ask an officer to name the section of the law that they are enforcing. [Remember they lie and/or make mistakes—if you know better or have a copy of the code with you, respectfully speak up]. Don’t approach/speak to the arrestee directly while [s]he is being detained or you can and probably will be arrested.

8. Rights cards. Give your flyers and rights cards to them if a detainee is let go or ticketed. If they are arrested you can ask the officer to give it to them [fat chance, but miracles happen].

9. Be prepared to stay at least until the stop is concluded. The Rodney King beating began with what seemed to be a routine traffic stop.

10. Have educational conversations. Speak to onlookers about rights, police brutality, what citizens can do and community alternatives. When answering legal questions from non-police do NOT be afraid to say, “I don’t know”. This is always better then giving out wrong information.

11. Collect other witness statements if possible. Many will not want to get “involved.” Try to persuade and educate them otherwise and get their statements where you can’t get their names.

12. Keep the copwatch information you have gathered if there was anything “bad” about the police behavior. Keep it somewhere organized or give it to a [hopefully your local Copwatch] group collecting the information. The least desirable method is turning it over to OCCR, but better then throwing the material away. [Though COPIES turned over to them is a GOOD thing as it creates government documents on the incident] Keep the originals if you can. Do not edit any videotapes you shoot as that may render them useless as evidence against the cops.

13. Know the laws. If you can quote laws or refer to them knowledgeable you are probably one up on the cops and can get them to “back off” a detainee. [Aggressive copwatch] This also goes for police regulations but these are often hard to get copies of. Be forceful and not tentative during your encounter but remain polite. Carry the laws most commonly used for harassment with you if possible.

14. Remember that in a really bad situation the cops may smash or steal [confiscate] your equipment to keep you from having evidence against them. Have one of your group walk away with what evidence is gathered if things look hairy.

15. Be prepared to be arrested. (Though copwatch per se is not illegal, they will trump up charges). Have ID and a little [50] money on you if you want to get out of jail easier/faster.

16. Know what you will do or not do if things get very bad. If someone is being beaten/injured/ killed by the police and
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The cops have been known to follow through or if you think the abuse/beat will continue, then go to the station they were taken to. Loudly and firmly ask how they are the details of what they were charged, explain what you saw, ask to make a complaint against the officers. This puts them on notice that people are concerned and will follow through and it may stop a back room beating.

17. Be prepared to follow through. If you couldn’t get an arrestee’s name and you feel that the situation was bad enough to warrant follow through or if you think the abuse/beat will continue, then go to the station they were taken to. Loudly and firmly ask how they are the details of what they were charged, explain what you saw, ask to make a complaint against the officers. This puts them on notice that people are concerned and will follow through and it may stop a back room beating.

18. Be careful leaving the area. The cops have been known to follow, ticket, target or beat copwatchers a few blocks from where the copwatch took place. Don’t relax your guard.

19. Report what you have seen. Don’t just report back to your group, if you have one. If there is a Citizen Review Board however ineffective report it. Talk about it to city council members and show them your evidence. Tell them you want hearings and change of policies. Get your information to the NLG and or ACLU. Tell community or church groups. Write it up and put it on your local Indymedia, weekly if you can. Spread the word as to what is happening in your community.

If you are alone and copwatching

While it is not something that should be attempted if other options are possible, there are times and situations that demand that copwatching be done by a lone individual. You should not ignore those in exceptional danger just because you are alone. But be aware that single person copwatching entails taking extra risk. If situations like these arise you should probably take the following precautions:

A. If you have been convicted of felony crimes or have a lengthy arrest records in your past or are a non-citizen, you should probably not cop watch alone unless the circumstances are exceptional. If you fall under these categories, you have a much greater risk of arrest or harrassment and, therefore, have more to lose. Be aware of your risks.

B. Be legal whenever possible. (See above)

C. If possible, remain 20 feet from the incident that you are watching and try and contact someone via phone and let her or him know what you are doing so that they can act as your “backup”. Call 911—see above.

D. Be less enthusiastic in engaging the police or the individual that you are watching be detained or arrested. Be aware that engaging the police without a person to back you up could put you in serious danger of arrest or assault.

E. As always, take full notes and, if possible, photos or video-tape of the incident. If you take photos make sure that they are taken at the last possible moment to ensure the safety of you and your camera.

F. Be extra careful leaving the area. The cops have been known to follow, ticket, target or beat copwatchers a few blocks from where the copwatch took place. Don’t relax your guard.

Some suggestions/options for you to start with when examining what your community will need to challenge illegitimate brutal policing:

EFFECTIVE CITIZEN REVIEW BOARDS (“CRBs”)

Create paid Citizen Review Boards, (“CRB’s”), to review all allegations of police misconduct. To ensure that the actions of the Boards are effective, unbiased, and thorough, they must be endowed with the following characteristics:

(A) members must be elected, rather than appointed, and the elections must be by district, not at-large;

(B) they must be empowered to issue subpoenas to the police department;

(C) they must be empowered to impose punishments upon malfeasant officers, up to and including termination of employment without benefits;

(D) they must be authorized to offer rewards, (including vacation time and bonuses), to officers who report wrongdoing in the ranks;

(E) they must be empowered to direct the actions of the Integrity Testing Units (see below);

(F) Board members must be extended the same degree of civil immunity as enjoyed by police officers;

(G) Board members must be totally insulated from the police department and police personnel;

(H) ex-parte contact between Board members and the parties must be strictly prohibited;

(I) no more than 20% of the members of any CRB can be current or former employees of any law enforcement agency or municipal government, or be related by marriage or first-degree blood to anyone who is;

(J) they must be fully funded and staffed, and include an independent attorney and private investigator;

(K) they must be completely outside the departmental chain of command;

(L) the Chairman of any Board cannot be a current or former employee of any law enforcement agency or municipal government, or be related by marriage or first-degree blood to anyone who is;

(M) the Board’s meetings, agenda and notes must comply with the applicable state Sunshine Laws.

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PREVENT EVASION OF SERVICE

Police officers often take advantage of their status and/or their co-workers and partners (i.e. accomplices and co-conspirators), to evade service of legal process and subpoenas. To prevent this from occurring, service must be permitted upon the department, rather than individual officers. The duty-desk of any police precinct must accept service of process for all police personnel employed by the jurisdiction.

OPEN ACCESSIBILITY OF PERSONNEL RECORDS

(A) Implement a system providing for the independent custody and permanent retention of complaints filed against police officers, as well as personnel files in general.
(B) These records must be freely accessible by citizens, without the necessity of going through a public disclosure request.
(C) The records may not be held by a police department.
(D) At least two copies of each complaint must be retained, one of which shall be available only to authorized non-police-affiliated personnel (to ensure that no documents are “lost”).
(E) The CRB’s shall have custody and control of these records.

STRONG DRUG AND ALCOHOL TESTING

(A) Require all prospective police officers to pass a comprehensive drug test before being hired.
(B) Require all police officers to undergo a random urinalysis on a quarterly basis.
(C) Require that police officers who are the subject of a complaint undergo a urinalysis within 1 week of the filing of the complaint.
(D) Require that all police officers involved in a use-of-force incident undergo a urinalysis within 24 hours of the event.
(E) Require that all police officers involved in an accident undergo a urinalysis and blood-alcohol test within 3 hours of the accident.
(F) The CRB’s shall have custody and control of these records.

OPEN ACKNOWLEDGEMENT THAT POLICE ARE PUBLIC OFFICIALS

A public statement must be issued, signed by the municipal attorney, municipal executive, or police chief, acknowledging that police officers are public officials and that the public has the right to know the name, rank and badge number of every police officer in that jurisdiction at any time.

CONSTANT UTILIZATION OF INTEGRITY TESTING

(A) Create special departmental units, fully funded and staffed, to conduct both random and targeted integrity testing of police officers.
(B) The CRB’s (see item 1, above), are to be empowered to direct the actions of the testing units.

FULLY INFORM ALL JURORS

Increase public awareness of the importance of jury service, and of the rights of jurors including jury nullification.

REMOVE THE PROFIT MOTIVE FROM LAW ENFORCEMENT

(A) Prohibit all governmental entities from utilizing law-enforcement activities, (including but not limited to the issuance of speeding tickets and parking tickets), as a source of revenue (i.e. the revenue generated by law enforcement may not exceed the cost of law enforcement). The “cost of law enforcement” cannot be defined to include prosecutorial entities or the judiciary.
(B) Prohibit all police entities from receiving any revenue generated by any law-enforcement activities.
(C) Prohibit all police entities from receiving any funds which are calculated as a percentage or multiple of the revenue generated by law-enforcement activities.

PENALIZE MALICIOUS PROSECUTION

If a citizen is charged with either a civil or criminal offense by a prosecuting authority or its agent, and those charges are ultimately defeated or dismissed, then the prosecuting authority is required to reimburse the defendant for all legal expenses arising from the institution of those charges.

PROHIBIT PROSECUTORIAL WITNESS TAMPERING, BRIBERY, AND BLACKMAIL

Prohibit all prosecuting authorities from coercing testimony from potential witnesses in exchange for reduced sentences.

PROHIBIT OFF-DUTY OFFICERS FROM SELLING THEIR POLICING SERVICES, AND FROM USING PUBLICLY-OWNED EQUIPMENT

(A) Off-duty cops often moonlight as private-sector employees. For example, they work as security guards, traffic-directors, funeral-procession escorts, bouncers, gate-checkers, etc. In most cases, the cops use government-owned, taxpayer-financed equipment on such jobs. In addition, some cops are allowed to use police vehicles to commute to and from their homes. All of the costs associated with such private, for-profit use of public equipment are passed on to the taxpayer. Clearly, cops should be prohibited from using any publicly-owned equipment for personal gain.
(B) On a closely related note, police officers should be prohibited from selling their law-enforcement services to private entities. Private entities should not be permitted to hire and direct the actions of armed governmental actors who have the legal
authority to detain, arrest, jail, or shoot those who the hiring entity may dislike. At the very least, the public should be able to readily determine whether an officer is on-duty or off-duty, (and, if off-duty, who he is working for), in order to more easily ascertain if the officer is engaging in biased/selective/targeted/ arbitrary/unequal law enforcement designed primarily to benefit his employer. Officers should be prohibited from wearing their official uniforms, or any facsimile thereof, in an off-duty capacity, and should instead be required to don attire which clearly identifies the private entity which hired them.

**DEMOLISH THE “BLUE WALL OF SILENCE”**

Police officers are well-known for sticking together “through thick and thin.” This extends to protecting their fellow officers from the consequences of criminal conduct. Commonly known as the “blue wall of silence”, this pervasive conspiracy can take many forms: falsely testifying regarding the criminal conduct of fellow police officers; actively covering up the criminal conduct of fellow police officers; or simply failing to report the criminal conduct of fellow police officers. Any officer who fails to adhere to the strictures of this notorious “code of silence” is quickly made to suffer the consequences, (of which ostracization is the least severe). This unwritten code, inextricably embedded in police culture, duplicates the infamous Mafia code of “omerta” - but the consequences for society are much worse. To effectively deter the police from enabling their fellow officers to perpetrate criminal conduct with impunity, severe sanctions must be imposed on those with unrevealed knowledge. New laws must be passed which make it a felony, punishable by at least two years in prison, for a police officer to fail to report, at the first possible opportunity, any misconduct of which he has personal or hearsay knowledge. Furthermore, engaging in any act which helps to conceal or enable criminal conduct must be categorized as a felony punishable by at least five years in prison. In either case, the transgressing officer must also be charged as an accomplice to the criminal conduct which he failed to disclose (i.e. he must, in addition to being charged with failure to disclose, face the same charges and punishment as the officer who actually engaged in the criminal conduct).

**REQUIRE AN OBJECTIVELY REASONABLE BASIS FOR THE USE OF FORCE**

In many states, police officers are legally authorized to use force, (up to and including deadly force), if they feel afraid for their safety. Unbelievably enough, this is true regardless of whether or not the basis of their fear is reasonable. In other words, it is perfectly legal for a police officer to kill you based solely on his own subjective perceptions, no matter how unreasonable those perceptions may be. Such a nebulous and variable standard encourages a wanton disregard for human life, and gives the police virtual carte blanche to kill civilians. To remedy this extremely dangerous state of affairs, we must replace the “subjectively reasonable” standard with the “objectively reasonable” standard. Police authority to kill civilians must exist only under objectively reasonable circumstances. In other words, a policeman should be authorized to use deadly force only if a reasonable person, under the same circumstances, would have been in justifiable fear of their life. In the absence of such justification, any intentional death caused by the police must be charged as murder.

**CONSISTANT AND EQUAL ENFORCEMENT OF CRIMINAL LAW**

A police officer who commits a crime is frequently treated with much greater leniency than anyone else. Prosecutors are often reluctant to even charge a transgressing officer, let alone seek the maximum charge or the harshest sentence. And on those occasions when a case is prosecuted, judges are similarly hesitant to impose a sentence that is consistent with the sentences imposed upon private citizens for identical crimes. This is patently unfair, and encourages misconduct by buttressing the commonly-held police perception that cops are “above the law”. Therefore, in cases where there is minimally credible evidence that a police officer has committed a crime, the prosecutor must have no discretion as to whether or not charges are pressed. Also, to ensure that judges impose suitable punishments, a comprehensive sentence schedule must be developed, (by a nationwide coalition of CRB’s), delineating severely punitive “mandatory minimums” for all the crimes which are commonly committed by police.

**REQUIRE CONSISTENCY OF BENEFITS AND BURDENS UNDER CRIMINAL LAW**

A police officer, simply by virtue of his position, is often accorded special protections under criminal law. For example, in some states, any “unwanted touching” of a police officer, no matter how slight that touch may be, constitutes a felony offense (a high-degree assault or battery, which is sure to be prosecuted to the maximum extent). However, a civilian touching another civilian in exactly the same manner constitutes merely a misdemeanor (and the transgression is unlikely to be charged or prosecuted). It’s an open question as to whether such special treatment for police officers is warranted. But clearly, if the police are going to receive the benefits of heightened protection, they should also be held to heightened standards of conduct. To give but one example: if a police officer engages in any crime which can possibly be construed as an abuse of authority, (e.g. having sex with a prisoner, whether consensual or not), that crime should be charged as a high-level felony, regardless of how it would be charged if the perpetrator were a civilian. In other words, all criminal laws must be revised to impose harsher charges and punishments on police who break those laws. Further justification for this change in the law arises from public-policy considerations, in that: (A) unlike civilians, police officers have sworn a formal solemn oath to obey and uphold the law; (B) the public has a clear and compelling right to expect police officers to be honest and law-abiding, and relies on that expectation in convicting many individuals based solely on the testimony of police officers;
THE USE OF SO-CALLED LESS-LETHAL WEAPONS

(A) Prohibit the use of all so-called less-lethal weapons which have been banned under the Geneva Convention, or which are reasonably suspected to contain carcinogens.
(B) Increase the availability of weapons that are proven to be non-lethal.
(C) Provide intensive training in the proper use of such weapons.
(D) Revise policies regarding the use of traditional firearms to discourage the unnecessary taking of human life.

IMPROVE AND EXPAND POLICE TRAINING

Provide substantial training in community relations, psychology, interpersonal skills, and constitutional law.

ADDITIONAL RESOURCES AND ONLINE INFO

BOOKS

Lockdown America: Police And Prisons In The Age Of Crisis by Christian Parenti (Verso, available through AK Press)
Street Justice: A History Of Police Violence In New York City by Marilynn Jonson (Beacon,, available through AK Press)

WEBSITES

ACLU
www.aclu.org
The infamous civil liberties organization.

Anarchism in Action: CopWatch
http://www.radio4all.org/aia/pro_copwatch.html

Austin Copwatch
http://www.geocities.com/austincopwatch/

Berkeley Copwatch
http://www.berkeleycopwatch.org/

Copwatch.com - “Policing the police”
Includes a database with a “permanent, searchable repository of complaints filed against police officers.”

Denver Copwatch
http://denvercopwatch.org/

Don’t Talk to Cops!

http://community-2.webtv.net/CNYWP/DontTalktoCops/
Florida CopWatch
http://www.flcopwatch.org/
The Great Speckled Bird: CopWatch
http://www.thebird.org/copwatch/
Houston Copwatch
http://www.houstoncopwatch.org/
Infoshop.org
Police brutality news and home to this booklet.

October 22nd Coalition
http://www.october22.org/

Phoenix Copwatch
http://www.phoenixcopwatch.org/
Portland Copwatch
http://www.portlandcopwatch.org/
Rose City Copwatch
http://www.rosecitycopwatch.org/
Santa Cruz Copwatch
http://santacruzcopwatch.org/
The Stolen Lives Project
http://www.stolenlives.org/
“These victims of brutal police cannot speak for themselves, but we can and we will.”

Texas Copwatch
http://www.texascopwatch.org/

Top 10 Signs You Are Being Set Up By An Undercover Cop
http://www.freedomusa.org/coyotela/copwatch.html

Tuscon Copwatch
http://www.tucsoncopwatch.com/

ARTICLES

Copwatch: Seattle citizens shoot back with video cameras
Video Activist Network - Copwatch Tips
http://www.videoactivism.org/copwatchtip.html
Watching the Detectives
We Got The Camera
http://racetraitor.org/wegotthecamera.html

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