



**HOUSE KEYS
NOT
HANDCUFFS**



**Homelessness Ends
With a Home**

WRAP - www.wraphome.org - 415.621.2533

Wrap Exists To Expose And Eliminate The Root Causes Of Civil And Human Rights Abuses Of People Experiencing Poverty And Homelessness In Our Communities.

History

When the Federal government began dismantling housing, treatment, welfare, and employment programs in the late 1970s and throughout the 1980s, it created contemporary mass homelessness. Roughly 3.5 million people now live without housing in the US every year—over 1.5 million of these people are children. As poor people continue to be pushed into the street, cities have become overwhelmed and have turned to aggressive enforcement of “quality-of-life” laws. These laws are based on the premise that the presence of poor people in public places degrades the quality of life of the wealthy. We now see more private security programs in public space, segregated courts for poor individuals and communities, property confiscation, and the closing of public spaces in order to criminalize life-sustaining activities such as sleeping, sitting down, “loitering” (often a code term used to turn simple existence into a criminal activity), and panhandling.

Our communities are responding: They are fighting for housing and civil rights with a combined strategy of street outreach, organizing, documentation of civil rights violations against poor people, and legal defense. None of us can do this alone. The Western Regional Advocacy Project works in solidarity with community members and local, state, and national organizations to defend those being attacked, and to bring pressure to bear on local governments to dismantle the discriminatory programs they have initiated. As organizers, you can access WRAP staff and resources on effective strategies to stop programs that harass poor people. This manual is indebted to Coalition on Homelessness, San Francisco and Los Angeles Community Action Network.

What follows is a manual based on the experiences of WRAP members.

Part 1 details outreach’s benefits, relationship to organizing, techniques, and guiding principles.

Part 2 details effective strategies for police monitoring that our member organizations have variously called “Street Watch” or “Community Watch”— outreach designed specifically to systematically document patterns of civil rights violations and to lay the ground for their redress.

Part 1 OUTREACH

What is Outreach? Outreach is a two-way education process between the organization and the members of the community most impacted by any particular issue wherein volunteers and staff from the organization meet community members wherever they are. The information we learn, what we learn from each other guides our organizing campaigns and advocacy.

Outreach Benefits:

- * Outreach provides a forum and context for developing priorities for an organizational platform that honestly and democratically reflects community concerns and values.
- * Outreach develops an accurate method of gathering input from community members and front-line staff about what is working and what changes need to be made.
- * Outreach provides training on the interconnectedness of systemic poverty issues.
- * Through creating a sense of responsibility to one another, outreach creates personal investment among the outreach team, community members, and front-line staff in building and carrying out a policy advocacy agenda.

In order for outreach to succeed, outreach workers must consistently communicate and create rapport and trust with the people they're outreaching to.

Relationship of Outreach to Organizing:

Outreach is a building block for organizing. It is a critical activity that can be used to engage and eventually recruit and mobilize those most impacted by the discriminatory policies. Outreach helps us understand the various divisions, opinions, and groupings within a community. This information can be used to address internal opposition, build unity, and to implement effective strategy and tactics.

Outreach Techniques:

- * Always do outreach with at least two people.
- * Use a standard survey form with open-ended question to collect information; materials should be multi-lingual.
- * Rely on personal contact and discussion to elicit complete responses.
- * Compile and discuss responses to identify areas of strength and weakness in program and policy and to plan future action. If you're not *using* your outreach, there's no point in doing it.
- * Plan to provide on-going support for increasing community member involvement and for feedback to community members. This is critical to the legitimacy of the undertaking, and should include a description of opportunities for community members to take action on identified issues.

Guiding Principles:

Common Courtesy

- * Homeless people have a right to privacy and don't owe outreach workers any information.
- * Don't wake anyone up or bother people who are doing something you would not want to be interrupted while doing.
- * Pay attention to your body language—you don't want to look guarded or like an authority figure.
- * Introduce yourself first (name, organization, and purpose), and ask people if they have a minute to talk.
- * You are a representative of where you work, not of yourself. Don't judge people and don't let your personal beliefs get in the way of the work.
- * Set clear boundaries: let the person know if something makes you uncomfortable.

Sharing Information and Resources

- * Don't make promises you can't keep.
- * Don't make bad referrals. Know your resources or offer to look information up.
- * If you don't know the answer, don't make one up. "I don't know," is not a phrase of weakness.
- * Always follow through. Get contact information when possible.
- * No matter how good your outreach is, if your follow-up is inconsistent, no one will want to talk to you again. One person could be your best or your worst spokesperson.
- * Always be honest and respectful.
- * Be consistent! Keep going back to build trust and familiarity.
- * Create your advocacy and organizing agenda from outreach.

PART 2

Street/Community Watch

What is Street/Community Watch? Street/Community Watch is a program set up specifically to deal with patterns of civil rights violations. Its purpose is to document civil rights violations and to videotape harassment against homeless people by police, other city employees, and private security.

Street/Community Watch requires coordination and teamwork and works best when everyone has clear responsibilities and proper training.

What does Street/Community Watch entail?

* Documenting abuses of civil rights at locations where people you've met through outreach (or other informational sources) indicate that civil rights abuses are regularly taking place. This means taking direct video footage of law enforcement officers or other government officials when they are targeting our communities. Successful documentation and an honest social justice movement both require the leadership and participation of oppressed communities. Thus, outreach is a core piece of street/community watch efforts: When there aren't any incidents to document, interact with residents: i.e. explain the purpose of street/community watch, recruit new members, and inform people about how to defend their civil rights.

* Coordinating documentation so that the material you collect can actually be used: You will document it in a clear way, organize it so that it can be accessed easily, and then...

* Using documentation as part of efforts to effect systemic change. This may mean sharing it with the media. This may mean using it to recruit *pro bono* attorneys and match them with community members facing "quality-of-life" tickets and associated warrants.

Getting Started:

Nothing substitutes for proper training and planning. Before you go out on outreach you should understand your rights as "onlookers," the relevant laws and ordinances affecting your community, and the legal roles and limits of police officers and security guards. Much of this information may already be available through your local CopWatch group, National Lawyers Guild chapter, or community law center. Doing this research may save you a lot of time and headaches and help you build necessary legal support. You'll also need to develop the appropriate team infrastructure, documentation process, legal and community support, and outreach materials.

How To Find Rights Of Onlookers

Theoretically, you have the right to watch most police actions in public space under your First Amendment right to assembly. However, the police who most need watching do not like being watched, and may have a low opinion of your knowledge of Constitutional law. In some cities, local law or policy explicitly states the rights that the citizenry has in observing police actions in public places. As mentioned above, your best bet at locating Rights of Onlookers may be through your local CopWatch group, National Lawyers Guild chapter, or your municipality's police department's equivalent of an internal affairs unit. If this doesn't work, you'll need to do your own research.

Your local government may have policies that aren't binding laws but which guide police behavior. These may variously be called "policies," "protocols," or, if they come from the chief of police, "general orders," or "directives." It is quite possible that one of these governs how police are to behave when observed by members of the public. The instructions may alternately be found in an officer manual.

Failing all other options, find the law defining the *opposite* of your right to observe: interference in police business.

How To Find “Quality-of-Life” Ordinances

Outreach! When you’re talking with the people you meet on outreach about their interactions with the police, ask if you can see copies of tickets that they received for sleeping outside or other life-sustaining activities. If they don’t have copies, they can usually tell you why they received the ticket, though bear in mind that very frequently a cop will claim that she is citing you for one offense while writing a ticket for another.

You should also network. Local civil rights legal organizations will likely have an idea of what kinds of local and state laws are targeting poor people in your community. If your county has a public defender, they can possibly help.

Another more time-consuming tactic (which San Francisco’s Coalition on Homelessness has used to observe) is to actually visit court and observe for a day.

Finally, you’ll want to hit the books. Most municipalities have sections in their local criminal codes (frequently called “police codes,” and sometimes not differentiated from any other part of the city codes) labeled “public nuisance” or “disturbing the peace.” Check out the laws in there.

Once you find laws that are *actually* being used against homeless people, be sure to read those laws and understand them. You’ll need to know them while you’re doing street/community watch.

How To Find Roles And Limits Of Police Officers

It’s the responsibility of every government to instruct its law enforcement officers in how they should do their job. Your municipality *probably* has a police officers’ handbook. In addition, there are likely to be a number of directives or general orders from the chief, or policies or protocols from a police commission or other supervisory body. These should all be public. You may need to look into your local version of the Freedom of Information Act to actually get a copy.

Remember that there may be more than one law enforcement body at work in your town, and always be sure that you know who you’re dealing with on street/community watch! We’ll use San Francisco simply because it’s a particularly complex example: San Francisco has the San Francisco Police, Special Patrol Units (who are authorized by the City Charter, but do not report to the Chief of Police), a Sheriff’s Department which is responsible for many government buildings, Park Rangers who report to the Parks and Recreation Department, Community College Police who are responsible for San Francisco City College campuses, Federal Park Rangers for the Golden Gate National Reserve, BART Police for subway stations, the California Highway Patrol (who frequently target homeless people who live under overpasses), and a special deal with the San Mateo County Sheriff’s Department for the enforcement of state laws on CalTrain tracks. Hopefully, your city isn’t quite *that* complicated, but even in a city like San Francisco, street/community watchers will *mostly* deal with the local police. Nevertheless, it’s important to remember that the local police department is likely not the *only* game in town.

Roles in the Street/Community Watch Team

Ideally, each Street/Community Watch team has five people to fulfill the following positions:

- 1) Point person
- 2) Communications person
- 3) General support person
- 4) Videographer
- 5) Base person

It may be difficult to meet this ideal, but as a minimum, a street/community watcher should *never go out solo*.

***The POINT PERSON is designated by staff
and should have extensive team leadership experience.***

Responsibilities include:

- * Communication with the officers/guards
- * Coordination of team members and their roles
- * Maintenance of vibe and discipline
- * Verification and cataloguing of all documentation
- * Preparation of team members, supplies, and equipment before going out on watch

***The COMMUNICATIONS PERSON provides support to
the point person and communicates with base.***

Responsibilities include:

- * Communication every 15 minutes with base
- * Provision of exact locations, precise descriptions of situations (e.g. how many guards, officers and residents are at the scene and the vibe of the crowd), and team needs (back up, input on decisions, etc.)
- * Calling base for assistance when the team needs it
- * Declaration of Code Orange to base**

** Code Orange is only declared under two circumstances: 1) a community member is being hurt/assaulted by officers or security guards; 2) a Street/Community Watch team member has been detained, arrested, or harmed by officers or security guards. The staff of your organization will need to determine what an appropriate protocol is for Code Orange. We recommend that it include on-site documentation and immediate legal and media plans.

The GENERAL SUPPORT PERSON backs up all other team members.

Responsibilities include:

- * Completion of on-site documentation such as witness declarations
- * Getting contact information from all witnesses
- * Logging and filing all documentation with videographer after each watch
- * Ensuring enough copies of all forms are on the clipboard before leaving on watch (e.g. declaration forms, legal clinic flyers, general Street/Community Watch flyers)

***The VIDEOGRAPHER films all interactions between police, security guards and/
or community members as instructed by point person.***

Responsibilities include:

- * Taking video statements from witnesses (in conjunction with general support)
- * Ensuring the camera is in working order (i.e. the battery is fully charged and there is enough free memory)
- * Logging all video clips and witness statements after each patrol (with general support)

- * Observing and documenting only (unless police officers attempt to remove videographer from being able to document and point person is otherwise engaged.) For details see Basic Protocol For Intervention on page 11

The BASE PERSON is the off-site monitor of the outreach team.

Responsibilities include:

- * Keeping in contact with communications person every 15 minutes
- * Recording location of Street/Community Watch team on log sheet every 15 minutes
- * Documenting incidents when called in
- * Notifying other staff members if Code Orange is declared
- * Assisting Street/Community Watch team as needed

What You Should Know BEFORE Interacting With The Police

- * Have clear team roles and protocol in place (see Roles and Responsibilities section).
- * Always identify yourself to the police.
- * Know the rights of onlookers, relevant “quality-of-life” ordinances, and roles and limits of police officers.
- * Have a copy of any municipal identification of your rights as an onlooker in case the cops try to hassle you.
- * Some police are used to being monitored. However, all police react differently to being watched, especially when the observer has a recording device.
- * You should carry no illegal substances with you and should refrain from any illegal activities while on street/community watch.

What You Should Know WHILE Interacting With The Police

* Document what’s going on, but *do not to interfere with arrests or antagonize the cops*. You don’t do your community any good by making street/community watch harder to do or getting yourself arrested.

* Make sure that you have the consent of the “suspect” to be taped. You are more likely to receive this consent if you are already recognized from outreach or other community work.

* If police tell you that you aren’t allowed to be present (“Move along!”), explain your rights as an onlooker as they exist in your municipality.

* Be aware that police don’t always respect onlookers’ rights. Often times they will tell you to step away from what is going on. Insist that you are simply observing, but if the cop escalates the situation, step back or to the side. You can approach subtly again while the cop is preoccupied.

* If you have some type of camera, officers like to step between you and the action to obstruct your view. If that happens, it is best to step back and get a broader view of the action and then get closer when you can.

* Another tactic the police like to use is intimidation: They may say you are interfering with police business and that they can arrest you. It is true that you can be arrested for interfering with an arrest, but know the legal limits, and make sure you observe them. If you are arrested wrongfully, it’ll be time to go to the media.

If you are detained:

- * Ask the police: “Am I under arrest?” If not, then ask, “Am I free to leave?” If yes, you can walk away.
- * If you are not under arrest, but you are not free to go, then you are being detained. Ask the officer, “Why am I being detained?” You can be detained up to 72 hours in custody. At the end of 72 hours, the District Attorney’s office must either file charges against you or let you go.

* If you are being detained on the streets, the officers have a right to “spot check” you for weapons, meaning they can “pat” you down in common areas like under your arm pits, around the waist band, and around the ankles. This does not give cops the right to stick their hands into your pockets or through your personal property. Make it clear to the police, without physical resistance, that you do not consent to a search. We recommend that people never consent to being searched. Police must have a search warrant or probable cause to search you; they cannot just stop you and search you.

* If the cops stop you, you are required in many states to provide identification to prove that you are who you say you are. This means showing a Federal, state, municipal, parole, or student ID card. If you refuse to show your ID, or you do not have one, you could be taken to the station or jail while a warrant check is conducted throughout the United States. This can take 4-8 hours.

* Never make any sudden moves when the police stop you and keep your hands where they are clearly visible, especially if you are a Black male and/or a resident of a low-income community.

* Exercise your 5th Amendment right to remain silent until you can speak with a lawyer. Don’t get into arguments, debates, or make any statements to the police without getting legal advice first. Anything you say can and will be used against you in court. The police are not there to help you. If you make a statement, it will limit what your lawyer can do to help you later.

* *Never touch an officer.* If you are arrested, don’t resist, even though you may be innocent. You could, and probably will, get an extra charge added on for assaulting an officer and/or resisting arrest. You may receive this charge anyhow, but it’s best to do what you can to avoid it.

If you are arrested :

* If you’re arrested, by law you have a right to make 1–3 calls within a reasonable time after arrest. A reasonable time means not intentionally delaying or refusing you.

* If you have any problems while in the police station, ask to speak with the watch commander, who is directly in charge of custody.

* Always get the name and badge numbers of the officers involved in any interactions you have with Police.

* If officers will not identify themselves, record a detailed description of the officer and report them to the appropriate supervisory body.

* *Get witnesses.* Always write down the *name, date, time, and brief witness statement* of all witnesses, document exactly what they can witness to, and always include witnesses’ contact information.

* If you’re injured as a result of coming into police contact, get the names and contact information of every witness. Then immediately go see a doctor and get a doctor’s written statement of exactly what kind of injuries you have. Always take photos of your injuries.

* If the cops write you a ticket for whatever offense, you should sign the ticket. If you refuse to sign it, you will be brought to the station or jail. By signing the ticket you’re only agreeing to come to court at a later date. Any ticket for an infraction can be defended and hopefully dismissed by the legal team.

* If you feel you’ve been disrespected or that your rights were violated, most larger municipalities have official bodies that are designated to deal with officer misconduct. People often complain that nothing results from filing a complaint with Internal Affairs, or the Office of Citizen Complaints, or whatever the appropriate body is in their locality. It is generally true that a single complaint or even a series of complaints over a long period of time will not directly result in the termination of a corrupt or brutal cop. However, documentation of civil rights violations is frequently used by defense attorneys in subsequent cases where the relevant cop is an arresting officer. This documentation can also be supporting evidence in future lawsuits.

Details to Note When You Witness a Police Action

Identification of “suspect(s)”:

* You may have the right under local law to ask the “suspect(s)” short, direct questions such as their name

or if they know why they are being arrested or cited.

* You may be allowed to give them paper with your name and a way to contact you later if they want you to act as a witness.

Time, date, and location of incident:

* If you are using a video camera, it is best to get the time and date on the screen while the action is taking place as well as noting time, date, and location orally. It is a good idea to get “establishing” shots that show addresses, street names, or business names, and any indications of time (a clock, your own wristwatch or cell phone.)

* If your camera cannot do that or you do not have a camera, find out the information and take notes.

Document what law the police are taking action under:

* Ask questions like, “Why is this man/woman getting a ticket?” or “Under what law is this person getting arrested?”

* The police may not have to answer you, depending on local law. If the officer answers, ask him or her why the person is in violation of the law. If they don’t answer, keep on documenting and try to find out this information some other way.

* It is helpful to have a good understanding of the laws most often used by the police to harass people on the streets before you go out street/community watching and to research new laws that come up as you go out.

You will often find that you know the law better than the cops.

* For each law there are certain elements a person must violate in order to break it. For example, San Francisco’s Park Code 3.13 (sleeping in the park): only applies if you are sleeping in a park between the hours of 8:00 P.M. and 8:00 A.M. However, cops have given people this ticket in the middle of the afternoon. In documenting this incident, it is most important to note the time and location.

Intervention

Intervention is when the point person engages the police or a security guard during the course of their duties. The main role of the point person is to decide when it’s appropriate to intervene and to conduct the intervention. The point person should get input from other Street/Community Watch team members in questionable or uncertain circumstances.

The Street/Community Watch team intervenes in the following situations...

When civil rights are clearly being violated:

* To obtain names and badge numbers of officers (point person may ask General Support to assist in this as well)

* To retrieve as much information as possible from officers about why the person was stopped, detained, and/or arrested

* To inform the officers and the residents involved of basic civil rights

We do not intervene when:

- * The Street/Community Watch team has not observed enough of the incident to determine if civil rights were violated
- * The police or security guards were performing legal duties within their own rights

Basic Protocol For Intervention

If the police tell any team members to get back or that we are interfering with an investigation, the point person should inform police that: “We are not interfering with your investigation. We are exercising our rights as citizens to observe you during the course of your duties.” Generally, the point person will also advise the team to take one or two steps back to show that we are not intentionally intervening. There is no exact legal definition of the distance you need to be to avoid interfering; therefore we show some good faith in taking a few steps back.

The videographer never turns off the camera and stays as close to the point person as possible, while keeping the incident in view as well.

Stay calm and do not be drawn into responding to police officers. In many cases, as soon as we approach an incident, hotheaded cops will be quick to tell you something like: “What do you want? Move it back!” We must realize that many officers don’t want us to observe and will try to intimidate us. Additionally, some officers may escalate and try to remove us from the scene by claiming that we are interfering with their investigation. The point person will handle this situation and ensure we stay within range to exercise our legal rights to observe.

At all times during intervention, use words and actions that clearly show you are not a threat. Additionally, only use respectful terms with everyone.

Our primary purpose is to document incidents and deter violations, not to get arrested. We want to be firm in exercising our rights and document when police officers deny us them. You may be trying to help the situation if you’re arrested, but it defeats our purpose and gives the police power. This is an instinct one has to develop on how to feel out a situation and know when to assert your rights and when to retreat.

Only the point person speaks to police or security during intervention, EXCEPT if the police are specifically trying to remove the videographer from documentation range. When this happens, the videographer should respond in the following ways:

- * We are within a responsible legal distance of your activities that we are documenting, so that we can hear and see you.
- * Are you telling me that I can’t videotape your activities?
- * As citizens, we have the legal right to document police in the course of your duties, are you trying to deny us that right?
- * Are you attempting to obstruct me from filming?
- * Are you moving me because I have a camera?
- * My intention is to observe and document only, I am not interfering.

Documentation

All forms of documentation during Street/Community Watch are crucial. This documentation is our protection against ongoing civil rights violations, helps build legal actions, and protects the organization.

The forms of documentation we use are:

- * Incident reports
- * Video Incident Log (recorded after each Street/Community Watch) — always accompanied by a video release form
- * Witness statements (written and/or videotaped)
- * Written and signed declarations
- * Police complaint forms
- * City Claims for Damages

The most important things to remember when documenting:

- * Pay attention to detail! More information is better than less.
- * When in doubt, keep the camera running.
- * Get as much sound on videotape as possible. The videographer should not talk and general support should quiet the crowd to record officers' statements.
- * Complete every blank opening on every form unless you have a very clear understanding of why you're leaving it blank.
- * All documentation may be used for legal action—be clear, concise and always tell the exact truth.

Declarations

A declaration is a document of facts that can be used in court because the person making the declaration signs under penalty of perjury, which means they can be penalized if they are lying.

Remember that your job is to assist someone in writing a declaration, but it is his or her statement. A declaration is written in the first person (e.g. "I was hit by the police") and should be as descriptive and detailed as possible.

The top of a declaration is basically standard wording. The only information you would need to fill in is the declarer's name and whether or not they are homeless or their address.

The first paragraph should describe the scene right before the incident happened. It should include the time, date, and location. Then you should draw a visual picture with words of what the scene looked like:

- * Did the person have property with them? If so, where was it and how was it stored?
- * Was there anyone else around? If so, did they witness the situation?
- * You also want to include any information that will help show that the individual's rights were violated.

Different incidents call for different information, so it is important to know the laws!

For example, if the declarer got a ticket for obstructing the sidewalk:

- * How wide was the sidewalk?
- * Were people walking by?
- * Was their way obstructed by the declarer?

The next paragraph and following paragraphs are the meat of the incident. Describe the incident in as much detail as possible. It is easier to take out information than it is to add it later. However, **be aware that facts or admissions in a declaration can be used in court against the declarer! So, don't include admission of guilt or help the police make a case against someone!**

The last paragraph is for any additional comments. Sometimes declarers want to add statements about how unfairly they were treated or other personal information. This is not necessary, but sometimes it helps to make a stronger declaration. It is best not to include any information that would indicate that the declarer is negatively disposed toward law enforcement personnel.

Read what you wrote back to the declarers to make sure you got everything right. Now you have a declaration! The best declaration is typed and put on pleading paper (paper with numbered lines) and then signed by the declarer.

If you are doing a declaration on the streets, try to set up another time to meet with the declarer. Then bring your notes back to the office, type it up, have someone else look it over, put it on pleading paper, and bring it back for the declarer to sign.

