

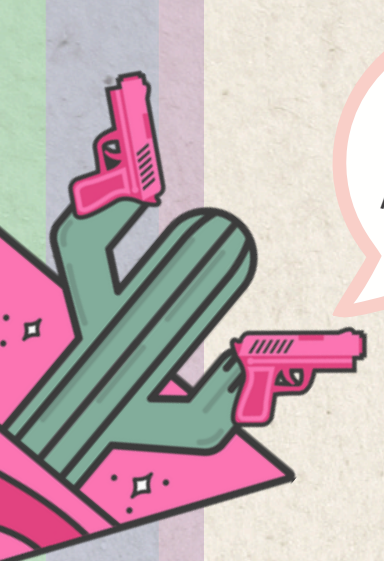


TUCSON PINK PISTOLS PRESENT..

How To Talk To Police

A PRIMER ON YOUR RIGHTS WHEN INTERACTING WITH THE 'JUSTICE SYSTEM'

By Cayce



Cassidy here! I'll be giving you quick tips through the presentation!

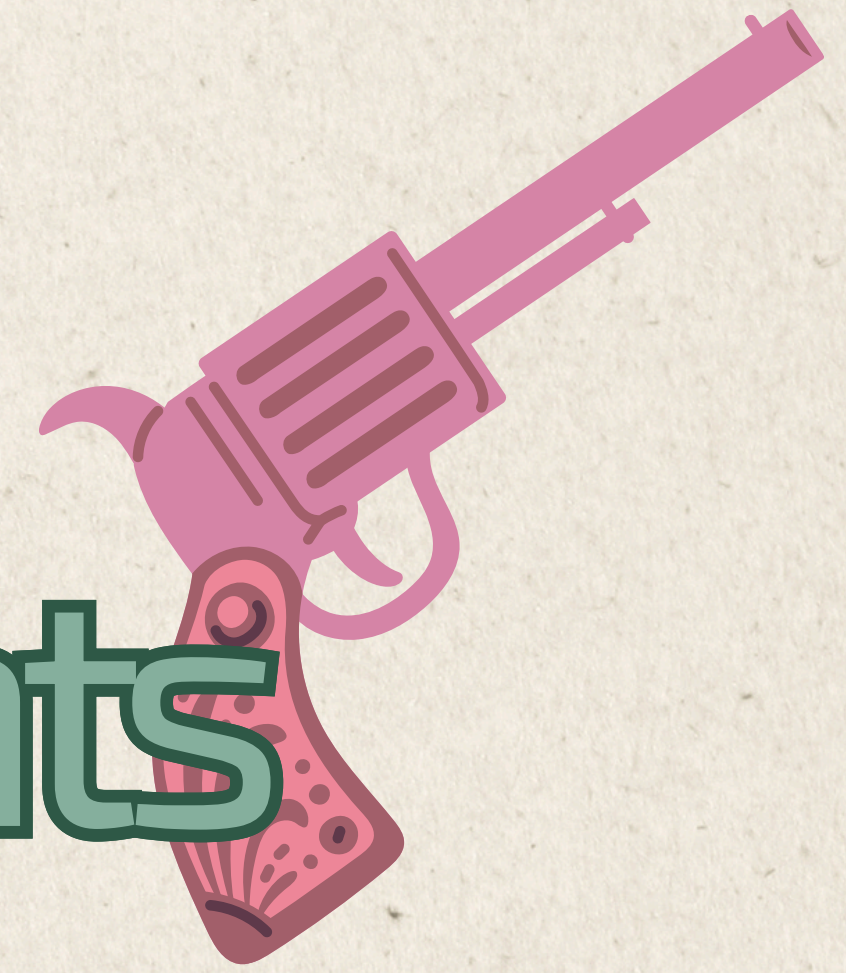


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Note of warning: The author of this presentation is not a lawyer, this is advice for your safety and freedom, but is not guaranteed to be correct in every location, nor will it cover every possible permutation of interactions with the police. Please treat this as useful information to keep in mind, but if you end up in actual hot water, shut up, get a lawyer, and actually listen to them!

First Contact

If you're driving a car, pull over, crack your window and keep your hands on the wheel until instructed otherwise. If you're a passenger, keep your hands out of your lap/pockets. If you're on foot, stop walking.

Police must be able to articulate a reasonable suspicion for stopping you, but don't have to disclose that reason to you initially. When they do, it could be as nebulous as "Do you know how fast you were going?" or as concise as "You match the description of a suspect who did xyz." The officer may begin by asking for your identification, if they haven't given you the reason for stopping you, that's your first question.

If the officer is unable to articulate a crime they are suspecting you of (they may say "I'm investigating if there was a crime." or "I need to know what you're doing."), you are not required to provide your legal identification. However, in Arizona you are obligated to give your legal name if asked during a stop, but you are not obligated to assist the officer in implicating you in a crime.



The officer will ask you questions, such as “Where are you coming from?” “Where are you going?” “What’s that logo on your shirt mean?” And so on. You are not obligated to answer these kind of questions, and you very likely shouldn’t. Your first instinct will be to be friendly, helpful - our society is based on friendly and helpful interactions with other humans, but Police are not your friends, and if you help them, it will be helping them find a crime to arrest you for.

However, you can’t just stay silent. In a boneheaded decision, the Supreme Court decided in *Salinas v. Texas* in 2013 that if you just clam up without invoking your fifth amendment right, you are not actually invoking it and it can be used against you. So if they’re asking you questions, you must state something like “I’m invoking my fifth amendment right, I will not answer any further questions without the presence of my lawyer.” At that point, **shut up**.

If they’ve articulated a suspicion of vehicular crime (ie: speeding), they can lawfully demand your driver’s license, proof of insurance and vehicle registration.

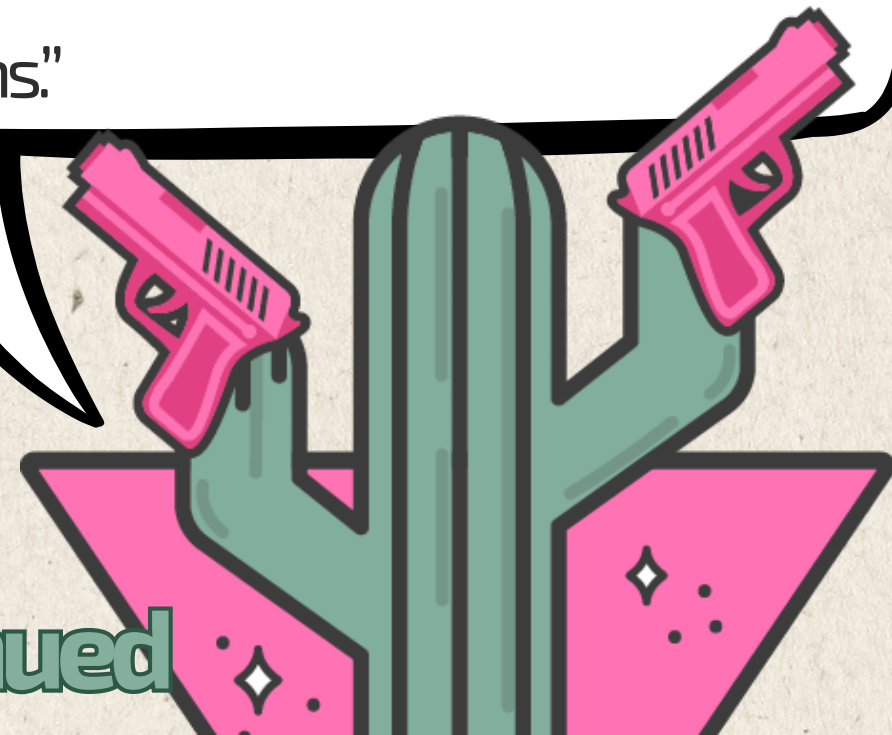
Remember these phrases:

“Am I free to go?”

“I do not consent to a search of my property/car/etc.”

“I invoke the fifth.”

“I don’t wish to answer questions.”



First Contact Continued

A police interaction can be a scary thing, and police are trained to have a 'warrior mindset', they are taught to be vigilant of attacks coming from every possible angle, to be afraid and on edge at all times. Seth Stoughton of the Harvard Law review says:

"From their earliest days in the academy, would be officers are told that their prime objective, the proverbial 'first rule of law enforcement,' is to go home at the end of every shift.

But they are taught that they live in an intensely hostile world. A world that is, quite literally, gunning for them. As early as the first day of the police academy, the dangers officers face are depicted in graphic and heart-wrenching recordings that capture a fallen officer's last moments. Death, they are told, is constantly a single, small misstep away. "

This creates a system where during every traffic stop, every civilian interaction, the police are looking for a reason that you will attempt to kill them, and consequentially, a reason to put you in your place, to put you away, or.. to put you down. Don't take this as fear mongering, take it as a warning. We've all seen videos of officers going berserk, screaming, punching in car windows.



If you're being addressed by an officer, it is your duty to be firm, but respectful, to make it through the interaction. If the officer violates your belongings, space, or safety, address it in a complaint or lawsuit afterwards. During the interaction, to quote Bruce Lee: Be like water.

If the officer is not acting like they just drank ten white monsters and wants to fight a bear, but IS acting out of hand, you can always ask for either their badge number and last name, or card, or you can ask for a supervisor to be dispatched to your location, which may not help, but makes it easier to track a future case.



Obligatory Apology Slide

I would like to apologize for the memes on the previous slide.

-Cayce



Your Rights

Not all of them, just the ones that most matter during an interaction with the police!

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

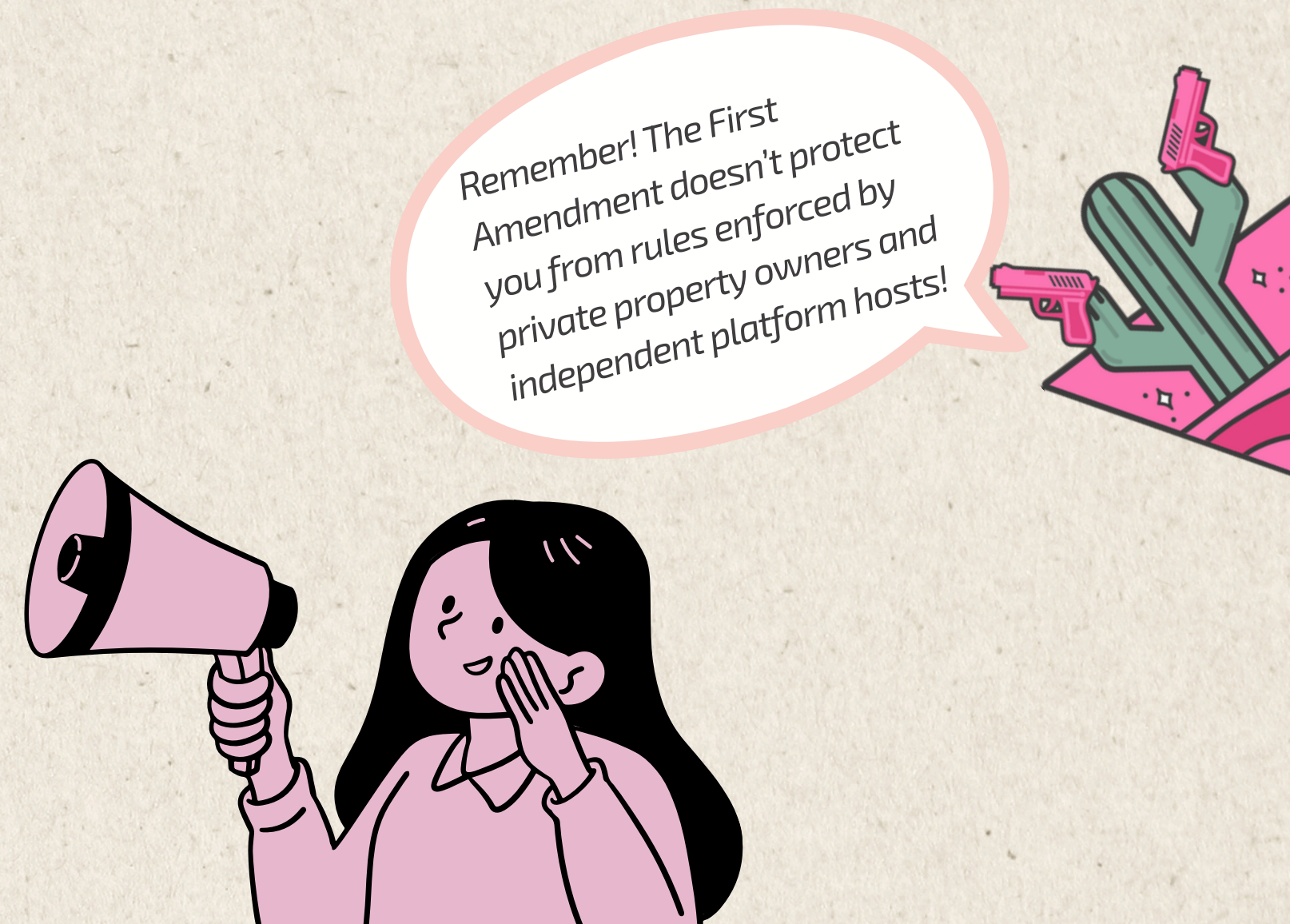
Things that are not crimes that the police may have issues with: Photographing in public areas, protesting, peaceful assemblies on public property, entering a government building without identifying yourself, holding a religious or political demonstration on public property.

Free speech is a core tenet of our society, but it is not freedom from consequences, be judicious in your uses of it. Anything that could be seen as inciting violence, endangering others, etc is grounds for action.

Second Amendment

Bang bang, shooty shooty, plink plink. Y'all know this one. It's why we're here!

Owning a firearm is your right, with some caveats. In Arizona so as long as you are of legal age and legal ability to carry a gun, you can- open or concealed. I'll cover more about this in the next section.



Remember! The First Amendment doesn't protect you from rules enforced by private property owners and independent platform hosts!

Your Rights, Continued

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

The police can't run your pockets, search your car or home without probable cause to suspect a crime. However, in Arizona they can frisk you for weapons during a stop, which is.. gross. The police can stop you with reasonable suspicion, but can't search you without probable cause. The difference can be highly nebulous and if you are illegally searched, it will be a point for your lawyer to address in court. This right doesn't protect you from unlawful searches, but gives you redress to challenge it later. Think of it as being about paper trails, not force fields.

Fifth Amendment


No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

The fifth amendment protects you from being obliged to testify against yourself, and self-incrimination. You must directly invoke the fifth by saying something like, "I am invoking my Fifth Amendment right to remain silent." Once you've invoked it, don't talk except to specify that you will not be answering questions without your lawyer present. They'll pressure you, stay strong.

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

In short, they have to give you a lawyer if you don't have the money for one, or they have to let you contact your lawyer if you do have one. But not immediately, and if they arrest you, they'll try to make you sweat while waiting for your call. I'll address this more in "So you've been arrested."




During a stop is not the time to argue!
You can escape the rap!
But you can't always escape the ride.



STAY
SAFE



If your rights are violated,
tell your lawyer.
Fight it in court.
Not while up against a cop car!



Carrying Firearms

In Arizona, you're able to carry firearms openly (18+) or concealed (21+) through what is called Constitutional Carry laws, presuming you are not a prohibited possessor. USCCA Defines Constitutional Carry as:

Constitutional carry means that the state's law does not prohibit citizens who can legally possess a firearm from carrying handguns, (openly and/or in a concealed manner) thus no state permit is required. Sometimes, constitutional carry may be conditional such as in those states that have no laws prohibiting the open carry of a handgun but which require a permit to carry the handgun concealed.

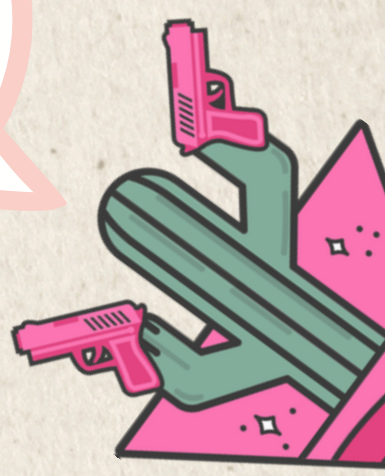
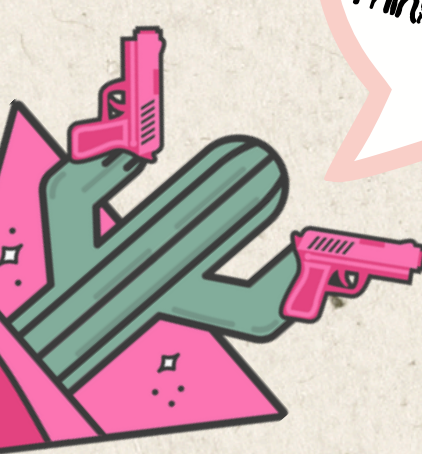
Prohibited possessors include:

- Anyone with a felony conviction
- Anyone with a misdemeanor domestic violence conviction, potentially including convictions not labeled as domestic violence (IE: You get arrested for punching a family member).
- Potentially if you have an active restraining order against you, even if not charged or convicted.
- Anyone adjudicated as mentally incompetent
- Unlawful drug users as per 18 U.S.C. § 922(g)(3), which does not require criminal charges or conviction to apply.

However, open carry laws don't protect you from being approached by the law, even if you are carrying legally. Many people will see a person with a gun, especially if it's larger than a typical pistol, and think "Active shooter." This may mean that they call the police, or run from you, or cause a disruption.

You can be morally and legally right and still spend a night in jail!
Think about how and when you carry!

Don't be the subject of the next legal studies debate
You don't want law students knowing your name. <3



Carrying: Continued

Don't forget that your second amendment rights don't really apply on private property! Businesses can and will ask you to leave if they're uncomfortable with you carrying there. Additionally, some locations will have a sign or marker on their front door/windows that will state not to enter while carrying a gun, make sure to check!

Places you legally can't carry in Arizona:

- Schools (public, private, charter, k-12)
- Courthouses, secured government facilities, VA facilities, post offices, social security offices, polling places on election day
- Jails, prisons, other detention facilities
- Airports beyond the TSA security area

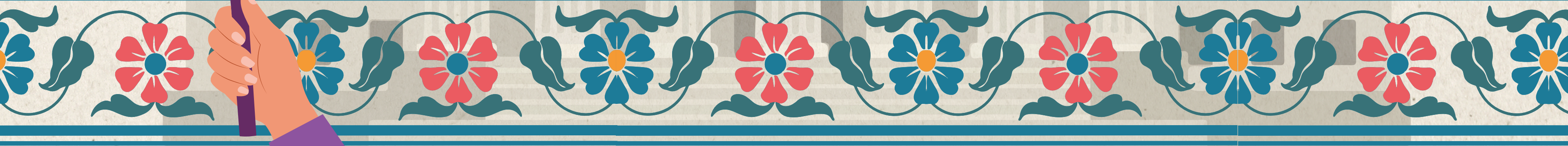
Bars and restaurants serving alcohol do not allow open carry, but may allow concealed carry unless otherwise marked. In my experience, they're usually marked. Also, it's a terrible idea to imbibe any intoxicating substance while carrying a loaded weapon.

Additionally, tribal land may have its own laws about weapons:

The Tohono O'odham Nation prohibits concealed carry while on your person or in a vehicle and prohibits firearms discharge within quarter-mile radius of an occupied residence.

The Navajo Nation prohibits the carrying of loaded firearms outside of homes, vehicles or during traditional ceremonies, and when in a car must be in a locked trunk, luggage or glove compartment. Hunting is allowed, but subject to tribal hunting regulations.

**Tribal land has vastly
different rules than
most places!**



Carrying: Continued - Random Encounter!

You're carrying, and a police officer approaches you! Roll for initiative!



Arizona is not a 'Duty To Disclose' state, you are not obligated to disclose that you're carrying off the bat.

If the officer has legally stopped you or detained you, and asks if you are carrying, you must tell them that you are.

When disclosing that you're armed to an officer, do not lie, don't make sudden movements, and don't move a hand towards your gun.

If they feel that they need to disarm you, allow them to, keep your hands up or away from wherever the gun is being kept.

Lying about carrying a weapon during a police encounter is both legally and tactically a bad call!

During a traffic stop, make sure to keep your hands on the wheel outside of cracking your window, until told otherwise. Don't open your glove box or center console for your papers until directly told to. If your weapon is in the same place as your insurance paperwork, tell the officer. A surprise gun usually results in surprised gunshots coming in your direction.

Your best bet, if you feel that you're obligated to disclose, is to say something akin to:

"Officer, I want to let you know I am lawfully carrying. How would you like to proceed?"

"Just to let you know, there's a gun in my glove compartment. I have no intention of handling it during this stop."

Etc.



So You've Been Arrested

The moment an officer says something like “You’re under arrest”, tells you to get on the ground, or puts cuffs on you, you’re no longer legally allowed to leave the interaction on your own, you will be searched and placed in some sort of patrol vehicle or paddy wagon. At this exact moment, your job is to shut up. Anything you say can and absolutely will be used to make a case against you. This isn’t the moment to debate law or argue. Going peacefully will at least win you more flexibility with the cops.

If you haven’t, immediately invoke your right to remain silent. And then continue not to talk. They may try and bait you into explaining yourself, or say hurtful things to goad an emotional response. Be placid, give them nothing. On route, they may start questioning you. Remember that this is the beginning of an interrogation, they may seem friendly or conversational. They are neither.

Once you’ve been arrested, the police can generally search and inventory your belongings, and search any vehicles or property belonging to you.



So You've Been Arrested, Continued

Once you've been brought in, you will be booked. This usually includes fingerprinting, taking mugshots, a full inventory of your property, a warrants check, and medical questions. If you've plead the fifth, you are still legally required to provide identifying information (name, date of birth, social security number, etc)

Among your possessions will likely be your cell phone. The police can not require you to provide a passcode, but legally your biometric data is considered much murkier and debates about using it to unlock your devices are still ongoing. If you have a faceid or finger print login, you should disable it now, as the police may use it to unlock your device, and search your messages and social posts for anything else to tack on.

The Holding Cell

Once you're booked, they will likely place you in a holding cell. This may be for hours, overnight, or days at a time. The holding cell is where many people crack. You may be isolated or surrounded with people. Your fate will be deliberately uncertain, and they will use this to try and get you to confess to get off lighter. If you were arrested with another person, they will tell you that your friend already talked, they'll tell you that helping them minimizes the situation. All the while you'll be sitting in the worst room you've ever been in, be given the driest bologna sandwiches you've ever eaten, and sleep on a bench slab, or the floor.

The holding cell is meant to break you. Be strong.

The Interrogation Room

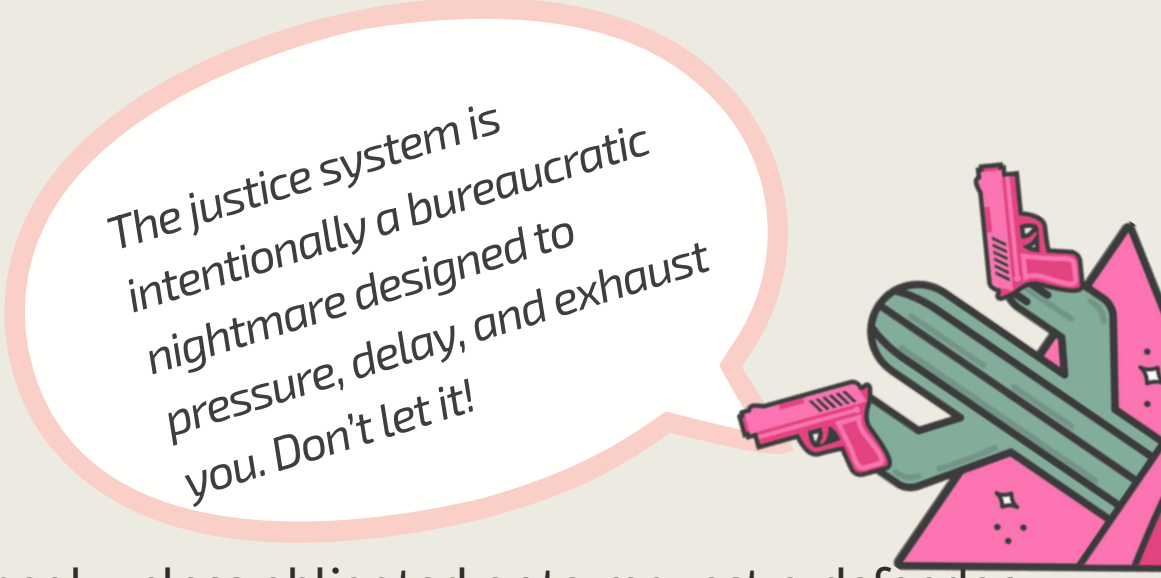
You'll likely eventually be brought to a room with a too-bright light, a table, and two chairs. They'll offer you a coffee, water, or snack. The reason they do this is so that you feel that you owe them something, so you'll comply easier. Interrogations are designed to create compliance, not truth, and the police are legally allowed to lie to you about almost anything. There will be more long waiting periods, in the newly worse room you've ever been in. The police will ask you to help them, say that your life doesn't have to be ruined, and frame talking to them as saving yourself.

The Initial Hearing

During your initial appearance, usually within 24 hours, you'll be put in front of a judge.

There, the charges will be explained to you, which may be for the first time, as the police have no legal duty to explain why or what you've been arrested for, up until this period. The judge will discuss your release conditions, set or deny bail and address if you can afford legal counsel or if you need a public defender. If you don't think you have the money for a lawyer, you can ask for a defender, but you can always change your mind later.

The initial hearing is not your time to talk, still. You may be sleep deprived, exhausted, still in jail clothing. Listen, don't speak unless obligated or to request a defender or other legal accommodations. After this point, things slow down into a fugue of paperwork and trying to figure out bail, contacting people on the outside to organize either bail, a bail bondsman, or being transferred to a jail if your bail is denied.



The justice system is intentionally a bureaucratic nightmare designed to pressure, delay, and exhaust you. Don't let it!

Legal Aid Resources

Pima County Public Defender - (520) 724-6800

“The Pima County Public Defender provides legal representation to indigent individuals charged with crimes in Pima County, Arizona. The Pima County Public Defender’s Office operates weekdays from 8:00 a.m. to 5:00 p.m. and provides services in English and Spanish. Eligibility is based on financial need and court assignment. “

Southern Arizona Legal Aid Inc - (520) 623-9465

“Southern Arizona Legal Aid Inc. (SALA) is a nonprofit public interest law firm providing free civil legal assistance to low-income individuals and families across southern and southeastern Arizona. ALA assists clients with a wide range of civil legal matters, including family law, housing rights, consumer protection, public benefits, and employment disputes. It also offers specialized programs in immigration law.”

Pima County Public Defense Legal Clinics - (520) 724-2285

“The Pima County Public Defense Legal Clinics in Tucson, Arizona, provide free legal assistance to county residents seeking to resolve criminal record and post-conviction issues. Operated by the Pima County Public Defense Services Department, the clinics aim to improve access to justice and help individuals move forward after involvement with the criminal justice system.”

Equality Arizona - hello@equalityarizona.org

“We work everyday for the civil rights of LGBTQ Arizonans. Our work will not be done until LGBTQ people are protected under the law - in our state and nation.”

USCCA Membership - (800)-674-9779

“The USCCA helps responsible Americans like you prepare for what happens before, during, and after an Act of Self-Defense. The self-defense liability insurance provided to the USCCA and its members includes coverage for many expenses that can arise if you are forced to defend yourself, including damages, defense expenses, cost of bail, incidental expenses, lost wages, and more.”

- NOTE: Tucson Pink Pistols does not directly advocate for or partner with the USCCA, but they have made donations to us in the past, are who we get our CCW licenses through, and there are plans for them to be involved in some of our trainings.



Breakdown And Tips

The justice system is a nightmare that we're all likely to come into some level of contact with in our lives, be it a traffic stop, a night in jail, or worse. Just remember that you do have rights, and while they may not help you in the interaction, they can help you make a bad situation good in the end. Your job during a police interaction is to survive. This is not an easy ask.

Remember:

"Am I free to go?" "I do not consent to search." "I am invoking my right to silence." "I need my/a lawyer."

If you've been arrested, physically comply, invoke your rights, and shut up.

Don't discuss your case with officers, while in the car, on a jail phone or with any cellmates. When you call your family, don't tell them the charges, discuss practical plans of action, and explain yourself when you're in the car on the way home.

Tips

Upon Arrest:

Nobody remembers phone numbers anymore, and you ABSOLUTELY don't want to unlock your phone while in custody. Keep a paper slip inside of your phone case (between your phone and the case) with your most important phone numbers to dial. They may not want to give you your phone, but you can ask for the slip of paper. If you can, try and memorize ONE important phone number.

Keep documentation of your medication needs if you need to take medicine every day. I (the author) keep a card in my wallet with my daily medicine requirements that has both the medicine names, dosages, and proscripting doctor. You can get a 'medical alert' card like this for pretty cheap. This is important if you need things like insulin, seizure medication or psych medications.

Do not make statements without a lawyer. Even if you're innocent, an arrest usually involves adrenaline, emotional surges and more. This can distort your perception of time, and make anything you say to the police be questionable. "Are you sure this happened at 11:30?" When it actually happened at 11:45 could become a linchpin for their argument that your statements are unreliable.

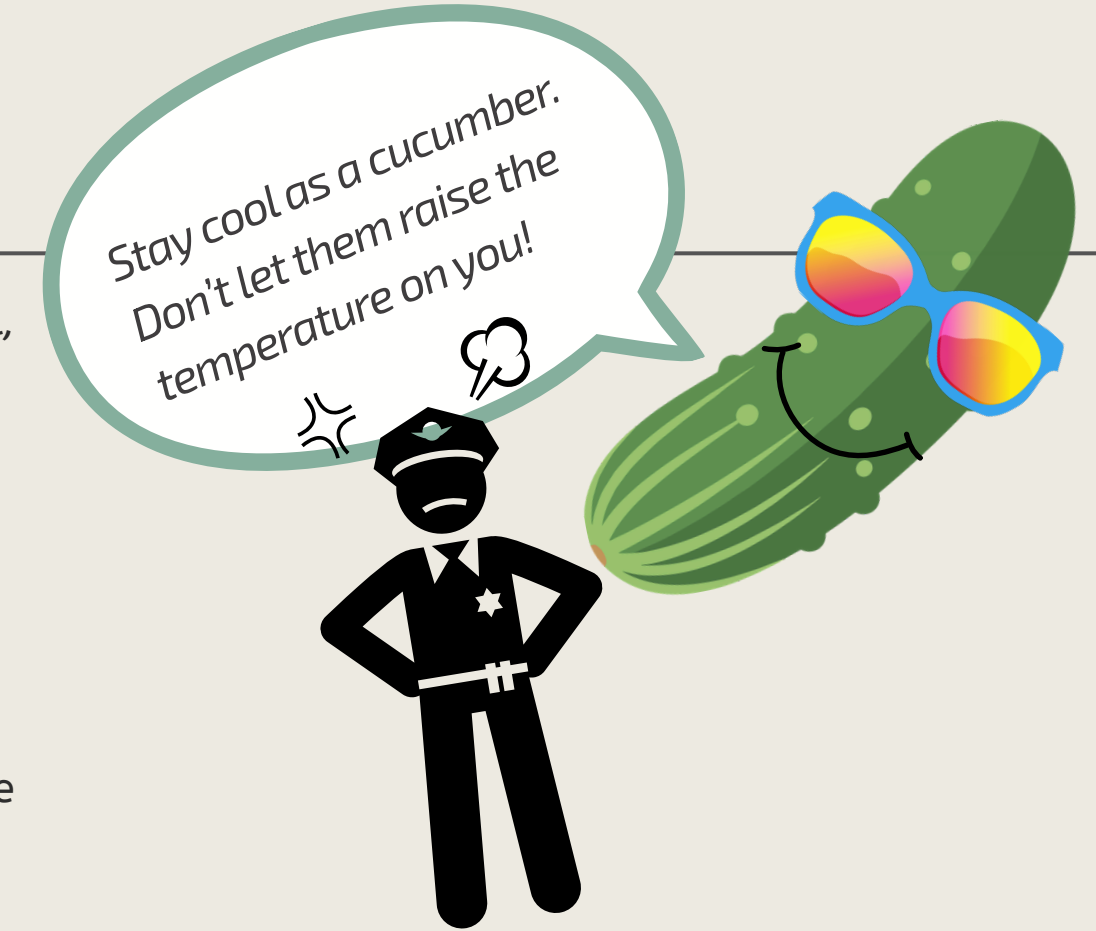
Before The Arrest:

Keep your vehicle's registration and insurance papers available. Don't force yourself to dig through your glove compartments, open containers or dig through bags. Also don't go looking before the officer is at your window and asking. If they see you digging around in your car while they're approaching, they may think you're looking for a weapon or hiding evidence.

When protesting or doing anything that may put you in counter-purpose with the police, dress in layers and wear boring clothing. Don't wear clothing that may bring attention, have unique patches or would be recognizable. If things go bad, strip a layer, toss your outer layers and if possible change your hair, walking gait and general presence

After Release:

Don't talk about your case online. Discord or signal screenshots become actionable evidence, or context for applying additional charges.



Tips, Continued

Make a 'Jail Plan'! Set up a list of the following:

- Who you'll call, and their numbers
- Ensure that they have your emergency contacts list
- Who will take care of your kids, pets or plants
- Where you'll store your medication and important medical information
- Where your backup keys are, so your friends, family or comrades can access your home in an emergency
- Where you'll store some emergency cash (in paper money) for when the worst happens and you need to cover bail

Keep some emergency cash on your person. This will cover things like your cab fair home, emergency medicine you may need, vehicle impound fees, food (you'll likely be released hungry), or a motel room if you're far from home. Being released does not mean they'll release your car that day, and if it's been impounded, you'll need to pay to release it.

Carry a portable charger if feasible. When you get your phone back after having been in holding, there's a non-zero chance the battery will be dead. This may be your only way to get a pickup or a ride share home.

But if you only take one thing from this entire presentation: **Stay quiet, stay calm, stay strong, and stay organized!**

Thank you for joining us today! This slideshow will be released via PDF for you to download and review, and will likely be accessible via discord channel announcement or via the TucsonPinkPistols.org website!

