

## **PRE-NONVIOLENT CIVIL DISOBEDIENCE CHECKLIST**

### **Seventeen Things To Know *Before* You Engage in Non-Violent Civil Disobedience:**

- (1) Bring at least one piece of valid picture ID (unless you are planning to non-cooperate by refusing to identify yourself). If you were not born in the U.S., bring your U.S. passport or other official documentation of your legal right to be in this country.
- (2) Know by memory (or write on your hand or arm) the phone number of a support person who will be available post- arrest to verify your job and housing information.
- (3) Avoid carrying purses, bags, or backpacks; they (or items in them) may get lost or stolen during or after your arrest.
- (4) Bring no weapons, illegal drugs or alcohol.
- (5) If you must bring a prescription drug, bring it in its original container, and also bring a copy of the prescription.
- (6) Once under arrest, you will not have control over even very basic things like when you get access to a bathroom, to drinking water, to a telephone, to food (and especially vegetarian or vegan food), removing your contact lenses and switching to eyeglasses, putting in a new tampon, etc. So if not being able to do or have access to any of those things at a particular time is going to either make you ill or be very distressing, you should consider providing support at the action instead of risking arrest.
- (7) While the police and the jail authorities are obligated to accommodate any physical disabilities you may have, do not assume that they will accommodate those disabilities in a manner which is going to be even remotely acceptable to you. You should, instead, be prepared to have taken away from you any devices which you use to assist you (wheelchairs, canes, and so forth) and for your treatment to border on the medieval.
- (8) For the same reason, don't risk arrest if you are going to need to take your own medicine at regular intervals of less than about 48 hours, including insulin or an inhaler for asthma.
- (9) Don't risk arrest if you have outstanding warrants from any jurisdiction or any other legal problems that might result in your being singled out and treated differently from the other arrestees, including unpaid traffic tickets, which might conceivably have gone to "warrant" status without your ever having learned of that.
- (10) If you don't live nearby, recognize that one consequence of being arrested in this area is that you may be legally required to return to court on one or more occasions, and you may not have a lot of choice as to when those court dates will occur. If you are not prepared to have your life disrupted in that manner, it may be better to provide support than to risk arrest. You do not want to have this civil disobedience action ultimately result in a "bench warrant" being issued for your subsequent arrest on a charge of failing to appear at a court hearing.
- (11) Don't risk arrest if you're not a US citizen unless you're prepared to risk potentially serious immigration status consequences, even if you're in the U.S. lawfully at this time.

(12) Juveniles who are considering risking arrest (and those counseling such juveniles) should be aware that there may be some very serious consequences to them that are totally different from what adults face. These consequences could potentially impact their schooling (e.g., they could conceivably be suspended or even expelled) or their current living arrangements (e.g., if a concern is raised that their parents or guardians are not doing an adequate job).

(13) Be sure to let the organizers know you're going to risk arrest and give them your name and contact information and the name and contact information of your support person.

(14) Before, during, and after your arrest, you should be extremely careful what you say to police officers or jail personnel, should they talk to you. They will not offer you your "Miranda" rights before asking you questions such as, "did you hear the order to disperse"; "did you know you were on private property," and so forth. Other than providing your name, address, phone number, employment information, and the phone number of your support person who will verify this information, you should not answer any questions from anyone from the point of arrest onward. Do not see police as potential political allies to whom you should explain your actions; their job is to elicit information from you which can be used to assist the prosecutors in convicting you of criminal offenses, and they will feign interest in your motives and beliefs in order to accomplish that end. **DO NOT ENABLE THEM TO DO THAT JOB.**

(15) Once you're arrested, you're most likely going to stay in custody or in jail until one of four things happens: (a) the police "cite you out" (i.e., give you a ticket and release you, upon your promise to return to court); (b) the jail releases you "on your own recognizance"; (c) the jail releases you after you or your support person posts bail for you in an amount set by statute or court rule; or (d) you appear in front of a judge who either releases you on your own recognizance or sets a bail amount which you subsequently post. The first two scenarios are by far the most common, but you should be prepared both for the possibility that you will not be immediately released unless bail is posted for you, and the possibility that you will remain in jail until you are brought in front of a judge, which is likely to be within 24 hours of your arrest, and certainly within 72 hours.

(16) While in jail, you're most likely not going to be visited by legal support. While it is comforting to see a friendly face from the outside while you're in the holding tank, it doesn't accomplish anything except potentially make you unavailable to give your employment and housing information to the "PR" screener, the person in the jail whose job it is to verify that information so you can be released on your own "personal recognizance." If that person moves on to the next name on the list without talking to you, you're likely to stay in jail until you see a judge, which is too high a price to pay for a few moments of catching up with the world outside. So don't expect to see a lawyer unless something has gone seriously, unpredictably, wrong, and there is some reason why a jail visit needs to take place.

(17) Once you're arrested, unless the charges are dropped, you will very likely not only have to return to court, perhaps more than once, you may also have to agree to pay a fine, perform community service, serve a period of probation, or choose instead to go to trial (or at least to subsequent court appearances) in order to gain an acquittal or a more acceptable "plea deal" than the one you are initially being offered. Although the organizers of this action will do what they can to assist everyone in dealing with the consequences of an arrest, be aware that neither these obligations nor these choices can be handed off to anyone else; in the final analysis, they are yours alone.

## **JAIL SUPPORT IN CASE OF ARREST**

For direct action and civil disobedience, support people are crucial to those risking arrest. In actions where no one is planning on risking arrest, support roles are also important to think out in advance, both for taking on necessary tasks, and to prepare for the contingency of unexpected arrests.

Whether you are organized into an affinity group, action squad, bloc, or just a busload of people from the same town, certain people should commit to staying out of the center of action so as to support others taking more risk.

### **SUPPORT CHECKLIST**

#### **BEFORE THE ACTION**

- ♦ Know everyone in the group by name, description, and if used, by alias.
- ♦ Have written down pertinent information for each member on needs in case of arrest: medical needs, phone number, who to contact & when, and any other home support needs such as pet care.
- ♦ Have all this information, ID's if group intends to non-cooperate, keys, money, and other belongings stored at a remote location from the action.
- ♦ Know where arrestees are likely to be taken and have transportation to get there.
- ♦ Know the phone numbers for legal, medics, media, and action support.

#### **DURING THE ACTION**

- ♦ Give any emergency information about yourself to another support person
- ♦ Meet and recheck plans and needs with group
- ♦ Give your contact & back-up information to each group member.
- ♦ Have pens and paper to take legal observation notes
- ♦ Once the first person in your group is arrested, one support person should follow them, and another support person should stay near group until all are arrested.
- ♦ Once all have been arrested or are out of risk, call legal and give information.

#### **AFTER ARRESTS**

- ♦ Go to processing facilities and attempt to find out if your people are all there.
- ♦ Be visible to police so they know the arrestees are not alone.
- ♦ Try to find out what the charges are.
- ♦ Make calls you have been asked to make in the case of arrest.
- ♦ Try to find out emotional and physical states of those inside, whether they are non-cooperating and to what extent, if they want a lawyer, and liaise with legal team.
- ♦ Help hold vigil outside of jail until all are released. Have food available.
- ♦ Attend court proceedings and keep track of all that happens.
- ♦ Coordinate rides for those released.

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# LEGAL STEPS

