

# **Movement Safety During Palestine Freedom Actions**

**Know Your Rights**

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# Why do we have to talk about action safety?



We are taking action together in this moment to call out the Western-supported Israeli genocide and occupation of Palestinians. This struggle targets many powerful institutions (the Canadian government & corporations). These institutions have acted together to try to weaken the growing movement for peace & Palestinian freedom.

The power of actions comes from the participation of people. Action safety is important so people can continue to take action.

# How does law enforcement try to divide our movements

## Tactics include:

- Identification of leadership and community members
- Heightening the risk of our actions (arrests, violence repression, criminalization)
- Allowing for actions but within a designated space (eg. changing routes of actions)
- Isolation of members through criminalization & consequences  
*(charges that pit people against each other in an individualized process, release rules, or “conditions” that say you can’t associate with each other)*
- Encouraging state influence and funding through non-profit organizing that is less disruptive & collective

# The Specific Role of the Courts & Criminalization

- **Criminal charges regulate how the state wants people take action:** e.g. you can protest, but only in this non-disruptive way, you can go on strike but only within these rules that doesn't stop business operations etc. The idea is to deter and punish people for engaging in mass disruption of the status quo.
- **The criminal process is used to dis-organize people:**
  - It takes time & resources to fight charges and that distracts people from action.
  - Bail conditions (rules they order you to follow while you wait for trial) might order you not to be in certain places or not to talk to certain people.
  - The fight in court is often individualized (vs collective action) & there are incentives to turn on each other.

**Action safety is about** understanding how our enemy acts to divide and weaken movements so that we can be prepared to fight that and can prepare ourselves to remain collective & strong.

**Collectivity is our strength.**

# Safety at Actions - Before an Action

# Tips to Limit Public Sharing of Private Information

## 1. Identification of People:

- Online - think about how your social media accounts share information about membership of the group (who you follow, tagging of members in photos)
- In photos - tagging people doing certain actions
- Avoid parking at the action because your car gives away part of your identity
- *We know we need to* balance all of this with the need to publicize actions & logistics

## 2. Sharing of Information & Plans:

- Police use notes / planning as evidence of participation in an action and leadership in planning the action. Leave notes at home.
- Communicate through means that are more difficult to be surveilled by police (Signal)

## 3. Protecting our Devices: If police get your phone and believe you are a key organizer or attendee they will go through it. Plan accordingly.

- Turn facial recognition or fingerprint unlocking capabilities OFF of any devices. Have a secure passcode (10+ digits) that is not easy to guess.
- Turn off notifications on your front screen.
- Use encrypted technology to communicate (e.g. signal) & [secure it](#).
- Enable full-disk encryption on your phone (iOS phones have this automatically, new Androids also but check settings!)
- If you feel you are entering a high risk situation for arrest - TURN OFF YOUR PHONE

## 4. Leave things at home: You will be in a highly policed space. You may be searched.



# Safety at Actions - During an Action

# Arriving at an action

## Physical Space

**Note enter and exit points.** Be aware of where you are in the space, where police are (e.g. certain corners, on rooftops) and what your options are for entering/exiting safely.

**Be aware of your surroundings.** Survey the space and monitor where the police are

**Be aware of police formations.** Cops use their bodies, barricades, horses, bikes, cars and vans to control the flow of traffic in and out of a given venue. Police also try to fragment and split crowds.

## Surveillance Space

**Avoid using people's names (or nicknames) in front of and around police.**

**Always assume that you are being recorded.**

**Remember that police are there to gather information and destabilize the movement.** Police at actions will often look to get people talking/responding to them often by:

**Keep track of individuals directing the action and be aware of the tone and sentiment at actions.** Be aware of who is around and who is trying to influence the crowd.

# At the Protest: Police Formations & Tactics

**Good Cop/Bad Cop** - One officer comes off overbearing and authoritative while another situates themselves as a friend or ally in the moment looking to keep the peace. The goal is to get protesters to communicate and follow the calls of this officer based on a shared understanding/rapport. *Do not talk to any cop. They can lie and pretend to be helpful to try to get information from you.*

**The Safety Officer/"Peacekeeper"** - a tactic where police communicate to protesters that the action is free to move, but that they need to be in contact and share information with key people in order to keep people safe. This is a tactic to build rapport, identify leaders and decision makers in an action and spread misinformation to protesters based on shared conversations with those who choose to collaborate.

**The Aggressive Cop** - a tactic where officers deliberately say inflammatory things in/around and sometimes directly to protesters. The goal of this tactic is to get people upset/enraged and speaking back to them directly so that they can gain information or potentially arrest them if things escalate.

# At the Protest: Police Formations & Tactics

**Escalation** – Police escalation can be difficult to detect until it happens. Some things to be on the lookout for:

- An increase in the number of officers.
- A change in formation that further restricts access, entrances and exits to an action.
- The introduction of paddy wagons (large vans with individual holding compartments for arrests) and other large equipment such as busses, horses and surveillance vans.

**“Snatch and grab arrests”** - Advancing on a large crowd in a line and stepping out of formation to pull someone from a crowd and back behind police lines to arrest them.

- Public facing individuals (e.g. movement leaders/people targeted in past) are especially at risk for this. Make sure these people are cognizant of this and that they are not out alone near large swaths of officers.

**Kettling** - Kettling happens when the police block peoples’ ability to leave a space in order to conduct a mass arrest. This is considered an illegal tactic so it is not common and usually police will block people in but leave an exit route. This is still an attempt to split the crowd. The smaller the crowd, the easier it is to monitor, surveil and control the flow of people in and out.

**Delayed arrest enforcement** - Police are also being directed to enforce arrest *after* an action instead of immediately. This is less likely if police cannot identify you. We are repeatedly seeing police arrest days,

# Movement Safety: Recording the Police

See additional information [here](#).

## ***Why record the police?***

- Useful to share your own truth of action
- Can help defend against criminal charges (as long as your don't record our people)
- Deter abusive police activity

**You are allowed to record the police. You are also allowed to record a conversation without police consent if one other participant consents to being recorded or if the conversation is with you.** The only limitation is if you are *obstructing* the police in their activities.

## **Tips!**

- **When recording, stay a little distanced from the police.** This will prevent them from saying that you were attempting to disrupt or obstruct their duties/activity.
- **Focus only on the police in your recording.** Be careful what you record so that you do not accidentally record something that could criminalize someone else.
- **Be careful posting recordings or videos of protesters at actions,** because it can be used to gather data and information on activists.

# Safety at Actions: After an Action

# After the Protest: Check-ins

— — —  
**Police can make arrests after an action.**

**Stay collective - check in on people and their loved ones to make sure everyone gets home & has information in case of future police targeting.**

**Police can continue to surveil to collect evidence about the action & surveil group.**

## **Tips:**

- Police use social media & publicly posted photos to identify people.
- Police will also look through video (body cam, cameras in businesses & public places)

# After the Protest: If police contact you

— — —  
**You do not need to speak with them.** Do not provide them any information. Police have started to target people post-action to prevent coordinated jail support.

## **If you get a call from the police:**

- Listen carefully to hear whether the police say that charges have been laid against you or if you are still under investigation.
- If police ask you to come “talk” at the station, they are still investigating. You do not need to accept this request to talk.
- Ask for the name and badge number of the officer who is calling, and from what police service and what division. A lawyer can call back to try to get more information.

## **If you get a visit at your home from the police:**

- You do not need to open the door/let them in *unless* they have a Feeney warrant
  - o If they do it must: say “Feeney”, be signed by a judge/justice, and have your correct information
- Without a warrant, you can ask them why they are there through the door.
- Document anything the police does. You have a right to record police so long as it does not obstruct them.



# After the Protest: If police have a search warrant

A **search warrant** is a court order that allows the police to enter a specific location to search a person, a place, a thing or material that is relevant to the criminal offence set out in the warrant. It must be issued by a judge.

## Limitations of a search warrant:

- Police have to show you the warrant - but only if they have it on them.
- Police can only conduct a search between 6am and 9pm
- Police have to announce their presence. If you refuse entry or are not home, they can use “reasonable force” to enter.

Form / Formule 5 C.C.  
Sections 320.29 and 487  
Articles 320.29 et 487

**WARRANT TO SEARCH  
MANDAT DE PERQUISITION**

CANADA  
PROVINCE OF ONTARIO  
PROVINCE DE L'ONTARIO  
Central West / Centre-Ou  
(Region / Région)

To the peace officers in the said Region and in the Province of Ontario or to the  
Aux agents de la paix dans ladite région et dans la province de l'Ontario ou à/au  
**Region of Peel**  
(Insert named public officers / Indiquez le nom des fonctionnaires publics)

WHEREAS it appears upon the information of **D/Cst. FORSYTH #3994**  
ATTENDU QU'il appert de la dénonciation de  
that there are reasonable grounds to believe that there are in **See Appendix "A"**  
qu'il existe des motifs raisonnables de croire qu'il y a dans  
at \_\_\_\_\_  
à/au \_\_\_\_\_  
herein called the premises, certain things namely:  
ci-après appelé(e) les lieux, certaines choses, savoir :  
**See Appendix "A"**

that being sought as evidence in respect to the:  commission  
qui sont recherchées comme preuve :  suspected commission  
la perpétration  la perpétration présumée  
 intended commission, or  offence-related property  
la perpétration projetée  le bien infractionnel

of an offence against:  
d'une infraction au(à) :  
 the Criminal Code  
Code criminel  another Act of Parliament, namely: \_\_\_\_\_  
une autre loi du Parlement, à savoir : \_\_\_\_\_  
(specify statute / préciser la loi)

**or / ou**  
 will reveal the whereabouts of a person who is believed to have committed an offence against:

# After the Protest: If police have a search warrant

## Limitations of a search warrant:

- Search warrants do not give authority to search a person at the location - unless
  - a) the person is under arrest (and only to search for things that are a threat to the police or public);
  - b) police have reason to believe the person has evidence on them;
  - c) to confiscate weapons.
- Property not mentioned on the search warrant can be taken if it is reasonably something obtained by the crime, evidence of the crime, or used in a crime.

## When do the police not need a warrant to search you?

- If you are under arrest (but only for police/public protection or preservation of evidence)
- If you consent to a search
- To prevent the person's escape or safety of others
- Imminent destruction of evidence
- Evidence that is in "plain view" and obviously contraband

# Managing Risk in Direct Actions

# The Risks of Criminalization

## Doing an activity on public property that is not allowed (camping, fire, loud noise, drinking):

- **Result:** *By law ticket*
- **Risk:** This is a ticket, not a criminal charge. You can only get a fine!

## Taking over public or private property/not leaving when asked:

- **Result:** *Trespassing ticket, potential arrest for a ticket*
- **Risk:** This is a ticket, not a criminal charge. You can only get a fine!
  - **NOTE:** The police can arrest you even though this is not a criminal charge. They might just remove you from the area, or might bring you to the station. The police cannot hold you in custody. You will be released away from the scene or at the station with a ticket.

## Blocking public space or disrupting activity:

- **Result:** *Removed from area / Cause disturbance criminal charge*
- **Risk:** *Depends on the level of disruption*
  - Trespass ticket or breach of the peace. Both are not criminal charges. Both allow the police to remove you.
  - Cause disturbance criminal charge - this is not a serious criminal charge but you can be arrested and given bail conditions and could get a criminal record if found guilty with a sentence.

**BUT:** We can often successfully get these tickets and charges dropped because all people have protest rights that are balanced with control of property.

# The Risks of Criminalization

## Affecting Property (paint, damage, disruption):

- **Result:** “Mischief” criminal charge
- **Risk:** Mischief (over/under \$5000) criminal charge - you are charged with over or under \$5000 not based on how much damage is alleged but based on the value of the property.

## Getting in the way of police activity:

- **Result:** “Obstruction” & Resisting Arrest & Assault Police criminal charges
- **Risk:**
  - Obstruction criminal charge - the seriousness of the charge depends on how you obstructed police (with use, repeatedly, with intentionality) on the level of property damage & value of property.
  - Assault police criminal charge - If you or something you controlled (water bottle) touches police. You can be charged with this even if you were assaulted. This is treated more seriously, especially if police is injured.
  - Resisting criminal charge - If you do not follow the directions of police. This is often a charge that is added.

# The Risks of Criminalization

## Planning criminal activity / disruptive action /riot activity together:

- **Result:** Conspiracy charge
- **Risk:** Conspiracy charge - for planning illegal activity together. Evidence of a conspiracy exists if 2 or more people agree to commit a criminal act and take some action towards completing the criminal activity.
  - Note: You can be convicted of conspiracy even if the criminal act wasn't committed.
  - Note: Collective intention to break the law is not enough, nor is passive acquiescence to a plan or only knowledge of a plan.
  - Note: To be found guilty, you must have intention to break a law, not just knowledge that a law would be broken.
  - Note: Evidence of conspiracy includes evidence of planning (e.g. notes from meetings, signal chats).

# The Risks of Criminalization

## “Hate”-related crimes:

*Police and the government have spoken about investigating pro-Palestine protesters for hate-related charges. These are some criminal charges that related to “hate” motivated conduct. We think people would have strong defenses against these charges.*

“Hate propaganda” is defined in section 320(8) of the Criminal Code as: “any writing, sign or visible representation that advocates or promotes genocide or the communication of which by any person would constitute an offence under section 319”.

Specific charges include:

- advocating genocide (section 318)
- public incitement of hatred (section 319(1))
- wilful promotion of hatred (section 319(2))
- wilful promotion of anti-semitism (section 319 (2.1)).

Section 718.2(a)(i) of the Criminal Code requires a court that imposes a sentence (for any offence) to consider, “evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, religion etc... as an aggravating factor in deciding on the appropriate sentence. This means your sentence could be higher if the court believes hate was a factor.

# Managing Risks of Charges

The risk of criminal charges also depends on what a sentence/punishment would be for the charge.

*Some factors that impact punishment in criminal court:*

1. No injuries / no violence / **no risk of danger** → *Lessen sentence*
2. Evidence of “remorse” → *Lessen sentence*
3. **Engaged in a right** → *Lessen sentence*
4. **Nature of the offense** (damage, violence, mass disruption)
5. **Evidence of pre-planning** → *heightens sentence*
6. Evidence of **malice / hate motivated** → *heightens sentence*
7. Need for **general deterrence** (repeated tactic the state wants to stop) → *heightens sentence*
8. Value of punishment for **rehabilitation** → *heightens sentence*



# Managing Risks of Charges

**Individual factors will also impact punishment:**

- 1. No criminal record / history with criminal system → *Lessens sentences***
- 2. Served time in custody / restrictive bail → *Lessens sentences***
- 3. Heightened consequences because of specific circumstance - might consider:**
  - Immigration consequences
  - Consequences on your job/license
  - Systemic discrimination (e.g. Gladue factors)
- 4. Role you played in action:** Depends on Leadership, pre-planning, cooperativeness

# Managing Risks of Police Violence

Even when the police are violent against you, you can be charged with a crime if you respond:

- **Obstruct Police:** Resisting or getting in the way of the police doing their duties.
- **Assault Police:** Any action directed at the police (can be as minor as a touch, spit, throwing water, pushing a bicycle they are holding)

Under Canadian law, police are allowed to use a degree of force. The standard is very pro-police and generally just asks if the force was reasonable. Judges often decide that based on what a police officer thinks was reasonable.

However, we can challenge force used by the police.

- Show the realities on media (*but, be careful if you're sharing something where protester identities are visible and there is evidence of assault police!*).
- Use it as defense to a charge (*police didn't have authority to act or force unreasonable*).
- Bring complaints (*but the institution to complain to -the OIPRD- is controlled by the police*).

# Movement Safety: Rights around the Police

*Knowing your rights can reduce the risk of certain actions!*

If you are stopped by the police & not detained/arrested:

- You **do not** have to identify yourself.
- You **do not** have to answer any questions. If police question you, ask “**Am I free to go?**”
- You do not have to allow any searches. You should state loudly “**I am not consenting to a search**”

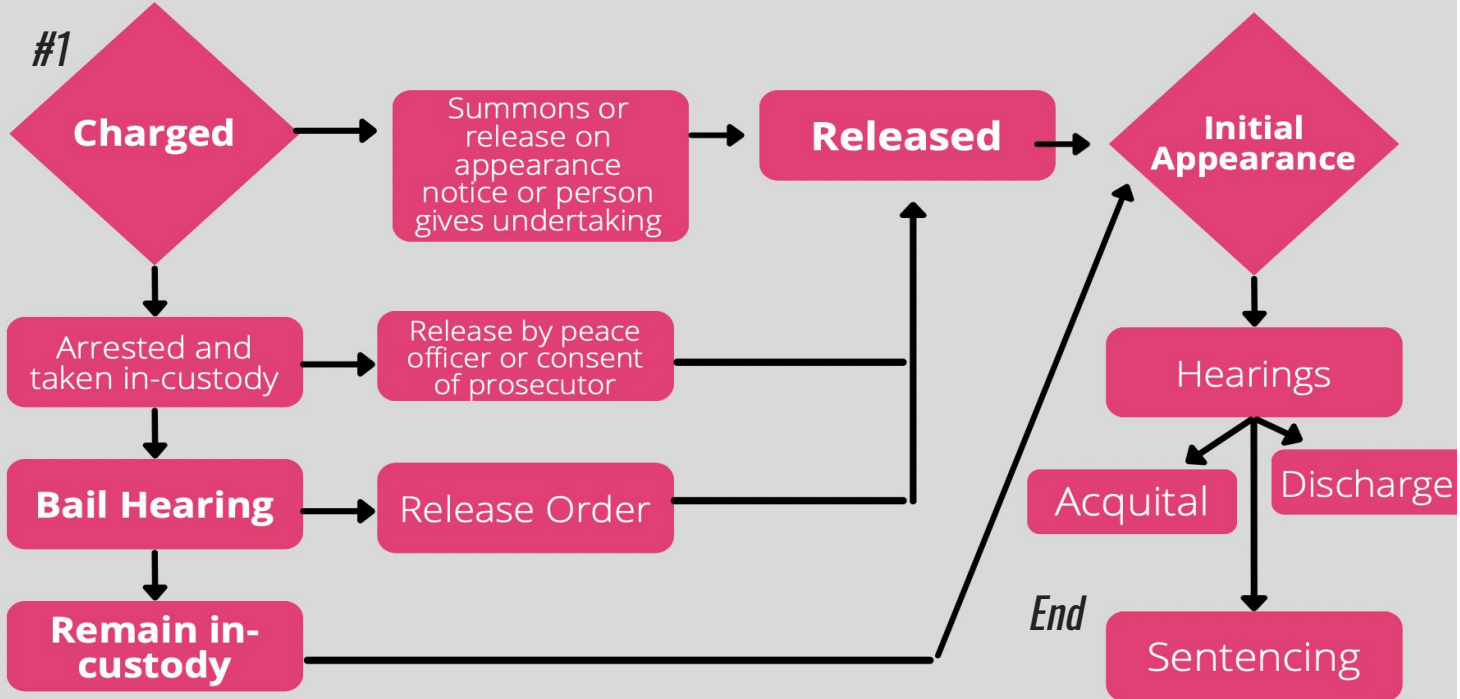
Talking to the police might give them information needed to charge you.

[Link](#) to MDC’s general know your rights flyer.

# Planning For Arrests

# What Happens if I'm Arrested?

## STEP-BY-STEP PROCESS



# Preparing if Arrests are Possible

*A good arrest plan includes:*

- Are you arrestable?
- Emergency custody needs (medication, pets, work, childcare needs) & plan to address people's' needs
- Knowledge of potential complicating factors: past or outstanding charges, immigration issues, lawyer contacts.
- Release strategy:
  - Know that our people will be released. Legally you should be brought to court within 24 hours.
  - Plan for bail hearings - what conditions are we worried about & how we want to fight them
  - Lawyer contact
    - If MDC is supporting - write **416-833-6137** on your body somewhere the police cannot see while you are at the action.

# What Can Others Do if Someone Has been Arrested

Immediately: Get the person's full legal name & DOB.

Collect:

- Information on person's emergency needs - medications, childcare, informing job, immigration status etc
- Information on person's other criminal matters - are they on outstanding charges? Do they have a lawyer already?
- Information on people who could act as a surety if needed - someone who could sign off for release and agree to "supervise"
- Evidence to help them fight charges (any evidence of police abuse, any evidence that shows they did not do anything, any helpful witnesses)

If MDC is supporting - share this information with the jail phone: **416-833-6137**

# What happens when you are arrested?

- **Police can require you to identify yourself.** You only have to share your name and DOB. You do not need to answer any questions.
  - Say: “I do not want to talk to you without my lawyer.” *Repeat it.*
- **Police can search you:**
  - They can look in your pockets and your bags.
  - They can take your phone but they cannot force you to unlock it. You do not need to give your password.
- **Police can check if you have outstanding warrants/are out on bail:** If you are, you might be charged with additional things.
- **Police can lie to you or go undercover to get you to share information**

*Assume you are recorded while in police custody. Assume police are lying to you. Try to remain silent and de-escalate police and you will be out of custody soon.*



# What Happens when you are Arrested → Release?

## Options:

- 1. Catch & release:** Police remove you from area but release you (with/without ticket or criminal charge)
- 2. Release from police station (“Form 10’d”):** Police arrest you, bring you to the station, confirm your identity, you accept conditions of release & you are released with/without charges.
  - If you refuse to confirm identity - you will not be released from the station
  - If you refuse to accept “release conditions” - you will not be released from station *unless* police agree to different conditions
  - Even if the police arrest you, the Crown might later decide to drop your charges
- 3. Held in custody & argue for release at a bail hearing:**
  - Police do not release you. You have a right to a hearing in criminal court called a “bail hearing” where you argue to be released with the least restrictive conditions. You should have a bail hearing within 24 hours.
  - You can have your own lawyer or use a free government lawyer (duty counsel)

# Movement Safety: Release/Bail Conditions

Release conditions rules given to you by the police or a court controlling you up until you go to trial. Legally, there are two purposes to bail conditions:

- (1) Make sure you attend court
- (2) Make sure you are not a risk to the public
- (3) Maintain confidence in the administration of justice

The default for bail is supposed to be release with **no conditions**, and the crown is supposed to have to argue for every additional condition. The law says conditions should be *as minimal as possible*.

***But - in reality, conditions are used to restrict peoples' behaviour, punish people, stop organizing. These conditions are unconstitutional.***

**If the police find you breaking a condition - you can be re-arrested and charged with a new criminal charge. This often leads to cycles of criminalization.**

# Movement Safety: Release/Bail Conditions

**When do conditions apply:** The rules will apply to you until your charges are resolved (you are found guilty/not guilty).

- These are rules applied BEFORE trial! Trials are taking 1-2 years to be scheduled so rules apply for a long time.

**Examples of conditions:**

- “Non-association” - ie no talking/contact with xx people (often co-accused or group in the action)
- “Red zoning”/ “non-attendance” - prohibition from area
- Living at a specific location / with a certain person
- Supervision by a surety
- Curfew
- No weapons
- No drugs, alcohol

Do you have to accept a condition? **No! You can fight it!**

# Fighting Bail Conditions

You do not have to accept the conditions chosen by the police or the crown.

## *Process to fight a bail condition:*

- While in police custody - ask your lawyer to try to negotiate with the police about any conditions that are hard for you or the group.
- If the police will not change the conditions, you can refuse to sign and ask for a bail hearing where you can make arguments against those conditions.
  - NOTE: depending on the time of day you are arrested (ie by mid-afternoon) - you will not be scheduled for a bail hearing until the next day and you will stay in the station/jail until your bail hearing.
- Before your bail hearing, the crown will decide what conditions they think about appropriate. Ask your lawyer to negotiate around any conditions that don't work.
- If negotiation fails, argue based on your right to be released at a bail hearing. Prepare the hearing with your lawyer & community. We can work together to make the strongest arguments.
- You can also fight a condition *later* (by signing the papers to be released and then making an application to a court). However, this may take months to schedule.

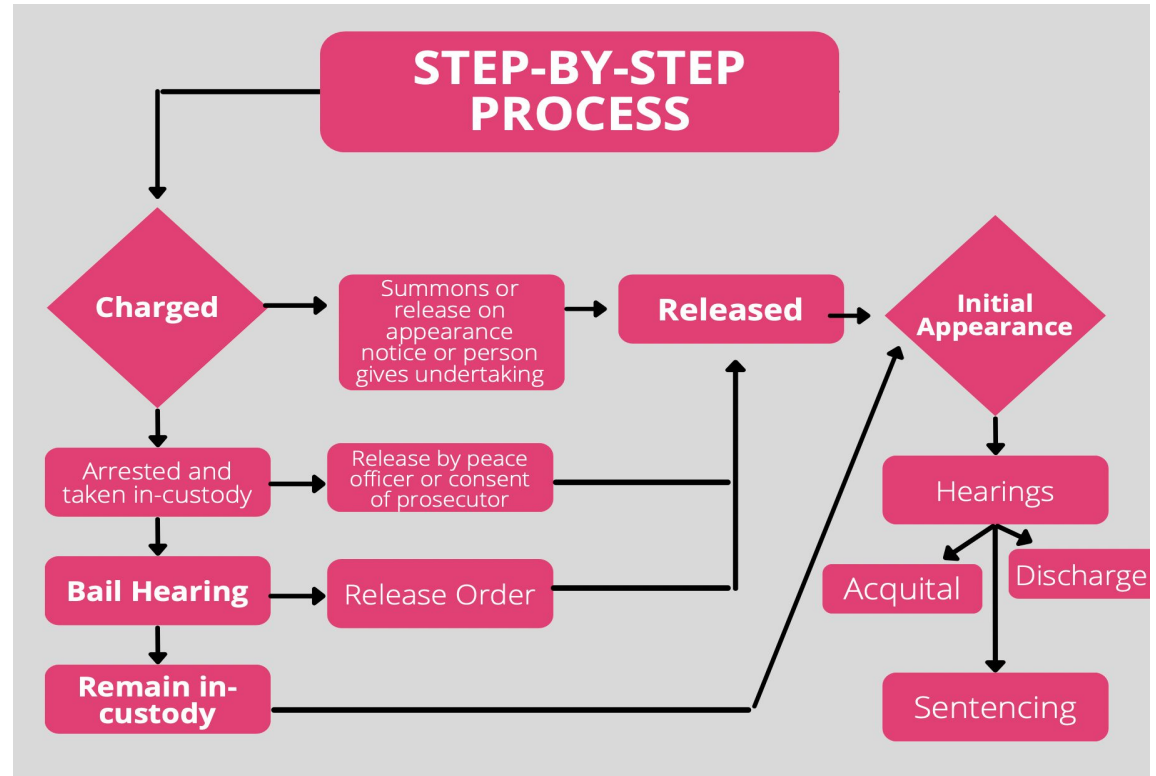
# What will Jail Support Do if an Arrest Happens:

1. **Find the person:** Call police stations to locate person
1. **Communicate information with the person (why they are being held, charges, conditions of release)**
  - A person in custody is allowed only to call a lawyer for legal advice - through legal call we can communicate information inside and outside
1. **Address emergency needs**
  - Get medication in, injuries addressed
  - Make sure needs of person arrested are addressed outside of custody
1. **Make a plan for release - fight the conditions or release and fight later?**
  - Public - outside of station/public pressure to release person
    - **Note:** police have used “jail support” actions as spaces to locate and further criminalize organizers. **Consider who should** attend.
  - Legal - negotiating with police to release person with different conditions OR arguing for release at bail hearing

# What will happen next if I was charged?

## Questions to start to think about:

- Do you want to fight your charges collectively (ie strategize together)? Note that this doesn't mean you have to all be represented by a single lawyer.
- How will you support people on charges (resources, emotional support, support with collateral consequences)
- How will fighting the charges impact other strategies or members of the movement?



# RECAP

**Movement safety is important.** Preparation and planning, knowing our rights and the process, and staying collective is our best protection.

**There are things to prepare and consider before, at, and after an action to stay safe.**

**We can manage risk.** We should think about what risk we can take on and consider what tactics make an action more/less risky.

**We can plan for arrests.** A good plan will help us get everyone released as safely as possible.

**We can prepare to take care of each other after arrest.** Pre-planning for after-care following an action will reduce the negative impacts of arrest & any accompanying police violence, should that happen.