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THE LOS ANGELES CHAPTER OF THE NATIONAL LAWYERS GUILD

Checkpoint Monitor Guide

“Stop the 30-Day Impound” Campaign in Los Angeles

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Introduction

Thank you for your interest in helping the “Stop the 30-Day Impound” Campaign in the City of Los Angeles. This guide is intended to introduce people to the concept of monitoring checkpoints. This is not a complete guide and we hope to add to it as we learn more from receiving feedback as well as observing the checkpoints ourselves. Please use the information in this guide as a way of stimulating discussion in your organization and providing a basis for forming your own checkpoint monitoring program.

“Stop the 30-Day Impound” Campaign in the City of Los Angeles – Fact Sheet

Cities & Counties are Profiting at the Expense of the Most Vulnerable Populations

The City of Los Angeles is taking the cars of drivers without current licenses or with expired licenses and keeping them for 30 days making it financially impossible to get their cars back.

The average cost of a 30-day impound is \$2000 or more.

- Drivers cannot afford to retrieve their vehicles and the cost of the impound is more than the value of the vehicle.
- This is theft of private property and **disproportionately affects poor, immigrant drivers and their families**, punishing them more severely than for a DUI offense.

California receives \$100 million in federal funding each year to conduct DUI checkpoints. Often only 1-3 drunk drivers are caught per checkpoint. Meanwhile, dozens of poor, immigrant drivers have their vehicles impounded for 30 days for driving without a current California license.

RESULT:

- **Windfall revenues:** Statewide, in 2009, **\$40 million from checkpoints alone.** This is a small portion of what private tow companies make from these contracts.
- **Overtime Costs:** Checkpoints are staffed with **20** or more officers. Federal guidelines require **6**. Officers earn **\$30 million** in overtime from checkpoints alone.
- Families are left on the side of the road, unable to even retrieve their personal items from the vehicle before it is impounded.
- **Corruption:** The §14602.6 30-day impound is a lucrative revenue source that creates opportunities for corruption. One example is the City of Maywood, where the private company, Maywood Club Tow, secured an exclusive towing contract through 2015. It was discovered that Maywood Club Tow was paying for police officers’ meals, drinks, and trips to Las Vegas.

Improper Seizure and Impound of Vehicles Under California Vehicle Code §14602.6

What Does the Law in California Require? - Impounding vehicles SOLELY on the charge of driving without a license [absent community caretaker doctrine concerns] is UNCONSTITUTIONAL. (*Miranda v. City of Cornelius* (9th Cir. US Ct of App); *People v. Williams* (CA Ct of App))

- **California Vehicle Code (CVC) § 14602.6(a)(1)** permits mandatory 30-day impounding when:
 - Driving with a **suspended** or **revoked** license
 - Driving without **ever** having been issued a license
 - License: issued in CA or Foreign Jurisdiction (CVC § 310)
 - Foreign Jurisdiction: another state or country (CVC § 325)
- Therefore, there is no §14602.6 offense if a person is driving:
 - With a current license from **another state or country**
 - With an expired license from **California, another state or country**
 - Without a license but was issued a license in **California, another state or country at any point in time**

AND the vehicle should not be impounded for 30-days. Also, if a licensed driver is present to drive the car, there is no community caretaker concern and the vehicle **SHOULD NOT be impounded AT ALL.**

What is LAPD actually doing?

LAPD construes “without ever having been issued a license” to mean not in possession of a currently valid license to drive in CA.

- As a result, LAPD impounds the vehicles of drivers for 30 days: With current licenses from other states or countries; With expired licenses from other states or countries; Who do not have drivers license with them but had been issued a license from California, other states or countries in the past
- **Also, Emergency medical care, chronic illness and child-care are NOT mitigating circumstances, according to LAPD.**

Defective Notice Regarding Right to Impound Hearing

What Does the State Law Require? - Under CVC §14602.6(b), the registered owner has the right to an impound hearing to dispute:

- The **validity of the impound** OR to show **mitigating circumstances** for why the vehicle should be returned in less than 30-days
- The impounding agency **shall** release the vehicle prior to 30-days if:
 - The vehicle was a stolen vehicle
 - OR When the license was suspended or revoked for an offense not listed under §14602.6
 - OR When the vehicle was seized for an offense for which such seizure is not authorized under §14602.6 (i.e. that the officer misapplied the vehicle code)
 - OR when the driver reinstates/acquires a license and insurance
 - OR the legal owner is a motor vehicle dealer, bank, or other licensed financial institution if certain conditions are met

What is LAPD Actually Doing?

- LAPD only provides a CHP 180 form, which, in small print, only gives notice of the right to request a hearing, NOT what the owner can dispute.
- In fact, it refers to CVC §22852, which only explains procedures for the hearing.

RESULT:

- Of 100-200 impounds per month under §14602.6, **only 1%** request hearings – that’s **only 1 or 2 vehicles per month**.
- Out of that 1%, **only 25%** successfully retrieve the vehicle in less than 30 days – that’s **less than 1 car per month**.

What Other Cities and Counties Have Done to Address the Plight of Low-Income Communities

San Francisco: Unlicensed drivers have 20 minutes for a licensed and insured person to arrive and remove the vehicle. The vehicle will be subject to a 30-day impound ONLY if the driver commits a second offense within six months.

Bell Gardens & Huntington Park: Bell Gardens, which modified its policy in September, 2007, and Huntington Park, which approved the change in October, 2007, allow unlicensed drivers to reclaim their vehicles immediately from the tow yard and do not impose a mandatory 30-day impound.

Example of a More Humane Impound Policy: City of Maywood

In December, 2005, the City of Maywood City Council passed Resolution No. 5215, making it the policy that: Police officers **shall refrain from impounding** vehicles of unlicensed drivers, **if the vehicle is already securely located in a legal parking space OR a licensed driver is available to remove the vehicle to a safe place.**

- If the vehicle must be impounded because it cannot be safely parked or removed, the vehicle **shall be** immediately released if the owner arrives with a licensed driver or otherwise legally removes the vehicle.

Police officers shall use their discretion to **refrain from impounding** vehicles with equipment violations. If it is still safe to drive the vehicle **OR the owner can arrange for the vehicle to be towed to a place of safety of the owner’s choice**, it should not be impounded.

- When determining whether to seize the vehicle, the officer **must take into account the vehicle occupants’ well-being** (i.e. if the person is handicapped, has special needs or medical problems, or whether the stop occurred in an unsafe or secluded area).

Impound Hearings:

- The owner is able to contest:
 - The propriety of impounding the vehicle under 14602.6 itself

- The amount of storage fees based on financial hardship
- Any other mitigating circumstances that cause unreasonable hardship or special circumstances
- The Notice provided to the owner regarding the impound hearing will include a description of the issues that the owner can contest at the hearing.

California Office of Legislative Counsel and the State Attorney General Have Spoken Against the Current LAPD

Practices

The Legislative Counsel of California concluded that:

- “When there is a lawful stop and the driver is unlicensed, and the officer is unable to remove the vehicle to a place that does not impede traffic or threaten public safety, the officer may be justified in impounding the vehicle under the community caretaking function and §14602.6...”
- “However, based on the recent cases of *Coccia*, *Miranda*, and *Williams*, **if an appropriate person possessed a valid driver’s license and was readily available to remove the motor vehicle** so that it did not pose a threat to the flow of traffic or public safety and could be removed to a safe place and the peace officer, based on his or her observations, was confident that the unlicensed driver would not continue to drive the vehicle, **the impoundment of the vehicle would not serve a community caretaking function, and therefore would not be justified.**”

California State Attorney General Report, “In the Matter of the City of Maywood”:

- Under the community caretaking doctrine, an officer may **ONLY** impound a vehicle if “NECESSARY to ensure that the location or operation of vehicles does not jeopardize the public safety.” (*Miranda v. City of Cornelius* (9th Cir. 2005) 429 F.3d 858, 860.)
- City of Maywood’s decision to make vehicle stops/impoundments an enforcement priority “appears to have been motivated by two major concerns – the desire to provide safe streets and roads within the City limits and to raise revenue for the City. The first concern is legitimate. No one can question the fact that unlicensed drivers pose a serious danger. **However, the second concern is, at the very least troublesome....Enforcement priorities that are motivated by the desire to raise revenue for a municipality, ... [make] it increasingly difficult to address more serious crime problems. Where an enforcement priority is motivated by the desire to raise revenue, allegations of corruption may arise, as occurred here.**”

Purpose

The purpose of monitoring checkpoints is to gather data that will help in convincing city officials and possibly the state legislature to change the official policies and laws that impound vehicles from motorists driving without a valid California driver’s license for a mandatory 30 days. These poor individuals and families are often left on the dangerous road without a safe means of getting back home. The motorists are also without their vehicle for 30 days, which can affect their means of getting to and from work and/or school.

Another purpose is to hand out fliers to those that may be affected by the arbitrary and unfair enforcement of these policies and laws. The flier notifies the motorists on what they can do once their vehicle is impounded, such as their right to request an impound hearing. These rights and notices are usually not given to the motorists and/or owners of the vehicle, which may lead to the forfeiture of their vehicle.

Finally, having a presence in checkpoint areas deters officers from violating individual rights. This also ensures that the checkpoints are conducted in a lawful, safe, and fair manner.

Data from checkpoint areas is crucial because it is very difficult to gather data from individual motorists being pulled and their cars being impounded. Usually, those individuals do not know about the "Stop the 30-Day Impound" Campaign. By having monitors in the checkpoint vicinity, it is easy to document numerous cases of motorists and families having their vehicles impounded for 30 days.

General Information on Checkpoints

What is a checkpoint?

Most vehicle checkpoints that affect individuals are sobriety checkpoints. "Sobriety checkpoints or roadblocks involve law enforcement officials stopping every vehicle (or more typically, every nth vehicle) on a public roadway and investigating the possibility that the driver might be too impaired to drive. They are often set up late at night or in the very early morning hours and on weekends, at which time the proportion of impaired drivers tends to be the highest."

- **Source:** Wikipedia (http://en.wikipedia.org/wiki/Sobriety_checkpoint#Sobriety_checkpoints)

What is a valid sobriety checkpoint?

The United States Supreme Court held that states can use random sobriety checkpoints in a manner that does not impede an individual's Fourth Amendment right against "unreasonable search and seizure." The Supreme Court left the guidelines for establishing constitutionally valid checkpoints up to the states.

- **Source:** *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990)

While random sobriety checkpoints might be constitutional under the Constitution of the United States, some states have outlawed them because checkpoints violate their own state constitution. In California, however, random sobriety checkpoints can be conducted in a manner that does not violate the state or federal constitutions.

The California Supreme Court described factors that establish a valid sobriety checkpoint in California. These factors are:

- **Supervisory law enforcement personnel decide when, where, and how to set up a sobriety checkpoint.** This means that a non-supervisory police officer cannot set up his/her own checkpoint whenever and wherever he/she feels. This reduces potential for unfair enforcement.
 - **A neutral formula is used to stop motorists going through the checkpoint.** For example, every driver or every 5th driver may be stopped. However, if the police officer has "reasonable suspicion" that the motorist is driving under the influence, such as swerving while going through a checkpoint, an officer may stop and question that motorist. The officers should not be targeting motorists based on race, ethnicity, sex, etc...
 - **Checkpoints are conducted in a manner that is safe for motorists and officers.** This includes proper lighting, warning signs, and signals, and whether clearly identifiable official vehicles and personnel are used. This minimizes danger to motorists and police. **The checkpoint should be operated only when traffic volume allows the operation to be conducted safely.** The officers may change how motorists are stopped depending on traffic, such as stopping every driver when there is no traffic and every 10th driver when there is heavy traffic.
 - **A policy-making official decides on a reasonable location of the checkpoint**, such as a road having a high incidence of DUI accidents or arrests.
 - **The time of day and how long the checkpoint lasts must reflect "good judgment" on the part of law enforcement officials.** For example, a checkpoint should not be conducted for 12 hours on a random weekday. A checkpoint from the hours of 12AM to 3AM on a weekend may, however, reflect "good judgment."
 - **The checkpoint must look "official" so that motorists have advance warning that will reassure the motorists that the stop is duly authorized**, such as being highly visible, include warning signs, flashing lights, adequate lighting, police vehicles and uniformed officers.
 - **The average time each motorist is stopped should be minimal.** Motorists who are stopped should only be detained as long as it takes to determine if they are driving under the influence. This means that the police cannot question a motorist for 30 minutes when it would normally take less than 2 minutes to determine if a driver was under the influence.
- **Source:** *Ingersoll v. Palmer*, 43 Cal. 3d 1321 (1987)
 - **Source:** 20 Cal. Jur. 3d *Criminal Law: Pretrial Proceedings* § 513

Suggestions for Checkpoint Monitors

Here are some suggestions for a safe and effective way to monitor checkpoints:

Go with at least one other person. Going to a checkpoint by yourself is not fun or easy. Having someone else there can make the time go faster and can make the whole experience better. Each person can look for and document different things. For example, one person can document the ethnicity of the driver going through a checkpoint and the ethnicity of those being stopped while another documents that the checkpoints are being conducted in a valid manner. If something happens, then having someone that can verify your side of the story is beneficial. Also, if you have to use the restroom, there will be someone else that can document while you are away.

Organize a place and time where you and your partner(s) can meet. Be on time. Make sure to have each other's cell phone numbers so you can contact one another if someone is running late or if you get separated while monitoring the checkpoint.

Try to bring a video camera. In the event that the police are not respecting the rights of individuals, it is very helpful to document police misconduct with a video camera. This can later be used to help the individual whose rights were being violated. However, if the motorist does not want you to take picture or video record you should respect their wishes. Try to explain that you are working to stop police misconduct, but if that does not satisfy them, you should stop taking pictures and recording video.

Do not carry anything illegal, such as illegal drugs, alcohol, or weapons. If you usually carry a pocketknife, remember to leave it at home.

If you have a potentially dangerous medical condition, wear a "medic-alert bracelet." If you take prescription drugs, it is recommended that you bring them in the official bottle with your doctor's name and your name clearly visible on the label. Make several copies of your prescription. Keep two on you at all times because you may be required to give the prescription to an officer. Make sure your partner(s) also have a copy of your prescription.

Be sure your warrant status and legal status is up to date. If you encounter police interaction, the police may arrest you if you have any outstanding warrants. If you are not a U.S. citizen, even if you are a resident alien, an arrest could result in deportation. If you are merely here on a temporary visa, your risk is higher. And if you are undocumented, your risk is extremely high. Be aware of these risks before participating.

Be sure your vehicle registration, tags, and insurance are up to date. If you are driving to the checkpoint, you do not want to get pulled over for having expired tags.

Watch for street signs. If driving to the checkpoint area, make sure you are parked at a safe location. Make sure that parking is permitted in that area. Read the street signs carefully. You do not want to get your vehicle towed or ticketed because you misread the street signs.

Bring identification. If you are driving, make sure you carry a valid California driver's license. If you are not driving you are not required to carry identification. However, it is always a good idea to have identification in case of police interaction. If you do not have identification, the police may take you to the station to verify your identity.

Bring several "Stop the 30 Day Impound" fliers so you can hand them out to people that may need it. Some of the victims may ask you questions. If you do not know the answer, tell them you do not know. You should not give them any legal advice. Refer them to the contact information on the flier.

Bring the "Towing/Impound Questionnaire" to gather the data from the motorists whose vehicles are being towed at the checkpoints.

Bring pen and paper so you can document what is happening in the checkpoints.

Bring a watch so you can document the time when the checkpoints are started and/or stopped, how long people are being stopped, and the time of any incidents you want to report.

The Law

It is always useful to know the law. Here are several laws that may affect you while monitoring checkpoints. These are not all inclusive, there are thousands of laws out there, but these are the ones that you should be most aware of.

California Penal Code § 148 – Do not resist, delay, or obstruct a peace officer in the discharge or attempt to discharge of his or her duty. This section requires four elements: (1) willfulness, (2) resistance, delay or obstruction, (3) of a public officer, and (4) some official duty which the officer is then discharging or attempting to discharge.

- It is highly recommended that you stay away from the police and not interfere with their duties. If you feel that the police are violating someone's rights, it is better to video record what the police are doing than to get involved. The video recording can then be used as evidence if the individual goes to trial.

California Penal Code § 602 – Do not trespass on private property. Look out for “no trespassing” or similar signs. If there is a “no trespassing” sign posted, the police can ask you to leave. If there are no trespassing signs, and you do not do anything suspicious (like peering through a window), the police may ask you to leave if the owner or caretaker of the property asked the police to ask you to leave. The police must inform you that the owner/caretaker asked the officer to ask you to leave. This also applies if the owner/caretaker had generally asked the police department to make sure no one trespasses on the property. The owner or caretaker may ask you directly to leave. If they do, you should tell them you're sorry and did not realize you were trespassing and then walk away.

California Penal Code § 647c – Do not block pedestrian traffic on the sidewalk. If you are observing from a sidewalk, make sure pedestrians are able to walk freely on the sidewalk.

Los Angeles Municipal Code § 41.18 – The “No Loitering” law. This section makes it illegal to obstruct pedestrians on a sidewalk, to “loiter.” Do not harass pedestrians on the sidewalk. Do not sit or lie down on the sidewalk. If you are tired of standing on the sidewalk, take a break in your car if you have one nearby.

California Penal Code § 374.4 – Do not litter. If you smoke cigarettes, make sure you have an ashtray handy. A near empty plastic bottle works great. The fine for littering is between \$250 and \$3,000. With assessments, it can get close to \$6,000. You should carry a plastic bag to throw away any garbage, such as the wrappers from snacks.

California Penal Code § 632 – Recording confidential communication. You may not record confidential communications without the consent of all the parties involved in the communication (this includes police officers). This excludes circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded, such as in public. Because the checkpoints are conducted in public, it should not be against the law to the record police officers.

California Penal Code § 243 – Battery on a Police Officer. Simply reaching over and touching an officer with your fingers is considered “battery upon a peace officer.” An officer can lay hands on you, but you should not initiate contact with any part of your body or belongings.

Interacting with Police Officers

Although you may not be doing anything illegal, a police officer may approach you. Here are some things you should be aware of if you are approached by a police officer.

Types of stops

Consensual Stops

This is when a cop approaches and begins talking to you. The cop may even ask to see your ID. You do not have to show it. Ask the cop "Am I free to go?" or "Am I being detained?" You do not have to talk to the cop or even remain in the area unless the cop says "No, you cannot go" and has a reasonable suspicion to detain you. However, the cop does not have to tell you why you are being detained.

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 6.

Detention

The police are allowed to detain you if they have a "reasonable suspicion" to believe that you have committed or are about to commit a crime. The officer must have some reason for stopping you. They cannot just say that you do not look like you live in the neighborhood or that they "had a hunch." The detention should be limited in its purpose and scope. They can conduct a pat search of the outside of your clothing in order to check for weapons, but you DO NOT HAVE TO CONSENT TO A SEARCH of your pockets or bags. You do not have to answer any questions except to identify yourself and give your address.

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 6.

Arrest

This means that you are in police custody and you are being charged with a crime. You will be thoroughly searched as part of the booking process. You have a right to know why you are being arrested. CA Penal Code § 841 says that "The person making the arrest must, on the request of the person he or she is arresting, inform the latter of the offense for which he or she is being arrested." Even though police often will not tell you, you have the right to remain silent and the right to a lawyer. You must now explicitly and unambiguously state to police that you are invoking your right to remain silent and/or stay completely silent about anything that can incriminate you later, i.e. do not talk about the alleged crime, but you may ask for a cup of water. Do not give up these rights.

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 6.
- **Updated by:** *Berghuis v. Thompkins*, 130 S.Ct. 2250 (2010)

Types of Violations

Infractions

These are minor offenses such as jaywalking, illegal parking, open containers of alcohol in public, being in certain parks after curfew, being a minor in possession of spray paint or large marking pens, etc. When an officer sees this kind of activity, he can ask to see ID. If you have ID and you do not have any outstanding warrants, the cop should just write you a ticket and be done with it. If you do not have ID on you, the cop HAS THE OPTION OF TAKING YOU TO THE STATION TO VERIFY YOUR IDENTITY OR SIMPLY WRITING YOU A TICKET AND LETTING YOU GO. This is up to the officer. You are not supposed to have to go to jail for infractions in and of themselves. You would not expect to be searched during this kind of stop unless the cop is looking for evidence of the crime; e.g., the officer smells marijuana.

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 7.

Misdemeanors

These are crimes punishable by up to a year in jail such as shoplifting, trespassing, resisting, delaying or interfering with an officer in the course of his/her duties. Expect that you will be searched, arrested and taken to jail until you are either arraigned, bailed out or released on your own recognizance. (O.R.ed) There are certain misdemeanors for which the officer has the discretion to write you a citation or to take you into custody. Remember, DO NOT TALK TO THE OFFICER ABOUT YOUR CASE and DO NOT DISCUSS IT WITH FOLKS YOU MEET IN JAIL. Sometimes people in jail can be used to get information about your case (informants).

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 7.

Felonies

These are major crimes punishable by a year or more in prison. Murder, rape, robbery, graffiti and many drug related crimes are considered to be felonies. Expect that you will be searched thoroughly and will be in custody at least until you are taken before a judge and allowed to enter a plea (this is arraignment).

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 7.

Know Your Rights

Answering Questions

Legally, when a person is arrested or detained by a police officer, he or she does not have to answer any questions to the officer other than to provide a name and address. You have the right to remain silent, but DO NOT lie to a cop. That is a crime.

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 8.

Police Search Powers

Police may detain someone if they have "reasonable suspicion" that specific facts connect that person to a specific crime or they believe the person is about to commit a crime. In this case, the cops can also pat someone down to feel for a weapon if there is specific reason to believe the person being detained is armed and dangerous. If they feel something that feels like a weapon, they can go into that person's clothing to look for it. Otherwise the cops can only search someone's pockets, backpack, or belongings if that person:

- Has been arrested for a specific crime;
- Has a search clause as a condition of probation, or
- Gives the police permission, which nobody is obliged to do.

Taken From: COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 8-9.

Note: If the police stop you for a traffic violation such as failing to stop at a red light, they cannot search your vehicle without specific facts to justify the search.

Police Seizure Powers

Police may not confiscate someone's belongings unless they are illegal or that person has been arrested for a crime. If possessions are confiscated, the California Penal Code entitles the owner to a receipt (1535) and a return of the possessions after the resolution of the case (1537). Any evidence obtained through the seizure may be suppressed from being used in court if the seizure was illegal (1538.5).

- **Taken From:** COPWATCH HANDBOOK: An Introduction to Citizen Monitoring of The Police, page 9.

Responding to an Officer

It is important in these cases that your response is loud enough for the video camera to pick up so it can be used as evidence.

1. The officer refuses to give you their name and badge number
 - **Reply:** California State Penal Code Section 830.10 states that all employed peace officers in the jurisdiction of the State of California must give proper identification by either their name or badge number to any California citizen inquiring.
 - **Reference:** 830.10. Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.
- **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual>
2. They question your right to observe
 - **Reply:** Our right to watch from a reasonable distance and record your activity as a public officer is protected under the U.S. Constitution under the citizen's right to "freedom of assembly".
- **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual>
3. "You're resisting arrest."

- **Reply:** No, we're not. No one here is using or threatening to use physical force against any officer here, nor are we creating any substantial risk of causing you physical injury.
 - **Reference:** 835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance.
 - **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual>
4. "This is an unlawful assembly."
- **Reply:** No, it's not. We are not starting a riot. We are not recklessly using physical force or violence or threatening to use force or violence.
 - **Reference:** 407. Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.
 - **Note:** According to CA Penal Code Section 726 and 727, officers must give a warning to "disperse" before actually arresting people who are "unlawfully assembled."
 - 726. Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county and his or her deputies, the officials governing the town or city, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the state, immediately to disperse.
 - **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual>
5. "You're committing disorderly conduct."
- **Reply:** No, we're not. We are not refusing any order to disperse. We are stepping away as you requested, we're not in your way, and we're not obstructing public safety. We are standing a safe distance away.
 - **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual> See also, Penal Code Sections 415,647
6. "You're obstructing a public thoroughfare (street, sidewalk, etc)."
- **Reply:** No, we're not. We are not willfully and maliciously obstructing the free movement of any person on any street, sidewalk, or other public place. We are not creating a public hazard or an inconvenience. We are performing a public service.
 - **Reference:** 647c. Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor. Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.
 - **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual> See also, LAMC 41.18
7. "You're interfering with a police officer."
- **Reply:** No, we're not. We are not obstructing, resisting, or delaying you. We are not threatening any officer's safety. All we are doing is legally observing you and recording your actions.
 - **Reference:** 148. (a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.
 - **Taken From:** COPWATCH L.A. website at: <http://www.copwatchla.org//index.cgi?content=trainingmanual>

In Case of Arrest

If you are arrested, the police must tell you why you are being arrested. You will want to get the badge number of the officer who is arresting you and remember- you have the right to remain silent. Don't talk about your case to anyone except your lawyer- there are lots of video cameras and informants in jail! The court must provide you with a lawyer if you can't afford one. You have the right to speak to a lawyer before arraignment. If you are arrested, you will be searched with or without your permission. As soon as possible, and in no case later than three hours after booking, you have the right to three phone calls: to a friend or relative, to a lawyer and to a bail bondsman.

You should memorize the phone number of a friend or relative and of a lawyer. If you do not want to memorize the phone numbers, then a good idea is to write the phone numbers on your arm.

If Someone Else is Arrested

To find out where they are being held, what the charges are and how much bail will cost call the following:

- Los Angeles County District Attorney: (213) 974-3512
- Los Angeles County Public Defender: (213) 974-2811; Spanish - (213) 974-2828
- Los Angeles Police Department: (877) 275-5273; Spanish - (213) 928-8222
- Los Angeles City Police Commission: (213) 847-2558
- Los Angeles County Sheriff's Department: (323) 526-5541
- Los Angeles County Office of Independent Review (LASD): (323) 890-5425

Contact Information

Email: stop30dayimpound@gmail.com

Voicemail: (213) 260-0553

- Currently, we are only able to receive voicemail. Please leave your name, phone number, and a brief message. Because of the volume of calls, we cannot guarantee that we will be able to call back.

(continue on back as needed)

Information Acquired During Checkpoint Monitoring (Continue on back as needed)

Date: _____ Location of checkpoint: _____

Where did you observe? _____

Names of monitors: _____

Phone # of monitors: _____

E-Mail of monitors: _____

Time you arrived: _____ Time you left: _____

Time checkpoint started (if known): _____ Time checkpoint ended (if known): _____

of uniformed officers at checkpoint: _____ # of marked police vehicles at checkpoint: _____

Average time driver was: stopped and questioned _____ pulled over to the side _____

For vehicles that were impounded, were motorists allowed to retrieve personal items from vehicle? Yes No Other

If other, please explain: _____

Were motorists allowed to have someone else drive the vehicle instead of it being impounded? Yes No Other

If other, please explain: _____

If allowed to have someone else drive vehicle, average time it took for the new driver to arrive: _____

If not allowed to have someone else drive vehicle, average time the driver waited for transportation: _____

What was the formula used by the police to stop and question motorists (ex: every 5th driver) during:

No traffic _____ Medium traffic _____ Heavy traffic _____

Was there proper lighting around the checkpoint area? Yes No Other

If other, please explain: _____

Were there warning signs of the checkpoint prior to the checkpoint area? Yes No Unknown

Were motorists allowed to take an alternate route instead of going through the checkpoint? Yes No Unknown

In your opinion, was the checkpoint conducted in a safe manner? Yes No Other

If other, please explain: _____

(continue on back as needed)

Checkpoint Observation Tally Sheet

	Through checkpoint only	Stopped & questioned, but not pulled over to the side	Pulled over to the side, but allowed to drive away	Impounded, but not arrested	Impounded and arrested	Arrested, but not impounded (someone else drove vehicle)	Total
Asian							
Black							
Hispanic							
White							
Other or Unknown							
Total							

Comments or suggestions: _____

_____ (continue on back as needed)