

# SAVANNAH COP WATCH



**Know Your Rights!**

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**A basic guide to citizen's rights in Georgia**

## TABLE OF CONTENTS

- 1- Table of contents...
- 2- In Case Of Right's Violations
- 3- Police Confrontation
- 4- Police Confrontation in a Vehicle
- 5- Drug Checkpoints (It's A Trap!)
- 6- Being Arrested: The Miranda Rights
- 7, 8- Search Warrants
- 9, 10- Recording the Police

This information is compiled primarily for the use of U.S. citizens within the legal boundaries of Savannah, Georgia. Another booklet will be made for the right's of non-citizens, but be aware that some of the rights may not apply.

**HELP WANTED:**

If you are bilingual and would like to help us with translations please contact us on the Facebook at  
FB/SavannahCopWatch

If we have offended you somehow, please stop being a cop or a cop apologist. No 'good' police officer is against police accountability or citizen's rights. Direct all complaints to the Man in the Mirror. If you want to make the world a better place, take a look at yourself and make that change.

If cops are abusing your rights or some around you, record it. Open conflict with the police is extremely dangerous and should be avoided at all costs other than the most dire concern for safety.

Report all rights violations (and send video) to:

**[www.facebook.com/SavannahCopWatch](http://www.facebook.com/SavannahCopWatch)**

**[www.copwatch.org](http://www.copwatch.org)**

**[www.acluga.org](http://www.acluga.org)**

And your local precinct's Internal Affairs department\*

\*BEWARE: Savannah citizens have reportedly been arrested by hostile police officers during attempted reports to IA. If contact with Internal Affairs is made it should be made over the phone. Try to have as many witnesses call as possible:

Office of Professional Standards  
[Internal Affairs, SCMPD]  
(912) 691-6237

## Police Confrontation

While there is a person underneath that uniform, that uniform compels them to use anything you say or do as evidence of guilt. Whether they suspect you of a crime, are probing or 'fishing' for "reasonable suspicion", or seem to just be initiating friendly conversation- DO NOT ENGAGE IN OPEN DIALOGUE. As long as a police officer has on his uniform (and sometimes even when they don't), they are not your friend; they are strictly instruments of the criminal justice system and are all but guaranteed to at some point arrest someone for a thing they wouldn't be bothered by if they weren't in that position. Some are also actively enforcing a crime-based racket for profit. This is advice for a situation on the streets which is not an arrest. Unless the officer is arresting or detaining you, you have the right to state that you do not want to talk to them and then walk away.

- Do NOT run.
- You may ask "Am I being detained?". If the answer is "No", you may walk away.
- You are NOT obligated to answer any questions, other than your identity.
- Do not lie. This can potentially make things extremely difficult for you.
- You are NOT obligated to provide an identity card or any papers, unless you are driving or 'reasonably suspected' of a crime.
- The police do not have a right to search you without consent or reasonable cause, with the exception of a weapons search. Sometimes police will ask for consent to a search in a way that seems like a command. If you are not being detained, you should always verbally decline any search.
- The police can pat down the outside of your clothing for *weapons only* if they have "reasonable suspicion" that you might be armed and dangerous. If they search any more than this, say clearly, "I do not consent to a search." If they keep searching anyway, do not physically resist them. This constitutes as an illegal search and should be recognized as such in a court of law.
- The officer may try to trick you into consenting a search. This has been known to happen by police making a 'request' in the tone of common. You may ask directly "Is that a request or command?". If they say it is a command, they must be able to provide probable cause.
- An officer may also try to trick you into consenting a search, waiving, or otherwise disregarding your rights by implying to 'take it easy' on you in exchange for your compliance- sometimes even through implied (and in some extreme situations, direct) threats of punishment that are either empty or illegal.

## In a Vehicle

Flashing blue lights are almost never a welcome sight. The following is advice and rights for when you are in a vehicle and have been stopped by the police. Remember: **DO NOT ATTEMPT ESCAPE**. This is especially true in a vehicle, as your odds for escape are slim, and the chance of you hurting someone are high. Instead, please pull over and...

- Keep your hands where the police can see them.
- If you're being pulled over for a violation, are entering a security checkpoint, or are suspected of a crime you're legally required to show your drivers license, registration, and proof of insurance if requested/demanded.
- Officers may request/demand that you step outside of the car, and you must oblige. However you still retain all your rights as if on foot.
- Police may separate passengers and drivers from each other to question them and compare their answers, but **no one has to answer any questions**. If you feel comfortable with it, you may politely tell them where you're going if asked, but that is at your own risk and discretion.
- The police cannot search your car without consent unless they have "probable cause" (i.e. 'reasonable suspicion') that criminal activity is likely taking place, that you have been involved in a crime, or that you have evidence of a crime in your car.
- If you do not want your car searched, clearly state that you do not consent.
- **The officer cannot use your refusal to give consent as a basis for doing a search.**



## Drug Checkpoints (It's A Trap!)

[www.flexyourrights.org](http://www.flexyourrights.org)

The Supreme Court has ruled that random checkpoints for the purpose of finding illegal drugs are unconstitutional (*City of Indianapolis v. Edmond*, 531 U.S. 32 [2000]). However, police sometimes put up signs warning drivers of up-coming drug checkpoints and instead pull over people who make illegal u-turns or discard contraband out the window. If you see a sign saying "Drug Checkpoint Ahead", just keep driving and don't panic. If there's a rest area following the sign, DO NOT pull into it. If you do, you'll find yourself surrounded by drug-sniffing dogs.

Police departments, especially in the Mid-west, have been pushing their luck with this tactic, so if you encounter anything resembling an actual drug checkpoint, please contact that state's ACLU Chapter. Similarly, if you're arrested as a result of a real or fake "drug checkpoint", you must contact an attorney to explore your legal options.

ACLU Georgia  
(770)303-9966  
[acluga.org](http://acluga.org)



## **Being Arrested: The Miranda Rights**

Hopefully it has not come to this, but in the event that you are arrested it is extremely important that you know and use your rights. It is a myth that officers are required to read you your Miranda Rights during the time of arrest- it is only required that you are informed of these rights *prior to interrogation*. Even then, the issue has been complicated some...

The Miranda Rights were established in 1966. The Supreme Court did not specify the exact wording to use when informing a suspect of his/her rights. However, the Court did create a set of guidelines that must be followed. The ruling states:

*"...The person in custody must, prior to interrogation, be clearly informed that he/she has the right to remain silent, and that anything the person says will be used against that person in court; the person must be clearly informed that he/she has the right to consult with an attorney and to have that attorney present during questioning, and that, if he/she is indigent, an attorney will be provided at no cost to represent him/her."*

On June 1, 2010, the United States Supreme Court declared that criminal defendants who have acknowledged the Miranda rights (and have not already intentionally waived them), must explicitly state during or before an interrogation that they wish to be silent and not speak to police for that protection against self-incrimination to apply. If they speak to police about the incident in question before invoking the Miranda right to remain silent, or afterwards at any point during the interrogation or detention, the words they speak may be used against them if they have not stated they do not want to speak to police.

Once again, this means **don't speak to police without an attorney**.

## **SEARCHES AND WARRANTS**

(Advice from the ACLU)

**Q:** Can law enforcement officers search my home or office?

**A:** Law enforcement officers can search your home only if they have a warrant or your consent. In your absence, the police can search your home based on the consent of your roommate or a guest if the police reasonably believe that person has the authority to consent. Law enforcement officers can search your office only if they have a warrant or the consent of the employer. If your employer consents to a search of your office, law enforcement officers can search your workspace whether you consent or not.

**Q:** What are warrants and what should I make sure they say?

**A:** A warrant is a piece of paper signed by a judge giving law enforcement officers permission to enter a home or other building to do a search or make an arrest. A search warrant allows law enforcement officers to enter the place described in the warrant to look for and take items identified in the warrant. An arrest warrant allows law enforcement officers to take you into custody. An arrest warrant alone does not give law enforcement officers the right to search your home (but they can look in places where you might be hiding and they can take evidence that is in plain sight), and a search warrant alone does not give them the right to arrest you (but they can arrest you if they find enough evidence to justify an arrest). A warrant must contain the judge's name, your name and address, the date, place to be searched, a description of any items being searched for, and the name of the agency that is conducting the search or arrest. An arrest warrant that does not have your name on it may still be validly used for your arrest if it describes you with enough detail to identify you, and a search warrant that does not have your name on it may still be valid if it gives the correct address and description of the place the officers will be searching. However, the fact that a piece of paper says "warrant" on it does not always mean that it is an arrest or search warrant. A warrant of deportation/removal, for example, is a kind of administrative warrant and does not grant the same authority to enter a home or other building to do a search or make an arrest.

**Q:** What should I do if officers come to my house?

**A:** If law enforcement officers knock on your door, instead of opening the door, ask through the door if they have a warrant. If the answer is no, do not let them into your home and do not answer any questions or say anything other than "I do not want to talk to you." If the officers say that they do have a warrant, ask the officers to slip it under the door (or show it to you through a peephole, a window in your door, or a door that is open only enough to see the warrant). If you feel you must open the door, then step outside, close the door behind you and ask to see the warrant. Make sure the search warrant contains everything noted above, and tell the officers if they are at the wrong address or if you see some other mistake in the warrant. (And remember that an immigration "warrant of removal/deportation" does not give the officer the authority to enter your home.) If you tell the officers that the warrant is not complete or not accurate, you should say you do not consent to the search, but you should not interfere if the officers decide to do the search even after you have told them they are mistaken. Call your lawyer as soon as possible. Ask if you are allowed to watch the search; if you are allowed to, you should. Take notes, including names, badge numbers, which agency each officer is from, where they searched and what they took. If others are present, have them act as witnesses to watch carefully what is happening.



**Q:** Do I have to answer questions if law enforcement officers have a search or arrest warrant?

**A:** No. Neither a search nor arrest warrant means you have to answer questions.

**Q:** What if law enforcement officers do not have a search warrant?

**A:** You do not have to let law enforcement officers search your home, and you do not have to answer their questions. Law enforcement officers cannot get a warrant based on your refusal, nor can they punish you for refusing to give consent.

**Q:** What if law enforcement officers tell me they will come back with a search warrant if I do not let them in?

**A:** You can still tell them that you do not consent to the search and that they need to get a warrant. The officers may or may not succeed in getting a warrant if they follow through and ask the court for one, but once you give your consent, they do not need to try to get the court's permission to do the search.

**Q:** What if law enforcement officers do not have a search warrant, but they insist on searching my home even after I object?

**A:** You should not interfere with the search in any way because you could get arrested. But you should say clearly that you have not given your consent and that the search is against your wishes. If someone is there with you, ask him or her to witness that you are not giving permission for the search. Call your lawyer as soon as possible. Take note of the names and badge numbers of the searching officers.



## **Recording The Police**

The strongest defense we have against a corrupt police force is the ability to record them. Recently the mainstream media has been provided with an onslaught of footage showing the police abusing their power or being otherwise dangerously irresponsible- not just in the U.S., but all over the world. This is by no means a new trend among the 'boys in blue'. Instead, this age of cell phone cameras, youtube, and social networking is finally giving civilians the power to hold police accountable for their actions. The process is slow, but the door has finally been opened for us work towards putting police in their place: As servants to the people. Some institutions have been fighting this development in favor of absolute power and control in the hands of police, even going as far as attempting to ban the recording of police (so far unsuccessful anywhere in the U.S.). Here in Georgia however, the laws are not especially restrictive. In fact, the Savannah police are currently experimenting with bodycam technology that could potentially bring police accountability to an all-time high. However, this is not a permanent solution. In other places we have already seen bodycams 'malfunction' at key points of interests. It is still on us as the Savannah community to raise and maintain the bar for police accountability by recording their actions whenever we see them interacting with (or neglecting) civilians. Here is the list of related Georgia Statutes as compiled by the Reporters Committee for Freedom of the Press:

### **Summary of Statutes:**

An individual may record or show the contents of a wire, oral or electronic communication if he or she is a party to the communication or has received prior consent from one of the parties. The state prohibits the use of cameras to observe private activities without the consent of all parties involved, and also prohibits disclosure of the contents of illegally obtained recordings. However, Georgia carves out an exception, allowing the parents of minor children to intercept private telephonic and electronic communications without consent.

### **In-person conversations:**

An individual can record oral conversations where either the person is a party to the conversation or at least one of the participants has consented to the recording. Ga. Code Ann. § 16-11-66(a). The Georgia Court of Appeals, however, interpreted the statute to require the consent of all parties with respect to video recording in private circumstances. See *Gavin v. State*, 664 S.E.2d 797 (Ga. Ct. App. 2008). State law also prohibits trespassing on private property to eavesdrop or secretly observe activities of another. Ga. Code Ann. § 16-11-62(3).

### **Electronic communications:**

Similarly, a person who is either a participant in a telephone or other electronic communication, or with consent from one of the participants, is allowed to record or intercept any such communication. Ga. Code Ann. § 16-11-66(a). The state's wiretapping and eavesdropping statutes specifically allow for the secret recording or listening to telephone conversations of minor children without consent for the purpose of ensuring their welfare. Ga. Code Ann. § 16-11-66(d).

**Hidden cameras:**

The state prohibits the use of a camera “without the consent of all persons observed, to observe, photograph, or record the activities of another which occur in any private place and out of public view.” Ga. Code Ann. § 16-11-62(2).

**Criminal penalties:**

Violation of any provisions of the wiretapping statute carries a penalty of imprisonment between one and five years or a fine of up to \$10,000. Ga. Code Ann. § 16-11-69.

**Disclosing recordings:**

It is illegal for any person to divulge or distribute to any person the content or substance of any private message, photograph or communication without the consent of all parties involved. Ga. Code Ann. § 16-11-62(6). However, Georgia specifically allows the parents of minor children to disclose the contents of secretly intercepted telephone conversations or any electronic communication to a district attorney or law enforcement officer if the parent has a good faith belief that the communication is evidence of criminal conduct involving the child as a victim. Ga. Code Ann. § 16-11-66(d).

For more info, go to [www.rcfp.org](http://www.rcfp.org)



*Tragically, civilian recording of authority has become a necessary defense tactic around the world. This cartoon from Jamaican newspaper "The Gleaner" was illustrated after footage was caught of police being physically abusive to a citizen in 2009.*

# SAVANNAH CITIZENS!

## KNOW YOUR RIGHTS!

Tips to remember when dealing with police:

### 1. RECORD YOUR INTERACTION.

Cameras are your best defense against the police. If they know they are being recorded, they will be less tempted to violate your rights.



### 2. DO NOT TALK TO THE POLICE OR ANSWER QUESTIONS.

You are never required to talk to police. Anything you say to an officer can only be used to hurt you, never help you.



### 3. ASK "AM I BEING DETAINED?" IF YOU ARE NOT, LEAVE.

If you are not being detained, just walk away.



### 4. NEVER CONSENT TO SEARCHES.

An officer is never allowed to search you, or your property, without your consent unless he has a warrant or a "reasonable suspicion" of a crime. Even if the officer searches you, always be sure to make them aware you do not consent to the search.



### 5. BE POLITE, BUT FIRM.

These are your public servants. They are paid with your money to protect you. If you feel intimidated by the police, they are not doing their job correctly. But be polite, as police can often act irrationally if offended.



Disclaimer:

The information in this document is subject to change and does not constitute as legal counsel. In the event of any legal incident, ALWAYS seek legal counsel from an attorney.

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