

## LEGAL OBSERVERS AND SUPPORT GUIDE

### Definition of Legal Observer

A legal observer watches and records the actions of the police at demonstrations. Observers are important because they may deter police brutality and because they collect information that may be helpful in later court proceedings. In addition, legal observers can assist activists who are arrested unexpectedly or who need medical attention, by alerting the appropriate support teams associated with the demonstration.

The role of a legal observer differs in important ways from that of a peace monitor or spokesperson. Legal observers should not become involved in crowd control, conflict resolution, or speaking for the demonstrators. Police officers are always looking for leaders with whom to negotiate and the media are always looking for activists whom they can interview. Explain to them clearly that you are present as an observer, not as a spokesperson.

### Types of Demonstration

Make sure you understand the nature of the demonstration you're observing. Is it an authorized march or rally, for which a permit was granted? Is it a spontaneous march or gathering? Is it an organized "nonviolent direct action" (civil disobedience)? Some demonstrations are planned as a hybrid of these. For example, groups may split off from a legal march to engage in nonviolent direct action, while the rest of the demonstrators watch or move on. Knowing which kind of demonstration you're observing will help you position yourself safely and advantageously.

### Action Guidelines

To reduce the possibility that you may be arrested yourself, and to enhance your safety and credibility if you are arrested, the following guidelines have been established.

- We will use no violence, verbal or physical, toward anyone.
- We will not damage or destroy property.
- We will neither use nor carry drugs or alcohol, other than prescription medication.
- We will carry no weapons.

### Working Together

Legal observers work in pairs, to corroborate each other's testimony and to help keep each other safe. Normally, one person takes photographs or videotape, while the other makes written notes. The person using the camera should be guided and protected by his/her partner, who will be more alert to what's going on in the periphery.

### Preparation

**Familiarize yourself with the general area in which you are going to be observing. Learn the street names and orient yourself so that you know which way is north, south, etc. Figure out where to find pay phones, bathrooms, food, batteries and**

**film (some businesses may close during demonstrations, while others may offer go out of their way to offer sanctuary).**

**Know how to recognize people from the communications team, the legal team, and the medical team. Make sure that you have the phone numbers for each of these groups. Find out exactly where the medical stations will be set up, and figure out in advance how to direct people to them. Know where the local police stations and jails are, and inquire about temporary holding facilities (such as a stadium, armory or gym — sometimes used during mass arrests).**

Review the Police Misconduct Report form. Make sure you are familiar with all the types of information you should be collecting. Practice with your partner so that you become comfortable with logging the video or photographic data onto the Legal Observer Notes form. In addition, review the appendix on typical charges and defenses, so that you know what will help prove that people have been unlawfully arrested.

Improve your ability to estimate distance by marking off increments (ten feet, fifteen feet, twenty feet, thirty feet, etc.) outside on the pavement, and fixing them in your memory. Figure out the standard width of the streets and the sidewalks in the vicinity in which you'll be observing.

## Equipment

One member of your pair will need an easy-to-read wristwatch, several pens, and a clipboard. On the clipboard, keep at least thirty copies of the "Legal Observer Notes" form. Keep handy at least five copies of the "Police Misconduct Report" (on which you will be consolidating the data from your field notes). The other member of your pair will need a camera, still or video. Disposable cameras are fine, too. Get far more film or tape than you think you'll need. (You can return what you don't use if you keep the receipt.) You should have a cellular phone, radio or pager with you. Otherwise, it will be impossible for the Legal Observer Coordinator to direct you to the places where you're most needed. If you don't own a cell phone or radio, borrow one. Make sure the Legal Observer Coordinator has your number(s).

Binoculars or a small telescope may be helpful, as well. Take notes about when you use such aids, so that your report remains credible; otherwise you might appear to be claiming that you spotted an officer's badge number from 50 feet away.

It's also extremely helpful to have a tape-recorder. You can dictate notes faster than you can write them. You may also be in a position to record statements made by the police. While it is illegal to tape-record people without their knowledge, you do not need to announce that you are doing so — it's enough to have the tape recorder in plain view.

You must bring extra batteries for your cameras, tape player and cell phone.

Bring several sizes of zip-lock plastic bags, as well as stickers for labeling the bags, so that you can collect potential evidence; and keep clean tissue or disposable gloves with you, for handling the items you're collecting.

Chalk is useful for marking your position on the sidewalk or street, so that you can come back and measure your distance from the incident you were observing. Bring a long measuring tape so that you don't have to estimate.

## Safeguarding Materials

The Legal Observer Coordinator will arrange to have runners who will periodically pick up your notes, film cartridges and cassettes. That way, if you are arrested, you won't lose all your work. As an additional measure, you should bring large, stamped envelopes with you (padded ones, for tapes or disks), and every time you've accumulated a reasonable amount of material you can drop it in the nearest mailbox.

## Clothing

Wear standardized clothing that identifies you as a legal observer. There should be a t-shirt, armband, hat or badge labeled "legal observer." (The National Lawyers Guild, for example, uses florescent green baseball caps.) Check with the Legal Observer Coordinator for your event.

Your credibility will be increased and you'll be less likely to be arrested if you dress conservatively. Check out the mainstream journalists — they generally have comfortable, inconspicuous attire.

Bring extra clothing in a sealed plastic bag: you may need to replace items that have been contaminated by tear gas or pepper spray (see section on chemical weapons). Protect your feet by wearing broken-in shoes and thick socks. Wear an appropriate hat for protection against cold or sun. Bring sunglasses. Do not wear ties, scarves or jewelry (especially piercings) which could be grabbed or snagged.

## Supplies

Bring money for food, transportation and phone calls. Make sure you have adequate food and water — bring more water than you expect to drink, because you may need it for cleansing wounds or rinsing off tear gas or pepper spray. Keep the water in a squirt bottle. You should also have sunscreen and a personal first aid kit. If you use prescription medication, bring it in the original container, with the pharmacy's label on it. Make sure to bring your medication with you if you have asthma or other respiratory problems, to help protect yourself against chemical weapons.

## Chemical Weapons

There has been considerable increase in the use of tear gas and pepper spray against protesters. Do not wear contact lenses! Chemical weapons absorbed by or trapped under contact lenses may cause eye damage.

Some people bring gas masks to demonstrations, although these attract police attention. If you choose to bring a gas mask, get an M17A1 or the equivalent, with shatter resistant lenses and replaceable, non-asbestos filters. Alternatives to gas masks are a combination of (1) swim goggles (available with prescription lenses) and (2) a respirator with a filter (sold at hardware stores, for use with hazardous gas or paint stripper). Another covering for the mouth and nose is a bandanna soaked in vinegar (bring it in a heavy-duty plastic zip-lock bag).

Keep your skin free of Vaseline, mineral oil, skin moisturizers and make-up. Use an oil-free sun-screen. Chemical weapons bind with oily substances and become harder to remove.

You'll get better protection against chemical weapons from synthetic, water-resistant clothing (like wind-breakers and running pants), especially clothing which is snug around the neck, wrists and ankles. Once clothing has been contaminated with chemical weapons, it should be removed. Bring a change of clothing in a sealed plastic bag.

## "Non-Lethal" Projectiles

In recent large demonstrations, law enforcement agencies have fired a variety of "non-lethal" projectiles, including rubber bullets (generally spherical, ranging from pea-sized to marble-sized), wooden bullets

(one-inch dowels, about one-and-a-half inches long) and beanbags (three-inch by four-inch net bags, filled with plastic shavings).

The projectiles cause deep bruises and can break bones, but the most serious risk is to your eyes. For protection, bring the type of plastic visor or shield used by carpenters (available at hardware stores). These visors are important to use over glasses or swim goggles, both of which can shatter.

## Effective Camera Work

**Camera and Battery Care:** Turning your video camera off and removing the battery will keep your batteries going a lot longer than having the camera on standby or turned off with the battery still attached. Carry lens paper and clean your lens frequently.

**Date/Time Stamping:** Make sure to keep your video camera's date/time stamping function on at all times. Before you begin recording, check to make sure that the date and time are correct. If you are using audiotape or a video camera without date/time stamping, narrate the information at the beginning and end of logical segments: "It's now 9:30 a.m. on Monday, August 14, 2000...it's now 9:45 a.m. on Monday, August 14, 2000."

**Lead Time:** Allow one minute to run at the beginning of a new tape before you start recording. The tape at the very beginning and end of your cassette will have more imperfections, more sound and color irregularities. If you are near the end of your tape, and you like what you are recording, insert a new tape.

**Frame and Establish:** When you begin shooting each event, make sure to include street signs, building addresses and other landmarks, to prove your location. Take some shots of your partner, to show just where you were standing. Take shots of landmarks and pan from them, or zoom in, to the action. In addition to zooming in for details such as an officer's badge number, narrate the information onto audio as insurance. Videographers should also take a good, long shot - ten seconds or more - for each important scene. Being mobile is important, but you may want to make friends with a neighbor or store owner whose second-story window is a terrific vantage point.

**Discretion And Courtesy:** There are some things you simply should not tape. Be clear about which actions and situations are meant for the record and which might better be left undocumented. Announce to everyone that you have a camera and would like to start taping. When in doubt, ask. Don't take it personally if people are suspicious or hostile.

**Audio:** Even in the absence of a decent shot, the audio portion of your video tape may provide the very evidence needed to win a case. Don't stop your video camera just because you can't see well enough.

**Labeling:** Label your tape cassettes or film cartridges while you're in the field. Include the names of both legal observers, indicating who was the camera person. Include the date, times and locations. Number each tape or cartridge consecutively.

(This section is excerpted and edited from an article by Whispered Media. Contact them at <http://www.videoactivism.org>. They also provide workshops on video-taping demonstrations! Also visit i-Contact's Video Camera Tips at <http://www.videonetwork.org>.)

## Legal Observer Checklist

- Detailed description of police misconduct incidents (verbal abuse, wrongful arrest, excessive force) including the exact date, time and location. Note failure to warn, refusal to allow dispersal, etc.
- Nickname and affinity group of the victim(s).

- Other witnesses' names, addresses, emails and phone numbers.
- Names and contact information for any journalists, videographers or photographers.
- Number of officers and law enforcement vehicles.
- Commanding officer's name, rank and badge number (make a note if officers refuse to supply this information).
- Name, rank, badge number, description and agency of each officer present (make a note if officers refuse to supply this information).
- License plate and ID number of police vehicles.
- License numbers of private cars moving through the demonstration.
- Police equipment and weapons: body armor, shields, batons, tear gas, pepper spray, tazers, rubber bullets, wooden bullets, bean bags, stingers, tazers, etc.
- Which police weapons were used and how: protesters drenched with pepper spray; tear gas canisters fired at persons (rather than onto the street); horses or vehicles run into people, etc.
- Routes taken by demonstrators and police.
- Statements made by police (particularly commanding officers) and civil officials. Whether orders or warnings were audible and/or intelligible.

## **How to do Group Legal Support for People Who May Risk Arrest**

For actions and demonstrations the role of support in a civil disobedience action is crucial to those risking arrest. Support people accept the responsibility of being contacts to the outside once a member of the affinity group is arrested. During and after a mass action support members need to stay in touch with support people from other affinity groups, for information sharing and emotional support.

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 during legal actions, and to prepare for the contingency of unexpected arrests.

Ideally a Group Legal Support team is at least 3 persons, two on-site at the action, and one person not at the action at all. Check-in with each person in your group at least every night – is everyone home for the night? Keep up w/ changing intentions around arrest risk and jail solidarity. Off-site support is encourage to check in daily on how things are going.

### **Before Any Action Begins**

- Make sure that each person in your group has completed and given to you their support information form. (see Support form for detailed information including full

name, jail name, emergency contact, special needs ie: medical, and plans for jail solidarity, etc.)

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- Keep all of the forms and any ID, passports, keys, bail \$\$, medicines in one safest possible place.
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- Communicate with the Action Legal Team: your role; who your are supporting; how to contact you; how to contact your back-ups, both on-site and off-site; what to do if you and your back-up end up arrested or unable to provide legal support.
- Communicate all critical information to off-site support: a summary of the individual support forms, the one safest place with forms, ID, bail \$\$, and medicines; who your contact is on the Action Legal Team.
- Arrange ahead of time, *and let ALL of your affinity group members know*, a local number that accepts collect calls from jail where you can be reached, or that you will be checking regularly and frequently.
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- Know where arrestees are likely to be taken and have transportation to get there.
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- Know the phone numbers and contact people for legal, medics, media, and action support.
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- Set-up email lists to friend and family in case political pressure is needed as well as contact information for decision-makers.

#### During the Action

- ***DON'T GET ARRESTED.*** – Pay attention to what is happening, stay separate from the group etc.
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- Make sure legal and other contact numbers are written discreetly on your body. It's amazing how easy it is to forget!
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- Once arrests begin, write down each individual's name, and the time, place and nature of the arrest (get name badge number and police force. Note whether there was any police misconduct (brutality, inappropriate words), circumstances and witnessed
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- Remember to take care of yourself as well as others.
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- Just before meet and recheck plans and needs with group
- Bring extra food and water
- Have pens and paper to take legal observation notes, if possible, bring a camera or video camera.
- Get info, money, keys and other things from people who may not have planned on being arrested
- Keep in touch with arrestees as long as possible, noting any changes in arrest strategies, etc.
- At least one support person should stay at place of arrest until all members of your group are arrested, and at least one should go to where those arrested are being taken.
- Once all have been arrested or are out of risk, call legal and give information.

### After Arrests Occur

- Go to processing facilities and attempt to find out if your people are all there and what the charges are
- Contact Action Legal Team with individual information needed in jail: who is giving names, who isn't, who has requested administrative separation, any list of demands. Provide ID, bail \$\$, and medicine as needed.
- Be visible to police so they know the arrestees are not alone.
- Make calls you have been asked to make in the case of arrest.
- Contact the off-site support person with all information.
- Follow individual instructions regarding contacting home.
- Continue to facilitate the flow of information between the legal system, unarrested affinity group members, and family and friends at home. Make sure to have someone near the agreed upon phone at all times, so that all calls from jail can be received. Remind people calling that phones may be tapped (the jail's and/or yours).
- Being kind to yourself. Remind yourself that the experience of providing jail support can be harder in some ways, and lonelier, than being in jail. Support other support people -- working together will ease the load.
- Organize political pressure: e-mails, faxes, and phone calls to decision-makers; vigils, marches, singing, drumming, and chanting outside where they are being held.
- Be available until everyone in your affinity group is out of jail. Be there with hugs, cheers, food, drink, and an open, listening heart when they step out of jail. If you must leave make sure the legal office has all the relevant information.
- Coordinate rides for those released, this may mean collecting bus money etc.

### **Support at the Courthouse:**

Be present during court appearances, and try to keep track of the following information for each person your affinity group. During a mass action, call this information into the office.

- Name of defendant; Jane/John Doe number, if no name.
- Charge(s).
- Plea: Demurrer, Not Guilty, Guilty, No Contest, "Creative Plea."
- If guilty or no contest, sentence imposed.
- If demurrer or not guilty:
- Amount of bail, if applicable.
- Whether bail is paid or not.
- Date, time and place of next court appearance.
- Name of judge or magistrate.
- Name of defense lawyer.
- Name of prosecutor.
- Any other information that seems relevant.

### Once people start getting out of jail:

- Copy (and keep track of) everyone's paperwork from the cops (arrest reports, etc.), jail (booking info, property reports) and court (hearing dates, info on charges, etc.).
- Remind people about their upcoming court dates by calling, mailing and emailing them.
- Have extra Police Misconduct Report forms (Police Misconduct Reports destroy the credibility of the police and thus help people's criminal defense. They also lay the

groundwork for suing the cops. Get your misconduct reports to the legal team (sometimes they need to be hand delivered)

- Organize a debrief with each person to gather information useful for lawsuits and the next action: who was arrested, what were the circumstances, what were the charges, what were the experiences in jail. Make a record. Communicate this information with the legal team.

## Legal System Flowchart

<b>STEPS</b>	<b>DESCRIPTION OF WHAT HAPPENS</b>	<b>CHOICES</b>
Warning or Command	Officer may give warning to or leave or command to stop doing something.	- Stay or leave -Don't do or stop doing actions.
Arrest	Officer physically grabs you, takes you to police wagon or squad car. May say you are under arrest. Pat search, sometimes handcuffs. Taken to holding area.	- Walk - Go limp - Flee (if left unguarded)
Processing and Booking	Police question arrestees concerning information for arrest reports (name/address/occupation/social security number/ financial); may try to get additional information for intelligence. Possible photographing/fingerprinting/property and clothes may be taken.	-Decide what, if any, information to give police; e.g. false, correct or no name. - Refuse to post bond - Demand no cash bonds or equal bonds for all (bail & jail solidarity)
Charging	Prosecutor decides what charges to pursue	
First Court Date	Appear in court alone, or most likely with other arrestees Attempt to dispose of case by plea or trial, or continue case for bench or jury trial or plea negotiations later. Prosecutor not always ready for trial.	-Lawyers or Pro Se - Plea - Bench Trial - Demand jury trial in future
Trial	Trials can vary from: - a few minute bench trial with or without a lawyer - to a full jury trial with expert witnesses lasting a week or more, - or any place in. between.	- Defense based on noncommission of acts and/or necessity of actions - Small or large resources of time and money
Verdict	judge or jury decides - Acquittal (not guilty) - Guilty	
Sentencing	Hearing on appropriate sentence	Can testify why actions were justified, necessary, etc., and your background. Sentencing statement is powerful opportunity to bring out political and moral issues, show non-recalcitrance. Remain silent



AG Legal Support Form

Support Information

**Confidential – Lawyer/Client Privileged**

Name: \_\_\_\_\_ Nickname: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Other Phones: \_\_\_\_\_

Local Address: \_\_\_\_\_

Social Security #: \_\_\_\_\_

**Emergency Contact:** (name, phone, and relationship) - only in emergency or notify of your arrest?

**Medical Information:** please identify any medical condition for which you need regular medication, any severe allergies, known pregnancy or any other condition for which you may need immediate medical attention.

**Doctor/medical contact:**

**Any priors you are concerned about?** (including traffic warrants)

**General Support:**

Who do we need to call at home or work?

Do you have children or pets that need attention?

Other:

**AG NAME:** \_\_\_\_\_

Name: \_\_\_\_\_

Nickname: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security #:-

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Other Phones: \_\_\_\_\_

**Emergency Contact:** (name, phone, and relationship)

**Medical Information:** please identify any medical condition for which you need regular medication or attention. Doctor/medical contact:

**General Support:** Who do we need to call at home or work? What else do we need to take care of? Do you have particular vulnerability?

Name: \_\_\_\_\_

Nickname: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security #:-

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Other Phones: \_\_\_\_\_

**Emergency Contact:** (name, phone, and relationship)

**Medical Information:** please identify any medical condition for which you need regular medication or attention. Doctor/medical contact:

**General Support:** Who do we need to call at home or work? What else do we need to take care of? Do you have particular vulnerability?

Name: \_\_\_\_\_  
Nickname: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Social Security #-

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Other Phones: \_\_\_\_\_

**Emergency Contact:** (name, phone, and relationship)

**Medical Information:** please identify any medical condition for which you need regular medication or attention. Doctor/medical contact:

**General Support:** Who do we need to call at home or work? What else do we need to take care of? Do you have particular vulnerability?

## How to Do Legal Support for Small(er) Actions

### Support Person

As the fight against corporate domination becomes more effective, the system becomes more aggressive in clamping down on resistance, A legal support person helps coordinate support for those arrested in his/her affinity groups or communities. Although this handout is written with affinity groups in mind, it can also be applied to individuals who want to support their friends if they are arrested.

**There are a lot of roles the legal support person can fill. Below are some examples.**

**Don't feel like you're disqualified if you can't do them all. Just let your affinity group know your limits so they can plan ahead and maybe someone else can help be the legal support person with you.**

#### Before the action:

- Arrange ahead of time, *and let ALL of your affinity group members know*, a local number that accepts collect calls from jail where you can be reached, or that you will be checking regularly and frequently.
- Know as much of people's info as they're comfortable giving - real full name, arrest history (not just
- activism related), outstanding warrants, responsibilities they need covered if arrested, emergency contacts.
- Know people's medical info: allergies, trick knees, prescription meds, and their doctor's name and phone #.
- Have access to people's IDs, bail money (or sources of bail money - friends, parents, etc.).

#### During the action:

- **DON'T GET ARRESTED.**
- Remind people calling that phones may be tapped (the jail's and/or yours).
- Get (and keep track of) arrested people's booking and arrest numbers and upcoming court dates.

- ..... If and when you hear from your friends in jail, contact the rest of your affinity group and others the arrested folks want informed of the situation. Update those people regularly, even if nothing's changed.
- ..... Parents should be able to at least leave messages with the legal support person and be called back.
- ..... Be able to arrange travel home for your arrested friends. This can mean arranging something with a friend with a car, collecting bus money...
- ..... Be available until everyone in your affinity group is out of jail.
- ..... Be able to get messages from the outside world to your arrested friends. This is a HUGE morale booster.
- ..... Start a call-in or write-in campaign. Call the mayor, the police chief, and other government pawns, or write 'a letter to the editor denouncing police harassment, misconduct, unlawful arrests, and/or the oppress and silence people.

### **Once people start getting out of jail:**

- ..... Copy (and keep track of) everyone's paperwork from the cops (arrest reports, etc.), jail (booking info, property reports) and court (hearing dates, info on charges, etc.).
- ..... Remind people about their upcoming court dates by calling, mailing and emailing them.
- ..... Have extra Police Misconduct Report forms (available at [www.midnightspecial.net/materials/PMR.html](http://www.midnightspecial.net/materials/PMR.html)) for your affinity group members to fill out at the action, or after. Police Misconduct Reports destroy the credibility of the police and thus help people's criminal defense. They also lay the groundwork for suing the cops. Get your misconduct reports to the legal team (sometimes they need to be hand delivered)

**Small affinity group actions are catalysts for major social change. From ACT-UP in the 80's making AIDS care and awareness a national priority to Food Not Bombs visibly serving free food to hungry people, small actions make a big difference.**

The more effective we are the more we risk arrest and other types of oppression. The legal system is designed to break us down and dehumanize us. Having a legal support person is just one more step toward resisting the criminal "justice" system, the corrupt government it props up, and the corporate rulers who use this system to oppress and silence us all.

[www.midnightspecial.net](http://www.midnightspecial.net)