

JUST CAUSE LAW COLLECTIVE

Legal Observing

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.

Safety Guidelines

To reduce the possibility that you may be arrested yourself, and to enhance your safety and credibility if you are arrested, follow these guidelines while you're being a legal observer:

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

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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 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 go out of their way to offer sanctuary).

Know how to recognize people from groups such as the activists' communications team, legal team, and medical team. Make sure that you have the phone numbers for any such groups. Find out exactly where any 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 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 regular camera or video camera. Disposable cameras are fine, too. Get far more film, tape, and batteries 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 those coordinating the legal observers 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 coordinators have your number(s).

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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.

You can dictate notes faster than you can write them, so it's extremely helpful to have a recorder. Some PDAs and MP3 players can also be used for recording. And a cell phone is very useful for dictation, because you can record memos to your voice mail. Practice with every device available to you, because you may need to switch to a different system if your primary tool runs out of capacity or power.

You *must* bring extra batteries for your cameras, recording devices 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. Take pictures of your chalk marks, in case they're erased.

Safeguarding Materials

The office coordinating your activities may arrange to have runners who can pick up your notes, film, tapes, digital memory, etc. That way, if you are arrested, you won't lose all your work. Alternatively, you may bring self-addressed, stamped envelopes with you (padded ones, for tapes or digital memory), and every time you've accumulated a reasonable amount of material you can drop it in the nearest mailbox.

If you did witness police misconduct, begin filling out the Police Misconduct Report as soon as possible, preferably within a few hours, before your memory fades. Review your written and recorded notes several times, while you're preparing your report, to help you capture as much detail as possible.

Make sure you have clear instructions about where and how to deliver your photos, recordings, notes and reports. Under no circumstances should you hand them to anyone who cannot prove s/he has been designated by the legal observer coordinator to take custody of your work. It's safer to deliver your materials, by hand or by mail, directly to the office that's coordinating legal observers.

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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 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. 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 activists.

Do not wear contact lenses! Chemical irritants 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 damp bandanna (bring it in a heavy-duty plastic zip-lock bag). Avoid wearing any sort of mask or bandanna longer than absolutely necessary, because the police may be zealous in enforcing mask laws at demonstrations.

Keep your skin free of Vaseline, mineral oil, skin moisturizers and make-up. Use an oil-free sunscreen. 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

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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

At many 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.

Note: At times, legal observers have found themselves in an emergency situation in which they felt ethically obliged to intervene. Typically, this has occurred when a legal observer witnesses an activist being badly injured by law enforcement and attempts to speak with the officers or nonviolently shield the victim. If you decide, as an act of conscience, that you must abandon the observer’s role, remember to:

- (1) practice strict nonviolence;
- (2) show that you are relinquishing your role as an observer by removing any legal observer insignia (hat, badge, etc.); and
- (3) give your notes and equipment to another legal observer for safe removal.