

Activists' Legal Project

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Guide for Legal Observers

CONTENTS

1. The role of the legal observer
2. On the action.....
3. Arrest risk for legal observers
4. Abandoning the role
5. Equipment needed
6. Legal observer record sheet

Everyone taking part in an action or demonstration is a legal observer, with responsibility for witnessing and recording events that take place. There is also a specific support role for people who intend to participate in the action exclusively as legal observers. This guide aims to give you an idea of what that role might involve.

1. Role of the legal observer

- Legal observers watch and record details of activist interactions with the police/security and activist arrests at demonstrations and actions and pass this information to the Legal Support Group (for more information on legal support see briefing 'How to Set up a Legal Support Group').
- By their presence they help to keep people safe by deterring police misconduct and if there is such an incident they collect information that may be useful in later court proceedings.
- A legal observer is not a police liaison or media spokesperson and remains as independent as possible so that they can concentrate on observing what happens.

2. On the action.....

- Hand out 'bust card' which have legal info, legal support phone number and solicitors details to all participants in the action (See 'How to set up a Legal Support Group' briefing for an example of a bust card).
- Get close to the action so you can clearly see what's going on.
- Give information to participants about what's going on, especially important if it's noisy, dark or people are separated from others; pass info backwards and forwards between affinity groups. Remind activists of their rights where appropriate.
- If you feel confident with your knowledge of the law then question the police if they are overstepping the mark.
- Write down names of activists who are arrested, what they have been arrested for, name/number/rank of arresting officer, a description of what happened, details of any witnesses to the incident/arrest, what police station arrestee has been taken to and give this information to the Legal Support Group (see sample questions below).
- Report police misconduct to the Legal Support Group - ie excessive behaviour on the part of the police, violent or abusive behaviour. Take very good notes of the incident immediately, and get contact details for any other witnesses as you and they may be needed to give evidence in court at a later date.
- Take photographs of incidents of police misconduct and activist injuries. But be careful your camera and film could get into police hands so don't take photographs that could help incriminate protestors. Make sure you label the photographs clearly or make a note in your notebook of what photos you took and link them in some way to the photos on your camera.

3. Arrest risk for legal observers

Generally when there is an action, the first thing the police do when they arrive is clear the area of those not participating directly in the action. Whether they let you stay close by so that you can properly observe what is going on will depend in part upon the relationship between you and the police officers at the action. Legal observers are not immune from arrest just because they are not playing an active role in the action. There can be a fine line between being a good legal observer and getting nicked for obstruction. So it's a good idea to be aware of your legal rights (See ALP briefings 'The Arrest Process and your Rights' and 'A Guide to Possible Offences' for more information). Staying close to the action, especially after you have been asked to move, means you are risking arrest. Consider moving away if it looks like you are going to be arrested, better to be a bit further away doing your job, observing the action, than in a police van.

To reduce the risk of arrest

- Wear a visible legal observer bib or sash
- Stay calm at all times
- Make it clear to the police and the media that you are an observer, not a participant in the action
- Communicate with the police in a calm assertive manner
- Your credibility with the police may be increased if you dress conservatively
- If you are concerned about police conduct/abuse of their powers talk to the senior police officers at the action, they are the decision makers
- Decide before the action how pushy you are going to be if you are asked to move away
- Retain your impartiality, don't get involved in the action (but see below).

4. Abandoning the Role of Legal Observer

At times legal observers have found themselves in emergency situations where they felt they had to intervene eg an activist being badly injured by police and they have attempted to stop this happening by speaking to the officers or shielding the person being injured. If you feel you must intervene directly then take off your sash/bib and give your notes to another

observer for safe keeping before rushing into the fray. Also consider calling out for any media and first aiders who are close by to come over.

5. Equipment needed

- Notepad and pens
- Mobile phone
- Observers bib or sash
- Legal observers record sheets (see below)
- Map of the area
- List of phone numbers: legal support group, other legal observers, solicitor, first aiders
- Water, food, money and clothing appropriate to the action
- 'Bustcards'
- Watch
- Camera – digital means quick photos for the media, but disposable works well too.

6. Legal Observer Record Sheet

Either create a series of legal observer record sheet for the action or make sure the answers to all of these questions are noted down in your notepad for each arrest/incident.

Sample questions for legal observer record sheet:

Legal observer name and contact details

Name of arrestee

What the person was arrested for

Name/Badge number/Rank of arresting officers or description

Time & Place of arrest

Which police station is the person being taken to?

Any other details about the incident or treatment of the person by the police

Other Witness's names & contact details

Details of photographs/video footage taken

For further information contact us at the Activists Legal Project.
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