

Activists' Legal Project

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Legal Briefing 6: Guide for Legal Observers

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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. The Role of the Legal Observer

- Legal observers watch and record details of activist arrests at demonstrations and on actions and pass this information to the 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' with legal info and legal phone numbers to all participants in the action (See Legal Support 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.
- Write down names of members of your affinity group who are arrested, what they have been arrested for, name/number of arresting officer, what police station arrestee has been taken to and give details of those arrested to the Legal Support team (see sample form below).
- Report police misconduct- 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 may be needed to give evidence in court at a later date.

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. So its a good idea to be aware of your legal rights (See ALP briefings 1 and 3 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
- Your credibility with the police may be increased if you dress conservatively
- Communicate with the police in a calm assertive manner
- Liaise with the senior police officers at the action, they are the decision makers
- Decide before the action how pushy you are going to be when 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
- Legal observers record sheets (see below)
- Map of the area
- List of phone numbers: legal support co-ordinator, 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 may be best.

Legal Observers Record

PLEASE PRINT ALL INFORMATION IN CLEAR CAPITAL LETTERS

Name of protestor	
What the person is arrested for	
Badge numbers of arresting officers	
Time & Place of arrest	
Which police station is the person being taken to?	
Any other details about the treatment of the person by the police	
Witness's name & contact details	