INSTRUCTIONS FOR LEGAL OBSERVERS

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 your’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 fluorescent 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 AndCourtesy: 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.