

Legal Observer Training

60 minutes

Materials: Handouts, sign-in sheet for the NLG, police props, LO supplies (hat, arm-band, watch, tape recorder, disposable camera, notebook), butcher paper and pens

I. Introductions (5 min)

[Trainers introduce themselves]

- You don't need any special legal skills to be a legal observer
- By the end of this training, you'll be able to legal observe at a demonstration
- A legal observer is someone who watches the police at a protest.

II. Reasons to legal observe (brainstorm) (5 min)

What's the point of legal observing?

- Give protesters confidence
- Keep people safe by keeping cops on the defensive
- Gather and organize information for criminal defense
- Gather and organize information for suing cops
- Track arrested people so they don't get lost or singled out in the system

III. Rights of legal observer (10 min)

Sometimes people think that legal observers have special rights. What do you think?

- Journalists have some right to record a natural disaster or a "riot". Legal Observers do not. They can be arrested. (For example, several LOs were swept up in mass arrests at the 2004 RNC)
- Cops do what they want to on the street, regardless of the legality – your job is to document police actions, not to argue with them about it. The law is decided in the courtroom, not in the streets.
- When it comes to not getting arrested or losing your equipment, you're better off taking practical steps instead of counting on your rights protecting you.

Here's a little vignette to show you how to stay safe(r) around cops:

[An LO is trying to photograph what's happening behind a police officer. The LO is right in his face.]

Cop: "Back away!"

LO: "I have a first amendment right to be here!"

Cop: "I said, back away!"

LO: "I have a right to document police misconduct!"

Cop: [grabs LO's camera]

LO: "Hey! I was documenting with that!"

Cop: "So take notes!"

- What went wrong?
 - LO was too close/had aggressive body language
 - LO argued/escalated with cop
- What could the LO have done differently?

Now we're going to look at the same situation after the legal observer has taken this training.

[Same situation, but now the LO keeps their distance from the cop, and is calmer]

Cop: "Back away!"

LO: "Ok, officer." [Backs out of arm's length and continues photographing]

Cop: "I said, 'back away!'"

LO: "Ok, officer, I'm backing away." [Backs up a tiny bit more and keeps photographing]

Cop: [Looks threateningly at LO, then goes back to their business]

- Let's brainstorm. What did you learn from the vignette?
 - Show that you're complying (as little as possible). Don't escalate the situation.
 - Rule of thumb – stay out of grabbing distance. Use your street smarts.
 - Stay calm; don't get caught up in the situation.
 - But if you get arrested, you can keep observing!

IV. What to look for (brainstorm) (5 min)

Imagine you're legal observing at a protest. [wait 5 seconds] What specific things are you looking for?

- Badge numbers, names and/or descriptions of cops to ID them later
- What department/agency they're from (city police, highway patrol, ICE, etc.)
- Anything significant the cops do – violence, obviously, but also menacing behavior (e.g. Putting on gas masks, bringing in urban tanks, circling protesters)
- What the cops say – and don't say. To arrest people for failure to disperse, a very common arrest, cops must give an order to disperse that everyone can hear and understand, and then give people enough time to disperse and a place to disperse to. Write down if the cops don't do one or more of these things.
- Get names and contact info for victims/arrestees and witnesses, including other legal observers and media
- You can try and ask the cops for names of arrestees
- Don't make assumptions or judgments – just record what happens
- Look at the Legal Observer Guide for examples of what to look for

V. Gear (brainstorm) (5 min)

Imagine you're legal observing at a protest. [wait 5 seconds]

- What do you want to have on you?
 - Notebook(s)
 - Pens
 - A watch
 - Cell phone (to coordinate and pass info)
 - Hat / armband / T-shirt to identify you as a Legal Observer
 - A hat makes it obvious to everyone who you are
 - An armband is only visible to people close to you
 - These both have their advantages and disadvantages
 - Extra Water / Food / etc.
 - Optional Gear:
 - Mini-tape recorder
 - Still camera

- Video camera
- Extra film & batteries
- What don't you want to bring?
 - Anything that could be considered a weapon (pocket knives, leathermen)
 - Any drugs or alcohol (including medical marijuana)
 - Any sensitive documents you don't want the cops to see (if you get arrested)
 - Anything that identifies you as a protester – pins, anti-war T-shirts, etc.

VI. Possible Risks of Legal Observing (short lecture) (1 min)

- Sometimes cops are really accommodating to legal observers, but sometimes they single them out for arrest. (During the Seattle WTO protests some officers were told to seize all legal observers' notes)
- Generally, the more you dress like a lawyer, the more respect cops will give you – and vice versa. So dust off that old suit and tie.
- The more equipment you have, the more of a target you become. Having a video camera in particular makes you a cop magnet.
- This isn't to scare you, but to remind you to be careful and keep your eyes open.

VII. Some legal observing tips (short lecture) (5 min)

Everyday life trains us to be passive spectators. Here are some tips to being a good legal observer.

- It's a good idea to practice documenting details in everyday life. Practice judging distances and noting details in everyday life like a sports announcer.
- The most important thing is to watch the cops, not the protesters:
 - It can be hard, because the protesters are way more interesting. But if you watch the protesters you'll miss what the cops are doing.
 - When cops engage in misconduct – hitting people, arresting them for no reason – it can happen very quickly.
 - It's important not to record protesters doing anything that could be perceived as illegal. The prosecutors get access to all evidence, and we don't want to provide them with ammo to convict demonstrators.
 - Cops will be documenting anything wrong the protesters do – they don't need our help.
- Let the legal team (or the organizers, if there is no legal team) know that you were a witness and what documentation you have (written statement, video, pics, etc.)
- Video evidence has been very successful in documenting police misconduct. It's way more powerful – in court and with the media – than still photos.
 - We have a video observing guide in the handout we're passing out at the end, so if you're using a video camera, please take a look at it.
- Mini-tape recorders work great – it's easier to dictate events as they occur than write them down.
- If you are Legal Observing for a long time, consider dropping or handing off notes - in case you get busted, you won't lose all your evidence.
- After the action, write up a statement while it's fresh in your mind. Be specific about people, locations, directions, actions, etc. (“At 2:45pm at 14th street and Broadway Officer Smith shoved his right hand into Ryan Jones' chest and pushed him over.”) Be as specific as possible - this is stuff you will forget soon afterwards.
- It's also good to type up and organize any notes you took – turn in both the original and the typed version.

VIII. Practicing legal observing (20 min)

Watch these role plays and take notes just like you were legal observing at a protest.

Scenario 1 – (No violence, only arrest.)

This first scenario takes place at the end of a march. Let's see what happens.

Cop: "You have 3 minutes to disperse or you will be arrested!"

Protester: "I'm trying to leave but all the exits are blocked by police. Will you let me leave?"

Cop: "No can do. Orders. Sorry." Shouts, "This is your third and final warning! You must disperse immediately!!"

[Cop then arrests the protester]

[End the role play and give participants a minute to finish their sentences.]

- What did you write down?
 - Time, date and location
 - Descriptions of people involved
 - Orders given – and police follow-up
 - What the protester said to the cops
 - Cop's actions
- Here are some things to keep in mind from this scenario:
 - This is typical of what happens during protests and picket lines.
 - You can get this person acquitted of Failure to Disperse charges and sue the cops.

[If people missed a lot, repeat the role play so people can take better notes.]

Scenario 2 – (Some police violence)

In this second scenario, a protester talking to a cop at a protest. Action!

Protester: "What's your badge number? I have a legal right to know what your badge number is!"

Cop: [Stony silence.]

Protester: [Up in cop's face] "Fuck you, pig!"

[Protester then walks away.]

Cop: [loses patience] "Screw this!"

[The cop shoves the protester, the protester falls to the ground

Cop: "You're under arrest for assaulting an officer."

[End the vignette and give participants a minute to finish their sentences.]

- What did you write down?
 - [Everything from the first scenario]
 - What led up to the incident?
 - What hand(s) did the cop use to push the protester?
 - How exactly did the protester fall down?
 - What did the cop say (badge info, assault)?
- Here are some things to keep in mind from this scenario:
 - This is also pretty typical.
 - Documenting violence is extremely difficult. A lot of things happen very quickly, and it's important to get all of the details. This is why you have to only watch the cops and expand your notes when you get home.
 - You can help get this person's charge dropped at the least.

Scenario 3 (Pain compliance - if there's time)

You are LO-ing at a protest where people are blockading a street

Protester: [is sitting down, grabbing onto something as if they were in a blockade]

Protester: [chanting] "1-2-3-4! We don't want your racist war!"

Cop: "You need to let go, or I will be forced to remove you."

Protester: "1-2-3-4! We don't want your racist war!"

Cop: "I am ordering you to let go! We can do this the easy way or the hard way!"

Protester: "1-2-3-4! We don't want your racist war!"

Cop: "OK – I am arresting you under penal code 652c."

[Cop does a pain compliance hold on protester – (reach around the from the back of their head and place your two pointing fingers along their jawline. Don't actually apply pressure)]

Protester: [in great pain] Ahhhhhhhhh!!!!

Cop: Let go. Let go!

Protester: "Ahhhh! Ahhhhh!!!! [Protester eventually lets go]

[Cop arrests protester]

[End the role play and give participants a minute to finish their sentences.]

- What did you write down?
- How did that feel to people?
 - [Most people say it was intense, scary, hard to stay uninvolved]
 - Sometimes legal observing can get intense. It's important to stay focused and to continue to document the situation.

IX. Evaluation (4 min)

- Do people have any more questions about legal observing?
- What did people like about the training? What would they change?
- [Pass out the handout]