

Legal Support for Small Actions Handout

I. Introduction

Legal support is helping your friends and allies when they have to deal with the legal system. Here, we're talking about helping people arrested at political demonstrations get through the criminal justice system. Legal support looks different with 10 arrestees than with 1000 arrestees. It's also different if you know the arrestees than if you don't.

We're assuming that you are part of the group doing an action, but not doing everything by yourself. And we're assuming there are less than 50 arrests and you know most everybody involved. If you're doing legal support for lots of people who are mostly strangers, see these other documents, which have info about doing legal for larger actions: Setting Up an Action Legal Team, Legal Team Action Roles and Office Setup. They're on our website – www.midnightspecial.net

Real life is weird. If something weird comes up when you're doing legal support, call us. We always like helping people out. Our phone number is 510-261-4843.

We think legal support is important for the success and sustainability of our movements. The criminal justice system is designed to isolate and disempower people. If activists are supported in jail and helped in court, they'll be in the streets again. But if something goes down and there's no legal support, people will be demoralized at best and locked up at worst.

Generally speaking, our goals for legal support are to keep people physically and legally safe, to help arrestees achieve their goals, and to make protests more effective. You should be clear about your own goals.

Some of the main ways we achieve these goals are:

- Answering a legal hotline to provide information and emotional support to arrestees and their supporters.
- Tracking people in custody so that no one gets lost in the system. This is especially important for people the cops tend to target - organizers, people who did more militant actions, people of color, and transgender people, for example.
- Dealing with emergencies and other problems in jail, such as access to medicine or medical attention, overcrowding, mistreatment, etc.
- Helping people use collective bargaining.
- Finding lawyers who can visit people in jail, help deal with the emergencies and represent people in court.
- Educating people ahead of time on their rights and the legal process.

II. Legal Support

When providing legal support, you'll be performing a few different roles. We like to think of it as one part bureaucrat, one part counselor, and one part organizer.

- **Be a Bureaucrat** - When answering the hotline, you'll be gathering a lot of information, some useless, some critical. Keeping all of this info straight is really important. For example, if you are asking a lawyer to visit your friends in jail, you should be able to give them all the arrestee info available (names, birthdates, jail ID#'s, special needs, etc.).

This all basically boils down to taking good notes. For every call, get the caller's name and phone number, record the time and date, and write legibly. Keep all your notes in one notebook so there's a chronological log of all calls you received and made, in case a lawyer or someone else needs to go back over them.

- **Be a Counselor** - Provide emotional support to arrestees and family and friends of arrestees. Arrestees are going through trauma. They're probably exhausted and scared. They may have been injured or seen someone they care about get beat up. Remember that you are probably the best source of information for people in jail, and maybe the only friendly person they have to talk to. Make sure to ask them if they're ok and if they need anything, and be sure to give positive feedback and reassurances. It's also really important to look after your own emotional well-being. If you are losing your cool, you won't be able to be supportive for arrestees.
- **Be an organizer** - Organize people to come to court dates, meetings, and to give money! There are many things that it would be great to do to support arrestees, but sometimes we can't do them all. Here are a few things you can organize if you have the time and energy:
 - *Before the action:* Organize Know Your Rights and Legal Observer trainings, find lawyers to do jail visits.
 - *While folks are in jail:* Organize jail vigils and rides home, fundraise bail, help people put together a call-in campaign to pressure the mayor, police chief, etc.
 - *After they're out:* Find lawyers to represent people, organize meetings for arrestees and supporters for long-term court support.

III. Trainings

It's best if everyone involved in the action knows their rights and how to deal with the cops before the action. Midnight Special offers Know Your Rights, Legal Observer, Nonviolent Street Tactics, and other workshops. We can train you to give the trainings or we can give a workshop ourselves if you organize it.

IV. Office Supplies and Setup

Here is some information and supplies you want to have in your office. This is not an exhaustive list, but you get the general idea.

- 1. Office** – Find someplace quiet that you have easy 24-hour access to; we often use our apartment.
- 2. Phone line** (and phone) – Make sure it can receive collect calls from jail.
- 3. Office supplies** – Notebooks and pens are a must. Markers, butcher paper, stapler, paper clips, post-its, file folders, etc. are useful but optional.
- 4. Forms** – Arrest Roster, Arrestee Intake/Outtake Forms. (Some examples of forms that we've used can be found at the end of this handout, so feel free to alter them or make your own.)
- 5. Research** – Here's a list of contact info you should have on hand. Ask local organizers if there's other info you'll need:
 - Local Jail (Central Booking, Local Precincts, Main Jail, Juvenile Justice Center, etc.)
 - Own Recognizance Project (that's SF-specific)
 - Court clerk and bail clerk
 - On-call attorneys and emergency specialist attorneys (e.g. immigration attorneys). More on lawyers below.
 - Public Defender's Office
 - Legal Observers / Police Liaisons / any contacts at the action
 - People to target with a call-in campaign (e.g. Police Chief, Mayor, District Attorney, etc.)
 - Demonstration Organizers

V. A Typical Action

Here is some info about a typical action and some common problems that come up. You should talk to local organizers to find out what is typical in your area.

When people are in the streets, your calls will be updates and occasionally reports of arrests. Protests are usually a little chaotic, so you might get calls with confusing or conflicting information. It's important to be clear what information is confirmed and what is just a rumor. For example, when the police surround a group, you'll get calls saying they're all arrested, but they might get out. So always ask callers to be specific about what they see so you can verify the info. Don't expect to know exactly what is really happening, just keep clear what is confirmed and what is not.

Once the arrests start, the hotline will be busier with supporters calling in, and

eventually arrestees calling from jail. Besides the primary task of collecting arrestee information, this is a good time to clarify some of the stories you've gotten about numbers of arrests and any incidents of police misconduct. You can also do rumor control by giving out information that is confirmed.

Tracking people in jail is relatively simple. As long as you know everyone's name, you can call the jail and get information on charges, bail, expected release time, etc. A benefit of doing legal support for a small group who is planning on risking arrest is that you can get a list of names and special needs before the action even happens.

If someone is lost in the system, it rarely means they've been separated to get messed with – usually the cops just misspelled their name or switched the last name and first name, especially if they have names the cops aren't familiar with (i.e. non-european names). Also, people are sometimes taken to the hospital or to juvenile hall. In this case, it's harder to get information about them (you usually have to be a parent, guardian, or lawyer). If you don't know the arrestees' names (or if you aren't sure if they're giving their names), you can try just asking the jail for info on “the protesters” and they'll usually know who you mean. Sometimes officers will give you incorrect information, especially about when people will be released. If you end up talking to a jerk, call back in an hour – you'll likely get someone different.

Be available to answer the hotline 24 hours a day while people are in jail. In San Francisco, it's typical for people charged with a misdemeanor to be released with no bail (often called 'citing out'), and protesters rarely spend more than a day in jail unless they have more severe charges.

Often arrestees are so relieved to be out of jail that they forget to call you to tell you they're been released. Ideally, you or a friend can wait at the jail for everyone to be released and have arrestees fill out an intake form with their contact info and next court date. Unless you get confirmation that they've been released, assume they are still in custody.

Once everyone is out, schedule a meeting for arrestees sometime before the first court date. It's not uncommon for everyone's charges to get dropped at their first hearing, but it's good to be prepared in case they do go forward.

VI. Dealing with Emergencies

Usually, getting arrested is a lot of being bored and waiting to get out of jail. Sometimes, though, the shit hits the fan. Emergency situations can be anything from someone being separated from the group, to an undocumented individual being turned over the Immigration and Customs Enforcement (ICE is the new INS), to people being beaten in their cells. The most important thing to do when these situations arise is to stay calm and take immediate action. Keep in mind that your number one priority is helping the people in jail get out safely, and that other concerns can wait until the emergency situation is taken care of.

'At-risk' individuals

If you know that a demonstrator is particularly 'at-risk' for being fucked with by the police, it's best to plan ahead and prepare for the worst. This means locating attorneys

or organizations who specialize in dealing with the sorts of issues you're anticipating. For example, if you are supporting a demonstration with undocumented participants, have an immigration attorney ready to help out if an arrestee's citizenship becomes an issue.

An example: Once at a demonstration, a transgendered woman (MTF) was arrested and placed in the men's section of the jail, in a common bunk room (i.e. no walls). She felt unsafe and was pretty upset about being there. We called a national transgendered rights organization, who put us in contact with an attorney who knew the local laws regarding the holding of transnics. They called the jail, and got the individual moved out of the men's block.

Calling an attorney to make a call or to visit the jail is usually the best and most effective way to solve legal emergencies, but sometimes it doesn't work. Other things you can do to help resolve an emergency are:

- Begin a pressure call campaign
- Use the media to create political pressure
- Keep arrestees calm and let them know what they can do to help – for example, non-compliance tactics!

VII. Organizing ongoing and long-term legal support

Be clear with your friends about your commitments, especially after people get out of jail. You can never predict how long it will take for the charges to be resolved. If you commit to organizing defendants' meetings or getting supporters to court dates, you could be doing it for months or even years.

People arrested together often chose to tackle the legal system together as well. Legal support for a small group of political activists could include the following ongoing and long-term legal support:

- Organize meetings of lawyers and defendants, separate and together. These meetings are important for discussing and same-pageifying legal and political strategies.
- Organize supporters to go to court dates, do work for attorneys, write editorials/ do media and messaging, fundraise, jurywatch at trials, etc.
- Help defendants wrangle their attorneys.
- Gather witness information and evidence and get it to defendants who need it.

One role the legal support team should NOT play is babysitter. Your job is to make sure people have information so they can make informed decisions, not to remind them every time they have a hearing. This isn't a good use of your time. People should know when their court dates are and should be responsible enough to either show up for them or let their attorney know they won't be able to make it. (If people don't show up, a judge could issue an arrest warrant, which isn't a crisis but is a big pain in the ass.) Ideally the legal support team will empower and facilitate people to organize their own defense.

VIII. Lawyers

When doing legal support, you will be working with lawyers. All lawyers are different, but our experience has shown us that most lawyers share certain traits that make it hard to work with them. Specifically, lawyers often think they know everything, are bad at sharing information, and tend to boss around non-lawyers.

This doesn't mean they are bad people, it just seems to come with the turf. You should be well aware of these habits so you can deal with them before they get out of control.

You need lawyers for 2 very different roles: jail visits and representation.

- **Jail visits:** Anyone with a bar card can visit your friends in jail. Their duties are to communicate with people in jail and deal with emergencies in jail (i.e. injury, people not being released if they want to, access to water, housing of trannies) The commitment level for this is relatively low; the lawyer just needs to be available for a day or two while people are in custody.
- **Representation:** These lawyers need some criminal law experience. For serious cases, each person should have their own lawyer (by "serious", we mean felonies, immigration issues, or anything that separates them from the group in a bad way). Most folks can be represented by Public Defenders (they're usually pretty cool about working in groups, etc.) but you should be sure to have some lawyers who are the same page with you about strategy. The commitment level for this is relatively high; the lawyer needs to be available for the duration of the case, do prep work, attend strategic meetings, and maybe go to trial.

Where to get lawyers

First, try the National Lawyers Guild - they're a national network of leftie lawyers. Even if there isn't a chapter where you live, you can call their national office (212-679-5100) and find some progressive lawyers near you. Also, check non-profits that do legal work, progressive bar associations, etc., and, of course, ask local activists what lawyers they work with.

Lawyer Handling

First and foremost, have good communication – most of our other tips boil down to this. Make sure the lawyers know what you expect of them (both in terms of the work they will do and the decision-making structure) and what they can expect from you. Make sure the attorneys understand that they should take leadership from the arrestees and work collectively with other attorneys and legal support team.

Talk with them early on if you see problematic behavior. Treat them like colleagues and expect them to treat you the same. Be respectful and acknowledge the hard work they're doing. Find volunteers to help with the work. In the long term, think about how to make these lawyers feel like a part of your social and political community. It will make it more likely that they volunteer in the future, and they'll be more accountable.

IX. Appendices

A) Legal System Flowchart

1. Arrest

- The cops are often violent. Even if arrestees aren't injured, they're probably shaken up, bruised and uncomfortable.

2. Booking

- Booking usually happens right when you get to jail, but can be delayed for hours and hours.
- The guards take your picture, fingerprint you, and ask questions about medical history and identity (tatoos, home address, etc)

3. Jail

- Jail means sitting around. Just getting processed in and out takes hours and hours.
- Expect the guards to be rude at best, violent at worst. They may do things like force arrestees to submit to strip searches, turn the a/c on full blast, pack the cells far beyond capacity, beat people up, seperate people, etc
- Because you are basically at the mercy of the guards, jail is very scary, especially if you are alone.
- There's often no food or water. If there is, it'll be very low quality.
- The guards will lie about the charges and the penalties. If they actually want to question someone, they'll be very manipulative.

In most protest cases, people are released from jail and have to return for court. It's good for the legal team to have a basic grasp of the legal system steps at the court level:

4. Arraignment

- This is when you find out what you're actually being charged with and get to enter a plea.

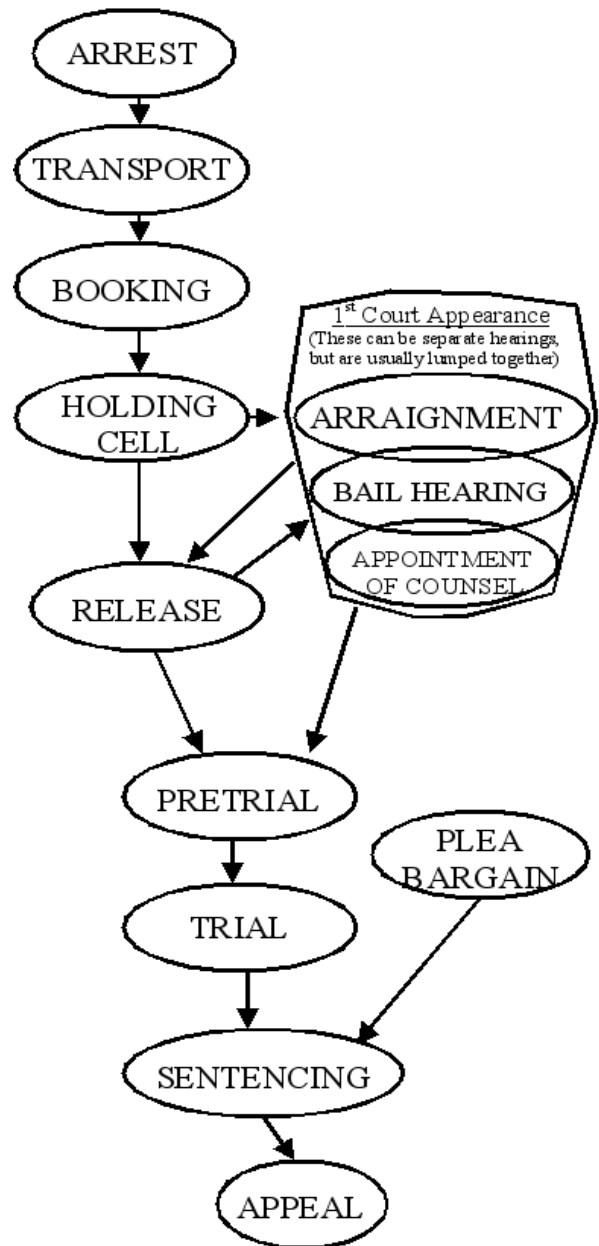
5. Pre-Trial Hearings

- A hearing is a court appearance before a judge, usually to argue a particular issue (ie, setting bail, or allowing certain evidence).
- There can be any number of of hearings before trial.

6. Trial

- Just like on TV, but more boring.

The case could get resolved at any point along the way. Usually the charges are dropped or a plea bargain is reached very early in the process.



B) Phone Script

This guide will show you how to run a legal support hotline. It covers typical calls you'll get and how to respond.

Answer the phone "Legal Team" or "Legal Support" or something like that. Log all information from every call in your notebook. Note the date and time for every call. Remember to be emotionally supportive.

CALLS FROM THE STREET

1. Get the caller's name, callback number and current location.
2. Collect any info they have to give (ie, "the cops all just started putting on riot gear.") and answer any questions they have.
3. Usually people are calling to report arrests. Try to get the first and last name of all arrestees.
4. Ask if anyone needs medical care.

CALLS FROM JAIL

1. Find out if there are any emergencies they need help with (ie, people need medical attention, someone has been disappeared, etc.).
2. Find out where they were taken.
3. Get the first and last name of everyone in their cell and everyone they were arrested with. If they have booking jail ID numbers, get those.
4. Give them an update on the situation (ie, if lawyers are coming to visit, when they'll probably be released, news about other arrestees, etc).

Note: All calls from jail can be monitored, so things like immigration status, warrants, or any involvement in a crime should NOT be discussed. If someone tries to talk about these things, interrupt them and remind them the jail phone is tapped. You can send a lawyer to visit them and have a face-to-face conversation if you need to.

CALLS FROM SUPPORTERS AND FAMILY

1. Get the callers name and callback number
2. Give them an update on their friend. Let them know we're doing everything we can to keep them safe.
3. Suggest ways they can help (ie, call the jail to demand release, pick their friends up, etc).

CALLS TO THE JAIL

Often the only way to get information is to call the jail and talk to the cops.

1. Confirm that your people are there.
2. Address any emergency concerns (ie, people not being given medical attention)
3. Find out when they're expected to be released and what they're being charged with.

Tips:

- Sound official and confident. Be nice and polite. This isn't Activist vs. Pig, it's Legal Worker and Officer in a cordial business relationship.
- Take very good notes and let them know you're taking notes.
- If they don't have the info you need, ask them to refer you.
- Call every hour to check people's status.