

Legal Observer Guide

Legal observers watch and record the actions of all law enforcement officers*. The presence of legal observers helps keep people safe by discouraging police attacks. Also, the information you collect can be useful in criminal defense of protesters or in suing police or other government agencies. The information in this guide is geared for legal observing at demonstrations, but it is also important to watch police outside of protest situations. Whenever you see police making an arrest or acting inappropriately, stop and take notes.

The cops are at demonstrations to observe and deter actions of the protesters. As a legal observer, you are there to observe and deter the cops. Even though protesters are usually more interesting to watch, make sure you are paying attention to the cops at all times. Also, be careful to represent yourself to the police and media as an observer, not as a spokesperson for other activists.

Work in pairs to corroborate each other's testimony and to keep each other safe. If one person is using a still camera or video camera, their partner should be taking written notes. And since people using cameras often get "tunnel vision," their partner should be keeping an eye out for danger or activity.

Preparation

Knowing what type of demonstration you will be observing (mass permitted rally, small direct action, etc.) will help you prepare yourself appropriately. If you are unfamiliar with the area where you'll be observing, spend some time learning key street names and landmarks as well as orienting yourself by compass directions. Also, make sure you have any phone numbers you'll need handy: the National Lawyer's Guild, organizers of the protest, Legal Observer Coordinator, legal team, legal support person, medical team, etc.

Practice

Television culture makes people very passive observers. To hone your active observation skills, practice by taking notes or making a running commentary of everyday events. You can improve your ability to estimate distances by marking off increments on the sidewalk and memorizing them, or by estimating distances and checking with a tape measure.

Equipment:

- Notebook(s)
- Pens (waterproof ink – it could rain water or pepper spray)
- Watch
- Legal Observer Hat/T-shirt/Armband
- Extra water
- Optional
 - Tape recorder (& extra tapes)
 - Still camera (& extra film)
 - Video camera (& extra film)
 - Cell phone, radio, or pager
 - Extra batteries for all!

At large demonstrations, it is good to have a cell phone, radio, or pager so you can quickly communicate when someone gets arrested, to verify/debunk rumors, etc. If you don't have one, try to team up with someone who does. If there is a Legal Observer Coordinator, make sure s/he has your number.

* We use the terms "police" and "cops," but this info is true for all law enforcement officers of all jurisdictions.

If you are using a tape recorder or video camera, by law (in California) you must give people notice that you are recording them. However, you don't have to announce it – having the device in plain view is notice enough. ***Having a tape recorder and especially a video camera makes you a cop magnet.***

In order to keep your notes, tapes, and film safe from the elements and from overzealous cops, you can periodically mail them to yourself or to the legal team, or have a runner who can take sensitive footage (or your whole camera) and run away with it.

Taking Notes

It sounds easy, but taking real-time notes when events are unfolding quickly is a skill that takes some practice.

The information you collect could mean the difference between conviction and dropped charges for activists (and cops). The easiest way to make your notes useful for the legal team is to transfer them to a police misconduct report or copy them in an organized, legible format. Do this as soon as possible after the action, before your memory fades.

Number and date each page you take notes on and write “Attorney Work Product – Privileged and Confidential” on top of each sheet. Do this before the demonstration. By each entry, write the exact time. If you are taking pictures, write the roll number and shot number by the entry to give it context.

Some things to note:

- Name, rank, badge number, agency, and description of each officer present and the commanding officer (note if officers refuse to give this information)
- Police equipment and weapons (body armor, shields, pepper spray, tasers, etc.)
- Which weapons police used and how (e.g. Protesters drenched with pepper spray, tear gas canisters fired directly at someone, horses used to run into people, etc.)
- License plate and ID # of law enforcement or emergency vehicles or of any private cars moving through the demonstration
- Police actions and demeanor (e.g. marching around rhythmically thumping their leg armor with their batons, putting on or taking off gas masks etc.)
- Detailed description of arrests and anything the cops do that seems messed up
- **Any** force used by cops – pushing, shoving, blocking protestors with their bodies, grabbing arms, tripping, striking people, etc.
- Any inappropriate language, including swear words, identity-based insults (racist/sexist/homophobic, etc.), and rude language (“You idiots,” “Moron,” etc.)
- Not warning people to disperse before arresting them, refusing to let them disperse, etc.
- Warnings not audible and/or intelligible
- Exact date, time and location
 - Include street names, address #s, landmarks, what side of the street you’re on, etc.
- Name or nickname and affinity group of victim(s)
- Names and contact information of any witnesses, including members of the media (corporate or independent)
- Routes taken by demonstrators and police
- If the *cops* are blocking traffic – with their vehicles, hand motions, etc.
- If bystanders are taking leaflets, talking with protestors, and other 1st Amendment activities
- Statements made by police and civil officials.

Effective Camera Work

Much of this information was provided by Whispered Media. Visit them at www.videoactivism.org.

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 the date and time are correct. If you are visiting from another time zone, set the camera's clock to local time. If you are using an audio tape or a video camera without date/time stamping, narrate the information at the beginning and end of each segment: "It's now 9:30am on August 14th, 2000 . . ."

Lead Time

The tape at the very beginning and end of your cassette will have more imperfections and sound/color irregularities. Allow one minute to run at the beginning of a new tape before you start recording. If you are near the end of your tape, and you like what you are recording, insert a new tape.

Frame and Establish

Before (or after) shooting each event, pan in (or out) from street signs, building addresses or other landmarks to prove your location. Shoot long (10 or more seconds) shots for important scenes.

Consider shooting from better vantage points, such as from a second-story window.

Audio

Even in the absence of a decent shot, the audio portion of your video tape may provide evidence needed to win a case. Don't stop your video just because you can't see well enough.

Labeling

Label your tape cassettes or film cartridges while you're in the field. Include your name, date, time and location. Number each tape consecutively.

Keeping Footage Safe

People with video cameras are often targeted by cops for arrest or abuse — often they want to destroy the footage you took. If you are going to be in high-risk situations, you may want to bring self-addressed stamped padded envelopes with you so that you can drop completed tapes in the mail to yourself (or the legal team).

Content

When documenting police brutality, remember that the lawyers representing the State will be able to use all the footage on your video tape in court. So, if you are shooting footage of police misconduct, replace your tape when you are finished filming the scene. Don't film anything on the tape that might take away from the incident you are documenting. For example, if footage of cops beating someone is on the same tape as footage of protesters doing something that could be considered aggressive, the cops can claim they were using a reasonable amount of force considering the dangerous environment. If you can help it, NEVER film protesters doing things that seem illegal or dangerous. Also, announce to activists that you have a camera and would like to start taping and ask if it's okay. Don't take it personally if people are suspicious or hostile.