

Legal Observers

General Definition:

The goal of legal observers is to give people the most freedom to protest with the fewest possible legal consequences.

The observer collects information on incidents, arrests, misconduct of the forces of order, in order to become a credible witness in the case of a potential criminal court case. Nevertheless, the primary advantage of legal observers' presence in a protest is that the mere fact of their presence tends to reduce the probability of police abuses, or, at the very least, to enable arrests to be conducted in a less violent way.

The observer needs to adapt to the circumstances of each protest. In a case where police officers allow observers to talk with people who have been arrested, the observer may inform protesters of their rights – among others the right to remain silent. Otherwise, in the event that the protest became violent, and that there were mass arrests, the job of the observer becomes much more difficult and the risk of herself becoming arrested increases. It is possible also that the observer cannot take down specific information, but manages only to make a general statement of what happened.

The observer is not there to control the crowd, or to be the media spokesperson of any group. She may not disrupt the arrest procedure. Make clear to the media and/or the police that you are not a representative of the protesters, and that you do not want to speak in their name.

The observer must have rudimentary knowledge of the accusations which may potentially be leveled at protesters, and of the procedure which occurs when someone is arrested.

Objectivity of the Observer:

The observer must stay removed from the disorders, except when this becomes impossible; nevertheless she must remain close enough to collect information efficiently. The observer can be called upon to testify in court, in the cases of those who have been arrested. The material she accumulates is for the defense of the protesters; information which needs to be collected is that which will serve for the defense of protesters -- not incriminate them.

Rights of the Observer?

The observer has the same rights as any demonstrator (but not more!). In the case of mass arrests, she is therefore just as liable to be arrested as demonstrators. Her notes can be confiscated, hence the importance of putting information in a safe place as soon as possible. In this respect, it is important to know ones rights well, and their limits.

Nevertheless, it must be noted that if there are accusations of illegal assembly, the observer *may* be able to prove that she did not belong to the common goal of the demonstration.

Interaction with the Police

- Except in order to obtain their name or badge number, avoid interacting with the police, either verbally or via sign-language.
- If the observer *must* interact with the police, she should keep in mind these guidelines:
 - keep hands visible to police officer
 - avoid sudden movements
 - don't go behind officer
 - don't touch police equipment (car, flashlight, animals, etc.)

Also, make note of what was discussed between them.

Collection of the Information:

The observer must take notes on the general situation of an event as well as certain details pertinent to a violation of rights and liberties.

In order to convey a general portrait of any given situation, it is important to note the following:

The Event

- The goal of the event
- the place and the start time.
- the number of people present
- the attitude of the participants.

The Forces of Order

- The number of visible police officers
- their role (traffic control, identification cameramen, riot squad, etc.)
- their attitude
- are they wearing their identification badge?

Incidents

- Get closer to incidents, while keeping sufficient distance to have a global view of the situation.
- Become familiar with [witness forms], so that you understand what needs to be taken into account and in order to be able to fill them out more quickly.

Note:

- time of the start of the incident
- number(s) of the police officer(s) (name and badge number – if these are unavailable, describe her physically – see witness sheet).
- what *type* of officer are present (municipal, provincial, federal) and approximately how many.
- who is commanding the operations
- what warnings are given, who is giving them, what she is saying, how many times they are repeated
- what is the protesters' reaction to them
- what parts of the city are blocked (streets and times)
- what media are present, if any, & how they are treated.
- what arrest methods are used (encirclement, individual interpolation, etc.)
- describe protester behaviour during the arrest
- record the number of protesters and policewomen, as well as their behaviour.
- Using a recorder can be more efficient than manual note-taking
NB: to record someone, it is *not* necessary to ask their permission; the apparatus must simply be clearly visible to the person being recorded. (Have spare batteries)
- write down at which point the observer used binoculars or other instruments (to add credibility to the testimony)
- gather objects which could serve as evidence, such as rubber bullets, piece or shard of wood, gas can – and **conserve in ziploc bags**. Pick up evidence with gloves or tissue paper, label bags, with date & time of pick-up.
- return to the site in order to complete notes while the incident is still fresh in your head.
- reread notes after the demo to be certain that they are understandable and that they will be clear even after several weeks or months, because it can be several months before the case is heard.

One has to remember the facts clearly.

Material Preparation:

Have on you:

- the following documents:
 - authorisation (if relevant)
 - copies of witness forms
 - identity card
- notebook and pens [crayons]-
- *ziploc* bags
- dress code: - Very Optional -
 - clothing identifying you as an observer: [dossard], armband, or the cap which all observers wear
 - be dressed conservatively, to pass unnoticed and avoid provocation
 - raincoat (also effective for protection against gases)

- coins to make phone call
- telephone number of the Legal Committee [Collective?]

Useful stuff:

- binoculars
- flashlight
- first aid material

Witnessing an Incident

- If you do not know the answer to any question on the incident report form, leave that box blank.
- Do not attempt to guess the answer. One single false statement can ruin the entire report, because it is in general taken for granted that if one answer is incorrect, they could all be.

Use of Photos and Videocameras

- Pictures can be used in court to prove certain facts, and identify those responsible for abuses of power. Taking pictures can discourage the police from acts which they might otherwise commit.
- There is in Canada no general right to private life [?]. You may take pictures of anyone in a public place without her permission. Be visible however.
- Always remember that if video footage in favour of demonstrators is to be taken as evidence before a judge, it cannot have undergone *any editing*. Therefore, it may be preferable under certain circumstances *not* to document...
- Careful! The visual proofs you are collecting will not necessarily please everyone.. It is very probable that several protesters may be hostile to your presence: do not take this personally!
- Announce your intention to film; in case of doubt, ask permission.
- Camera equipment is fragile and, in these cases, liable to be 'accidentally' hooked onto... You may end up with many pictures obscured by the palm of a policeperson's hand...

Advice

- be sure the camera is *in focus*
- film the *streetnames* at the very beginning.
- get closer and be visible when taking pictures
- agree with the other photo or videocamera observers who are with you, so that one person is recording the general scene while the others cover from *another, closer point of view*.
- regularly say what *time* it is.
- take down the **names or nicknames of the witnesses** in order to be able to contact them to gather their version of the facts.
- do not waste time trying to film helicopters
- change tapes when you are filming police brutality [?]
- **Anticipate** what is going to happen. Try to estimate when the police are going to act. Generally speaking, they regroup and do not act spontaneously.

Technical Advice for Cameras

- Check batteries regularly
- Let tape roll one minute before starting to film
- be assured that the *date and time* on the camera are *correct*. If they are not on the image, say them regularly: for example, "Quebec City, it is April 20, 2001, 6:03 PM..."
- Remember to record the *sound* while filming.
- **Label** tapes with date, time, place, and your name. Do this immediately - don't wait and forget!
- Have stamped envelopes (SASE's) in order to be able to mail yourself tapes, rolls of film.
- Take a lot of film, videotapes and spare batteries...!!

Capture:

- license plates
- policepeople dressed as civilians and in uniform. This could be used to identify those who abused their power.
- people whom you think could be police officers. You might see them again under different circumstances.
- people who seem like they might be 'professional' agitators
- any incident, including arrests
- places, events in general.

From a Legal Point of View

- Always remember that Crown lawyers may ask to have access to everything that was filmed on the tape, or to all photographs (with negatives).
- For a document to be usable in court the document's author must be known, in order to identify the pictures.
- Ideally, one should film continuously in order to follow the series of events clearly. This enables the real people responsible for it to be identified.
- Therefore, first film the scene in general, identify the place, then film the incidents.
- In court, in order that visual proofs be taken into account, one has to demonstrate 'continuity'. That's to say that the person in possession of the 'proofs' (negatives, original videotape) between the moment they were taken and the time of the hearing did not falsify them.

In the Event that an Observer Decides to leave her functions

It is possible for the observer to quit her functions, because she no longer feels safe in a situation or because she decides to commit an act outside of her functions as observer (for example, helping a protester). In this case,

- remove observer badge
- hand in your notes to another observer in order not to lose the information

Safety of the Observer:

If you know you are going to observe an event which is likely to involve serious police muscle, the following advice could be useful. They are taken from the www.action-medical.net website.

www.montrealmedical.n3.net is also a good source of safety and first aid tips:

- badminton or carpentry glasses can help protect eyes from projectiles. Diving goggles create suction which can help protect against gases.
- eat and drink well before a protest.
- have on you enough water so as not to become dehydrated – *i.e.* a lot!
- wear a hat or cap to protect from the sun
- Detergent causes the chemical products used by the police to adhere to clothing. It is therefore advisable to wash clothing with detergent-free soap.
- Natural oils trap chemical products close to the skin. It is important to wash before going to a protest, preferably with detergent-free soap. Avoid applying hydrating lotions, makeup, sun-creme (except water-based sun-creme), Vaseline, mineral oils or any other substance.
- Do not wear contact lenses. Chemical irritants get trapped between the lens and the eye and can cause permanent damage to eyes.
- Cover your body as much as possible. Wearing clothes that have an elastic waist, wrist, ankles and collar can help prevent chemical irritants from spreading across the entire skin. Waterproof materials (avoid Gore-tex) are preferable to natural fabrics or petrol-based ones.
- In the absence of a gas-mask, a scarf soaked in apple cider vinegar offers the respiratory system effective protection. A scarf soaked in water or lemon juice is also more effective than a dry scarf.