

DALE FARM

Legal Monitor

Training Pack

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What is a legal observer?

You may already be familiar with the role of a legal observer. In the case of any eviction taking place at Dale Farm, there are a number of added dimensions to your role due to the additional actors involved in the situation. During an eviction at Dale Farm you will need to observe:

- Actions of the Bailiffs
- Actions of the Police
- How the residents of Dale farm are being treated
- Whether those involved in direct action (and/or supporters on site responsible for kitchens, medical services etc) are being treated inappropriately or arrested
- Damage to property belonging to residents
- Fellow legal monitors

As a legal observer your role is to take careful note of the way the eviction is both being carried out by the Bailiffs, as well as the way it is being policed, and to give out basic information to those involved in direct action about their legal rights in the case of arrest.

If there are incidents of force being applied by the bailiffs or in the case of arrests, or if force is used by the police, legal observers can collect information and witness statements that may help establish the facts and hold the bailiffs and the police to account in court.

While you are wearing a legal observer bib, you are a legal observer, not an activist. You should not participate actively in direct action by engaging in shouting, or intervening in actions. This does not mean you are neutral – you are there to support the residents of Dale farm primarily, those involved in direct action and supporters of the residents that may be on site. You only need gather evidence which will help the residents, activists and supporters. Do not collect information or evidence that is or could be helpful to the police or the bailiffs.

You have no special legal status. Legal observers are usually respected by the police, but rarely get special treatment. Legal observers have to tread a difficult line between being near enough to an incident to observe what is taking place, but not so near that you as an observer get arrested for obstructing the bailiffs or the police.

You are not immune from arrest, but unless you are deliberately getting in the way it is rare for legal observers to be arrested.

You are not a lawyer, police negotiator or spokesperson for the protesters. You should not provide legal advice beyond what is provided in the bust cards, nor attempt to negotiate with the police, or speak on behalf of the activists to journalists or police. Neither should you tell activists what they should or shouldn't do, no matter how strongly you feel. Your role is to observe!

Role of a Legal Observer

To monitor the both the conduct of the Bailiffs and of the police during an eviction:

- To monitor arrests. As a legal observer your role is to record what you witness during an arrest, or obtain statements from other witnesses.
- To record assaults on protesters by bailiffs and/ or police. Legal observers should record assaults in as much detail as possible, and should attempt to obtain statements from any witnesses. Legal observers watch and record details of resident and activist interactions with the bailiffs and police and pass this information to the co-ordinating team at the end of the shift.

- To record damage to property belonging to the residents of Dale Farm or the activists.

Maintaining independent status:

- Legal observers must not participate in direct action. The role does not mean you are neutral - you are there to collect evidence which may be useful to the legal teams acting for the residents and supporters of Dale Farm. Do not collect information that would be useful to the police. However you need to be careful about appearing to collaborate or feed information to activists.
- A legal observer is not a police liaison or media spokesperson and remains as independent as possible so that they can concentrate on observing what happens. There will be separate teams involved in both police liaison and media liaison.

To act as a deterrent to Bailiff and Police misbehaviour:

Legal observers are very noticeable in hi visibility bibs. You can act as a deterrent to bailiffs and police given your visible presence. They will be aware that their actions and any misconduct are being monitored and that the information gathered could be used in court proceedings against them.

Practicalities: Duties on a shift

- Your shift will begin with a briefing session by the duty legal co-ordinator. At this briefing you will be provided with an update on the latest developments and activities.
- You will also be introduced to your partner legal observer and given the equipment including your bib for the shift, a report book and pen and pencil.
- Once your shift begins, together with your partner legal observer, get close to the action so you can clearly see what's going on and take stock of your position, the timing and the people involved.
- Ensure that all activists have a 'bust card' which have legal info, legal support phone number and solicitors details to all participants in the action.
- Record all activity in your record book, including when nothing major is happening. Timings and observations are crucial even at moments of relative calm.

During an incident situation:

- Report all observations in your report book (See further details on recording information follows in the next section).
- Report bailiff and police misconduct immediately to the legal coordinator on duty who will ensure this is relayed to the back office legal team. This is important in case of seeking an immediate injunction where there is excessive and unacceptable abusive or violent behaviour on the part of the bailiffs or police. Take very good notes of the incident immediately, and offer your contact details to witnesses and ask them to right a report of what they observed whilst it is still fresh in their mind, if possible. Some witnesses may be happy to give you their contact details, but not all will. Bear this in mind and do not insist. It is also worth mentioning to potential witnesses that they may be asked to give evidence in court at a later date.
- At the end of your shift, pass ALL information to the legal coordinator. This is very important in centralising all information for subsequent legal cases. Also complete an incident report form with all the information required depending on the incident.

This is important in standardising information which can be used for a potential legal case after the eviction

- If there is any chance you may be arrested (see later section) pass your information and equipment including cameras and record book immediately to your partner legal observer if they are not under threat of arrest, or ideally to the duty legal coordinator or failing this if there is not much time, quickly text basic details to the secure off site base.

Collecting and recording data

The aim here is to systematically collect and report comprehensive facts, impartially and credibly, and without editorial or inference - Who did What to Whom (WWW) - not to identify violations but to report occurrences with as complete a record as possible. Adding bias, opinion, or rhetoric weakens the evidence collected and damages the credibility of the legal observer operation.

Observation – the 5 W's The 5 Ws: Who, What, Where, When, Why.

Who

Write down the shoulder ID numbers of any Bailiffs and officers involved, and names of witnesses or victims including members of the media (corporate or independent)

It is also worth writing down the shoulder numbers of police officers present, the registration numbers of their vehicles and the positions of the police and bailiffs, again while things are quiet, so you don't miss out on key information if things kick off later. Another useful piece of information can be the gender balance of the police and bailiffs (police are likely to be more balanced than the bailiffs).

Police numbers are usually worn on the shoulders - sometimes they 'forget' to wear them, but their memories seem to have improved of late. They are under no legal duty to give you their name, number or station. Ask politely for their number if you cannot see it, and if you can't see it, consider taking a photo or asking to speak to the officer in charge.

Bailiffs may be under a duty to behave in similar ways to the police, as they are contracted by public authorities and act on behalf of the state. However, they will have had less training and may not be as conscientious as police officers. In the past they have refused to identify on-site managers. Be polite and stand your ground, and record everything. It may be possible to take action later on potential breaches of their duties.

Further information to record related to the bailiffs and police:

- Police equipment and weapons (body armor, shields, etc.)
- Which weapons police used and how (e.g. batons, horses used to run into people, etc.)
- License plate of police or emergency vehicles or of any private cars moving through the demonstration
- Police actions and demeanour (e.g. marching around rhythmically thumping their leg armor with their batons, putting on or taking off gas masks etc.)
- Not warning people to disperse before arresting them, refusing to let them disperse, etc.

What

Simply what is happening, Things you might want to record:

- Incidences of racial abuse by bailiffs and police
- Physical manhandling of travellers by police and bailiffs - bailiffs are not trained to handle people safely, but will still handle them anyway
- Putting up fences and cordoning off residences or areas of the site
- Damage to property
- Removal of property

Where

Where did it happen? Which caravan, pitch where incident occurred eg doorway.

When

Times are crucial.

During quiet moments, it is also worth making notes of what is generally happening, and the time at which you make these notes. For example: '1.15 children playing, police relaxed'. This can be useful in two ways. Firstly, if things kick off at 1.18pm and you don't manage to write down the time, you will at least know that it happened after 1.15pm. Secondly, if the police later claim that the atmosphere had been getting tense for some time before things kicked off, you have a contemporaneous notes giving contrary evidence. The closer the note to the time an event occurred, the more valuable it is as legal evidence. These notes can also count as a witness statement. Make sure that if you collect information from others to get their names.

Why

What was the chain of events? Consider drawing a diagram. When you have a calm moment, you can note your analysis of events – but be sure not to write anything down that can incriminate an activist.

Other things to note: What the police say – Any explanations the police give of why they are doing what they are doing, anything that is said prior to the use of force, or during an arrest can be crucial evidence. Write it down!

NEVER record anything that could incriminate an activist - your notes and recordings might later be confiscated.

Filming Content

Make sure the timing is correct. When documenting bailiff 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 bailiff or police misconduct, replace your tape when you are finished filming the scene.

There are no guarantees, but placing the tape in a sandwich bag or envelope marked legally privileged, marked for the attention of: insert name of "recommended solicitors), and sealed with cello tape may prevent it from being seized.

Don't film anything on the tape that might take away from the incident you are documenting. For example, if footage of police beating someone is on the same tape as footage of activists doing something that could be considered aggressive, the police can claim they were using a reasonable amount of force considering the dangerous environment. If you can help it,

NEVER film activists 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.

Photos

Take photographs of incidents of police misconduct and activist injuries. But be careful your camera and film could get into police hands so don't take photographs that could help incriminate activists. Make sure you label the photographs clearly or make a note in your notebook of what photos you took and link them in some way to the photos on your camera.

Mobile Phones

If you bring a mobile phone we advise that you make it a cheap handset which you don't mind losing or having broken, with a new sim card in it. You can get these cheaply on a pay as you go basis. It is vital to ensure that it does not have any activist information or numbers on it, as it can be searched and retained by police if you are arrested.

Observing arrests

Some activists may be arrested during the eviction. Do not attempt to interfere, but take note of names (ONLY IF THEY ARE WILLING TO GIVE THEM TO YOU) or descriptions and firstly complete an incident report form adding additional information in your general shift report also send the information back to the off-site base as soon as possible for them to pass the information on.

Get a name. If possible ask the person arrested for their name (SEE ABOVE IN CAPITALS), as this helps track what has happened to them. Sometimes people do not want to give their names to the police, and legal observers should respect this and not press for a name if they do not want to give it. Sometimes it is possible to obtain a name from friends of the person arrested.

Give them a bust card. Sometimes you may be able to give the person being arrested a bust card – although very often you will not be able to get close enough to do this. It is worth making an extra effort to hand out bust cards if it looks as though the police may make arrests.

Note the reason for arrest. The person arrested should be told that they are under arrest, and the reason for their arrest. If you are close enough to hear conversation, listen out for this. If the person is not given the right information, it can make the arrest unlawful. Make a careful note of everything the police officers do and say.

Note any use of force. Force is frequently used on arrests, but it should not be excessive. Note the use of handcuffs including whether the person is handcuffed to the front or rear, and whether the person seems to be in pain from the use of the handcuffs. Other force used on arrests can include leg straps which bind the legs together, the use of pressure points to cause pain, neck holds, pressure placed on ankle and other joints, arm and wrist locks and knee or hand strikes.

Obtain witnesses. If you have not been able to observe an arrest, ask around to see if you can locate any witnesses. Give them your contact details if you are willing to give them

and/or take their contact details, preferably a name, e-mail address AND telephone number if they are prepared to give them to you, and ask them to complete a witness statement.

The offsite base

As well as handing in your reports and incident forms at the end of a legal monitoring duty shift to the legal coordinator, it is important in a situation is tense that you also report key incidents including arrests back to an off-site team who will be coordinating with:

- The Leeds-based solicitors handling the judicial review and land-related issues
- The London-based firm(s) representing arrestees.

You should send regular updates back to base in order that they can build up a detailed picture of events. If a significant event occurs, send an SMS or call in immediately and follow up with fuller notes, by whatever means, when you can - but make sure you make your full notes as soon as possible after the event. The mobile phone number of the off-site base team will be given to you at the start of your legal monitoring shift by the legal coordinator who will give you a briefing at the start of each shift.

Arrest risk for legal observers

Generally when there is an action, the first thing the police do when they arrive is clear the area of those not participating directly in the action. Whether they let you stay close by so that you can properly observe what is going on will depend in part upon the relationship between you and the police officers at the action. Legal observers are not immune from arrest just because they are not playing an active role in the action. There can be a fine line between being a good legal observer and getting nicked for obstruction.

Staying close to the action, especially after you have been asked to move, means you are risking arrest. Consider moving away if it looks like you are going to be arrested, better to be a bit further away doing your job, observing the action, than in a police van.

To reduce the risk of arrest:

- Wear a visible legal observer bib or sash
- Stay calm at all times
- Make it clear to the police and the media that you are an observer, not a participant in the action
- Communicate with the police in a calm assertive manner
- Your credibility with the police may be increased if you dress conservatively
- If you are concerned about police conduct/abuse of their powers talk to the senior police officers at the action, they are the decision makers
- Decide before the action how pushy you are going to be if you are asked to move away
- Retain your impartiality and don't get involved in the action.

Dealing with the media and the police

Media

Be concise, and don't give too much away - explain that you are part of an effort to monitor the eviction for violations of UK and international law and refer the enquirer to the media team.

Interaction with the police

Some interaction with police can be helpful – for instance you may want to obtain information from them such as their plans. Everything a police officer does must be an exercise of a power. Ask the highest officer present what power they are acting under and why (on what grounds) and record it. Even if they make an announcement and you can't hear it, write it down.

However, the police may try and draw you into negotiating on behalf of the activists. This is NOT the role of a legal observer. It is essential that you are not seen as a police 'go-between', as you could easily lose the trust of the activists. If the police ask you to take messages or negotiate with activists, politely decline and tell them that as a legal observer you must not be seen as being directly involved in events.

The police may ask about the legal observer role. There is no particular reason why you need to explain your role, or tell them whether you are, or are not, legally trained. You can explain that you are there to monitor policing, that you have had training to be a legal observer. Stick to the party line: 'Many of us have a legal background. We have all been trained.' Don't go beyond this - be a broken record.

Essential equipment

At the beginning of your shift as a legal observer, the legal coordinator will provide you with an Observers bib together with a record book and incident report forms, pens, a map of the site, contact numbers and bust cards to assist you in your shift.

In addition you will also need to bring:

- Warm and waterproof clothes
- Wear practical footwear
- A watch - you want to be able to check the time easily without having to get a phone out of your pocket while holding a notepad.
- Mobile phone - 'clean' - see above
- Something to sit on (a cushion in a sealed plastic bag)
- Food for you and to share
- Thermos flask with a hot drink or soup
- Any medication you are taking in a clearly labelled box
- Recording equipment – a Dictaphone is great for taking witness statements, and recording things in a hurry, although it can be very labour intensive to transcribe it all afterwards!
- Camera – can be useful, but care needs to be taken to avoid taking incriminating pictures

Abandoning the role of legal observer

At times legal observers have found themselves in emergency situations where they felt they had to intervene for example where an activist being badly injured by police and they have attempted to stop this happening by speaking to the officers or shielding the person being injured. This is particularly a concern in relation to any eviction at Dale Farm where there will be high numbers of children and vulnerable adults involved (elderly, pregnant women, severely ill, disabled) where legal observers may feel morally torn between their role as legal observer and intervening to protest the rights of residents being violated.

If this is the case, please remember that by collecting robust and credible information as a legal observer this will facilitate the ability to bring a subsequent legal case following the eviction. By intervening in the action, this may compromise the credibility in Court of evidence previously collected.

However, if you feel you must intervene directly then take off your sash/bib and ensure there is another legal observer on duty not engaging in the direct action. Give your notes to the other observer for safe keeping before rushing into the action.

Incident Report Form (fill out in relation to incidents of arrest, racial discrimination, gender related, treatment of children, elderly disabled etc).
Legal observer name:
Contact details:
Telephone:
Email:
Name of arrestee/person affected:
Contact telephone:
Which type of situation e.g. racial, disabled, elderly, children etc:
Further details about the incident or treatment by police/bailiffs:
Plot number:
Other Witness's names & contact details
Name/Badge number/Rank of officers or bailiffs involved:
Time & Place of event:
Police made aware of concerns i.e. racial/disabled./other vulnerabilities and their reaction
Details of photographs/video footage taken:
What action taken?