



OLYMPIC

Legal Observer Information & Training Guide

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based on materials prepared by the
National Lawyers Guild

Prepared for the
B.C. Civil Liberties Association
and Pivot Legal Society
www.bccla.org
www.pivotlegal.org

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Acknowledgements

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www.nlg.org



IMPORTANT WARNING

This guide has been prepared for information purposes only. This guide tells you what your rights are in a general way. Individuals with specific legal problems should seek advice from a lawyer and not rely on this book. This book contains phone numbers of organizations that can refer you to a lawyer at page 17.

Background

The Olympics have an unfortunate history of being associated with government activities that repress dissenting voices and “undesirable” populations. In China, dissidents and potential protesters were detained and protest pens sat empty. In Atlanta and Sydney, homeless people were harassed and displaced by security teams.

Here in Vancouver, people who have written letters to VANOC, gone to city hall to express Olympic related concerns, and even some who visited independent bookstores, have been the targets for increased scrutiny by the Olympic Integrated Security Unit. Our own city council is seeking By-law amendments to punish “leafleting” with \$10,000 per day fines and limit protests over a 40 block area of the city; and VANOC is urging cities along the torch run to ban signs and handouts provided by anyone except Olympic sponsors.

The B.C. Civil Liberties Association

The B.C. Civil Liberties Association is Canada’s oldest and most active civil liberties group. Their focus is on issues like free speech, police accountability, privacy and democratic rights.

Pivot Legal Society

Pivot Legal society is a non-profit legal advocacy organization located in Vancouver’s Downtown Eastside. Their focus on issues such as police misconduct, the criminalization of sex workers, harm reduction for people with addictions and the pressing need for affordable housing for the homeless and underhoused.

You can see why both organizations are interested in the Olympics!

The BCCLA and Pivot don't want Vancouver's Olympics to be an Olympics where the homeless are displaced, free speech interfered with, and citizen rights trampled with the mistaken purpose of attempting to impress international tourists and media. We believe what will impress tourists and international media the most is demonstrating our tolerant, diverse and unique democratic society and the values that guide us, protected by the Canadian *Charter of Rights and Freedoms*.

Our Legal Observer teams

Legal Observer teams will be observing major protests and other potential conflict hot spots like Olympic venues and the Downtown Eastside. They'll report observations back to the BCCLA's team of volunteer lawyers who are prepared to go to court to protect people's rights where complaints can't be resolved informally. Our Observers' first-hand evidence will form a solid foundation for those legal actions. Observers are the watchful eyes that will be focused on police, military and private security conduct to ensure accountability.

Are you ready to join us on the front lines preserving rights and freedoms during the 2010 Olympics?

www.pivotlegal.org

A Legal Observer is a calm, independent, objective witness to the activities of security forces.

Legal Observers make a difference through presence and independence

Sometimes the mere presence of Legal Observers serves as a deterrent to abusive behaviour by police during a demonstration.

When Legal Observer presence isn't enough by itself, Legal Observers document police and other security force activities in a thorough, neutral and professional manner so that lawyers representing arrestees or bringing a legal action will be able to evaluate the legality of police conduct objectively.

Legal Observers are not protestors

The strength of Legal Observer evidence in court comes from the independence of the Observer from those with a personal interest in the incident. If a Legal Observer feels morally obliged to become involved in a situation or protest, the Legal Observer must first abandon his or her role as a Legal Observer and remove any identifying clothing or marks that indicate he or she is a Legal Observer.

Legal Observers do not:

1. Provide legal advice;
2. Speak to the media;
3. Interfere with an arrest in progress or other police activity;
4. Provoke actions by police or protesters;
5. Engage in rude behaviour towards the police;
6. Engage in crowd control;
7. Hold protest signs or shout slogans.

To reduce the possibility that you may be arrested yourself, and to enhance your safety during the demonstration, follow these guidelines while acting as a Legal Observer:

1. Do not use violence, verbal or physical, toward anyone.
2. Do not damage or destroy property.
3. Do not use or carry drugs or alcohol, other than prescription medication. Clearly label medication with a pharmacy label.
4. Do not carry weapons or anything that might be perceived by police to be a weapon in the context of the demonstration. Recall even everyday objects like staplers can be seen by police as weapons. Ask yourself: Do I have anything in my pocket that I would not want the police to find or keep?
5. Work in pairs, with one partner constantly surveying the area for signs of danger or concern. In the event that your team becomes the subject of police attention, one of you should continue taking notes while the other speaks to the police officer.
6. Familiarize yourself with the area beforehand and always have a way to get out of a dangerous situation quickly.

Protective equipment

If you are assigned to observe a protest, there is a risk that tear gas and pepper spray will be used. We recommend that Legal Observers never wear contacts, because contacts react very badly with both of these crowd control weapons. If you are assigned to observe a protest, you should bring:

1. eye protection (e.g. swim goggles/scuba mask);
2. an air filter mask or a damp bandana in a ziplock bag; and,
3. extra water in a squirt bottle for drinking and cleaning eyes or wounds.

Legal Observer Equipment Checklist	
Observing a protest?	
Eye protection (e.g. swim goggles/scuba mask)	
Air filter mask or damp bandana in a ziplock bag	
Extra water in a squirt bottle (for drinking and cleaning eyes and wounds)	
Contact and identifying information	
To be safe, write phone numbers of the BCCLA, other observers, and/or your lawyer's number in permanent marker somewhere on your body	
Personal identification and Law Society card if you have one	
Legal Observer uniform	
Evidence gathering equipment	
Notebook(s) and pens – preferably with water-proof covers and ink	
Watch – synchronized with your camera and your partner's watch	
Tape recorder (extra tapes)	
Still camera (Ensure the full memory card is available)	
Video camera (with lots of film or memory)	
Cell phone, change for pay phone, radio, or pager	
Extra batteries for all!	
Ziplock bags – to protect equipment or notes from water and to hold samples of rubber bullets/beanbags or other interesting things you find.	
Blank police misconduct allegation reports – to be provided by the coordinator at the BCCLA	

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Taking real-time notes when events are unfolding quickly is a skill that takes some practice.

The easiest way to make your notes useful for the legal team is to transfer them to a police misconduct allegation report or write them in an organized, legible format. Do this as soon as possible before your memory fades. Your notes are to refresh your memory. You may expand on them in completing your full report.

1. Number and date each page you take notes on. Do this before the demonstration.
2. By each entry, write the exact time. If this is too difficult given the pace of events, record the time whenever you can.
3. If you are taking pictures, match the shot number to your notes and describe the picture by the entry to give it context.
4. Be sure to take down information before the chaos starts. You must anticipate conflict because once the action starts you will not necessarily have time to record all the details.

As soon as possible after an incident or arrest (whether your own arrest or someone else's) sit down and write out everything you remember about the incident. Keep these notes in a safe place until after the action and then get them to the Legal Observer coordinators or another trusted legal person. Do not destroy or discard your notes. Legal matters sometimes take years to arise.

Geographic information

Exact date, time and location, including street names, address #s, landmarks, what side of the street you're on (N,S,E,W), etc. Diagrams can be helpful. Note routes taken by demonstrators and police (streets and times), as well as which routes and public places are blocked off, and the location of barricades.

Officer ID

Name, rank, badge number, agency (RCMP, VPD, military, private security company), of each officer present (note if officers refuse to give this information), who is in charge, any distinguishing physical characteristics of officers. License plate and ID # of law enforcement or emergency vehicles or of any private cars present. This is particularly important where the officers refuse to identify themselves.

Police conduct

Any force used by police, including force you may believe they are allowed to use (includes tripping, striking, kicking pushing, shoving, blocking protestors with bodies or bikes, grabbing, pepper spray). Watch for any inappropriate language, including swear words, identity-based insults (racist/sexist/homophobic), blocking traffic or escape routes, mass arrests, tickets and street sweeps. Watch for police equipment and weapons and how they are used and police actions and demeanor (marching, yelling, pounding batons, line up, group, individual, number of police).

Police warnings

Who gave the warning, what he or she said, time between warning and police action, failure of police to warn people to disperse before arresting them, refusing to let people disperse if warnings are not audible and/or intelligible, if it was read from a card or appeared to be from memory.

Arrested persons

Names, phone numbers, affinity group name, their friends' phone numbers, their physical/emotional condition, injuries, conduct (passive, walk, resists), words spoken by police during their arrest, words spoken by arrested person, plate number of vehicle they are put into. Provide detailed descriptions of arrests, detentions and searches.

Witnesses

Names and contact info, including members of the media (corporate or independent). Also note the actions, descriptions and contact information of bystanders who are witnesses.

Media

Watch for any police interference with media or citizens recording events.

Do not focus observations on protestors

Although protestors are often more interesting to watch, the focus of your observations as a Legal Observer should be on police conduct. The police will be watching protestors and other lay citizens for illegal behaviour and recording these observations. Consider that any evidence you collect can be seized and used in court.

Talking with the police

Do not argue or chat with the police. You may be arrested for any number of charges if you argue. If you are too friendly to police, protestors will not trust you. In either case, you will lose your objectivity, which is the essence of your role.

You can ask police officers for their names and badge numbers, especially if they approach you. You can ask polite direct questions. Do not get in their way. Do not engage police while an incident is occurring or about to occur.

The police talking with you

You have the right to remain silent! Use it! You only have to give police your name and address if:

1. You are under arrest;
2. You are driving a car;
3. You have allegedly broken a law and they want to issue you a ticket or an Appearance Notice; or
4. You are in a bar or movie theatre where they can check your date of birth.

Even in situations where you are not legally required to identify yourself to the police, providing basic information can avoid escalating the situation or being detained for investigative reasons. You must assess this approach on a case-by-case basis, and remember, police are trained to get information through what appears to be innocuous questioning. Remember that you can always stop talking and assert your right to silence and that anything you say will be used against you if you are charged with an offence. Resources like the BCCLA *Arrest Handbook* or *Pivot's Rights Card* might come in handy.

The best course is often to provide your name and address and to not engage in any further conversation at all. Do not ever give false information or you may be charged with an offence.

If you have a video or still camera and the police believe your camera contains evidence of a crime, the police can seize it if they cannot identify you for the purposes of issuing you a warrant at a later date and you will not assure them you will not delete the contents. If you have a camera and the police want it, identify yourself, including your address, to police. Tell the police that the recordings will be preserved and will be made available to the police in the event they obtain a warrant. Provide the police with contact information for the BCCLA as well as your own contact information.

Talking to arrestees

If you witness an arrest, try to get the arrestee's name and the names and numbers of nearby witnesses. Do not interfere with the arrest or attempt to speak to the person who is being arrested.

Police searches

You should say "NO" if the police ask to search you or your things. The police do not need your consent to search you when:

1. They have detained you to ask you questions. If you are detained, they may only do a frisk or pat-down search for weapons you could use to hurt them or yourself.
2. They have arrested you. If you are arrested, the police can do a full search of your body (not a strip search – unless they have a good reason) and personal possessions.

Figuring out if you are being detained

If police stop you, calmly say: “I am a Legal Observer. I am not a protester. Am I free to go?”

If the answer is “yes”, you may walk away.

If the answer is “no”, you are being detained or arrested. Ask “What is the reason for my detention?” Listen very carefully and remember what is said. Get the officer’s badge number. Take notes as soon as possible. If they give you a warning, remember the words used and if it was read from a card. Exercise your right to remain silent.

If you are being arrested or detained

If you are being detained or arrested, you may say the following:

“I do NOT consent to be searched. I have the right to remain silent. I want to speak to my lawyer right now.”

There might be a delay in accessing a lawyer. The police can continue to try to get your consent to search you or to get a statement from you. Continue to insist upon your right to deny a search and remain silent. Be polite and do not argue or resist even if you think the police are being excessive, unless you need to protect yourself from serious injury. Take notes.

If police want to give you a ticket or a notice to appear in court or at a police station, you must give your name and address to the police or you risk a charge of Obstructing a Peace Officer. Remember that if you have a camera, we ask that observers identify themselves to police to prevent the camera from being seized at the scene. Tell the police that the recordings will be preserved and will be available if they obtain a warrant.

Common Legal Observer charges:

Be advised that as a Legal Observer, you face a risk of being involved in situations that may result in you being charged with the following if you do not follow the guidelines of this manual very carefully, and even sometimes if you are acting completely legally:

- disorderly conduct,
- mischief,
- unlawful assembly,
- taking part in a riot,
- resisting arrest,
- assaulting an officer,
- obstructing justice,
- “weapons” related offence.

Remain calm if you are arrested and continue your role observing. A lawyer can help you advance your rights and address breaches of them at a later time. Contact a lawyer and the BCCLA as soon as possible at the numbers provided to you.

B.C. Civil Liberties Association: 604.687.2919
Pivot Legal Society: 604.255.9700

The Observer Coordinators' Cell Phone numbers:

My Legal Observing Partner's cell phone number:

My Lawyer:

www.pivotlegal.org

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This guide provides basic training information for people interested in becoming legal observers for the 2010 Olympics in Vancouver.

For additional copies, please contact the B.C. Civil Liberties Association or Pivot Legal Society.

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