

“Legal support” is a term used to describe a person or small of team of people, who support people taking action which is likely to result in arrest by:

- ensuring that activists know their rights if they are arrested;
- monitoring and recording arrests and police behaviour;
- liaising with police and lawyers to help arrested activists in custody;
- giving activists emotional and practical support.

“Legal supporters” do not have to be lawyers, and they do not have any status in law. Although legal observers don't need legal expertise, they should be familiar with the laws governing demonstrations in the relevant country, and with police responses to “public disorder” (actions and demonstrations).

The methodology described here is based on observing and supporting demonstrations, mainly in the UK and USA. Every country will be different, but this guide should help you to provide support to arrested activists before, during and after arrest. This type of support can be absolutely vital in helping activists feel empowered and supported when they are arrested.

Legal support group roles

The number of people involved in the legal support group will depend upon the size of the action and the number of arrests expected. If your action or group is small, one person could take all of these roles. If it is a larger action then you will need a team in which the roles are split up among you. A legal support team might organise to have someone in the 'back office' using the telephone, legal observers attending the action, someone coordinating the collection of those arrested after they have been released, and someone responsible for ensuring people are supported emotionally.

Before the action:

You need a dedicated mobile phone (some activists choose not to use their personal number, by purchasing a 'clean' sim card). This will be the legal support number for contact with activists, police and lawyers. Someone needs to be responsible for this at all times.

Prepare a legal briefing for the action, so that activists are fully informed of arrest procedure, what they should expect to happen at the police station, likely offences, likely outcomes, bail and first court hearing. This information can be presented at a pre-action meeting, or produced as a leaflet.

Ensure activists know their rights under arrest. The easiest way to do this is to prepare and distribute a small card, sometimes called a 'bust card', and encourage all participants to carry it. This should include basic detention rights under applicable law. For example, if arrestees have the right to silence, or the right to see a lawyer, then state this on the card.

The bust card should include phone numbers to ring after arrest. You should include the name and number of a supportive lawyer; and the legal support telephone number if arrestees have the right to have someone notified of their arrest. Activists may also want to write the number in marker on their arms so it is not taken from them when they are arrested.

Each person putting themselves at risk of arrest (even if they do not intend to be arrested) should fill out a form for the legal support team that includes: their legal name and contact information, who should be contacted in case of arrest, and relevant medical information. This information should be held off-site from the action.

During the action:

Unless your action is covert, the most crucial aspect of legal support is provided by the legal observer or observers. They should watch the action/demonstration, but not take part in any way. They should record who is arrested – when, why, where and by whom? This information should be collected in a list of arrested people to make it easier to find out where they have been taken, and when they are released. Videos and still photos of the action are helpful in documenting arrests, and especially important if your rights are violated.

Legal observer/s should also record any violent behaviour or unlawful actions by the police, recording if possible the identity of the police officer/s involved, and collecting statements from witnesses, in case the affected or injured person wishes to later complain against the police.

After arrests:

If an arrestee wants to contact the legal supporters from the police station, they should ask the police to use the legal support telephone number. The legal support team should use this phone to call police stations to find out who is detained. Whether you get this information depends on the police.

Make a definitive list of who has been arrested, where they are held, and when/whether they are released. Compare this to the Legal Support Forms people filled out. If people are not released, call their support people listed on the form and set up jail support.

Contact the police station and, if necessary, contact lawyers; ask supporters to wait outside the police stations until the last of the arrested people are released by the police.

Provide practical support (food, drink, transport, warm clothing) and emotional support.

You should find out if released people have been charged with an offence, or remain under investigation, and add this to the list. If people remain in detention make sure they have access to a lawyer.

You might need to organise transport to collect people released from police custody.

Coordinate defendants' meetings after the action to help prepare for prosecution.

Remember:

- Legal observers and support team are not lawyers, so should not give legal advice.
- Legal observers are not there to liaise with the police, but to observe their actions.

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