Legal observing is one of the areas of Haldane’s work which places the society’s members closest to the struggles which currently define our society. Haldane’s legal observers – not all of whom are members of the society – aim to support demonstrators at protests by bringing the skills of lawyers onto the front line of social conflict. Although we are independent of any demonstration that we observe, not participating as organisers or protesters, our role and actions are clearly informed by our politics. The Haldane Society is clear that our legal observers are there to monitor the wrongdoing of the police, not to participate in the policing of democratic protest.

On the ground at a protest, legal observers can be identified by their bright orange bibs emblazoned with the words ‘LEGAL OBSERVER’, their proximity to the centre of the action, and the fact that they are the only people calmly writing in notepads while heavily armoured officers are preparing a baton charge. Note-taking is one of the most important skills of a legal observer: the detailed, timed notes produced are useful evidence for civil claims later made against the police, or for helping to act in the defence of protesters prosecuted for their actions on the day. When collated later, they also help to build up a picture of police actions on the day, including patterns of arrest and stop and searches.

As well as note-taking, many legal observers choose to take cameras with them to record any police misconduct. However, it must always be borne in mind that a camera can only provide a limited view of what is going on, and that decontextualised images or videos which fall into the hands of the police may be more damaging than helpful to activists.

Whatever form of recording of police aggression is used though, the most effective role of legal observers is in using their close monitoring of police to prevent abuse in the first place. In a recent anti-fascist demonstration in Waltham Forest individual police officers, attempting to intimidate protesters by forcing them to take off face coverings using their power under section 60AA Criminal Justice and Public Order Act 1994, were dissuaded from continuing along this path by the presence of legal observers and intense questioning by them.

The ‘legal’ aspect of observing appears quite clearly within the legal support provided by observers. Observers hand out ‘bust cards’ to protesters advising them of their rights, for example with regard to stop and search, arrest, and how specialist protest lawyers can be contacted. There is some debate over what information these cards should provide, with certain groups advocating a blanket ‘no comment’ policy for all suspects interviewed by police in protest situations, while others take a more nuanced line. While the former groups would say that such a policy is necessary to get the message out to activists that talking to police is a bad idea, particularly before a specialist protest lawyer can be contacted, and also that making no comment protects comrades who may be incriminated by comments made in interview, the latter groups would hold that because no blanket policy is capable of responding to all situations, any advice should be nuanced, and make reference to the skills of lawyers trained in how to make the best defence in protest situations.

Haldane’s support work for protesters is increasing through its co-operation with other legal observing groups, most notably Green and Black Cross (GBC), alongside whom Haldane have operated on several legal observing missions. In addition to legal observation on the ground, support from GBC is provided through an arrestee telephone line printed on bust cards which anyone who is arrested or who has concerns about arrestees is encouraged to call, so that arrangements can be made for them on leaving custody, and so that advice and follow-up support from lawyers can be arranged. After the arrest of 182 cyclists on the Critical Mass bike ride during the Olympics, arrestee support by GBC, assisted by Haldane members, helped in reuniting many arrestees with their confiscated property, including bikes, as well as in facilitating the establishment of further longer term support mechanisms for arrestees.

While protesters, when the nature of legal observers is explained to them, tend to react extremely favourably to the presence of observers, the police reaction to their presence is incredibly variable. Reactions vary between forces, between situations, and even between officers. Whereas many police officers approach legal observers as being as inoffensive as journalists, many will attempt to obstruct observers, or to pick arguments with them in order to prevent them fulfilling their roles. Although it is uncommon, it is also not unknown for legal observers to be arrested. Minor assaults and aggressive actions by the police are unfortunately more commonplace.

Questions are currently being asked about what the future holds for Haldane’s legal observers. Most important among them is whether we should work increasingly closely with other groups, or preserve our organisational and operational independence. A plethora of legal observing organisations operating at the same demonstrations would be seriously counterproductive, potentially sending confusing and even conflicting messages to activists. It also squanders resources if training for observers, arrestee support services, and on the ground organisation is unnecessarily duplicated. However, our independence allows us to operate in the way we most see fit. Certain other organisations which participate in legal observing activities do not share Haldane’s ethos. According to research carried out by the organisation Netpol, Liberty has, in the past, fielded legal observers and was subsequently criticised for their perceived inappropriate levels of co-operation with the police. Other organisations may not offer the same professional level of training as The Haldane Society requires its observers to undergo.

The correct path for the Society most likely lies in finding a middle ground between independence from other organisations and integration with them. In the approaching trade union and student demonstrations Haldane intends to co-ordinate its actions with both GBC and the Legal Defence and Monitoring Group, so as to allow each organisation to share those elements of their work which they do best. No one benefits from sectarian rivalries: our differences on the politics and tactics of legal observing should not prevent co-operation among those organisations which see their roles as supporting activists.

As we enter an autumn of renewed class struggles, with large-scale protests against the Government planned for the coming months, Haldane will be there to support the movement. And whereas we may not ourselves be storming the barricades, we know which side of them we will find ourselves on.

If you would like to get involved, contact haldane.legalobservers@gmail.com

Stephen Knight is a pupil barrister and writes in a personal capacity.
Traveller rights activists targeted Eric Pickles’ Department of Communities and Local Government in a protest on 19th October to mark the one year anniversary of the eviction of Dale Farm. 250 activists, many of whom resisted the eviction at Dale Farm last October, and former Dale Farm residents descended on the government building in an attempt to ‘evict Pickles’. Protesters held 6ft caravan cutouts while 10 people scaled the building and occupied the roof with banners reading ‘Fight for Site’, ‘End All Evictions’ and ‘Dale Farm Fightback’. Protesters accused police of being heavy handed, citing excessive force and use of dogs. Several arrests were reported.