

PROTECTING OUR WATER

LEGAL
STRATEGIES
FOR MOVEMENT
ACTIVISTS



BOOK 2: CONCURRENT

★ PIPELINE LEGAL ACTION NETWORK ★

PROTECTING
OUR WATER

Jesse Sparkle, a protestor at the action, said that “It’s individuals such as Doe who staff the regulatory boards in the USA. Doe is one of the people who can decide the fate of our planet. He, with others last year, decided to permit the continued destruction of our planet through burning tar sands oil. That is what brings us here outside his house to hold him accountable, and for him to correct his past mistakes.”

[The Boilerplate] Climate Defenders is a group of people in the USA organizing against the Line 3 tar sands pipeline, a threat to our environment and the rights of Indigenous people in the USA.

[Close]

###

APPENDIX I SAMPLE PRESS RELEASE

[Contact information] MS Know Your Rights, xxx-xxx-xxxx, kyr@somewhere.com

Nov 14, 2019

Press Release: Climate Defenders

[Compelling Headline] **A Dozen Arrested Protesting Line 3 Pipeline in the U.S.A.**

[Subheading] **Water protectors were arrested on Thursday Evening protesting the decision to grant Enbridge the certificate of need.**

[Dateline] **November 14th, 2019, Somewhere, USA**

[1: Who? What? Where?] On Thursday evening, a dozen water protectors with Climate Defenders and ABC College's Climate Justice Collective protested at the house of John Doe, a commissioner on the Public Utilities Commission (PUC). Water protectors protested the PUC's June 2018 decision to grant the certificate of need to Enbridge for their proposed Line 3 project, and pressured Doe to deny construction permits to Enbridge Line 3.

[2: The Body] Enbridge, a multinational oil corporation, is currently developing the Line 3 tar sands oil pipeline in Canada and the U.S. The proposed pipeline crosses Indigenous territories, violating Indigenous sovereignty and treaties between Indigenous nations and the U.S. federal government. The pipeline will facilitate increased production of oil from the Alberta tar sands in Canada. Oil produced from tar sands is the most pollutive fossil fuel production process and directly contributes to global warming. The construction of Line 3 threatens large swathes of forest in the northern USA, and the threat of a spill will cause irreparable environmental damage.

In June, the Court of Appeals reversed the PUC's approval of the project's Environmental Impact Statement. The PUC will now review the amended statement and decide whether to issue the necessary permits for construction to proceed.

Water protectors staged a "funeral for the earth," directly drawing attention to the role of John Doe in the PUC's June 2018 decision to approve the construction of Line 3 in USA. Water protectors organized a similar protest with Climate Defenders on October 4, 2018, to shame Doe. On Thursday, protestors pressured Doe to reject the amended statement and deny Enbridge the necessary permits to construct Line 3.

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APPENDIX H
 SAMPLE PHONE SCRIPTS FOR
 JAIL SOLIDARITY

Protecting Our Water Workbook 2: Action Concurrent Legal Issues
 First printing 2023

Written by Pipeline Legal Action Network, Minneapolis, MN.

Bde Ota Otunwe, Mni Sota Makoce, aka “Minneapolis, Minnesota,”
 Occupied Oceti Šakowin homeland and Anishinaabe territory.

Printed on Dakota Land.

When planning a Jail Solidarity phone drive, write a phone script and post a call to action to your networks.

SAMPLE 1: CALLING FOR RELEASE

URGENT: CALL THE AITKIN COUNTY SHERIFF TO DEMAND THE RELEASE OF 15+ WATER PROTECTORS.

15+ water protectors were arrested in Aitkin County today opposing the Line 3 pipeline, and are now being held in jail overnight. Call to demand their immediate release.

AITKIN COUNTY SHERIFF: 218-927-7400

AITKIN COUNTY JAIL: 218-927-7456

“I’m calling to demand the immediate release of the 15 protesters arrested today in connection with the Line 3 pipeline. With the spike in COVID-19 cases, holding them overnight is a direct and disproportionate risk to their health. You must release them TODAY.”

“Hello, I am calling to demand that you drop all charges against _____ and the other Land Defenders who were arrested on _____. They were asserting their inherent rights as Indigenous Peoples to defend their sacred lands.”

Cover illustration and interior illustrations by jonas goonface.

Please distribute freely for non-commercial purposes.

- If you do not find the name: “We don’t have this person on our list, but that doesn’t mean that _____ wasn’t arrested. Our list is incomplete. It takes a while for police to process people, arrested activists are sometimes denied their right to a phone call, and not everyone knows the legal hotline number. You can call the jail and see if _____ has been booked. You can see who has been booked into the Henn Co Jail at <https://jailroster.hennepin.us/JailRosterOnline/jail-roster>. Or by Googling “Hennepin County Jail Roster.”

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- Can you see the names or badge numbers of police? Have you recorded or can you record this information?
- Can you get the names and contact info of Legal Observers, media, medics, and other witnesses? If you can't write them down, can you dictate them to me over the phone?

Make a note as to your perceptions of the witness. Did they sound upset? scared? angry?

CALLS FROM FAMILY AND FRIENDS

The caller wants to know what the legal hotline is or who you are.

- *The legal hotline is staffed by volunteers whose mission is to provide emotional and legal support to activists participating in the demonstrations. Our priority right now is taking calls from people reporting brutality and arrests happening on the streets and for people calling from jail who have been arrested.*

Early in the action: The person wants to know if their friend/relative has been arrested.

- *If you believe your (friend/relative) has been arrested, you might want to call back later when we've heard from more arrestees and have better information. It takes a while for police to process people, and arrested activists are sometimes denied their phone call, and we expect the police will continue to make arrests, so no matter when you call, there is a good chance that our list will not be complete. However, you are welcome to call back, and if we aren't too busy, we would be happy to try to answer your questions.*

Later in the action: The caller wants to know if their friend or relative has been arrested.

What is the name of the person you are looking for?

- If the office is not busy and you have time then proceed. Otherwise, say "Sorry, we can't look this information up right now because we have to keep the phone lines open for people calling from jail. Try calling back later, and in the meantime try to stay by a phone that they can call you from."
- Check the list of confirmed arrestees for the name.
- If you find the name: Yes, _____ is in jail. The legal team is working on getting lawyers into the jail as soon as possible. Reassure the caller that the person is ok (unless they aren't).

- Does anyone need medical attention?
- Is the situation escalating?
- Get as much information as you can about the people being arrested. (Name that they will be booked under, the name they go by, date of birth, if they have a point person outside that will liaise with the legal team if they have a lawyer, date and time of arrest, officers involved.)
- Let the rest of the crew know as soon as someone is confirmed arrested and we can start working on the next steps.

CALLS FROM THE STREET

Write all this information down. If a large amount of info starts coming in we will start a new cryptpad or notebook:

- Date and time.
- Name or nickname of caller and pronouns.
- Exact location of caller
- Call back number or other contact info (cell phone as well as email, permanent phone number), especially if witnessing arrests or brutality.
- The message If someone calls with random updates or takes a long time, write them down briefly and let them know we need to keep the phone lines open.

FOR CALLS REGARDING POLICE BRUTALITY OR HARASSMENT

- Briefly, what's happening?
- Where exactly are you? How close are you to the incident?
- Are any Legal Observers or media seeing it? How many? If not, can you direct their attention to it?
- Does anyone need medical attention?
- Is the victim(s) detained or arrested? (Held down, behind police lines, handcuffed?)
- How many police are present? (Estimates are ok.)

INTRODUCTION

This workbook has been put together by Pipeline Legal Action Network (PLAN). We are legal workers and legal support organizers who want to help build a movement committed to anti-colonial and anti-extractive practices and policies. Our aim in creating this workbook is to help you to strategize effectively and mitigate the risks inherent in Direct Action and confrontational activism, which are necessary to further this movement.

Our work stems from Line 3 struggles on occupied Anishinaabe and Oceti Šakowin land in Minnesota and can be applied to many different contexts. Our work is rooted in the following principles:

We are committed to restoring a paradigm recognizing humanity's dependence on our shared and living Earth. We join in resisting extractive industries and colonization. We respect the inherent autonomy and sovereignty of Indigenous peoples. We recognize that we are on stolen land and that Line 3 is but one example of ongoing colonization.

We embrace the concept of abundance and are committed to centering relationships as part of this vision. We promote non-competition within this ecosystem of resistance. We humbly seek to share space in this struggle and welcome other groups engaged in anti-colonial and anti-extractive efforts. We seek to practice the values and visions we desire for the future, today.

Our work will expand the realm of possibility for transformative action by pushing back against repression and reducing the harm caused by the legal system. The legal system is a colonial imposition and an essential tool for those wishing to consolidate power, wealth, and control. We will equip water protectors with knowledge and resources to strengthen movements against the extractive industry and reduce the harm associated with criminal charges.

We will prioritize organizational structures that support individual autonomy while acting in ways that honor our interdependence. We will support groups and individuals in making their own informed decisions by decentralizing information, power, and resources.

Our work will be rooted in a respect for a diversity of tactics in our shared struggle to stop Line 3 and end the fossil fuel era. We

recognize that the State takes advantage of tactical differences to divide movements. Movements that include diverse tactics are resilient in the same way diverse ecosystems are resilient.

We see oppression as intertwined and systemic. We commit to work to end all relationships of domination and subjugation, including but not limited to those rooted in hetero-patriarchy, racism, classism, colonialism, antisemitism, and transphobia.

We reject the narrative of “workers versus environmentalists.” Climate catastrophe disproportionately impacts poor and working people. If the system requires us to sell our future to survive today, then the system must be changed.

Our work is movement work and our solidarity is with those who stand with their comrades and movement. We will not provide support to those who undermine movement through State collaboration.

This workbook has been written with these principles in mind. Everyone’s situation is unique, and we aim to help you make the best choices for you and your community in the specific situation in which you find yourselves. This workbook includes information and exercises to help you think your way through possible situations in advance when you are engaged in Direct Action. We’ve written this workbook as a set of three. Book 1 is *Pre-action Issues* and covers themes to help you clarify your collective thoughts and organize your goals to increase your success before you engage in action confronting State structures. This workbook, Book 2, is titled *Action Concurrent Issues* and aims to support you and your comrades as you engage in Direct Action. Finally, Book 3 (yet to be released) is titled *Post Action Issues* and will cover topics to help you stay vigilant in the wake of your action(s) and potential continued entanglement with legal systems.

Workbook 2 was started in the Spring of 2020, during the Covid-19 pandemic and following the mass uprising after the murder of George Floyd in our neighborhood here in Minneapolis. At a time when federal agents continue to pour into cities and the deep violence and surveillance of the State is unveiled for more and more people, we hope this workbook helps you minimize harm to yourself and your movement. That it keeps you strong, bold, and smart so that activists can continue to build a world which values Black lives, abolishes police, respects Indigenous sovereignty, and halts the spread of tar sands oil pipelines across Indigenous land.

date, and your name.

- Tell them that we will have Police Misconduct Reports available when they get out and that they should fill one out then.

IF THEY ARE CALLING WITH SPECIFIC LEGAL QUESTIONS

- Remind them that you are not a lawyer, but that the legal team is working with lawyers.
- Write down the questions and tell them you will get the answer(s) as soon as possible or try to get a lawyer to come and answer the question directly.
- Remind them to ask their lawyers hypothetical questions: “Hypothetically, if someone were going to do X, what might the legal consequences be?”

IF THEY ARE CALLING WITH MESSAGES FOR LAWYERS

- Never give out lawyers’ phone numbers without permission.
- If they have sensitive information or messages that can only be given to or through lawyers:
- Write down the message.
- Ask how urgent it is, from 1 to 5, (5 being most urgent), and write this down.

IF POLICE ARE ARRESTING PEOPLE

- How many people are being arrested? Count or estimate numbers.
- Are any Legal Observers or media seeing it? How many? If not, can you direct their attention to it?
- Are the police using any force? (Shoving, tackling, pain compliance holds).
- Can you find out if the arrestees know the legal hotline number? Do you see it written on their arms or legs? Can you get close enough to tell them the number?
- Can you hear if they are invoking their rights by saying “I am going to remain silent, I want to see a lawyer”? Can you get close enough to suggest that they do this?

person? Who are they and have they been contacted? (Write the answer and contact information)

- Have you asked to see a lawyer? Who have you asked? What did they say? Do you know the name(s) and badge number(s) of the person(s) whom you asked?
- Have the cops tried to question anyone? Has everyone invoked their rights by saying the Magic Words: “I am going to remain silent. I want a lawyer?”
- Have you discussed with the others what you want to do? (bail-out, stay in jail until arraignments, etc.)
- Do you feel you have been mistreated in any way?
- Do you feel like you are in special circumstances and need to bail out right away?

WHEN PEOPLE CALL FOR EMOTIONAL SUPPORT

- Listen.
- Let them know generally we are doing what we can—sending lawyers to the jails, talking to the prosecutor’s office, etc.
- Let them know about other support—people calling the jails, court, mayor, etc. to demand the arrestees’ release; jail vigil outside (or jail vigil being organized); press conferences and high media interest.
- Provide information on how to request medical attention while in jail. Depending on the concern, the next steps may vary.

WHEN PEOPLE CALL ABOUT MISTREATMENT IN JAIL

- Ask if they need or if they have requested medical attention. Ask and write down who they spoke to, when that conversation happened, what they said, how the person responded.
- Ask about identification/badge numbers, names, and physical descriptions of police or guards; ask them to pay close attention to these things in the future.
- Take detailed notes on what they’re telling you in your log. Make a note next to the person’s name on the list of arrestees of time,

The breadth of this workbook is the immediate issues within a Direct Action and immediately after. Sections one and two discuss the importance of planning an event safely through power mapping, a research tactic to trace where the power and money lie, and setting up outward and inward communication (comms) with the folks in your movement. As the State gains more experience in repressing people’s movements, these Direct Actions often include interacting with the police and arrest. As such, sections of this book include preparing for police presence, notes on Jail Solidarity, a section on setting up jail support, and bail funds. More broadly, this workbook includes considerations like community power dynamics, working with social media and corporate media, and operating within an oppressive legal system. In *Workbook 3: Post Action Legal Issues*, we will talk more about legal support and court solidarity.

We have written this book from our experience in the movement to Stop Line 3, but we are informed by anti-repression work in a wide breadth of areas. So while our writing is tailored to anti-colonial, anti-extractive struggles, the lessons to protect yourself and your group will apply to activists in different contexts confronting the U.S. legal system. We always welcome feedback (PLANLine3@gmail.com) as we begin to work on the third workbook in this series.

WE ARE GRATEFUL TO THE FOLLOWING ORGANIZATIONS, THEIR VOLUNTEERS, AND STAFF FOR HELPING TO BRING THIS WORKBOOK TO YOU THROUGH DIRECT EFFORT AND ALSO TEACHING AND COLLABORATION OVER THE YEARS:

AMERICAN CIVIL LIBERTIES UNION
 ANARCHIST BLACK CROSS
 CENTER FOR CONSTITUTIONAL RIGHTS
 CIVIL LIBERTIES DEFENSE CENTER
 CLIMATE DISOBEDIENCE CENTER
 ELECTRONIC FRONTIER FOUNDATION
 FRESHET COLLECTIVE
 LAW FOR BLACK LIVES
 LEGAL RIGHTS CENTER
 MIDNIGHT SPECIAL LAW COLLECTIVE
 MUTANT LEGAL COLLECTIVE
 NATIONAL LAWYERS GUILD
 NYC PEOPLE'S LAW COLLECTIVE
 TILTED SCALES COLLECTIVE
 WATER PROTECTOR LEGAL COLLECTIVE

APPENDIX G ANSWERING THE LEGAL HOTLINE

Answer the phone by saying “Legal support, this call may be monitored.”

CALLS FROM JAIL

All information received from people calling from jail for the first time should be recorded. If you anticipate or start having many arrests you may want to use the Arrestee Intake Form.

All calls from jail are recorded. **Certain things should not be discussed over the phone: Immigration status of a particular person; individual involvement in an event that led to the arrest; any admission of crime or intent to commit a crime. If someone begins to talk to you about these things, remind them again that the call is recorded.** Suggest they wait until they see a lawyer to try to explain what’s going on or certain problems they may have. Tell them that we will make an extra effort to get lawyers in to see people who have special circumstances that may cause them to be targeted. Don’t promise that we can get them a lawyer right away, only that we’re doing everything we can. Answer questions, but don’t spread rumors.

- What’s your name?
- Are there any medical or other emergencies?
- Is this your first call to the legal hotline?
- If yes, then continue down this script.
- If no, ask if they have any updates on their situation. If they do, then find previous notes from them (if you have time) and make updates on them. If you can’t find it, or if the phones are ringing off the hook, write down their updated information on another arrestee intake form and write in big letters at the top of the form, “UPDATED INFORMATION FROM JAIL [date and time]”)
- Were you arrested with others or by yourself? Is everyone ok? Does anyone need medical attention? Has anyone been separated from the group?
- How many people are with you? What are their names and booking numbers?
- Do you or anyone else there have a designated legal support

- Any information related to attorney work-product, litigation strategy, or expectations;
- Any communication or information regarding a specific client or a case;
- Any memoranda of law or other written material I may draft unless such document has been approved and properly redacted by _____ attorneys;
- Any information related to a confidentially settled case, including the terms of the settlement.

I understand that in my capacity as a legal worker and/or Legal Observer all the information I receive from clients or attorneys affiliated with the _____ is privileged and confidential and may not be discussed outside of the attorney-client relationship without permission from the _____ attorneys.

If I receive a subpoena from law enforcement or any government agency I agree to immediately inform the _____ and to be represented by _____ attorneys in fighting the disclosure of any confidential information.

By signing this Agreement, I represent that I have not previously acted and am not currently acting as an informant, and have not been and currently am not employed in any capacity by any law enforcement or security entity, prosecutorial agency, or other organization. I have an obligation to immediately advise the _____ in writing should, during the course of my work as a legal worker and/or Legal Observer, I become an informant or employed in any capacity by any law enforcement or security entity, prosecutorial agency, or other organization. _____ expects that all Attorney-client and attorney work product privileges, as well as all First and Fifth Amendment privileges, are applicable to my participation and the _____ has not knowingly waived any privilege.

I understand that any violation of this Agreement or of confidentiality in general, may result in termination of my work with _____ as a Legal Observer, legal worker, attorney, or legal support volunteer.

I have read this Agreement, and I agree to abide by its terms.

Signature: _____

Date: _____

Working as a Team: More than the Sum of Your Parts

“This Bundle of Sticks you can’t break;
Take them singly, with ease.
You may break as you please;
So, dissension your strength will unmake.”

—Aesop

Organizing with solidarity is the key to making the most out of our collaborative efforts over the long term. Often in crisis, individuals wanting to make a difference jump to action, filling in where they can to help things go easier. This is a critically important impulse. We want to build a world where solidarity and mutual aid drive community members into action to support one another. That said, these efforts often run on adrenaline and urgency. People may start to drop out and new folks have a hard time joining because it is unclear how to participate.

Coordination will prevent your legal team from becoming a patchwork of duplicative and competing efforts with large gaps in between. Being a part of and in communication with action groups, or those taking action, helps those you are working with understand your capacity and experience. Be clear about what you have to offer, what you are not able to offer, and where, when, or if you can be flexible. Boundaries are an important part of communication. Without clear, frequent communication, it is easy to lose track of the work of other groups. This undermines our efficacy.

To win the day we must be clear about our goals—both shared and individual— and collaborate with one another to marshal our capacity towards those most important efforts. This may involve developing training for Direct Action teams on knowing your rights and jail support; it may involve organizing for defendant support and coordinating attorneys; it may involve data systems, phone systems, and communication systems; it may involve thinking about how you bring new people into your legal team. All of these things require people with a variety of experience, skills, time, and energy. This is how we build a movement—we engage people—beginning with what they want to do and what their goals and skills are. We develop our shared goals so that we have wins along the way as we continuously learn and adapt.

Lesson from Line 3

When construction officially started on Line 3 in northern Minnesota, decentralized resistance camps and affinity groups jumped into action in ways that weren't possible during preconstruction. The unpredictability of the construction timeline made it difficult to prioritize communication between groups regarding legal support. In one of the early coordinated Direct Actions between different resistance camps, the lack of pre-established relationships and action support roles became apparent when two duplicative jail support efforts emerged for a singular action. This meant that land defenders' jail support wasn't the same for everyone. Defendants received different information about arraignment¹ processes and release from jail. Fortunately, the duplicative efforts didn't have significant negative impacts on defendants' experience while in custody. However, more work was needed after release to get folks on the same page.

Later, in June 2021, different resistance camps, organizers, and supporters came together for large collective mass actions spread over multiple days. Months before the start of the action, organizers met to plan and prepare for the multi-day event. This time, legal organizers knew to push for more thorough legal support and preparation. Through social and working relationships, legal support people from the different camps coordinated a space for broader multi-camp legal coordination. Given the anticipated scope of the actions, legal organizers formed into working groups—such as attorney coordination and recruitment, on-site jail support, off-site jail support, communications, and training. Each working group had one to two people bottom-lining coordination and met as a larger group with increasing frequency leading up to the gathering. By the time the mass action arrived, the collaborative structure was in place—with the capacity to scale up if the need arose. In the end, over 320 people were arrested from June 7th through 9th. In spite of the fact that the State split defendants up and moved them to eight (physically dispersed) jails across Minnesota, legal organizers were able to track, meet, and support defendants on the phone lines, through jail visits and phone calls, and upon their release from jail. Many of the legal organizers left feeling energized (as well as tired) by the mutual collaboration and support legal organizers were able to actualize during this period.

¹At the arraignment, the court formally informs a defendant of the charges against them and takes the defendant's answer to those charges in the form of a plea. More information on arrest process terms on page 30.

APPENDIX F CONFIDENTIALITY SAMPLE AGREEMENT

NAME OF YOUR LEGAL TEAM/AFFINITY GROUP

This agreement shall apply to all volunteers associated or involved with the activities and affairs of the _____. This agreement shall include all lawyers, legal workers, legal observers, law students, and other legal support volunteers, and all activity associated with the _____. The _____ will welcome my participation as a volunteer on the condition that I agree to and abide by the terms of this Agreement.

I understand that maintaining confidentiality is of critical importance in my legal work with the _____. In my capacity as a legal worker and/or Legal Observer, should I choose to participate, I may learn confidential information related to the legal work of attorney and legal worker members of the _____, or that is related to _____ demonstrators and organizations, including clients of attorney members of the _____. I agree not to violate the confidentiality interests of any groups or organizations demonstrating.

I understand that my involvement as a volunteer and/or with the _____ is part of a greater attorney-client relationship between the demonstrators and the attorneys. Training and participation in the program is done in anticipation of litigation and any information I collect is to be used for that purpose. I agree to report all relevant information to the _____, turn over any notes, and cooperate with _____ in any legal proceedings arising from my participation.

I agree that I will not reveal or discuss with any third party not affiliated with _____, including government or law enforcement agencies:

- The names of clients, defendants, witnesses, or other persons related to a case, or information likely to indicate identity, unless those names have been made public by the filing of a formal complaint;
- Any data, materials, knowledge, or information, in all forms and formats, related to the activities and affairs of _____;

7. Let people know if you're tired, discouraged, stressed, or burned out.
8. Let people know when you need information or help accomplishing a task.

LEGAL TEAM RESPONSIBILITIES TO VOLUNTEERS

1. Maintain a healthy office environment.
2. Make sure volunteers aren't stuck doing work they hate.
3. Keep volunteers informed about office procedures and what's happening in the streets.
4. Check in to see how volunteers are feeling and how office procedures can be improved.
5. Do an exit interview when volunteers leave to see how they felt about their experience and what they would change about office procedures.

In *Workbook 1* you practiced strategizing with the Pillars of Power, Threat Modeling, and setting up basic Jail Support. Now you will build your Action Legal Team.

In this section we will cover:

- **On-site team:** On the ground at the action and jails. Legal Observers, Police Liaisons, Jail Vigilers, and Bail Posters.
- **Off-site team:** Usually at a nearby work space. Accessible to, and in close touch with, the on-site team and/or action organizers. Phone Line, Comms, Coordination.

ON-SITE TEAM

The on-site team is often the face of legal support to folks at an action. Having a few folks present for last-minute training or to pass out the jail support number and other legal information helps build confidence both in the action itself and with the legal team. The on-site team can become a trusted source for vetted (determined to be trustworthy) information on the number of arrests, activity at the jail, or police response, as well as in helping prepare people risking arrest for what could happen during and post-arrest.

Language

We use terms like “**Those engaged in action,**” “**Arrestee,**” and “**Defendant,**” throughout this workbook. Our effort is to be consistent, nuanced, and descriptive and to draw clear circles around who we are supporting, who is impacted, or who is building solidarity. Generally, folks arrested (the arrestee) and/or charged (defendant) are more impacted by support decisions than other **action attendees**, though this may not always be true. (For example, if there is a large amount of street-level police brutality, there may need to be attention paid to folks seriously injured.) There are also nuances in how legal repression occurs, for example, if a large number of folks are cited and released (**citee**), they may be neither arrestees nor defendants. We try not to overcomplicate the issue while also being precise. The use of arrestee and defendant may often be interchangeable, and you are encouraged to figure out how to talk about the crew of folks you are working with and supporting in a way that makes sense for you.



While you are hopefully clear and discerning about whom you join in an affinity group or follow into action, you will have less power over who is arrested, cited, or charged with you. Part of your work is to figure out how to build solidarity in a common cause.

POLICE LIAISON

Many organizers and activists find power in not having anyone talk to the cops ever. WE DON'T TALK TO COPS is a simple way to live your life and is safer than talking to them. In movement spaces, however, it is beneficial to have someone run interference. Like everyone taking part in the action, **the primary job of the police liaison is to ensure the action's goals are met.** The police liaison may or may not be a part of the legal support team, and not all actions benefit from a police liaison. The police liaison communicates between those engaged in Direct Action and the police. Typical actions in which a police liaison could be helpful are lockdowns, blockades, tree sits, and occupations. Any action you believe will attract a police presence may benefit from having a police liaison. Some common strategies police liaisons can use to help the action include negotiating to delay or avoid arrest and helping ensure physical safety for those engaged in the action. Remember that *communicating with the police is not the same as coordinating with the police.* Activists working in lockstep with police before, during, or after actions stifle spontaneity and increase self-policing. **Police liaisons are used to mitigate harm by the State; they are not there to aid the State in controlling others.**

LEGAL OBSERVER DATABASE

- LO name
- Contact info
- Availability and schedule

LEGAL SUPPORT PERSON DATABASE

- Affinity Group
- Legal Support Person name
- LSP contact number

PHOTOCOPIES

- Training Materials
- Documents

DOCUMENT RETENTION

- Have written plans on when and how you will dispose of different information collected and generated in the office.
- Go over this information at the beginning so everyone is on the same page.
- If materials need to be stored past the life of the office, who will keep them and how will they be kept secure?

VOLUNTEER RESPONSIBILITIES

1. Sign a Non-disclosure Agreement — See the confidentiality agreement.
2. Be clear about the shift they are working.
3. No Sleeping at the office (except if you're working a graveyard phone shift).
4. If you're in the office, you are working.
5. Know security protocol and follow it.
6. Let people know what you'd like to do, what you don't mind doing, and what you need from them.

remain at the legal office for people who we might miss. This form can be the same as arrestee intake.

- **Boilerplate press release.** One or two copies of this will be adequate, one for the media contact member and other legal team members working on media.

DATABASE

The office should have a database. We have been using Airtable, and there are others available.

DATABASE FOR ARRESTEES

- Name/nickname: preferred name and preferred pronoun
- Affinity group
- Legal support person with contact info
- Arrest time
- Arrest location
- Where detained
- Booking number
- Gender
- Date and time of first and subsequent contacts with legal team
- Asked to see the legal team/lawyer? How many times? When?
- Medical info
- Notes

LAWYER DATABASE

- Contact numbers for attorneys
- Each attorney's availability and schedule
- Time and date dispatched
- Location dispatched to
- Activist dispatched with

When police arrive on the scene, they will typically be looking for someone “in charge” so that they can gain control of the situation through that leader. The police liaisons can actively present themselves to police as someone who can fill this role while making clear that they are not actually in charge. They can say that “the group has a strict non-hierarchical structure, and their rules require them to come to decisions as a whole group.” The reference to structure and rules can put cops at ease and help them accept things that they wouldn't otherwise understand, like consensus and autonomy. Doing this assertively, right away, can help set the tone for the action that gives you some power and control over how cops respond.

PRACTICE DIALOGUE

Practice this with a friend then switch roles and repeat:

You: Hi there, I go by _____, I've been asked to speak on behalf of the people locked up here. They have stated that they will not be speaking directly with police, however, they will send messages through me. I'm also happy to bring any messages you have to them. I'm hoping to help make this as peaceful and calm as possible. (This language can communicate to the police that you are useful to them.)

Cop: So who's the leader of this protest?

You: The group has a strict non-hierarchical structure, and their rules require them to come to decisions as a whole group. But if you have a question or information to share, you can let me know and I'll relay it.

Cop: I'll get back to you.

Note on Names

Typically it isn't problematic to introduce yourself to the police with a non-legal name. However, lying to a police officer about your name is a crime, so if you get detained or arrested and they ask you for your name, giving a false name could lead to criminal charges.

If you would like to use a different name in the police liaison role, make sure your affinity group gets used to it first or someone will almost certainly call you by the name they are most used to. Using the phrase "I go by" or "you can call me" instead of "my name is" can offer you some protection.²

Often police will ignore the liaison and speak to or intimidate those engaged in the action directly. It can be helpful for participants to **direct the police to the liaison** or just remain silent; if action participants engage directly with police, it undermines the police liaison's role. No matter what, the police liaison is responsible for communicating (or repeating) messages from cops to action participants.

If the police are aggressive or intimidating, it's possible they may immediately arrest the police liaison as a show of force. It can be beneficial to have someone as a backup liaison, though saying you will only talk through the person arrested may help get them released. Often, when the police calmly assess the situation, they realize having one point person to talk to can be beneficial to them.

It is important when building rapport with police that the liaison does not get too relaxed and forgets what side they are on. The police and liaison are essentially playing a game. The police will try to use the rapport to get information and leverage out of the liaison. The liaison is trying to use rapport to delay arrests or prevent violence toward those in the action.

During the action, the police liaison is typically moving between the police officer in charge and those doing the action, conveying messages and observations. The liaison should try to speak with the highest-ranking officer. As time passes, higher and higher-ranking officers are likely to come to the scene, so who the liaison is working with will change. Sometimes they may interact with corporate security or other employees as well.

² If you are trans or non-binary or, for some other reason, your name isn't your legal name, you may have a legal argument that it is your name. That doesn't mean it will be respected by the police or a judge and may depend on the prevailing politics in the jurisdiction you are in. If you are detained, you may be required to give your legal name and date of birth as it appears on your driver's license (see *Workbook 1: Legal Strategies for Movement Activists —Pre-Action Legal Issues.*)

- Printer paper
- File folders
- File cabinet
- Masking tape
- Push pins
- Paper clips and binder clips
- Stapler and staples
- Post-it notes
- Phones
- Clocks
- Computers
- Printers and copy machines

DOCUMENTS

The following documents should be copied electronically, and hard copies should be produced and copied according to the particular need for each document.

- **Arrestee Intake Form.** Have hundreds available. Each desk and phone should have a stack.
- **Phone script.** Depends on the number of phones and the number of volunteers. Each desk and phone should have at least two, and there should be extras available for volunteers to take home and go over.
- **Police Misconduct Reports.** Have hundreds at the legal office, at the convergence, at the jail when people are being released.
- **Printed reports from databases.** Each desk should have at least one copy of the arrestee database, which will have to be printed each time it is updated. Each desk should have at least one copy of the legal support person database. Legal team members (but not volunteers) should have at least one copy of the lawyer, LO, and volunteer contact easily accessible.
- **Detainee forms and Outtake forms.** Numbers depend on how many people are arrested. Most should be sent with the legal team member going to do outtake at the jail but some should

- Fundraising Information: where people can send money for the legal team or for bail money (Western Union locations, etc.).
- Where is everyone? Have a chart of courts and jails and post it with the names of lawyers and legal team members that can be moved to show where they are.

CALL LOGS

- Make sure you have lots of notebooks on hand, at least two for each volunteer and legal team member.
- On the inside cover, write a sample entry to remind volunteers of the absolutely necessary information.
- On the back cover, write a key for highlighted categories.
- Find a safe place to keep the notebooks.

MAPS

- It's helpful to have a very large map on the wall with location of blockades, one-way streets, detours, locations of jails and courts, etc. marked clearly.
- Have lots of regular street maps (preferably marked as well) to send with legal teams and runners who need to navigate the city.

CONTACT LISTS

Some contact lists that shouldn't be posted on the wall, but to which members of the legal team should have easy access. The information might be in a database, but it's helpful to have it printed out, too, particularly since whoever needs them will often have to call down the list. These lists include:

- Volunteer contact information
- Lawyer contact information
- Legal observer contact information

OFFICE SUPPLIES

- 20–30 notebooks
- Pens, highlighters, markers
- Butcher paper or 3' X 5' pads

When appropriate, the police liaison can attempt to **de-escalate the police and provide stress relief for those involved in the action.** You can remind the police that no one is being endangered by this action, that the group is there to protect the water (or another goal), and that police action could hurt people. When cops threaten violence or serious charges, it can be easy to panic, but the police liaison should **remain calm and communicate clearly.**

PRACTICE DIALOGUE

Practice this with a friend then switch roles and repeat:

Cop: Tell your friends they have 5 minutes to unlock and leave or they are being arrested.

You: Could they get 15 minutes? There are a lot of them.

Cop: Fine, just let them know this is the last chance.

You: Okay, do you know what you will be charging them with if you arrest them?

Cop: No.

(Imagine you leave and come back.)

You: They said they are expecting some news media in 30 minutes. If you let the media do some interviews and take some pictures and agree not to charge anyone, they will leave after that.

Cop: Fine but, if they are still here in an hour, I'm arresting you first.

The police liaison and the group should talk through key decisions and basic contingency plans before the action to minimize the need for key conversations in a pressure cooker with cops watching and listening. Remember, the police are trying to get information from the police liaison. It is lawful for police to lie to you, so take what they say with a grain of salt.³

³Some trainers recommend adding the phrase "I want you to believe that..." before anything a cop says to help you internalize the understanding that cops lie all the time. Then you can make informed decisions on what to do with the (mis)information they're telling you. Cops have no legal obligation to tell you the truth. They have no constitutional duty to protect you.

LEGAL OBSERVERS AND COP WATCH⁴

Cop watch is a role both at demonstrations and in the community. Cop watchers train to observe and **collect information about police encounters to minimize harm or violence.** Like most nefarious State functions, policing thrives in secrecy. Cop watchers let police know they will be held accountable for bad behavior by exposing both their actions and inactions.

In *Seize the Time*, co-founder and chairman of the Black Panther Party, Bobby Seale, described several street interactions they had with police while doing cop watch patrols.

...Huey knew something about law, and he could use it to make it serve him. That's all he was doing, he was bringing them basic things in everyday life about law...

Huey got in the car and the pig came up to the window. "You have any driver's license?" So Huey rolled the window down. There wasn't more than about a three- or four-inch crack in the window.

Huey handed his license out the window. "Is this your true name?" the pig said. And Huey said, "Yes, that's my true name, Huey P. Newton." "Is this your true address, 841 Forty-seventh Street?" And Huey said, "That's my true address, 841 Forty-seventh Street."

"What are you doing with the guns?" And Huey said, "What are you doing with your gun?" This particular pig decided he wasn't going to argue, so he went back and got his little writing pad where they fill out shit.

"Your true name is Huey P. Newton?" Huey said, "That's right." The pig wrote this down.

"Your true address is 841 Forty-seventh Street?" Huey said, "That's right." The pig then looked at his license. "What's your phone number?" And Huey said, "Five!" and stopped and wouldn't say anything else. And the pig said, "Five what?"

This is when all the shit between the Party and pigs began. Huey said, "The Fifth Amendment. You ever heard of it? Don't you know about the constitutional right of a person not to testify against himself? Five! I don't have to give you anything but my identification, name, and address so therefore I don't even want to talk to you. You can leave my car and leave me alone. I don't even want to hear you."

⁴Information provided is taken from Midnight Special Legal Observers Training and the National Lawyers Guild 2003 *Legal Observers Manual*.

APPENDIX E OFFICE SETUP

OFFICE LAYOUT

It's a good idea to think about how you would like the office set up before you do it. Some things to think about:

- Where to put wall charts or other information so that all volunteers answering phones can see and use them.
- How to arrange multiple desks with multiple phone lines that enable all people answering phones to talk without bothering and hear without being bothered.

WALL CHARTS

The legal office uses wall charts, large-screen displays, or whiteboards as part of the information-sharing system. The charts should be on the wall and accessible, so the info coordinator can update them. If your office doesn't have much wall space, you can make small charts for contact info and tape them to each desk. Here are the charts you'll want to have before the action starts.

- Street and Jail Update Charts.
- Legal Team Update and Legal Observer (LO) Update and LO Dispatch charts (if needed)
- Government contact numbers: phone, fax, addresses, email, and websites, if available of jails, courts, judges, mayor, sheriff department, police precinct, police chief, public defenders office, prominent state and city officials, influential private citizens.
- Legal contacts: ACLU, NLG, CLDC, and other lefty lawyer organizations.
- Legal Team contact numbers (note which numbers should not be given out).
- Action Contact numbers: Convergence, IMC, Security Team, Communications Team, Medical Team.
- Medical Contact Information: Local Hospitals, Free Clinics, Street Medic Center.

APPENDIX D

SAMPLE ARRESTEE OUTTAKE FORM

Privileged and Confidential—this form is being collected for anticipated litigation. Filling out this form will help the legal working group help arrestees organize their legal defense. You can leave any fields blank. The ones with stars(*) are most helpful for the legal working group.

Personal Information

Legal name*	
Preferred name*	
Phone 1*	
Email	
Street address	
City, State, Zip	
Date of Birth*	
US Citizen?	Yes / No Minor? Yes / No
Affinity Group (AG)	
AG Support Person and Contact info	

Arrest Information

Time and Location of arrest	
Charges*	
Felony	Yes / No
Were you injured? Yes / No	
Arresting officer, Badge #	
Incident ID#	
Citation #	
Jail facility	
Court date	
Are you willing to be connected to for future court solidarity efforts?	Yes / No Do you need help finding an attorney Yes / No
Who paid your bail?	
Do you need to return it, when it gets returned to you?	



A **Legal Observer (LO)** has the main responsibility of watching and recording the actions of cops during actions. Anyone can be an LO, but they traditionally have some connection with a broader legal infrastructure and are often law students, legal workers, and attorneys. The benefit of this is that it can help protect LOs and the material they collect. An otherwise unaffiliated Legal Observer may have fewer rights to protect themselves or any notes, photos, or videos that they have.

We would like to encourage folks who have an interest in being a Legal Observer to **take a National Lawyers Guild Legal Observer training**. The training includes access to the NLG 2019 Legal Observer Manual, an invaluable tool for Legal Observers and organizers that protects the legitimacy of the LO program, which implicates the safety and efficacy of LOs across the country.

In recent history, the National Lawyers Guild (NLG) Legal Observer program has been the gold standard for LO work. You know that if you are an NLG-affiliated Legal Observer, a large team has your back. We use their work as a jumping-off place. If you are unable to or uninterested in working with an NLG chapter, you can still have cop watch be a part of your action.

LEGAL OBSERVER RESPONSIBILITIES

- **Deter unconstitutional and/or violent behavior by the police** by paying attention to the cops at all times.
 - Be visible to both police and demonstrators.
 - Don't harass or fraternize with police.
- **Record and document** the cops' process.
 - Know Your Rights and watch for common rights violations.
 - How many cops are there, and from what agencies?
 - Any police order or command (i.e., orders to disperse, instructions on where people may or may not stand, etc.).
 - Promises or inducements.
 - Statements indicating bias against participants or based on race/gender/etc.
 - Uses of force (pain compliance, drawing a weapon, etc.).
 - Thoroughly record information to be as clear and helpful to lawyers as possible.
 - Be aware of common legal defenses for protestors and give special attention to relevant police and participant actions.
- **Do not document** what action participants say or do UNLESS they are asserting a constitutional right.
 - Examples: "I do not consent, or don't touch my stuff," showing their compliance ("I'm not resisting"), or exclaiming in pain.
- **Preserve evidence** of police violence.
 - Collect spent ammunition like rubber bullets, bean bag rounds, tear gas canisters, or shrapnel from flash-bangs.
 - Photograph these items before removing them.
 - Have a plan for how potential evidence will be safely removed from the scene and stored to preserve its integrity by people who are comfortable testifying in court.
- **Communicate** in real time what is happening on the street.
 - Dispel rumors by giving accurate information based on what YOU see.
- **Report observations** to the legal team for potential use in criminal defense or civil action and to help Jail Support know who to watch out for.
 - Continue to collaborate with the legal team as likely most of the team didn't see, hear, or feel what you did.

- Documentation must include street addresses, landmarks, what side of the street you're on, etc., and police and official statements.
- Document if bystanders are taking leaflets, talking with protesters, and doing other First Amendment activities.
- Documentation should include video observation.

APPENDIX C IF ARRESTS HAPPEN— OR IF HARASSMENT HAPPENS

- Write the name, rank, badge number, agency, and description of each officer present and of the commanding officer. Note if officers refuse to give this information.
- Write the name or nickname of arrestees and victims of misconduct.
- Write the names and contact information of any witnesses, including media (corporate or independent).
- Document any force used by cops, pushing, shoving, blocking protestors with their bodies, grabbing arms, tripping, striking people, etc.
- Write a detailed description of arrests and anything the cops do that may be illegal or cause harm.
- Write down what police equipment and weapons are used (body armor, shields, pepper spray, tasers, etc.).
- Note which weapons police used and how (e.g., Protesters drenched with pepper spray, tear gas canisters fired directly at someone, horses used to run into people, etc.).
- If the cops are blocking traffic with their vehicles, hand motions.
- Write down the license plate and ID # of official vehicles or private cars moving through the demonstration.
- Document police actions and demeanor (e.g., marching around rhythmically thumping their leg armor with their batons, putting on or taking off gas masks, etc.).
- Document any inappropriate language, including swear words, identity-based insults (racist, sexist, homophobic, etc.), and rude language (“You idiots,” “Moron,” etc.).
- Document any behavior of not warning people to disperse before arresting them, refusing to let them disperse, etc.
- Document if warnings are inaudible or unintelligible.
- Be sure to document the EXACT date, time, and location. Update this throughout the demonstration. Each note entry should begin with the time and location.

- Know that you may need to be a part of future court proceedings if your observations are being used.
- Read “If Arrests Happen” in Appendix C, page 50, to review what information to collect on the street.
- **Police misconduct forms** should be filled out as soon as possible after the event so that the witnesses’ accounts can be as fresh and clear as possible.

Video of police misconduct, violence, and murder has been crucial to the Black Lives Matter movement. In the wake of George Floyd’s murder at the hands of four Minneapolis police officers, an uprising started in Minneapolis and swept across the country. The footage of the murder was recorded by several bystanders and was used in the trial of Derek Chauvin, the cop who murdered George Floyd. In a country where State-sponsored violence is the norm, video footage is critical in cases against police officers who commit violence against civilians.



JAIL VIGILERS

Jail Vigilers are on-site at the jail waiting for arrestees to be released. They are often the first friendly faces folks see after leaving the jail. Jail vigils (sometimes called “jail-gating”) can **create political power** for arrestees by having a visible movement presence and showing support

for those arrested. This can help **continue to push for the goals of the action** and can also **keep the cops on their best behavior**. Jail vigils can raise the spirits of the arrestees by supporting the **emotional and physical well-being of arrested folks**. Songs, chanting, food, and good community can make the jail vigil a powerful place to be. Vigils build solidarity and trust amongst arrestees, as well as with the legal team. Lastly, jail vigils provide a venue to build community and to communicate the story and the situation at the jail to the legal office, the broader movement, and the general community.

OUTTAKE

The exciting atmosphere of jail-gating can be a great way to **welcome arrestees out of jail**. Some Jail Vigilers will cheer and clap when someone is released. Be sure to have coffee, cigarettes, water, and snacks on hand. Having phone chargers and extra batteries can be helpful too. You may even want to grab a few extra prepaid phones in the event the arrestees' phones are not returned and they need to make a call. **Make sure the arrestees know that you are working with legal support and that you are here to help them with whatever they need**. Often folks will need a ride or help to get information to a loved one. Take your time and meet them where they are. They may be withdrawn or skeptical, especially if they didn't know legal support organizing was happening or who was doing it. Remember, they have just been behind enemy lines, may have experienced trauma, and likely need some time to recalibrate. Having a medic and/or other healer/support people present at the jail when people are released can be especially helpful for larger arrests and/or in situations where arrestees are likely to have some physical needs (i.e., needing treatment for chemical weapon exposure, etc.).

If there is support you don't have the capacity to provide, or you know of other resources that folks might be interested in, you can put together a list of resources to hand out or have available. For example, free clinics or mental health support, or places to spend the night.

Once arrestees are released from jail, try to get some basic contact information and give them access to information on future organizing that they can be a part of. Sometimes it is hard to get folks to fill out a big form when they are just getting out of jail, but have **jail outtake forms** (see Appendix D) on hand and encourage them to fill out as much as they can. This will be used for ongoing legal and political organizing, and it is the best way to keep folks from falling through the cracks. Take a photo of the release paperwork and pass it on to the legal office.

On the day of action:

- Show up early, a bit before your appointed time
- Check in with the Legal Observer Coordinator
- Get your location assignment and double-check it on a map
- Become familiar with any mass transit in the area or arrange for other transportation
- Exchange cell numbers with Legal Observer Coordinator and other Legal
- Observers
- Check in with the Legal Observer Coordinator throughout the day
- At the end of the day, check in with the Legal Observer Coordinator
 - To sign out so they know you are present and out of harm
 - To see if you are needed to go to a precinct or convergence center
 - To surrender to the Legal Observer Coordinator any notes or evidence

APPENDIX B LEGAL OBSERVER CHECKLIST FOR THE DAY OF THE ACTION

ON THE DAY OF THE ACTION: THINGS TO DO AND BRING

Know before you go:

Phone numbers of the National Lawyers Guild. Phone numbers of the organizer of the protest, a support person for yourself, phone numbers of the medical team, and of the person who is coordinating the LOs.

What to bring to the action:

- Notebook(s)
- Cell phone—fully charged—extra chargers are a good idea
- Police misconduct forms
- Police and/or Sheriff department phone numbers: precinct—division—Headquarters
- Audio recorder—optional with extra battery and extra tapes
- Digital camera or disposable cameras—uploading directly to the cloud, so if it get's confiscated, you don't lose the photos
- Area map
- Pens (waterproof ink—it could rain water or pepper spray)
- Watch
- Legal Observer hat, t-shirt, armband
- Extra water
- Identification and bar card if you have one
- Evidence bags

Consider having **all-arrestees meetings** planned out. An all-arrestees meeting is a large meeting with as many arrestees as possible to build solidarity and organizing capacity, especially in a mass-arrest situation. Invite folks to join and get plugged in (after they decompress). If there are a lot of folks arrested from out of town, you may want to have a meeting within a day or two before people start leaving. If it is mostly local folks, maybe you can wait a week. Try to anticipate what is going to get maximum participation. (More on arrestee meetings and organizing in *Workbook 3*.) An all-arrestees meeting is a way to build solidarity and the organizing capacity of arrestees, especially in a mass-arrest situation.

If folks report being harmed by police either during their arrest or while in jail, you may want to provide them with a **police misconduct form** to record the incident. There are different schools of thought on who should retain those forms. Some people believe they are best kept in the custody of the arrestee. Others believe lawyers should hold them so they can be used as potential evidence in civil or criminal cases. The important thing is that folks write down their experience while their memory is fresh. Be sure to photograph any injuries now and encourage arrestees to continue to photograph over the next few days and/or have them documented by a healthcare professional.

In a perfect world, most arrestees will have prepared for the action with an affinity group that has a **legal support person**. In reality, most won't. Do your best to get arrestees plugged in. If folks do have a legal support person, coordinate with them in an ongoing way. Keep information flowing so that arrestees get updates on their cases and have the opportunity to stay engaged in arrestee organizing efforts.



OFF-SITE TEAM

The off-site team's job is to track arrestees as they move through the arrest-booking-jail-release process, develop strategies to address wellness or advocacy needs, and communicate information to loved ones and supporters (with the arrestee's consent). Depending on the scale of the action, the off-site team may coordinate attorneys to do wellness visits, make jail calls, or prep arrestees for hearings.

If the Direct Action is large, having off-site remote support may be beneficial and can be further away than the local off-site crew. For the local off-site support, it's common to set up a physical space that facilitates the connection between on-site and off-site support and gets work done. The coordinating space or office can be used for **answering phones, entering data, keeping track of arrestees' locations, attorney preparation, coordination, etc.** Sharing space also facilitates interpersonal connection and relationship building that our movements depend upon. This "office" can be informal and pop up as needed: a motel room, secure meeting space, or someone's home. Small actions with small teams might work without a physical space, but there is much to be gained by knowing where legal workers and organizers can find each other and meet face-to-face. This space can also be used to orient and train office volunteers during actions.

Appendices

APPENDIX A LEGAL OBSERVER ARREST SUMMARY

Printed Name: _____

Your Name:

Mailing Address:

Permanent Address:

Phone(s):

Email:

Date/Time of incident:

Event or protest:

Location:

Weather and lighting conditions:

Brief description:

Any audio notes, photos, or videos?

Contact information for recorder/photographer/videographer if other than you:

Police agencies, badge numbers, names, and/or descriptions of officers involved:

Did the police use weapons or force? If so, please describe. Was anyone injured?

Did the police use body cameras or any recording equipment? Additional information, observations, or remarks:

CLOSING

This workbook was written in 2021 and 2023, after the murder of George Floyd and toward the end of the most intense period of the COVID-19 pandemic. Concurrently, there are continued efforts to stop the oil pipelines and return stolen Native Land to their Tribal Nations. This workbook was informed by many years of combined experience of activists, as well as the current and ever-changing situation. As one example of the current situation, we offer you the following story.

In July 2020, 20 Land Defenders were arrested in South Dakota, pointing out the theft of the sacred Black Hills by the United States Government. Upon his release from jail, Nick Tilsen, a national Indigenous leader and founder of NDN Collective, made these comments:

I also want to say that, even in this moment, it's easy to talk about what we are fighting for as just resistance but we are not just fighting against a system. We are building a new one. We are building a new system and a new world that is just and fair for everybody. And that is our goal here. We want to transform the education system. We want to transform the economic system. We want to transform all these systems of oppression to put the decision-making power back into the hands of the people who that power has been taken from over time.

So just resisting isn't good enough. It's the beginning. It's a catalyst for us to radically imagine the future that we want to live in. Because we don't want to just tear things down. We want to tear things down and build them back up. Build them back up so that our children, our families, our communities, and our people will actually have a chance in society. So in the spirit of that, the work that I have committed my life to —defend, develop, and decolonize in the effort of building Indigenous power—it's an honor to be in this moment.

We hope that you find the information in this workbook useful as you and fellow activists resist the State and its legal system and build something new.

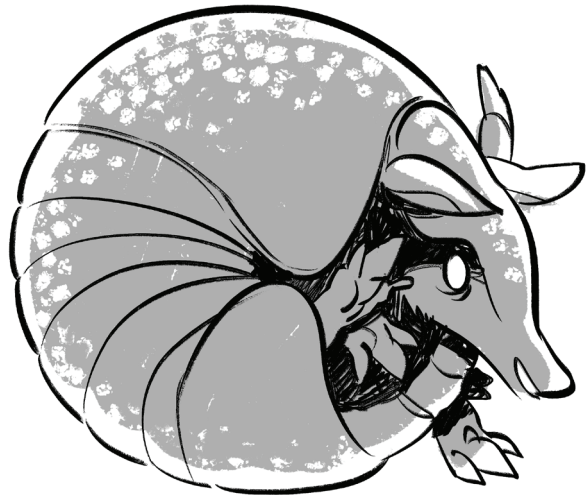
SETTING UP THE OFF-SITE OFFICE

In the age of Covid-19 and its variants, and in fights that span hundreds of miles, you will need adequate technology to securely share information with your team and arrestees, lawyers, and volunteers. This ranges from communication apps like Signal, Jitsi, and Zoom to information-sharing tech like CryptPad, Airtable, and Keybase. Consider the cost, the sensitivity of your information, ease of access, readability, and convenience when deciding what technology to use. Technologies are also changing rapidly. You may want to check with a radical tech collective like the Electronic Frontier Foundation for information on the latest and most secure technologies.

Balance the value of in-person legal collaboration with the vulnerabilities of physical centralization. Consider not being in the same place as other organizers. Consider locating in a law office or other more legally protected location. Along with strong digital security, keep essential information backed up off-site and have a plan if your office becomes incapacitated.

Consider the stressors on your system and the places where human error or confusion might create challenges. For example, if you are expecting folks answering the Jail Support line to find a Jail Support form while they are on the phone with the person calling, they will need a way to have it in front of them in seconds over and over again or the system will fall apart.

The following section outlines some of the work done at the office, whether off-site, remote, or in physical space. If you pick up this guide to support an action in progress, take a deep breath. We've got you. The tasks listed in this guide are things you and your crew can take on. They are scalable, so just do your best and know that, even if you don't do it all, any work you put in now will make things easier in the future. There is a checklist of items in the appendix you may want to collect in your office.



Office Security Culture and Protocol

Security Culture is a set of customs shared by a community whose members may be targeted by the government or other hostile parties. These are designed to minimize avoidable risks and allow for informed consent to unavoidable or strategic risks. Those who are part of a security culture don't share sensitive information outside of need-to-know circles. They don't engage in and are skeptical of bragging about illegal activity.

Security Protocol is a discrete rule or procedure set forth by a group to protect itself and its work, such as a vouching process or a preferred messaging app.⁵

For secure communications, consider the platforms you use. Our phone and computer systems are increasingly surveilled. As of this printing, end-to-end encrypted platforms like Signal, Cryptpad, or Keybase are some effective digital tools in this regard. Remain vigilant about your platforms and their protection as the tech world is ever-changing.⁶

For some threat models, using confidentiality forms (Appendix F) or other confidentiality agreements for people with access to private information can keep people accountable and safe.

⁵See resources from Civil Liberties Defense Center, www.cldc.org.

⁶The Electronic Frontier Foundation is a great resource for digital tools through an activist lens.

Be cautious about reposting information from cops. For example, if cops are looking for someone based on a photo, it may be tempting to post that photo in an effort to inform comrades and keep them safe. However, it's likely to backfire and lead to more people seeing the photo and finding the person involved. Similarly, take an active role in encouraging people not to implicate themselves on social media. Some people may feel pride in how they stood up to law enforcement or a counter-protest in the street and may be inclined to point themselves out in video from an action. This puts them at risk of both being charged and implicating others. Except for in rare situations, with clear goals in mind and efforts to minimize negative consequences to all, **avoid having defendants speak to the media or post on social media about their case** or the events leading up to it.

PREPARING FOR THE LONG HAUL

As the urgency of the moment begins to wane, begin shifting focus to how you are laying the groundwork for ongoing legal support organizing. Remember, **pushing back against repression is about keeping our movements strong and resilient** so that we can continue to achieve our broader goals. In this moment, that likely means centering defendants as the most negatively impacted, while also keeping an eye on the horizon, continuing to push for the goals of the action, and moving in a way that builds movement capacity.

Hopefully, you are coming out of the action with some **all-arrestees meetings** set and a list of folks who were arrested or have charges based on the outtake forms. Ideally, you have clear contact information for arrestees that you can use to send updates, a general idea of what most folks are charged with, and some idea of the most serious cases or situations that need special attention. If you used collective funds to pay for bail, it is helpful to make sure you have clarity on whose bail was paid from which pot of money, and make sure you **clarify expectations around bail money** being returned to the fund.

If all went well, you also have collaborative relationships with **action organizers** and **lawyers** who are willing to be involved in the first few all-arrestees meetings to help answer questions and create a durable container for the ongoing organizing and campaigns.

Do your best. It will never be perfect. The more complete your work here, the easier time you will have going forward. In *Workbook 3*, we will discuss the details of the all-arrestees meeting and some ideas for how to shape and organize your work to build effective support campaigns and push back against repression.

SOCIAL MEDIA

Building a **social media strategy** within your greater media strategy may be helpful. Folks can bring attention to the campaign individually by **sharing public information** about the issue. Don't shy away from **setting standards** before and after an action about what participants (or defendants) can post. Within the movement, share access to social media accounts and media lists but keep tight protocols to stay on message.

THINK IT THROUGH

Here are some guiding questions for your group to consider as you build a social media strategy, plus examples of protocols:

1. Who gets to post on social media?

2. What is important to post? Where is it important to post it? Why is it important to post?

3. What information do you not want to be posted? Why not?

4. Are there key words or phrases that you want to encourage people to use in their posts?

5. What are the unintended negative consequences of posting on social media sites? How can you avoid or be resilient to those consequences? Will this move your movement forward?

6. What kinds of controls can be used on social media to limit trolls, bots, or incriminating information? Example: turn off comments

JAIL SUPPORT HOTLINE

The Jail Support Hotline is a common tool to help folks feel strong on the street and supported afterward. Today, the hotline is typically set up through an online platform that sends incoming phone calls from arrestees who are held in jail to the personal phones of off-site people who are prepared to answer the calls. Using a prepaid phone that is called directly is also an option. This phone number should be shared with action participants well before the possible arrest, and participants can also give that number to their personal support network and affinity group. Have activists **write the Jail Support number on their body⁷, ideally in Sharpie, and attempt to memorize it**. That way they will have it if their property is taken at the jail. Some legal teams prefer non-arrestee friends and affinity group members NOT to use the Jail Support number at the time of an action to keep lines clear for arrestees and not clog the line with non-jail calls. Others staff the line as an info hub where loved ones and comrades can call in for updates from jail. Have clarity on your team and with those engaged in the action as to what your protocols are and how the protocols might impact arrestees' abilities to successfully use the Jail Support number.



⁷A visible jail support number can cue law enforcement: “watch me, I am affiliated with this protest and I anticipate committing crime.” People like LOs, medics, media, or police liaisons who aren't actively trying to get arrested but want the number as a precaution should consider writing it above their sleeves.

When choosing a phone number and platform to use, important factors to consider and research include the following: Can the jail(s) successfully make calls to this number or service? Is the phone number easy to remember? (We recommend using a local area code or mnemonic device to help with memorization.) Is it secure? How functional is the platform given the anticipated needs? Once you've decided on the platform, test it out and troubleshoot any technical glitches!⁸ Before the action starts, make sure arrestees can call from the jail. Mostly, calls only go one way; those in jail can call out, but you won't be able to call in. It is best to do this research a week or two in advance of the action as the rules and phone providers change frequently.

THINK IT THROUGH: Receiving calls from the jail

Researching in advance could help you be better prepared when receiving calls from jail. Some important guiding questions include:

1. What jail(s) do you expect your folks to be taken to? You may have several different county sheriffs and city police responding to your event. Research each law enforcement detention system and which jail the arrestees will likely be funneled.
2. What corporate phone contractor does each jail use? At the time of this writing, options include Securus, Global Tel Link, and IC Solutions, but services are always changing.
3. You may need to pre-pay into an account or attach a credit card to your Jail Support line to guarantee that folks can call it from the jail since calls from jail are collect. Who or what organization can provide this card?
4. Do you need to be on an approved list? Sometimes jails require that arrestees can only call a few numbers on a pre-approved list.

⁸Before the Treaty People Gathering in 2022, most Jail Support teams used Google Voice for Jail Support Hotlines. One of the benefits of using Google Voice is the ease with which you can change who receives calls. You can have up to six people programmed at any one point in time, allowing the incoming call to roll over to support person 2 if person 1 accidentally misses it. A downside, however, is that multiple calls can't be answered at the same time. In effect, if two defendants try to call the hotline simultaneously, only one will be successful and the second will have to try again once the line is open. Later on in the fight, we switched to a more secure platform utilized by comrades in the Bay Area, OpenVBX with Twilio as the phone provider. Enhanced security was the main motivation for this switch; however, in the process some functionality was lost.

insert a note at the end of any good photo or video opportunities at the event. The media advisory will read more like a memo than an article.

PRESS RELEASE

A press release is your official statement to the media that heightens your visibility and communicates to the public what you're about. Press releases are not articles. Having a media contact list and knowing who some of the friendlier journalists are can help get attention to your press release. **Be mindful of your goals.** Are you trying to **inform** a broad, neutral audience? Are you trying to **pressure** an elected official? Are you trying to **mobilize** supporters? This may impact where you send your press release.

The press release follows pretty strict formatting guidelines and, ideally, should be no more than 1 page. Take a look at the sample press release in the appendix. Reporters will sometimes print press releases almost as is. Write without rhetoric or jargon.

Press Release Structure

FOR IMMEDIATE RELEASE

Contact information: Name, phone, email, date.

Compelling headline: Use this to "hook" the readers' attention and summarize events.

Subheading: Also called a "dek," with some more details next.

Dateline: Date of release, and originating city.

Paragraph 1: Intro: Who? What? Where? Why do we care? The *most important* details go here.

Paragraph 2: The Body: more details, sometimes statistics, a quote that backs up your claims.

Paragraph 3: The "Boilerplate": Follow-up details (availability, court date, etc.) and some information about your group. This paragraph might not change much in subsequent press releases.

Close: ### or -30- This is the customary way to let the news people know you're done!

PRACTICE DIALOGUE

Reporter: What brings you all here today?

Interviewee: We are here to directly stop Company from building this project that harms the environment.

R: But aren't you breaking the law?

I: Company is the one causing harm with this dirty project.

R: But don't we need this resource?

I: We can't live without a clean and healthy planet and Company is destroying that.

R: But they went through the regulatory process. Shouldn't they be allowed to complete their project?

I: Their project is harming the planet and we are here to stop them.

R: Wouldn't your efforts be better spent getting people to stop using the resource so there isn't demand? Won't we just have to rely on another country which is bad?

I: We are here to stop the Company from building this polluting project. We can't live without a healthy planet.

(Have the reporter continue to ask questions and try to answer without giving information outside of your talking points. Try to keep each sentence a complete thought that will stand alone even out of context.)

MEDIA ADVISORY

A media advisory is a way of alerting the press that there will be an event coming up in the future. It is a short paragraph saying something is about to happen. A press release is sent after the event happens.

Your media advisory should include contact information and the location of the event, as well as the important who, what, when, where, why, and how. For example, important speakers or organizations involved and the basic reason behind the action. You may also want to

PHONE OPERATORS

Phone Operators are the folks answering the Jail Support phone line. If you set up easy protocols and systems, this role can be a great place to plug in volunteers, though, if you are shooting from the hip, you may need folks answering the phone who have more information at hand and can improvise.

Have a set script, form, or checklist so that phone operators can get all the information they need and can get it where it needs to go (see appendix for an example script). Good phone operators can balance providing **emotional support** to folks calling in and **collecting the information** necessary to best support them. Often the phone operators become the front line in advocating for arrestees because they are the only people hearing directly from them. If your operators are volunteers and not already a part of the legal collective decision-making, make sure there is a clear way for them to participate and for the rest of the group to benefit from what they are learning.



TRACKING ARRESTEES

Someone needs to be sure that we know who is in custody and where they were taken. This is the time to be sure you have a spreadsheet or a database to track information. As people call the legal phone line, you will find out who has been arrested. Start entering data as soon as you can. If you expect a lot of people to be arrested, you will want a data-based system. If there are fewer than 50 or so, a simple spreadsheet will work. Keep track of where the bail money originated from as people are bailed out of jail. (See more on bail page 23.)

Ahead of time, your team should decide if you will want to keep any arrestee data to use in post-action support as you track defendants through the court system (more on this in *Workbook 3*). It may be combined with information from the outtake forms (Appendix E) to get a jump start on defendant organizing.

Lastly, the system you use might look different for a small discrete action versus an ongoing campaign where you expect more arrests to continue over an extended period of time. You can track six arrestees from a single action in a notebook or memos on your phone, but that is not scalable for dozens or hundreds of arrests. For larger numbers of arrestees over time AND FOR tracking information about arrestees and

Regardless of whether you have a larger media team or are working with just your crew, your media strategy should include **talking points** that tell the story you want the world to know without giving unnecessary information.¹²

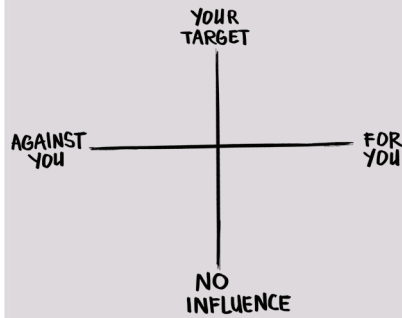
Remember that **everything you say will be used against defendants**, so be judicious and make sure you are getting the most out of your words. This means not speaking outside your established narrative. **Don't be afraid to say the same things, even the same sentence, over and over again.**

Having media at your action can **boost success, but brings risks**. Before your action, you will want to work with your team to clarify your narrative and set reminders for folks on the ground.

- Be clear on what questions you will and won't answer.
- Prioritize press releases or statements over conferences or questions. Press releases allow you to control the narrative. During a press conference, you will be asked questions and should be confident in your ability to redirect questions to give only the answers that fit within your media strategy.
- Ideally **media interviews should be done by a non-witness** who only has public information to share. If this person is called as a witness in court, any documentation of their interviews may be used against them and the defendants.
- If inviting reporting is part of your media strategy, **invite the right journalists** based on your strategy. For example, journalists more empathetic to your cause may be more likely to report accurately, though they may not have the viewership you are hoping to reach. Some journalists may be more focused on creating content and telling the story they think will sell.

What do you expect to be the challenges to your movement in coverage given its success, its participants, and its observers? Your talking points may need to direct attention away from negative coverage and back toward the issue or highlight the presence and actions of violent, militarized police.

¹²The Tilted Scales Collective speaks at length about media strategies for defendants and the movement in *A Tilted Guide to Being a Defendant*, which is available as a free PDF download on their website here: <https://tiltedscalescollective.org/wp-content/uploads/atiltedguide-web-1.pdf>.



Little Sis is an investigative organization focused on power mapping. Their tool kit on power mapping is a great primer for how to start your research:

Much power mapping has been done on past and current fights for clean water. Trainings350.org offers some great resources on how to power-map as well.

<https://trainings.350.org/resource/power-mapping-activity/>



MEDIA

If you decide to work with media, you will get the most out of your effort with a **clear media strategy**. This is true for the whole overarching campaign, as well as for your action specifically or how you advocate in the media for defendants. A media collective or **media working group** can become a spoke on your spokes council. The legal team can either work with or have a member in these groups as an effective way to streamline this work for a whole campaign and keep everyone on the same page.

defendants at different stages, we favor AirTable (as of this printing) or other similar databases as the best plug-and-play option. If you have a tech-savvy friend who can make you a custom database on a secure server, all the better. We look forward to a tech collective coming out with an open-source, non-corporate, encrypted database alternative.

COORDINATING LAWYERS

If you aren't reading this while in the throes of an action, go back and check out the LAWYERS section of *Workbook 1* (page 24). It can be reassuring for arrestees to have lawyers on hand for the first appearance with an arraignment and bail setting. If you don't think lawyers will be available for folks, be sure you have trained and educated people in advance on how to advocate for themselves at this first hearing. Keep track of the lawyers that you are reaching out to and what their responses and experience are. If you are working on a larger campaign with a lot of attention and many actions that lead to arrests, you might need to develop a screening and onboarding process for attorneys (more on this in *Workbook 3*).

If you have the lawyer capacity, it can be a great relief for arrested folks to get lawyer visits while in jail. This is especially true if folks are going to be held for multiple days. Be sure to prioritize folks that might be at higher risk. It can be really helpful to have a point person coordinating between the Jail Support line and the lawyers to help guide the lawyers to those most in need. While visiting in the jail, the lawyers will be focused on one-on-one connection with the arrestee they are with and so will have a hard time tracking this big-picture work on their own.

If you are low on lawyer capacity, you may not be able to get visits for everyone. Talk to the lawyers you have in order to come up with a plan to maximize their energy to meet the most needs. This could look like fewer visits or only visiting in emergencies. It could look like an "on-call" schedule so that the lawyers can take turns, get lots of breaks, and get other work done. It could look like a comrade joining the lawyer as a paralegal to support the lawyer's work getting to more people.

COMMS: FACING INWARD AND OUTWARD

Strong movements have good communication. This includes **communication within your legal or action team**; make sure everyone has up-to-date information to make the best choices. Also, communicating with the broader campaign or movement to nurture healthy collaboration. And **communicate outside the movement** to the broader world likely through media, social media, or other public messaging.

In your action team, you have the chance to set the bar for up-to-date best practices. How will you share information with your team? Consider:

- **Ease of use:** Is specialized training needed to use communications equipment?
- **Ease of access:** Are there technology or equipment barriers?
- **Human error:** Is it so annoying to use that people don't, such as an app that takes too long to load? Does it require everyone to consistently do something they may fail to do, like use code names on a radio? Are people using passcodes appropriately and adequately?
- **Vulnerability:** Is it easy to crack? Are you relying on cell towers or other infrastructure that can be used against you or maybe overwhelmed? Consider having a backup plan or redundancy.

What information does the legal team want to communicate to the broader movement? Likely many people will worry about their loved ones and comrades who get arrested. What sort of information are you willing to share and what will you keep private? Organizers might want to know how many arrests there were or how many people are still in custody. You may hear from people wanting to volunteer or donate. How will you take advantage of the swell in energy around an action to effectively activate these supporters? Will you be a hub for reports of police misconduct, and, if so, will you give the information about police activity to the broader community? Are there other needs or concerns the movement might have that you expect them to come to you with? It isn't all your responsibility, but the point of all of this is to have strong and effective movements. If you see the potential for a need that the legal team isn't able to address, try to bring it up in coalition with other groups and see if you can't collaborate on an effective solution.

What information do you want to share beyond the movement? You may be contacted by the media or other interested parties with questions. Do you have a media contact to refer them to? Do you have

THINK IT THROUGH

1. **Set your goals.** Get clear on what you are going to accomplish.
2. **Who are you targeting?** Pick a person who can give you what you want and who you think you may have some ability to influence. Place them on the axis below.
3. Take time to understand and map those **who could influence your target**. This could range from religious leaders, neighborhood associations, school board members, and political donors. After identifying these influences and their levels of influence, map on the horizontal axis whether they are for your cause or against you.
4. Use this map as a guide in discussion with your team or affinity group.
5. **Make a plan** of action including what you all can do before, during, and after your action to wield influence over your target.

The State has learned many lessons from organized actions. These days, the State is often “over-prepared” for mass-arrest situations. Police are overly deployed, highly militarized, and have plans to increase capacity in jails and courts when needed. This does not mean that Jail Solidarity is not worth doing or does not accomplish anything. The sky’s the limit for creativity when it comes to Jail Solidarity. The arrest and jail process is designed to be belittling and dehumanizing, but **with collective resistance, we can come out stronger**, both mentally and legally.

JAIL SUPPORT AND SOLIDARITY WITH ARRESTEES

Most of the work of Jail Support is leaning on the work of your team members. The bail fund and **paying bail**, the **support phone line**, **keeping jail vigil**, etc., are your baseline for Jail Support. This work will be ongoing until everyone is released.

Based on what is happening with arrests and how your action is unfolding, you may need to make some decisions on the fly to provide solidarity to arrestees. This can look like a mini-campaign to resolve urgent issues around poor treatment, an effort to get folks released faster, or amplifying arrestees’ Jail Solidarity efforts.

POWER MAPPING—ILLUMINATING HIDDEN NETWORKS

Powermapping is targeted research that illuminates hidden networks, exposes key players, and follows the money to better understand the way power really works. When you understand what and who you are really up against, you can better strategize to find conflicting interests or points of leverage, allowing you to apply pressure in a way that delivers results. If you’re reading this workbook, you probably have already suspected that elected officials and other authority holders are beholden to interests beyond those of the constituents they supposedly represent. Power mapping is a way to better understand who really holds power in a given context.

Power mapping has informed some impressive campaigns. The Student Nonviolent Coordinating Committee (SNCC), one of the cornerstones of the civil rights movement, had an impressive research department digging into the networks of wealth, corporate interest, and electoral politics that upheld white supremacy in the South.

the information you want to share? How do you expect sharing that information to help or hurt the objectives of the action? (More on developing a media strategy in the Media section.)

PAYING BAIL

There are different philosophies in movements as to when or if to pay bail. If you have strong feelings about getting bailed out quickly or waiting around for a while, try to be a part of the decision-making process for setting up bail-paying protocols for the action or campaign. If you have a legal support person who knows your wishes, they can also advocate for your position and values while you are in custody.

Some folks believe so strongly in NOT giving any money to the system that they will sit in jail as long as it takes for a judge to release them or for their case to resolve. The Catholic Worker movement has many good examples of folks taking this principled stand.

More often, people are willing to wait for their first appearance to pay bail. This is because the initial bail is set by the police, jail, or prosecution. After your first appearance, a decision is made by a judge who most often lowers bail significantly. Because we are talking about thousands of dollars (if not tens of thousands), waiting for a short time in jail can help spread the money fundraised for bail around and get more folks bailed out or bailed out faster for those who need to because being in jail causes greater harm and disruption to their lives (Black folks, Indigenous folks, undocumented folks, gender non-conforming folks, parents of young children, etc.).

Some folks believe that no amount of money saved is worth risking the harm jail causes to their comrades. If we have the money, we might as well spend it to stop immediate harm, get people free, and continue the fight.

Surely there are other thoughts, feelings, and reasons in and around this spectrum. You can’t predict with certainty what is going to happen in terms of bail and charging while you are in custody. **Having conversations about priorities and values ahead of time is going to make it most likely things will work out the way you want** (see *Workbook 1* for pre-action conversation aids).



THINK IT THROUGH

Circle up with your crew or a small group of comrades and answer the following questions about bail-paying protocol⁹:

- Can folks expect a significant bail reduction at their first appearance?
- How long might that mean waiting in jail? Are you willing to wait that long?
- What support might people need in order to stay in jail?
- Do you want to prioritize getting the MOST people out or those with the HIGHEST CHARGES?
- Are there folks at extra risk because of identity, citizenship status, criminal record, being Black, Brown, Trans, wounded, disabled, people suffering mental health breakdowns, those with children, those who are already burnt out, etc.?
- Are there reasons that some people may need to get out faster than others?
- How will you make decisions in real-time? What decision-making protocols do you want to have in place in advance?

⁹For more on Bail Fund best practices check out Best Practices for Establishing a Legal Defense Fund by the National Bail Fund Network and the National Lawyers Guild [tinyurl.com/LDFBestPractices].

Resisting Repression

Staying connected in deep communication and trusted collaboration strengthens our ability to resist the State's repression. The cruel brilliance of trauma through repression is that repression is often traumatic and that trauma can affect group culture beyond the immediate individual "symptoms." Kai Cheng Thom¹¹, creator of *The Loving Justice Framework*, names the impacts of trauma on group conflict as:

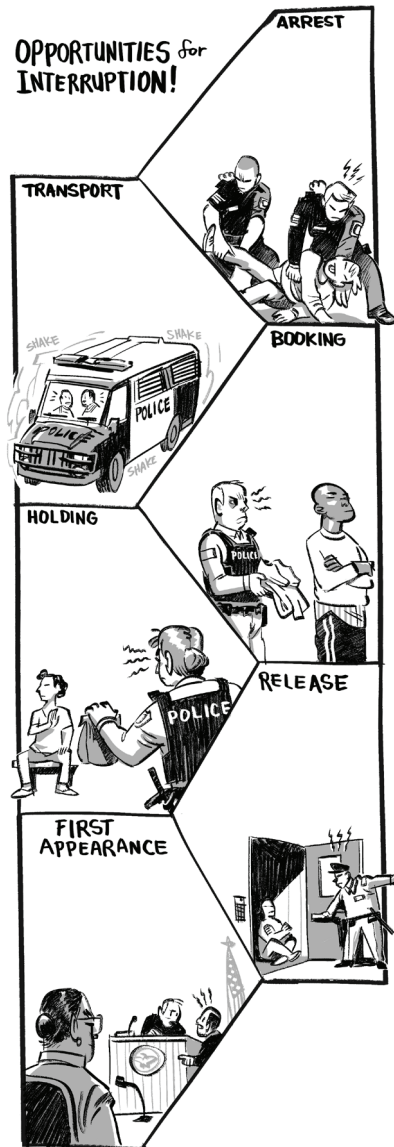
- Binary Thinking and Polarization: Us vs. Them, Good vs. Evil.
- Splitting: If you're not with us, you're against us. If you're against us, you are evil.
- In-Group/Out-Group Double Standards: When we're good, it's because we're good people, but when it's bad, it's because we're having a bad day. When they're bad, it's because they're bad people, but when they're good, it's a trick or someone made them do it.
- Culture of Surveillance: I have to watch what I say or do because one wrong move and I'm out.
- Group Collapse: Everybody is going their own way but only mine is the right one.
- High-Conflict Community Dynamics: Every conflict is a catastrophe. Disagreement is threatening.
- Toxic Triangulation: It's your job to rescue me and/or punish others; and, if you don't you're bad. It's my job to rescue my friends and punish their enemies, and I gain my sense of identity this way.
- Culture of Escalation: The only way my needs will be met is if I take on the role of a victim. I won't be heard unless my trauma story is the loudest one in the room.

Hopefully, you have built the relationships of care and support to help individuals process their trauma. If your group is struggling with these sorts of impacts, whether caused by trauma or otherwise, consider asking for help from an outside facilitator that specializes in conflict engagement. Gritting your teeth and pushing through rarely works in the long run.

¹¹Trauma and Group Conflict, Arise Embodiment <https://ariseembodiment.org/2021/07/07/trauma-group-conflict/>

THINK IT THROUGH

On the timeline below, enter tactics at the various opportunities for interruption—from arrest to arraignment—that you believe may help you reach your goals. Some example tactics that have been used historically are listed to get your juices flowing. Note that there are differences in process between federal, state, and other jurisdictions. The outline below is an example pertaining to Minnesota.



OPPORTUNITIES FOR INTERRUPTION

- Refuse your name
- Go limp
- Refuse to move
- Sing/Chant
- Physically rock the bus
- Remain silent. Don't give them more than your name, address, birthdate
- Refuse to dress in uniform
- Refuse signature or fingerprints (Midnight Special Law Collective recommends you sign only a citation)
- Refuse to leave jail
- Demand a speedy trial, especially common in mass arrests where dealing with many cases is challenging for the government
- Demand court-appointed attorneys
- Refuse bail
- Submit all prudent motions before trial in order to slow the process down to clog up the system
- Refuse to appear in court

Discuss with your comrades **where bail money is likely to come from**. For small actions, consider passing some cash to a trusted person or pooling together money as an organization to meet any bail needs. You can't withdraw cash from inside a jail. If money needs to be raised from the public, have a fundraising plan ready to go. During or immediately after the action is usually the best time to ask for bail donations because folks inspired by the action will be wondering how they can help.

Judges can take a person's finances into account when setting bail—meaning, they can set it higher if they know a giant bail fund is backing an action. Try to balance informed consent and transparency (being clear with people risking arrest about what bail support exists) with strategy considerations (like waiting until right before or just after arraignments to really plug hard on bail fundraisers).

Bail and the RNC8

In 2008, 8 organizers were arrested in the lead-up to the Republican National Convention (RNC) in Saint Paul, MN. Eventually, these 8 would be charged with Conspiracy to Riot in Furtherance of Terrorism and become known as the RNC8. When they were first arrested, their bail was set at the jail at \$75,000. Unwilling to fork over that amount of money and knowing that bail would likely be reduced at a first appearance, the 8 waited in jail through the totality of the protests that they were alleged to have organized. The first arrestees waited about 5 days for court, at which time their bail was lowered to \$10,000. Some used a bond company and some posted their bail in full hoping to get the full amount back when the charges were dropped. As the case dragged on and fears of the State seizing the full bail amount were growing, those who had posted the full \$10,000 decided to go to a bond company together to try and get a deal on the bond and get some of their bail money back. With their history of showing up for court, the visible political nature of the case, and some collective bargaining, the defendants were able to get their \$10,000 bonds paid for \$800 each.

BAIL FUND

There are broad options for meeting bail needs. We have seen informal small funds holding money for a specific action all the way up to standing funds that post bail for a whole campaign, sometimes even beyond. You have to decide what you have the capacity, interest, and resources for.

THINK IT THROUGH

Circle up with your crew or a group of comrades and discuss these questions about structuring a bail fund:

1. Do you want to raise funds specifically for bail? Or do you want to raise funds for a broader legal fund? Can you separate these easily?
2. What is the timeline for managing bail money? Is there a need to set up financial infrastructure and controls?
3. Will the campaign have multiple actions with many sets of arrestees?
4. How confident do you need to be in the amount of funds collected before you take action?
5. Will your comrades be in jail for some time until adequate funds are raised?
6. Will you be able to fundraise for bail before your action or will publicizing fundraising ahead of the action itself signal information you would rather keep from the state or the action's target(s)?
7. How swiftly do you need bail paid? Do you expect smoother operations acting directly or with support of an existing fund which can be more practical but also may include unwieldy bureaucracy?
8. How will decisions be made? Will folks in the broader movement be able to collaborate together to effectively make decisions?
9. How much trust is there in your broader movement? Will you be able to manage fears of embezzlement, theft, or mismanagement?
10. Who is going to do the work of managing the fund? How much long-term work are they willing to sign up for?
11. Will you expect bail funds to be repaid if charges are dropped, and how will you do that?
12. Do you want to ask people to sign a third-party bail agreement if bail is being paid from a third party?
13. Will arrestees know specifically who paid their bail?

this through with your crew beforehand so you don't have to decide on the fly.

As with every step in the process, your goals will shape the strategy you choose. You may take this time to make arguments to keep bail as low as possible and save financial resources. On the other hand, you may want to continue with other disruptive tactics. Get clear with your crew on what you want to do and why so you can stay in solidarity and be greater than the sum of your parts. Lastly, while the judge is allowed to weigh the circumstances and nature of the offense and the weight of the evidence, you are presumed innocent. Don't be afraid to remind the court of this.

REPRESSION, TRAUMA, AND RESILIENCE

Repression is the collection of methods the State and other reactionary forces use to fight against change. In our context, we are speaking mostly of repression in the **legal system**, though repression also occurs through other forms of **violence, media** disinformation, and demonization, as well as surveillance and disruption.

The State uses force as a deterrent and may try to make jail as hard as possible, especially if they don't believe any charges will stick. This is an effort to **chill dissent through traumatic harm**. Both guarding against this harm and helping one another endure, recover, and transform through harm are critical components of **repression resilience**.

While Jail Solidarity can be extremely effective, it can also bring added repression, including physical violence, sexual assault, and denial of food and medication. Police and jail guards are trained to use force to coerce people. Arrestees should be prepared to face repression as a potential consequence of Jail Solidarity. No one should be coerced into participating, and the best strategies are ones that don't need 100 percent compliance. Arrestees knowing they will be cared for both during and after their time inside can help folks in custody be more resilient and make bolder choices. Remember: Many of **the ways we resist repression have less to do with how we conduct ourselves in relation to the State and more to do with how we conduct ourselves in relation to each other**.

the inertia of a judge's habits. One possible strategy is to try to have folks who are likely to get the best bail situation go first (this may not be in your control). This can, hopefully, set the tone for better situations for everyone.

The main things a judge considers are whether or not you are a threat to the community and how likely you are to appear in all future court appearances. Taking these in turn: the threat to safety includes the alleged "victim" but also includes any other person and the broader community. If your action didn't harm anyone and/or was values-driven, you could use that as a basis for demonstrating you aren't a threat to anyone's safety. It can backfire, however, if the judge believes your values make it more likely you will cause more "harm" to the "victim." You will have to pay attention and read the room.

If you are passionate about fighting your case as part of continuing the action, this actually makes it MORE likely you will show up for court. Funny enough, if you have been convicted of similar actions in the past but always showed up for court, this can play in your favor here. Also, it matters where you live and your connections to the local community. During some Line 3 resistance actions, folks who were students in Minnesota and used their college address were charged half the amount of bail than folks in the same situation that used their parents' out-of-state addresses. Your commitment to the place, school, employment, and length of residence—all are a part of this.

During the arraignment, the judge will read the charges against you. You will almost always want to respond with a plea of "**not guilty.**" Unless you have some other plan that you have made in advance which includes pleading guilty right away, a not-guilty plea will retain the most rights and keep the most options open moving forward in the process. You can change your plea to "guilty" later if you like, but you can't change it back to "not-guilty." You may also be allowed to postpone or decline entering a plea. Judges tend to be especially fine with this for folks who haven't yet had time to speak to a lawyer.

There are different schools of thought on **applying for court-appointed counsel** (a public defender or PD). Some folks believe we should take advantage of any resources that we can before using up movement resources. Others want to exercise all of their rights in the system, including the right to a PD and the court's obligation to provide counsel. The courts, as a matter of course, pressure defendants to give up their rights for the court's convenience and efficiency. You are not obliged to go along with this, and demanding your right to a PD in mass can be a powerful tool. Still, others believe applying for a PD requires the sharing of too much personal information (especially if you don't think you are eligible anyway) and so advise against it. Talk

Whose Responsibility Is It Anyway?

If you are organizing actions or engaging in action, it is primarily your responsibility, both individually and collectively, to make sure everyone makes it through your action with the necessary support.

Make sure that any agreements with support organizations are explicit. Work closely together to make sure they know what you need and expect from them. Try to give each other enough time to organize and pull together the needed resources to be successful. Listen closely to each other to make sure what you are expecting is in line with what is being offered.

If you are unable to be responsible for dealing with the foreseeable consequences of your action, you may need to choose a different tactic or expand your collaboration to develop the capacity needed. Each action we take is a step on the path toward liberation. If you "succeed" in the immediate action's goals but leave participants depleted and demoralized, you are unlikely to be successful in achieving the transformative change. We can't treat each other as disposable.

COORDINATING REMOTE SUPPORT

Especially in the COVID-19 era, many new technologies have been created or improved to help with engaging in collaboration remotely, from a vast distance. We are always looking to evolve and innovate our systems, though **in-person is the gold standard ideal for collaboration and movement building.** When remote support is available and in-person support is scarce, some tasks are easier to give to remote support than others.

In our experience, the most effective remote support is done by an organized crew of folks taking on a **discrete and defined** project that is fairly **stable** and has a clearly established **path of communication.** For example, the Arrestee Tracking team may be backed up by a remote team by sharing a list of folks believed to be arrested with the task to log booking and court information and report back trends and outliers. This is discrete because it doesn't ask them to enter the whirlwind of all the legal support issues. It is stable because the mechanics of the task are unlikely to change rapidly. The path of communication is clear because they are working with point people in the Arrestee Tracking team.

One of the best uses of remote support is to serve as **a backup in case of disruption** at the office (a raid, power failure, etc.). If the office is suddenly unable to answer jail calls, for example, having remote support able to step in and fill that gap can keep the line from going dead.

A note of caution. In movements for justice and liberation, our **humanity is one of our greatest strengths**. Capitalism and colonization are alienating forces. They separate us from each other, the land, and our cultures and histories. Any time technology is used to fill a gap left by an in-person connection, we risk weakening the power from being with one another as human-animal bodies on the earth. The revolution is about our relationships with each other, and being in person builds stronger relationships.

First Court Appearance. This is the first time in front of a judge and may include a **bail hearing, arraignment, or appointment of counsel**. Check your state's **Rules of Criminal Procedure**, or speak to folks who have experience in the court you are likely to have your case in, for more specific information.

Bail Hearing. The court will set your bail parameters or pretrial release conditions which could include anything from not drinking alcohol to no-contact orders.

Arraignment. The charges are read, and you may enter a plea at the arraignment hearing.

Appointment of Counsel. If you want to apply for a public defender, you will likely have to complete an application, and it may take some time before one is assigned. If you do not qualify for a public defender, you may work with your Jail Support and legal team to find an attorney. It is helpful to think about this before you risk arrest.

Release. You could be released by cops after receiving a citation (referred to as cite-and-release) by having charges dropped or no charges filed after your hold expires, by being charged but released without bail, or by posting bail or bond.

FIRST APPEARANCE AND REPRESENTING YOURSELF

As noted above, the **first appearance may include a bail hearing, arraignment, and/or appointment of counsel**. Major metropolitan areas often have a public defender who is present to help represent every first appearance that qualifies, but in many (especially rural) jurisdictions defendants are not given representation for their first appearance. You or other organizers may have set up a lawyer in advance to be present for first appearances. If there isn't a lawyer available, you may need to be prepared to represent yourself, called "Pro Se." Knowing what is important at a first appearance helps you even if you aren't representing yourself because you will know what information is most important for your lawyer to know to argue your individual case.

Making a bail argument: There are a lot of rules around bail, what a judge is allowed to consider, and how much weight to give each element. In theory, bail conditions are supposed to be highly personalized. In practice, judges aren't often pushed to follow all the rules and fall into a routine. Just or not, you may have a hard time overcoming

STRATEGIC TACTICS

Jail Solidarity (inside) can be used concurrently with **Jail Support** (outside) to put extra pressure on politicians, the legal system, and corporate stakeholders. Together you can maximize the benefits of your actions and win demands more quickly. There are many options on how to operate in Jail Solidarity, but when tactics, methods, and boundaries are honestly discussed before arrest it can minimize risks to arrestee safety and prevent conflict within the jail. Remember some comrades may need extra protection due to their identity, visibility, or other risk factors.

Jail Solidarity tactics used in the past include things like physical non-cooperation, ie., going limp during the arrest or intake process, or procedural tactics like demanding court-appointed attorneys and exercising all of your rights to gum up the court process. To be successful in picking strategic tactics it is helpful to understand the flow of the legal system in your state and identify the opportunities for the interruption. Be mindful of how jail solidarity tactics impact the people in jail who didn't choose to risk arrest. The state benefits from the us-versus-them dynamic between people who are criminalized for resistance work as opposed to simply existing with a criminalized identity. Find ways to connect with, include, and evolve tactics based on feedback from other people on the inside.

Jail Support may include folks on the outside showing support for those in jail by calling the jail and local politicians to ask for information and demand release or bringing the situation to the attention of the media. Ideally, you will have discussed options and ideas with people risking arrest before using these tactics. This is in addition to the Jail Support described in Section 1, as part of the work of the legal team.

SOME ARREST PROCESS TERMS

There are a lot of terms in the legal system that it helps to be familiar with.

Booking. The process of gathering personal information post-arrest. Officers will take fingerprints and photos, ask for identifying info, and have you fill out initial paperwork.

Holding Cell. You may be put into a holding cell before, during, or after booking. You may be waiting in the cell for a long time.

Rules of Criminal Procedure. Different in every state, these rules lay out the process and define the different types of court hearings and the order they appear.

Jail Solidarity: Finding Your Power Together

“Solidarity is based on the principle that we are willing to put ourselves at risk to protect each other.”

—Starhawk

“Those who once become aware of the power of Solidarity and who breathed the air of freedom will not be crushed.”

—Lech Walesa

It can be scary to be arrested. Often, up until that point, folks are primarily focused on the success of the action. Without clear ideas on how to continue to fight back after arrest, opportunities to build power may be missed. **Repression resilience isn't just about harm reductions, it is about continuing to build power in the face of the System's efforts to disempower.**

So far in this series, you have been building the structure and understanding to support the action. Now it is time to build together to assert your collective power.

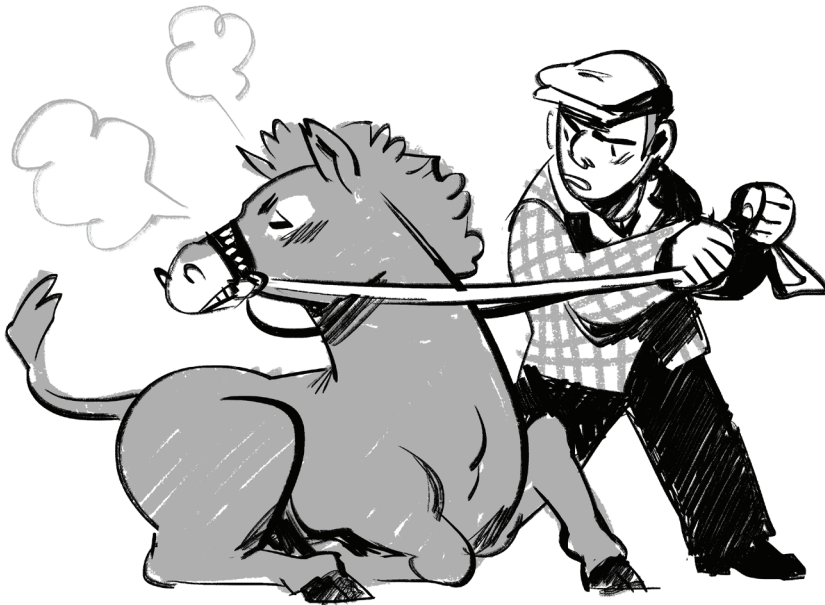
In this section, we will cover:

- **Jail Solidarity:** The arrest and booking process and opportunities for interruption along with common tactics for building power amongst arrestees.
- **Jail Support and Solidarity with Arrestees:** Backing up arrestees' self-organizing and building a campaign outside to push for shared goals.

JAIL SOLIDARITY

Jail Solidarity is the collective use of non-cooperation tactics during the arrest, jail, and early court process to achieve a goal. Sometimes the goals are articulated as specific demands, such as charging everyone with the same thing (so that no one is singled out), giving someone immediate medical treatment, or getting people vegan/vegetarian meals. Jail solidarity can be used with the explicit intent to have formal negotiations with a prosecutor or other person in power regarding charging. Jail solidarity can be used for more general goals, like slowing down the jail system to deter more arrests or to bring more attention to a cause.

Jail solidarity can blend into court solidarity, but this section examines collective action up until the arraignment or first appearance. Jail solidarity is most commonly used in mass arrest situations, where large numbers of people can provide more leverage, but even a small group can take collective action in jail.



Early 1900's IWW

In the early 1900s, the Industrial Workers of the World (IWW) used soapboxing as a tool to organize workers in cities across the country. Working hand in hand with industry, local politicians passed laws outlawing public speaking in the street in an attempt to shut down worker organizing. The IWW used the tactic of clogging local jails to put pressure on local political and legal systems to overturn these laws. IWW leaders sent requests for members and sympathizers who were willing to get arrested, and, due to high unemployment, several members stepped up. By replacing one orator with another as soon as they were arrested, local jails quickly became overwhelmed. Additional tactics inside the jails such as hunger strikes, refusal to work, and demanding jury trials put further pressure on the system, but also lead to brutal repression. Taxpayers began complaining about the wasted resources. In some cities it took years, but almost all of the local anti-free speech laws were repealed and the IWW was able to secure victories in various other campaigns with the help of these jail solidarity tactics.

Civil Rights Era

Jail solidarity rose to prominence again during the struggle against segregation in the 1960s. Sit-ins at segregated lunch counters led to the arrest of hundreds. Given the choice between fines and jail time, some protestors chose jail time, burdening police and jails and adding political pressure. Some activists in the movement were unwilling or unable to choose jail time, but not all actors in a movement must take the same tactic. Each individual needs to make decisions that best fit their circumstances. This tactic generated sympathy and applied pressure strategically.

Similar examples arose from the Freedom Riders of 1961. College students and activists from the north traveled south with the goal of pushing for the integration of bus and train stations. In Jackson, Mississippi, the group was immediately arrested, charged with “breach of the peace,” and sentenced to four months. In a show of intimidation, the governor sent them to the State Penitentiary instead of jail, where they were kept in maximum security with an order to “break their spirits not their bones.” The call went out for others who were willing to come to Jackson and be arrested, eventually leading to hundreds of Freedom Riders in the prison. While inside, they practiced many solidarity tactics, including singing songs almost constantly, which was met with retaliation from the guards. In the end, many were bailed out after having shown that their spirits were not only unbroken but renewed by the environment of resistance they had created inside. A sweeping federal desegregation order shortly followed.¹⁰

It's important to look at local conditions when deciding on leverage points. Some jurisdictions may have limited funding or space for detaining people, others may lack the political capital to keep scores of people jailed for an extended period of time. What may work in one situation or location may not in another. Can you get leverage to push a “progressive” prosecutor? Do you have the numbers to clog up the jail or courts through mass action? Police and jails deal with a few “troublemakers” daily. It's when hundreds refuse to participate that they can be overwhelmed.

Often, months of energy goes into developing a strategy, deciding on tactics, and publicizing them to potential participants. Sometimes tactics are experimented with on the fly, but generally, tactics will be more effective if they are decided on collectively beforehand with people risking arrest.

¹⁰This is primarily a summary of “Collective Action Behind Bars” by Chris Hermes from the journal *Upping the Anti*, 2016, Issue 18. We encourage you to look up this article and read more about jail solidarity history.