

Court cases are very costly. The defendant may well offer an out of court settlement if there is a good case so there may be no need to go to County Court (for claims below ?£50,000) or the High Court. If there is no settlement concerning liability there will be a trial in the civil court and a jury will decide. If there is no agreement concerning the amount a judge will decide. If you win you will then be paid which is to compensate you for injury, psychiatric damage, loss of earnings, scarring and any future financial impact, for example you may find it too painful to work double shifts ever again. The money is also to pay for expenses incurred by your injury including help given by others so do pay back people and campaigns that have helped. However, bear in mind that you will never receive payment again and that most payments if looked at in perspective over a lifetime do not actually fully compensate at all where serious injuries are concerned. Do seek financial advice and be cautious, annoyed multinationals have in the past tried to sue activists with assets for compensation and/or costs. To date none of them have been successful although this may be a problem in the future. Those on benefits should also seek independent legal advice prior to declaring anything to any benefits agency, employer, etc.

Many seriously injured activists, despite having had good cases have lost in court and not received a penny. In some cases legal aid to fight the case may have been denied. This has meant severe financial hardship as well as the injustice and pain. Some people have not been able to work again and further loss such as the break-up of a marriage have followed. There is certainly a case for people in this position to receive more support from the activist community than they have done to date, not only in the UK but overseas as well.

The media

We are all aware of what lies and distortions the press are capable of. On the other hand **they may be sympathetic and highlight the concerns of the activist** who has been assaulted, assist with publicising the case which may help to win it, embarrass the assailant/s and in countering allegations that it is activists who are the violent ones. Negative reports may deter the perpetrators from violence in the future. There is also the possibility of an assailant being ostracised by his/her own people which causes divisions and again may deter others. Sometimes the police have bad press and they may invoke the wrath of senior officers if they earn any more which in turn will protect the public by deterring their worst excesses. Publicising the arrest of the opposition is probably a good thing. It may also scare others off of direct action but on balance it may be better to publicise the incident.

The first day reports often set the tone of the case. The police will probably have a spokesperson ready to give their version of events and if you are going to engage with the media it is good to do it on the first day. **Prepare your statements, have handouts ready and have answers for difficult questions.** If you have dramatic photos then it might be good to give or sell them to the media--seek legal advice and blank out permanently the face of anyone who is not happy to be in the photo.

Whether or not the assault is publicised is the decision of the person who has been assaulted and should not be decided without their input or a legal opinion unless s/he is unconscious in which case the decision lies with the next of kin or by people who know their attitude about the media. Publicity can make or break a case and any decision made can affect the rest of the victim's life. An experienced person should take responsibility for any media coverage, including activist media, even if no press release is made so that the victim does not have to repeat their experience over and over again which is tiring, stressful and unlikely to portray them in the best light.

The assault should be reported in our own newsletters, email lists and Indymedia in order that adequate support can be maintained. A contact address should be included for people to send messages of support and donations.

Do bear in mind that the police may try and stop journalists reaching the injured person and will often get the hospital to stop certain visitors from coming in. A lawyer at the scene may be appropriate to ensure that those who are wanted are allowed in and to turn away those who are not. If the injured person wants to see a journalist the police do not have any right to stop them unless that person is in custody (police will then guard the bed). The hospital have a duty to protect patients and several camera crews massing on a small bay in which other patients are intruded upon is something they will not appreciate which is understandable. However it is not unknown for police to persuade hospitals that they are treating some dangerous person who must not be permitted to speak to the press or they may pretend to be protecting the patient from the paparazzi even if the patient actually wants a press release to be made.

Difficult decisions need to be made about making a media event when coming out of hospital but it may provide a photo opportunity and another chance to explain your case.

Final thoughts.

If this is all quite frightening, try and remember that violence is actually quite rare, but both alternative and main stream media often focus on it. Then we tend to repeat and, worse, still exaggerate the violent stories. Don't blame yourself for their violence. Furthermore it is usually not helpful to compare yourself with others, with internal processes such as: s/he is much worse off than me so what have I got to complain about? Usually the physical symptoms disappear but the memory of whether we were supported adequately or not as well as what actually happened stays with us for years and maybe the deciding factor whether we go back to the front line. When the physical and/or emotional wounds do not heal then long-term support is needed. Just because you think the injured person should be over it by now does not mean that they are. **And don't assume that people are being cared for check yourself; they may be suffering in silence and will really appreciate your help.**

Finally going through physical and emotional pain can make you stronger, more understanding and sympathetic. If you sue then you may receive a large payout. Without being too cheesy you may gain an appreciation of life and what health you have rather than focusing on what you don't.

First Aid:

www.blackcrosscollective.org
http://action-medical.net/index.htm

Legal:

Irwin Mitchell: **www.citizensadvice.org.uk**
Victim Support : 0845 3030900.

www.cica.gov.uk

Support & Info:

www.activist-trauma.net
www.indymedia.org.uk
www.freebeagles.org
www.g8legalsupport.info
www.actionmedics.org.uk

How to cope with being attacked by the police and other assailants

Serious violence from the police and others is actually quite rare in the UK now, and we should not overly frighten ourselves by repeating and focusing on the worse cases.



Someone, who preferably knows the victim and/or is a person who has given first aid, should if possible **accompany them in the ambulance.** If this is not possible then follow the ambulance or find out which hospital they are going to.

Be aware that going to hospital may simply enable the police to find you later.

The police may stay with the victim, they may even arrest them, or they may stay well back. They may well try to charge them with a serious offence so their house may be raided, someone should go to their home if possible.

Immediate action at the hospital.

Whenever possible ascertain **what the victim wants** and put their needs and choices first. Being in hospital is often a disempowering experience; don't forget that you are trying to advocate for the patient.

Go to reception and talk to the ward clerk so s/he can record details of how the injury was sustained, allergies, and contact information of next of kin. If you know that the patient requires a special diet, explain this (including mention of animal-based medication) if necessary.

All health professionals have a duty of confidentiality but some can have close relationship with the police. Do not be offended if they do not give you much information as they are not permitted to unless you are very close to the patient (for example next of kin) and your opinion is sought to help make a clinical decision on behalf of your loved one.

Do say that this was an assault and that legal proceedings might follow. **Every Accident and Emergency department has a Polaroid camera and so ask them to take photographs of the victim as evidence.** If they are too busy take some yourself. Maybe with a **disposable camera** if necessary. Polaroid pictures can fade over the years so a roll of conventional film may be a good idea anyway.

Do your utmost to stop any police attempt to question the victim. The police often interview people when under the influence of prescribed medication, much of which can impair decision making. Be prepared to complain and make staff aware that their patient was the one who has been attacked. They have to respect confidentiality (breach of confidentiality is a sackable offence) The police may try and trick doctors and nurses and glance a sly look at notes which may have been put to one side in a busy unit.

Call a trusted lawyer ASAP and tell them everything. Also, at the first opportunity, contact a lawyer who specialises in suing the police and other large institutions, e.g. Irwin Mitchell.

Be supportive of any next of kin and always be sensitive to the fact that they may not be very sympathetic to activists or may not even know that their loved one is an activist. It is not unknown for relatives to be very angry and aggressive, and to blame other activists, especially if the victim is young. **Give them space, offer to help and do not judge them.**

However, it obviously does happen and we need therefore to prepare for it. If we can deal with it well it can actually be empowering for ourselves and the people around us. However, if somebody is isolated and unsupported they may never feel safe enough to do actions again.

We deal with the legal and logistical support when the police or an opponent attacks with five long term aims:

Helping to minimise the trauma

Criminal prosecution Civil proceedings

Using the incident if possible to further the cause

Deterring further attacks.

You might also need to consider first aid courses, as we are not considering the medical aspects in this briefing. If you are going overseas on actions **get medical insurance or EU health card (formally an E111)**, or you or the campaign may be charged a LOT of money.

Post Traumatic Stress 'Disorder' (PTSD) is also a major consideration after violent incidents, see **www.activist-trauma.net** and **www.blackcross.org**. If you have specific medical needs then wear a bracelet. Also refer to **www.actionmedics.org.uk** for advice on first aid and being prepared for and avoidance of medical emergencies.

On the scene

The first few seconds are crucial, but often may be very chaotic and stressful, which is why it is useful to prepare beforehand.

Evidence gathering for both criminal and civil proceedings must begin immediately, and yet should not interfere with first aid, when needed.

Get contact details of witnesses of the assault.

Photographs and video footage are vital not only of the incident but of the whole day.

As many **police numbers** where possible (if they are not wearing them write down descriptions and rank).

Names of the **ambulance crews** and other emergency services.

'Impartial witnesses' are crucial as fellow activist statements may be ignored.

Car number plates.

Find out the time, maybe get a photo with a watch or clock in if possible.

Put out an **immediate call for witnesses and photos**, encourage people to write witness statements ASAP

Next Steps, in general

Report the incident formally to the police if advised to do so by a lawyer you trust and if agreed by the victim of the assault.

Inform any campaign which is relevant, www.indymedia.org etc if the victim wants this and it is deemed appropriate.

Any evidence including notes, pictures or video footage must be taken to various safe houses. In one case of a serious assault EVERY person present had their homes raided the night of the assault and most of the evidence was destroyed.

Hospital

Organise visiting so the patient is not swamped or conversely left alone. Respect visiting times and other limitations which exist not to thwart you, but to prevent infection, disturbance and overcrowding.

Do encourage that cards, good food, financial help, toiletries, books, music and messages of support be sent to the hospital to boost morale and reduce the sense of isolation an assault can trigger.

It might be useful to set up an email address expressly for messages of support, and a list so people can be kept updated.

If being interviewed by the police

The police will seek to interview the victim as soon as possible. Even though the interview may apparently be a witness statement against the assailant they are likely to use the opportunity to gather information on the action, the activist or their colleagues. The interviewee may be weak, on mind altering drugs (e.g. morphine) and generally off guard and/or wanting to help the prosecution of the assailant. The same rules apply as they do in a police station although in a very serious assault a statement must be made to the police if the aim is to arrest and charge the perpetrator of the violence. A hospital interview is not to be done lightly. **A decent solicitor MUST be present and correctly instructed, and nursing staff informed before any dialogue takes place with the police.** Supporters can help with this as medical staff may not be confident enough to stand up to the police, especially if the police lie. The interviewee should **answer questions concerning the assault** if they wish to see the attacker brought to justice. **However any questions relating to other actions and other people** must be treated with extreme caution and a **'no comment'** answer given.

Home matters

Domestic matter need to be considered (especially if they live alone) including **child care**, care for **dependant animals**, plants, **bills** etc.

If that person has campaign commitments they need to be taken over by other people. Work issues should also be taken into consideration but liaise with the victim first before making decisions.

Matters such as fines and court appearances do not go away when someone is seriously ill. Someone should contact the courts and tell them about the attack, preferably a solicitor, to take the pressure of bailiffs, court appearances and warrants off the victim.

Going home

Do not just assume someone else has sorted things out, violence will also affect friends and family who may be exhausted and traumatised themselves and possibly at the same time facing police harassment. Detailed plans need to be made in order to facilitate a seamless transition from hospital to home and a quick recovery. The injured person may be unable to wash, cook, shop, go to the toilet etc, without help.

A **rota** detailing who is going to help and when will make things clearer for everyone. Sometimes people suffer in silence rather than ask for help as the transition from being able-bodied to needing help for everything is difficult. The recuperation phase at home can be very hard, as the reality of many years, or even a lifetime, of suffering dawns on the person. It can also be very stressful and difficult for the carers so this work needs to be shared. If somebody has a partner or primary carer they will need breaks as well as treats and nice surprises themselves. Offer help to avoid major problems such as burnout, post traumatic stress disorder and depression which often surface as physical trauma diminishes and 'normality' returns including court cases, bills and other stress factors which ensue often months or even years after the event. Recovery is not a straightforward process; just because people are OK one day does not mean they are always OK.

If the injured person is in custody

This is a potentially dangerous situation. Too many people have died in police custody so get help at once with the aim of getting the person to hospital. **Get legal help immediately.** If appropriate go to the police station and inform them that your colleague is seriously injured, that you know that they are there, their lawyer knows and other activists know, for your own safety make sure that other people know where you are. Try and speak to the custody sergeant who will be the person responsible for the prisoner's well-being, and inform them of any medical problems if it is appropriate to do so. If all of this fails dial 999 and ask for an ambulance to attend the police station giving a full explanation of injury/illness and the fact that the police are not treating a life threatening situation seriously. Keep up the pressure and keep contemporaneous notes throughout including police numbers, times, etc.

Being a victim of crime and a witness for the prosecution.

All too often the victim is left to fight the legal case more or less on their own, which can be very demoralising and is what the authorities want because then people often drop the case. **These cases are political as well as personal and the work should be shared as we benefit collectively if the case is fought let alone won.**

The police may well try to wriggle themselves or their mates out of sticky legal situations and the Crown Prosecution Service (CPS) will usually assist. However sometimes the evidence is so watertight they have to be charged and stand trial. The situation then exists of police arresting and charging their colleagues or friends. They may be in a situation where they raid another police officer's home, lock her/him in a cell and prepare a case to send him/her to prison where s/he will not have an easy time; s/he will lose his job and pension. This will be due to a protester pressing charges and the police will be reminded of their own individual frailty before the law, they are not untouchable, they too can be punished and they do not like this one bit. They will of course try to discreetly wear down and discredit the victim and witnesses whilst at the same time prosecuting the assailant so watch out for trumped up charges, increased arrests, raids etc. Years may pass before the trial so detailed notes of the incident need to be made ASAP, the memory fades very quickly and seeing videos or talking to other people can contaminate recollections of events.

The police may actually be on your side or they may pretend to be in order to gain your trust before betraying it. **Be cautious and never give over ANY evidence of which you do not have copies**, as it's all too likely to get lost. If possible only give copies and backups of evidence not the originals.

At court

As a victim or witness you will simply be expected to turn up to the trial and answer questions from both prosecution and defence lawyers. It might better that you do not attend any pre-trial hearings as this may count against you because it may be seen as an attempt to harass the defendant, but ask your lawyer to be sure. Somebody else who is smartly dressed and unknown to the authorities could discreetly sit and take notes pretending to be a law student if necessary

The defense for the police will try and discredit the victim and/or the group(s) they may be connected with. For the same reason demonstrations outside the court and other places could be used by the defense team - again, talk to the lawyer as well as the victim (and remember that they may say contradictory things)! If the state is taking legal action against the perpetrator of violent crime it may be best not to do anything at all which could be perceived as intimidating the defendant. Action when the state refuses to act is a different matter altogether as are demonstrations against the original target.

Keep a note of all and any expenses and receipts. Regardless of the outcome you will be able to reclaim reasonable travel, refreshment and hotel expenses.

Victim Support is a charity who helps victims of crime, families and witnesses by offering advice and counselling. The police should refer all cases to them especially when the outcome is serious but you can always self refer. They can visit victims at home, advise on benefits and have an office in every court. Contact them on **0845 3030900**.

Avoid arrest as much as possible give so as to give them no further ammunition. Every caution and conviction of victim and witnesses will be put before a jury so try not to add to your collection prior to the trial. NB: it will quite probably be more difficult to avoid arrest as you may be targeted by police.

The defendant especially if s/he is a police officer will probably have no convictions and the defense team (which will be the best money can buy) will do their utmost to show you to be a criminal and a terrorist. Even if you have no criminal record they will even try to associate you with bombs and extremist activity. A jury will not be too sympathetic to someone who they feel is violent or associated with violent tactics.

Witnesses who are not activists e.g. a passing motorist should not be contacted directly as evidence can be said to be contaminated which will help the defense. It is natural to want to discuss the case amongst ourselves but be careful in case you are accused of colluding together to make up accusations. **Some lawyers recommend that witnesses and victim not talk to ANYONE about the case, so be aware of that as well. ANY independent witness is of the utmost importance as they have no allegiances with the victim and are testifying on the grounds of common decency.** They are not immune to police harassment and may suffer some form of persecution prior to the trial; do not be too surprised if they falter in the witness stand. Notes should be taken throughout the trial for civil proceedings (the lawyer acting for any civil case will contact them afterwards if necessary).

Civil proceedings.

In any case of violence a long term aim should be to sue. This can only be done once the criminal case is concluded and so whilst any trial may take place years later, the groundwork starts seconds after the assault. It may not be successful but in order to encourage others and to be adequately compensated for injury and financial loss it is imperative to fight back.

Even if the defendant is acquitted, the burden of proof is much less in a civil case. Sue them, instigating proceedings immediately if possible.

It is possible to lose the criminal case but still win civil proceedings. Although it is hard and exhausting, making an example of a violent opponent may save other activists from a similar fate. Remember to support individuals in their court cases as it's part of a wider political campaign. You can sue individual police officers or employees if it is not possible to sue the police force or corporation depending on the circumstances, for example you were beaten up by an off duty security guard. Do seek the advice of trusted and experienced lawyers

Any information gleaned from the criminal case should be passed on to lawyers who will be on your side and do their utmost for you.

The Criminal Injuries Compensation Authority may compensate activists who are the victims of crime so it is an avenue worth pursuing. However they do not tend to like anyone with convictions especially for crimes committed after the assault, another reason to be careful not to be arrested. In some cases they will decide that someone has been so naughty that they do not deserve any compensation.

Anyone who helps the victim in any way either with finances, driving them to hospital appointments, cooking for them, nursing them, getting prescriptions, listening to them when they are depressed or suicidal should catalogue EVERYTHING from the minute the assault happens. Every single drop of petrol, every minute assisting, every penny spent needs recording and receipts saved and sent to the lawyer dealing with the case. This can go on for years and will add up to tens of thousands of pounds in serious cases all of which can be claimed as expenses from the defendant.

The victim should keep a contemporaneous diary of their experiences and every detrimental experience such as pain, panic attacks, depressive episodes, incontinence etc, should be catalogued as well as things such as loss of earnings, prescriptions, travel to physiotherapy appointments, seeing practitioners such as homeopaths, taxis, etc. A diary also tells a court how much and how long the victim of a violent assault can suffer. Any police raid will leap upon such a document with glee so keep it safe although you may be able to get a court order to get originals or copies of such information back. An injury can cause pain for the rest of your life, mental illness especially Post Traumatic Stress Disorder (PTSD), depression, anxiety and a whole host of addictions are commonplace for victims of trauma and can also set in for life affecting every aspect of existence. All of these things will be calculated by lawyers on both sides and are part of the settlement so do not miss anything as once the settlement is made there will not be a second chance and when if the survivor can not work due to panic attacks 10 years down the line there will be no more money. A doctor of the appropriate discipline will examine the victim for the court in order to ascertain how much their life has been affected by the assault and whether or not the damage or scarring is permanent or will shorten life. Sometimes several appointments may be necessary and one may have to see a neurologist and a psychiatrist for example. Lawyers can be nasty and will attempt to discredit the injured party, for instance, in one case a severely injured man was filmed by private detectives without his knowledge. Going back to work whether paid or voluntary is important for self esteem and finances but going back too soon can not only delay full recovery but will be seen as a sign that the person is no longer suffering. The better a person seems to cope with an assault it seems, the less compensation s/he is judged to be entitled to.