

A Legal Guide For Activists With Physical Disabilities and Health Issues

from <http://www.ocap.ca/archive/legalguide/healthlegal.htm>

Direct action is nothing new to our community. The rights that people with disabilities have today are there because of radical gimps and crips who fought for them. The reason that we do not see many people with disabilities participating in direct action is largely not because we are not capable or it is too dangerous for us, it is because of the systemic ableism of the state, action organizers and participants.

This is a brief overview of what you should know to help protect yourself at actions. We have tried to make this as wide ranging as possible, however, the type and extent of your disability will have a major impact on how much of this is relevant.

This guide is designed to tell you how it is. The authors do not agree with the way people with physical disabilities and health issues are treated by the police and jails. Often times, disabilities are used as ways of giving extra punishment to people in the injustice system. It sucks but it is also how it works and the more you know and the more prepared you are, the safer you will be.

Preparation

Medication

These are things you can do to better your chances of getting any medication or medical treatment you need. However, you have no guarantees of getting the medical attention or medication you need, especially in the time immediately after your arrest. If you depend on medication that you have to have at regular intervals, you may want to consider a low risk or support role so you do not put yourself at extreme risk.

If you are taking medication, the best way to ensure that you will get it is if you do all of the following:

- Have the medication on you in its original bottle (If your medication is over the counter, even if it can save your life, you may not receive it because the bottle does not have your name on it. If you can, go to a clinic or pharmacist and ask them to make up a bottle with the instructions and your name on it for you.).
- Have a copy of your prescription on you.
- Have [a letter from your doctor](#) outlining what your meds are and how often you take them (click on the link for sample letters). If you need to self administer your meds make sure that it is clearly outlined in the letter. If you are comfortable with it, the letter can also benefit you if it describes what your medical condition is. If you have food allergies your doctor should also put that in the letter so you will be able to get food you can eat sooner. A sample letter is provided at the end of this guide.

It is also a good idea to have copies of the letter and your prescription with your affinity group's legal point person or lawyer. And, if you are comfortable, sign a release form with your doctor so your legal point person (absolutely non-arrestable), legal support worker or your lawyer can access your files. You will have to name the person you are giving access to as well as what they can access in the release. Do not put someone on the release who you do not think will act in your best interest and keep your information private unless it is necessary to give it to the courts and/or jail to benefit your medical care.

Also, you should be aware that you may be targeted based on your medication. Kops are assholes. If you are taking medication that kops will recognize (eg. AZT, testosterone/estrogen, or anti-psych meds) you could be put at risk and in the case of anti-psych meds, psychologically profiled. It is your call. If you will not go into immediate or serious withdrawal from not having your meds, expect to get out quite quickly (ie. You don't have a criminal record, outstanding charges, are a citizen, have an address and do not anticipate being arrested for serious charges) you can leave your meds, prescription, and doctors letter with your legal

point person so you can get them later if needed or you can take everything with you to the action. Do what you think is safest for and best for you.

If you self medicate with marijuana or other "controversial" substances - leave them at home.

What To Bring/Wear

The sad reality is that if you have a visible physical disability, you will be identified by it. If you can use plain, standard personal aid devices and try to go with black metal, plain wood, or black/beige fabric for everything.

If you have parts of your body which are extra sensitive, you may wish to wear extra clothing to help protect them.

Most personal aid devices will be removed from you when you are booked but there is a good chance you will have access to them if you are sent to jail. So, use stuff that looks like a doctor ordered it if you can. Instead of using elastic bandages to wrap parts of your body, use braces if you can get them. You will never get access to elastic bandages or triangles but you will much more likely get your body-part specific braces if you are wearing them at the action.

If you have a medic alert bracelet - wear it.

If you suffer from pain, take pain killers with you. Put several in a place where you can easily access them if you are arrested (ie. Tape them into a sleeve cuff or slide them into a wrist brace) then you can have access to them if you go down. If you do this, be sure to take them before you get to the station and are searched. It is probably best if the kops don't see you take them.

If you have breathing problems, consider taking a gas mask. However, if you do this, know that you will be more likely to be targeted by the kops.

Try to follow the other guidelines set out in the "what to bring/wear" section written for T.A.B.s (temporarily able bodied) by the legal collective.

Bring water and have the people in your posse do the same. However, if you have deadly food allergies, your affinity group should not eat the foods that you are allergic to prior to the action (in case you get pepper sprayed and they rinse your eyes with their water or if they have to do mouth to mouth). Your affinity group should also be on the look out for anyone treating you to ensure that they do not use anything on you that has come into contact with their mouth or that you are allergic to.

Cadres/Affinity Groups/Cells/Squads/The People You Show Up With

If you have a physical disability or health concerns, the people you go with are key to keeping you safe and helping to protecting you. If you do not feel safe with this group or if you feel like they will not consider your needs, you can call them on it. You should only do what you feel that you want when it comes to discussing your situation with your affinity group. However, if you do not feel that you can openly talk about your situation with your group, you might want to consider a very low risk of arrest role.

Here are some questions that an affinity group can go through (and ideally set out clear answers together) to establish how your needs can be taken into account at the action. (note that the best affinity groups will go through similar lists for every single person in the group regardless of whether or not they are "high risk").

- What is the nature of your disability or health concern and needs? Does everyone in the group have a working understanding of this? If not, will it be arrived at and how will this happen?
- What is your level of arrest?

- How can the action, or at least your affinity group's role in it, be designed to best accommodate your needs?
- How will the decision making process ensure that your needs are considered at the action even in the most pressing of situations?
- How will your body be taken into consideration in interactions with the police? (ie. Do you run from the kops, do you fight, etc.)
- Who in your group has medical training? Are they adequately trained to deal with your particular health concerns? (sometimes it is good for an affinity group to have two people with medical training so one can leave with you if necessary and the other can stay to assist the rest of the group)
- Are parts of your body particularly vulnerable and if so, do you want help from others protecting your body? How can others in your group do this if desired?
- It is absolutely reasonable for "high risk" individuals to have other people go down for them. This is one way that we can use solidarity in an action to ensure that the people needing it the most are protected. With that in mind, do you want people to risk arrest to protect you? If yes, which members of your affinity group are going to do this?
- Does your affinity group understand that your consent is essential if someone is going to go down for you?
- If you do go down, do you want someone who is trained to try to get arrested with you to help ensure you are not mistreated? If yes, who is going to fill this role?

Sometimes it is difficult to hear people in a busy action, especially for people who have hearing impairments. Your posse can develop simple signals that can be used to get messages to people in the group when you are far away or it is difficult to hear. Make all signals simple and big so they can be seen from a bit of a distance.

The Kops and Protecting Your Body

If you have a visible disability, you are at high risk when it comes to the kops because you will probably be more recognizable than most of the people around you and because oftentimes the police will know many of your weaknesses right off the bat and use them against you.

But, you can make your disability work for you also. There is definitely a social stigma attached to beating people with disabilities. You can use this to your advantage if there is media around.

It is important that you protect your body when you're doing direct action and are involved in physical confrontation with the police. Lots of times in direct action trainings, the trainer will show people how to do this. These tactics are designed for T.A.B.s though. Come up with ways to protect yourself in these dangerous situations before the action. Think about your disability and how best to adapt body protection strategies to your own body. You can even practice being arrested, dragged and beaten with a friend and see what works well for you.

If you have a disability that causes pain, you may want to consider making the arrest process as painless as possible (ie. don't fight, force them to drag you).

Do not expect the police to go softer on you because you have a visible physical disability. Canes and certain types of braces could be considered to be a weapon by some kops, so they may respond to you with even more force.

Arrest, Detention and Jail

In many police departments, including Toronto, police do not have special training to respond to people with disabilities. This can lead to the extremely unjust treatment of people with disabilities as a result of police prejudice, ignorance and inexperience.

If you have your meds on you, point them out to the officer when you are being booked. State how often you need them and the dosage.

Canes, braces, wheel chairs, hearing aids, and prosthetic limbs (one booking officer told me "you wouldn't believe what they hide in those fake legs") will be removed from you when you are booked. Procedure will vary depending on the police division as to whether or not your personal aid devices are transported with you. If you are forced to do something that is difficult, painful or impossible for you to do without your personal aid device, insist upon having access to it. Don't be belligerent, but make it clear you won't cooperate unless you have what you need. For example, if the cops attempt to make you walk without your cane, insist you be carried rather than experience more pain. Or, if you are sent to court without your hearing aid make it known that you are not being granted your right to participate in your bail hearing. If you are arrested with others solidarity can be used to help you to get access to what you need.

You will probably be able to access your personal aid devices if you are sent to jail. You wouldn't be able to use things like canes or crutches in the range (area they keep a group of prisoners) so you would be put in segregation or, more likely, only have access to them when you leave the range. You probably won't have access to braces if they contain metal that cannot be removed.

Court

It is a good idea to have your lawyer put your health on record in the beginning (if you feel comfortable with it). This way anything that the jail or court system neglect regarding your health -it is their fault. You'll have recourse later if needed and hopefully you won't need it because they know exactly what you need.

Oftentimes, they do not transport meds with prisoners when they go to court. If this is the case, and you do not get your meds, have your lawyer call the jail.

Your (mis)treatment in jail and its impacts on your health can and should be brought up in your bail hearing to support your case for release (especially if it is a reverse onus situation).

Conclusion

The arrest and jail process is physically painful and tiring. Please do not put yourself at any undue risk as the movement needs you for another day. Fight hard, in whatever capacity you can, and fight to win.