Arrestee and Legal Support

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Legal guidance - going on a protest

Note: information contained on these pages applies to England and Wales only. Scottish activists should go to SCALP at scottishactivistlegalproject.co.uk for advice.

Know Your Rights

Where possible our Legal Support team will deliver a Know Your Rights training either in person or via zoom. However as this is not always possible, we have collated key information within this guide: https://informeddissent.info/knowyourrights.

There are 2 main routes to doing Know Your Rights training online:

1. Training on Rebellion Academy. This can be taken in your own time and is XR specific. The module goes through the legal information and basic advice about taking part in civil disobedience.
2. Zoom training with Green and Black Cross. This is a good option if you want to able to ask for questions and clarifications, but is not always available.

If you would like to arrange a specific Know Your Rights training session (for example, for your Local or Community Group) please contact Legal Support on xr-legal@riseup.net.
This may not always be possible and is dependent on the teams capacity.

Five key messages

No action/protest is ever 100% risk free. So even if you have no intention of being arrested, its important to remember these 5 key messages.

No Comment

You do not need to answer police questions, so don’t. This is for your own protection and for the protection of others. Furthermore, no one is legally obliged to answer police questions, so your best bet is not to!

The police are trained to gather evidence and so you might accidentally incriminate yourself or someone else. Never identify anyone as an 'organiser', 'co-ordinator' or 'leader' as they might see themselves differently or may not want to be known to the police in this capacity. Instead of trying to decide when it seems ‘safe’ to answer, just say “no comment” to all questions, whether during ‘informal chats’, in the police van and especially in police interviews.

No Personal Details

You do not have to give personal details at the point of arrest. We recommend not giving your details when inside the police van / car and are being transported to the police station. Sometimes the police will arrest you without grounds and primarily for the purpose of obtaining your personal details. They also sometimes just release activists after driving a few roads away (before reaching the station). In this case, there is usually no record of your arrest and so it is best to keep yourself anonymous at this point

Typically people give their details when being checked in at the custody desk at the police station as this minimises the chance of being arrested and then released without being booked in (example above). It also allows you to be released within the 24hr limit - if you withhold personal details at the police station it’s likely you’ll be kept in until you can be taken to a magistrates court the next working day.

'Under What Power?'

If the police ask you to do something, ask them "am I legally obliged to do that?" and if they say something along the lines of "yes", then ask “under what power?” to challenge the police to act lawfully. Police officers rely on you not knowing the law. Make a note of what was said and by whom (badge number / shoulder number) as soon as possible afterwards.

Don’t let them turn this into a situation where they ask you questions though. Just walk away once you have your answer, and remember 'No Comment'!

No Duty Solicitor

Use a solicitor with protest experience. The “duty solicitor” is the solicitor who is present at the police station. They may come from any firm of solicitors, which means they almost certainly know nothing about protest law (which is quite a specific area of law). You don’t have to know the number of your solicitor, but you do need to remember the firm's name so you can give it to the police. They will call your solicitor for you.

See your 'bustcard' or here for a list of protest experienced solicitors, who are already representing XR rebels and have capacity. Remember that all advice from lawyers at the police station (no matter what firm you use) is free, so call a solicitor who has protest experience, rather than the duty solicitor. If you are eligible for legal aid, it can be difficult to change solicitors once it has been applied for. If there are lots of you arrested, there may be a delay before you get the chance to speak to a solicitor.

Contacts for protest experienced solicitors in your Region or Nation can be found here. If there isn’t one near you, it’s possible to call the nearest one or a London based one before your action to ask them to cover your area using a local ‘agent’ (basically someone who the law firm will instruct to represent you at the police station).

No Caution

Cautions are an admission of guilt. Offering you a caution is a way the police may ask you to admit guilt for an offence without having to charge you. It is an easy win for the police, as they don’t have to provide any evidence or convince a court of your guilt. We only ever recommend accepting a caution if your solicitor (not the duty solicitor, but a protest experienced solicitor) advises you to do so. Even then, ask your solicitor why you are an exception to the general rule of 'No Caution' and get them to explain to you the reason behind it.

More information on these key messages.

Witnessing an arrest

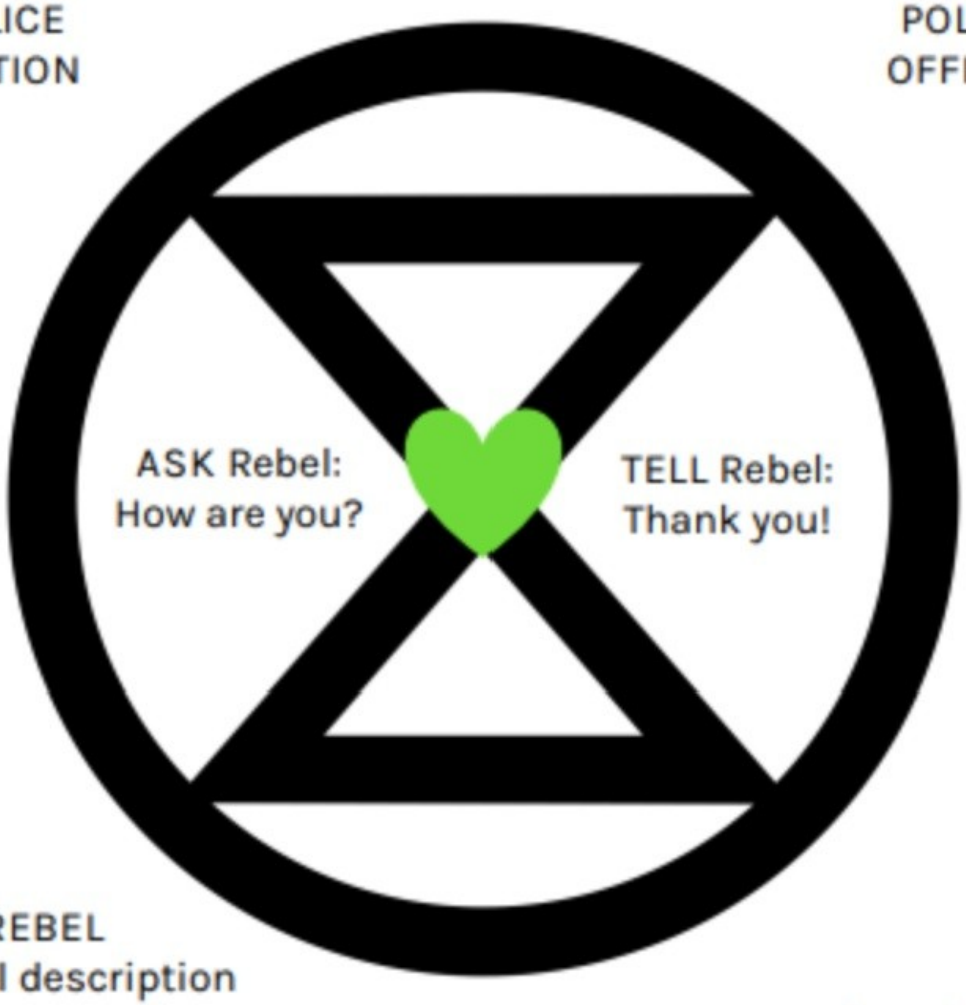
Anyone engaging in Nonviolent Direct Action or other forms of protest can be arrested. It is all at the discretion of police officers who **must have a reasonable suspicion that you are committing, have committed or are going to commit an arrestable offence**.

Read our guide for information on witnessing an arrest and download a witnessing arrest card.

The 4 KEY DETAILS about an arrest - to log & then report

Destination
POLICE
STATION

Arresting
POLICE
OFFICER



REBEL
Physical description
Group name
Real name – if safe
or
Pseudonym/handle

Arrested
WHERE
WHEN

Now please call these details in...

Use the CASP BACK OFFICE number 07783 176190

[the number is also on the XR Bustcard]

Witnessing a stop and search

When attending a protest it is important to be prepared to witness, or even be subject to, a stop and search.

- This page provides details on your rights to witness a stop and search.

- Download a stop and search card which details what may happen if you are stopped and searched.

Bustcards - what they are and what they provide

Bustcards are printed cards that provide key information in the event of an arrest at a protest. Printed bustcards are often handed out at protests by stewards or legal observers, however individuals are encouraged to have a copy just in case, particularly if you are considering arrest.

Please use the following link to access the latest bustcards, which vary by location: https://informeddissent.info/bustcard.

If you are organising an action and think you need a specific bustcard, please contact Legal Support on xr-legal@riseup.net.

Civil law - injunctions

Some actions may carry the additional risk of breaching an injunction. For information on injunctions please read the below guide: https://informeddissent.info/injunctions.

Considering an Arrest

There is no such thing as an 'unarrestable offence'. This is something we should all know when participating in a protest. But, as we also know, knowledge is power. Being well equipped with the knowledge of your rights and duties in regards to yourself and others you will be better off than going into a possibly 'arrestable' situation blind.

Implications of arrest

When considering arrest it is important to think very carefully about the implications arrest can have on your future. Please review the below pages where the most likely, and most serious, implications are highlighted.

- Financial Implications
- Travelling
- Immigration Implications
    - more detailed information here
- DBS checks

Multiple arrests

If you have already been arrested you might be wondering what the impact of another arrest will be, so this guide provides more information.

Process of arrest

The process that may start with arrest is neither simple nor short. This is one of the reasons it is so important to consider the implications of arrest before committing to an arrestable action.

- Arrest flowchart
- The arrest process in detail

Serious Disruption Prevention Orders

A serious disruption prevention order (SDPO) is a new order which allows courts to place requirements or restrictions on an individual which the court considers necessary to prevent serious disruption.

- Guide on SDPOs

Under 18s and vulnerable adults

If you are under 18, considered a vulnerable adult, or have any learning disabilities or mental health conditions then you might require an appropriate adult during your time in custody. More information here.

Regional Arrest Support coordinators

Regional XR Arrestee Support Coordinators encourage and support rebels in their regions and within associated XR groupings, to embed Arrestee Support into Action Planning. We aim to prepare local rebels whose activities may risk arrest and to help to keep rebels safe and looked after when they are detained and charged. While activities of Regional Arrestee Support Coordinators vary across regions and within associated groupings, typically, we:

- Contribute to the development of regional arrestee support via communication with Regional Anchor Circles.
- Facilitate local group rebels' awareness of their rights to protest and their rights when arrested, including by sharing information about relevant legal changes.
- Signpost local rebels to useful training opportunities and to post-arrest support, including providing information about accessing financial legal support.

During national Rebellions, some regions provide a "Back Office" helpline that keeps track of arrestees and organises local police station support volunteers to meet arrestees upon release, providing practical and psychological support. Often, Regional Arrestee Support Coordinators will supply and distribute printed "bust cards" and other information at national, regional, or local actions. Some Regional Coordinators arrange and provide Court Support for rebels prosecuted within their regions. Alternatively, CASP can provide XR Back Office support, please speak to your ALS representative to have this arranged.

Regional Arrestee Support Coordinators often also serve as or meet with local Arrestee Support contacts to share learnings and coordinate Arrestee Support across regions. We have direct links to several parts of the central XR Arrestee Support apparatus and regularly contribute to Arrestee & Legal Support meetings and projects. So, if a rebel has an urgent question or concern about some aspect of Arrestee Support and can't get an answer, we can usually track down the information you need or connect you with someone who will assist you. We meet monthly to share updates, exchange ideas and fast track regional queries.

To contact your Regional Arrest Support Coordinator, email als+regionalcoords@extinctionrebellion.uk. Please say which region you are in.

Post arrest support

Arrest welfare

For the Arrest Welfare Team contact XR-ArrestWelfare@protonmail.com.

We will do our best to support you through the post arrest process. Here is a list of what is available from our team. Please always get in touch with us about any of these, or if you ever need any other help, information or advice. And be sure to let us know straightaway if you are charged so that we can send you additional information and contacts.

Personal and individual telephone support

Telephone supporters are available through our Post Arrest Liaison (PAL) network and will provide a sympathetic and practical ear. They can introduce you to relevant resources and provide a supportive link to the XR arrest support network. They can give support following arrest, and throughout the court process to the end of the trial. So do let us know if you would like someone to give you a call.

Trained Emotional Support Network

The TESN team offers further emotional support, by trained practitioners, free of charge, to any rebel who is in need of it. If this is something you would like to take up please contact them direct at tesn@tesn.uk.

Links to local Arrest Support teams

Some local groups are organising their own arrest support teams. If you give your consent we will contact them on your behalf. If you haven't let us know where you're based please get in touch with that information.

XR Charged Defendants chat groups on Mattermost and on Telegram

Many rebels find these a helpful source of information, support and contacts. If you have been charged and you would like to be added, please get in touch with us.

Plea Hearing and Trial Support

For London based trials - and increasingly across the Regions/Nations. We will ensure that defendants have supporters either in person or by phone to provide practical and emotional

support throughout the process. This support is arranged through Climate Action Support Pathway (CASP) Please make sure you fill in the details of your case at https://mycaspdata.com/account/log-in so that we can arrange this.

Support with financial costs

Defendants' Travel expenses - follow this link to reclaim money spent on court related travel.

We work closely with the **Legal Support Team**. Most importantly, **Funded Support** is available to everyone who is charged. Please be sure to check out the information in this toolkit on Financial support for charged rebels.

The legal support team can be contacted direct at xr-legal@riseup.net and there is a wealth of useful information on the Informed Dissent website.

Data and contact issues

We will be in touch intermittently by email with updates. Please let us know if you do not want to be contacted and if you do not want your details kept on our database just let us know. This will mean we will not be able to be in touch with you directly to offer support but you can of course still get in touch with us.

Support through the Court Process

Important Note: this information applies to activists being tried in English and Welsh courts only. There is a different system for trials taking place in Scotland and for information on this please visit SCALP.

What does the court process look like?

For an outline of the court process, please refer to the latter half of the arrest flowchart.

Magistrates Court

- If you are facing trial in a magistrates court, please read this guide which contains an overview of the court process, important considerations and guidance on how to self represent.

- A description of the court process from an XR activists perspective can be found here.

Crown Court

- If you have a trial in the crown court, this following guide will provide you with information on the process of self representing in a crown court trial.

Financial support for charged rebels

Thanks to generous donations raised through crowdfunding, there is funded support available for charged XR rebels.

Please read through the entire page linked below to ensure that you are aware of all the support available and know how to access it:

https://informeddissent.info/access2justice.

Pleading guilty or not guilty

- Considerations when deciding whether to plead guilty or not guilty.

- When making this decision it is also important to consider the financial costs of pleading guilty or not guilty.

Planning an action?

The majority of the things you need to think about are in the Action Planning book, elsewhere on the Toolkit. However there are two things that are relevant to providing arrestee and legal support at an action.

- Legal Observer support
- Back Office support

How to request a Legal Observer for a protest

Legal observers have a vital role to play in supporting the right to protest. But what exactly do they do and how can you request one?

Legal observers are trained volunteers who support the legal rights of activists. They act as independant witnesses to police behaviour, monitor arrests and provide 'Know Your Rights' information to people on demonstrations.

Many people are worried about the risk of arrest and police intimidation at actions they are planning. Having legal support in place before an action can help people stay safer. There are useful tips around this in the Green and Black Cross guide to planning an action.

The Independent Legal Observers Network (ILON) may be able to provide legal observers to support your action on the day. To request a legal observer, email ILON and including the following details:

- The exact location of the protest
- The start time and expected end time
- The issue, and name of the organising group
- Any social media links for the protest
- A contact number for the day, in case it's needed

The more notice you can give the better, so please let them know basic details as soon as you start planning to call the demo/protest. A week's notice or more is ideal. You can contact ILON at legal-observer-network@protonmail.com.

PLEASE NOTE if you are in Scotland, you will need to contact the Scottish Community & Activist Legal Project for support.

Back Office support for an action

Back Office consists of a group of trained volunteers. The main functions of Back Office during an action are to:

- Compile and maintain a record of arrestees;
- Co-ordinate, and remain in contact with, supporters at police stations to which arrestees have been taken;
- Respond to phone calls, mainly from: people reporting arrests, arrestees (custody calls), friends and family members of arrestees, people reporting on incidents such as police misbehaviour, rebels with legal questions.

We also liaise with Arrest Welfare so that arrestees can be supported later in their journey, for example with Court Support and financial support.

Most regions are supported by the main Arrestee and Legal Support Back office; East of England has a regional Back Office that can support EofE groups taking local action.

If you are coordinating an action and would like Back Office support:

- Use this form to request Back Office cover for your action.
- Once you have completed it notify Back Office you have done so by emailing backoffice@riseup.net.

In addition:

- Please ask rebels willing to do Police Station Support (PSS) for their team to join one of the three WhatsApp groups listed below. A PSSC (PSS coordinator) will post in them when a police station is confirmed as 'live' and supporters can then join the relevant station group and post their offers of support there.

  A fuller guide to doing PSS is available on the Toolkit.
- WhatsApp group joining links:
  - https://chat.whatsapp.com/HX07vNTURqLEyVgDo012NI
  - https://chat.whatsapp.com/KFZpuvZtVMy2wN0w5AHIOr
  - https://chat.whatsapp.com/FMi8rrD9C7ZBzlKm3OUtuZ

For East of England regional Back Office only email xr-eoe-backoffice@protonmail.com.

Volunteering with Arrestee and Legal Support

For opportunities other than those described below, see the Volunteer website

Back Office

Without a Back Office we wouldn't know who'd been arrested and therefore which police station they'd been taken to, or be able to offer the arrestee the support they need for the rest of their journey, for example Court Support and financial support. During an action we have people, like you, on rota offering support. The majority of this work is done remotely from home.

Supporting arrestees is an amazing feeling and being a part of Back Office is a way to be directly involved. It's a great way to take action if you need to work from home or aren't in a position to put yourself forward for arrest. We will train you and offer you as much support as you need.

The work includes taking calls from arrestees in police stations and rebels on the ground reporting arrests. This information is recorded in a database. We then do call-outs for rebels on the ground to support arrestees from the moment they're released from the police station. We also take calls from friends and family of arrestees, reports of police misbehaviour and pass on legal questions to the Legal circle.

A&LS Back Office is staffed by volunteers under the supervision of members of the A&LS BO team. The supervisor is known as the Back Office Coordinator and is the volunteers' point of contact for enquiries during a shift. There are two main volunteer roles:

- Back Office Volunteer - takes calls using XR's online switchboard and usually works in shifts of 3 or 6 hours. At busy times several may be on shift together so the workload will be shared.
- Police Station Support Coordinator - ensures arrested rebels are met on release by Police Station Supporters. They send call-outs to the on-the-ground Police Station Supporters who, if they can offer support outside a police station, will then be added to a rota. The Police Station Support Coordinator manages the rota by liaising with the Police Station Supporters.

If you are interested in these roles, email backoffice@riseup.net.

Police Station Supporters (PSS)

Role of Police Station Supporters (PSSs)

- Greet and emotionally support arrestees as they leave the police station.
- Ensure that personal details from arrestees, including about their arrest and release, are collected via XR's online ArrestWatch system.
- Ensure the welfare of arrestees, eg by offering something to eat and drink, and by offering advice or other assistance in getting back to base, or if this is not possible, advice on where to find overnight accommodation.
- Provide information to arrestees about what to do next and the practical, legal and emotional support available via XR.
- Gather on-the-ground information, eg about how many arrestees are being held in the station.
- Liaise with XR Back Office, via the Police Station Support Coordinator (PSSC) for the relevant station.

Becoming a PSS

There's no recruitment process: everyone's welcome to help with this rewarding task and we can almost always use more supporters. Our arrestees often mention how much they appreciated seeing a friendly face when they emerged from the police station.

Training for PSSs

As well as reading the guidelines below, you can watch these videos: Short (20mins) or Long (54mins). As these are slightly out-of-date, updates are summarized in this Google doc.

Resources needed by PSSs

- A smartphone with WhatsApp installed, and possibly Signal, depending on the geographical area.
- A portable charger
- Access to XR's Police Station map
- For arrestees

    - Link to XR's on-line post-release form: https://arrestwatch.info/pss
    - Hand sanitizer, wipes
    - Food and drink, eg sealed bottles of water; flasks of hot drinks; snacks (preferably vegan, and if possible avoiding allergens such as nuts)
    - Basic first-aid equipment, eg plasters, paracetamol (sealed and labelled)
    - Up to date transport information, local taxi numbers
    - Information about any emergency overnight accommodation available (from the PSSC)
    - Cash to lend to arrestees if needed.
- For yourself:
    - XR identifiers (eg badge) to help arrestees find you
    - Camping chair & blanket /warm clothes/umbrella (police station waiting rooms aren't always accessible)
    - Refreshments
    - Reading material
    - Pen and paper
    - Information about procedures for claiming expenses from XR (see below)

Getting involved

Ideally, Police Station Supporters will have been able to prepare for the role. In practice, rebels often decide to offer support during a protest, for instance when friends are arrested, and that's cool too. Advice and help will be easily accessible, whether from fellow supporters, the Police Station Support Coordinator (PSSC) via the station WhatsApp/Signal group, or from Back Office.

Call-outs for PSSs are made as needed in XR's Arrestee Support WhatsApp groups (see below) and in the WhatsApp/Signal chats associated with the relevant stations.

People intending in advance to offer support are invited to join one of XR's three AS (Arrestee Support) WhatsApp groups. These are duplicate groups: ideally there'd be a single group but the maximum capacity of a WhatsApp group is less than the number of people we need to accommodate. So please join only one of the groups:

- AS 1
- AS 2
- AS 3

Identify from the Police Station map the stations you can access and join the relevant Station WhatsApp/Signal groups in advance. Get to know your local police station and the surrounding area. You'll may have to wait outside the station so plan accordingly. For example:

- Is there a waiting room, and if so, what are the opening times?
- Would you feel safe waiting outside the Police Station, especially overnight?
- What time do trains and buses run?

- Is there public parking near the police station?
- Location of nearest public loos
- Rebels wishing to support friends at a particular station should directly join the relevant Police Station WhatsApp/Signal group linked on the Police Station map.

Police Station (PS) groups

Joining links for all the Station groups are accessible from XR's Police Station Map. All these stations have a custody suite, apart from a few that are awaiting deletion from the map. During a mass resistance, arrestees tend to be taken to the larger stations, including some on the outskirts of London, rather than those with small custody suites. So to be ready to offer support, it's worth joining several PS groups as well as an AS group.

When no arrestees are being held at a Police Station, the settings of the related WhatsApp groups are intended to prevent posts other than by Admins, to avoid spamming. When we know arrestees are on their way, the station will be classified as 'active', a call-out will be made, and the group will be opened up so that supporters can respond to the call-out.

A Police Station Support Coordinator (PSSC), based in Back Office, will be associated with each WhatsApp/Signal group. The PSSC is responsible for creating a support rota; for liaising with supporters via the group chat; and for providing any information and advice they need.

Please use the group chat for communication with the PSSC where possible, rather than private messages - this can help to avoid confusion on the part of other supporters. In some circumstances, however, you'll need to exchange confidential information and should do so by private message or phone. In particular arrestees' names/contact details, and those of their family, should *never* be posted in the WhatsApp/Signal group.

The headers of some PS groups contain useful information about the station, eg position of exits, accessibility of waiting rooms. If you discover new information during your shift, please let your PSSC know, so that it can be recorded.

Your PSSC is there to help you, so please ask if you need anything.

PSS Shifts

You'll agree your shift with the PSSC. We aim to ensure continuous cover outside the PS, from around 4h after the first arrest to around 24h after the likely check-in time of the most recent arrestee.

Please try to arrive on time, or let the PSSC know if you're unavoidably delayed - the supporters before you may need to leave on time and we'll try to make arrangements to avoid a gap.

We aim to arrange for each PS to have at least two supporters at a time, or sometimes more depending on the number of exits from the station. Occasionally we can only recruit one supporter - if you prefer not to support alone, at all or at some times of the day/night, please let your PSSC

know.

At the beginning of your shift, it can be helpful to confirm how many rebels are in custody. Your PSSC may suggest asking at the Custody desk, either by going in or via the outside phone. Officers don't have to tell you anything. They may ask for the names of the arrestees you're enquiring about: **do not give any information**: the arrestee may have decided to withhold their details.

Not everyone using the PS will be associated with XR: other arrestees may be leaving, as will police officers - some not in uniform. Supporters of other arrestees may be waiting; and occasionally there may be members of the press fishing for information about rebels. Without being antisocial, **share information with care**.

You may able to identify rebels' lawyers as they leave the station, and can then get useful information about the number of remaining XR arrestees - please pass this on to your PSSC.

Sometimes the Police will tell PSSs that the station is now empty. This might or might not be reliable - you should not accept any information at face value.

If you think the station is empty, inform your PSSC and they will advise you what to do.

If you feel unsafe at any time, please let your PSSC know.

Your point of contact is your PSSC, via the PS group: if they are unresponsive, or you need information they aren't providing, please contact A&LS Back Office on **07749 335574**.

Supporting Arrestees

You'll need to try to identify every arrestee as they're released, which isn't always as easy as it sounds. Rebels don't always have identifiers such as XR logos, and they may not be looking out for you. They may be released from a little-used exit, so it's important to ensure that the supporters can collectively see all the exits all the time. Officers sometimes give misleading information about the exits used for release: it's wise not to rely on their 'helpfulness'.

When you've identified an arrestee, remember that they've just been locked up for some time and in that situation, different people may want and need different things - so be sensitive, beginning with their emotional needs. Then move on to practical needs, and finally ensure that you elicit the information needed by XR to provide ongoing support.

Information about a rebel's release is collected in one or two ways: by the PSSs and/or via the on-line form.

- Ideally the information will be collected only once, via the on-line release form before the rebel leaves the PS: https://arrestwatch.info/pss. Please familiarize yourself with the information being requested. The form includes a requirement for the rebel to agree to XR's Privacy Policy under GDPR, and **must** be submitted by the rebel in person. If they don't have their own phone, it would be great if supporters could lend their phone so that

the form can be completed.
- Sometimes rebels prefer not to complete the form straight away: in that case, please give them the link and ask them to fill it in later, so that XR can contact them to offer post-arrest support, including financial and legal support.
- If the release form isn't completed immediately, Back Office still needs to know that the rebel has been released. Please ask for their name, and communicate that by DM or phone to the PSSC. This helps us to judge whether the station is empty.

If it's not possible to give them the link, please ask then to contact xr-legal@riseup.net or xr-arrestwelfare@protonmail.com and ask for an on-line copy - these e-mail addresses are shown on the XR website.

Encourage arrestees to write up a statement about what happened at the time of their arrest, while it's still fresh in their mind. This is particularly important when there are concerns about police behaviour.

Sometimes arrestees are released late at night, and will be unable to get back to base. During a mass resistance, accommodation options may be available - please ask your PSSC.

The 7Fs may help you to remember what to do:

- **Friendly** and empathetic to the needs and emotions of the arrestee
- **First aid** and mental health support
- **Food and drink**, being conscious of dietary requirements
- **Fill** out the online release form (the arrestee needs to do this, not the PSS), or ensure they have a link to do so later
- **Future**: give them a link to the post-arrest handout
- **Finance**: ensure the arrestee has money for transport and somewhere to stay
- **Finish** by letting the PSSC know of the release (unless the arrestee has submitted the release form)

Appropriate Adults

The Police must ensure that a vulnerable person or a minor (under 18) is supported in custody by an Appropriate Adult. We encourage people who intend to get arrested and who need an Appropriate Adult to organize this for themselves, in advance, but sometimes this doesn't happen. In such a situation, the Police may ask the PSS to help with this role. You can fulfil this role if you wish, ensuring that there'll be adequate support left outside the PS, but should not feel under pressure to do so. If you become aware that officers are seeking an Appropriate Adult, tell them you'll consult XR for advice - otherwise, they may recruit someone from local Social Services, which is not always a good option for the arrestee.

PSS Expenses

XR is aware that the role of PSSs implicitly involves expenditure, eg on snacks for arrestees, and the possibility of needing to give money to arrestees for travel. We very much appreciate the generosity of many supporters in freely providing food and drink, and sometimes more, for arrestees. We also recognize that some supporters are unable to contribute financially, and their in-person support is not less valued.

For those who need it, we have a limited pot of money that can be used to reimburse PSSs for things like snacks for arrestees; arrestees' travel (if they have no money and have to ask the PSS to help out); cost of a taxi for a vulnerable arrestee (should be discussed with your PSSC); and PSS travel if travelling beyond a local area (should be discussed with PSSC in advance).

For guidance on what is covered and how to claim, please ask your PSSC.

If you think you may need to make a claim from XR, please ask your PSSC for a link to the claim form; keep receipts where possible and make a claim within 24h, so that XR can keep track of claims and give fair warning if the money is all spent and refunds are no longer possible.

Thank you for your interest in Police Station Supporting! It's a rewarding role and we hope it will also be fun :)

(last updated 25 March 2022 - Source copy held on Next Cloud at: https://cloud.extinctionrebellion.uk/f/787574 (internal link))

Court supporters

This page is about supporting at plea hearings and at magistrates court trials. It describes the role of an XR Court Supporter, the preparations needed, court procedures, note-taking at a plea hearing, note-taking at a trial, and sending reports back to Arrestee & Legal Support (ALS). If you are doing Court Support at a Crown Court trial and need guidance, please email arrestwelfare@protonmail.com or message the Arrestee & Legal Support Mattermost Reception Channel.

The reason we do Court Support is to:

- Provide emotional support and practical assistance to defendants, e.g. a listening ear and encouragement; information about reimbursement of travel expenses and other resources, links to further support if needed.
- Demonstrate XR's principles and values through our presence and behaviour.
- Make notes of the pleas/verdicts, court costs, sentences, trial dates or other outcomes for the benefit of the defendant and to inform XR's legal strategy.

Interested in becoming a court supporter?

Email arrestwelfare@protonmail.com or message the Arrestee & Legal Support Mattermost Reception Channel. Make sure you specify that you would like to volunteer as a Court Supporter.

Key dos and don'ts

- **Always respect the privacy and personal space of the defendant(s).**
- Introduce yourself and your role as court supporter; let them know you are available if they have any questions. Give them time to orient themselves. They may have friends/family with them or may want time to themselves.
- If they want to chat, please do, but remember you are there to do a job. Be aware of others in the vicinity: other defendants who might want to approach you; non-XR people (e.g. police) who might overhear information that could compromise the defendant's case.
- Do not join discussions between solicitors and defendants unless invited. Don't make suggestions about how to plead or which defence to use. Discussions between solicitor and defendant are confidential.
- If family or friends are accompanying a defendant, they have priority over you. Don't assume you can join their discussions. If family/friends want to sit in the public gallery and

there are not enough seats, do your best to make this possible (people could take turns, or you may need to give up your seat for a while and ask the defendant's friend to give you a report of what happens while you're not there). You, as a Court Supporter, do not have a right to be in the public gallery ahead of anyone else (only media and police have that right). Your position must be negotiated.
- **We do not offer legal opinions or advice.** If a qualified person from XR Legal is on hand (either in person or by phone) they may be able to offer such advice. Sometimes a solicitor representing one of the defendants is willing to answer questions from others. Most defendants are making use of XR's Access to Justice scheme so will have had a discussion with a solicitor before their plea hearing.

Before the hearing/trial

Supplies needed:

- A notebook, pen(s), fully charged phone, and drinking water (for yourself).
- Bring vegan snacks to share if you wish - products individually wrapped by the manufacturer are preferred.
- For plea hearings – bring the list of defendants received from the Court Support Coordinator and hard copies of the plea hearing templates used to record information about unexpected defendants.
- For trials - names of defendants and copy of the trial observation template.

At the court building

You will need to go through airport-style security when you enter the court building, and must take a sip of any drinks you bring with you.

Security is getting stricter and can vary from one court to another. Any item (e.g., XR badges, flags, placards, sharp objects etc) that is not allowed in will be held for you at the security point. You will be given a receipt to collect the item when you leave. Sometimes, XR visitors have had to turn all bags inside out to show everything they have. Frisking of visitors also happens on occasion.

Court sessions normally run from 10.00-13.00 and from 14.00-16.00. Defendants will have been told to arrive at 9.30 for the morning or 13.30 for the afternoon session. You should arrive at these same times.

The list of defendants

The Arrestee & Legal Support Comms team maintains a database of all arrests and court appearances that are submitted to them from the Rebellion Back Office, Police Station Supporters, arrestees and charged defendants, and from Court Supporters.

The Court Support Coordinator prepares a list of the charged rebels who are due to appear on a specific date/time at a specific court. They may also attach notes to the list and ask you to try to collect contact details or GDPR information that is missing.

Most courts post next day trial and plea hearing information on courtserve.net. Anyone can use CourtServe with a simple registration. This resource shows the daily court lists with names and courtroom numbers. **Caution: the information is not always up to date and complete.**

You will need to compare the XR list you have been given with the court's list of defendants. The court list is posted on a notice board after the security check point and near the main entrance of the court building. Make a note of the courtroom number and any names that you think may be XR but are not on your list.

Find the courtroom you need and identify the 'court list officer' (aka court usher). You may want to identify yourself to them as part of the XR Court Support team. At plea hearings they may ask you to help them identify the XR defendants, or to contact them if they don't turn up on time.

We aim to have two people for each session (morning and afternoon). This is both to ensure back-up if due to unforeseen circumstances one volunteer is late or is unable to attend, and to collaboratively share the tasks when working together. If it seems that more than one courtroom will be used the number of supporters will be increased if possible.

Court Layout

- The Bench – where the District Judge or Magistrates sit.
- Clerk of the Court sits close to the Bench, an administrator who is legally trained.
- Defence and prosecution attorneys face the Bench and sit side by side.
- Behind the attorneys, 1-2 rows for defendants and others (e.g. McKenzie friend, trainee solicitors). Defendants may be in a transparent enclosed area until called to the witness stand.
- The witness stand is located on one side of courtroom, usually adjacent to the Clerk of the Court.
- Public Gallery near the entrance to courtroom, may be an open space or enclosed area.

Court Etiquette

- The 'court is sitting' or 'court is in session', when the Magistrates or District Judge is in the courtroom.
- Follow the instructions of the Court Clerk – e.g. "All rise"
- Be quiet when court is in session.
  - Phone to silent or off, only whispers, be quiet when moving around.
  - You may be sanctioned for using your phone's data functions and could be ordered out of the court. Take care.
- Do not take photos in the courtroom or anywhere in the building
- You may go in and out of the public gallery when court is in session, but do so quietly and infrequently.

- Once the Magistrate/Judge leaves the courtroom you can talk and move around. You may talk to the solicitors, defendants, and court officers.
- At the end of the session the court staff will want to lock up. Be prepared to leave quickly and make sure you have all your belongings with you.
- Disobedience in the dock: if a defendant decides to Disobey in the Dock we do not interfere. Let the court officials and solicitors deal with it. Make notes and pay attention, you may need to notify others about what takes place and where the defendant is taken. Do not use social media to publicise the event. We must maintain our independence and access to the courts. If seen to aid the defendants you could be at risk of being found 'in contempt of court', which could result in a jail sentence.

Outside each court room is a waiting area. The courtroom itself is usually locked until shortly before the session begins. When in the public gallery try to position yourself so that you can hear as much as possible. The louvre barrier which is usual in the public gallery can make it difficult to hear. You will also want to have sight of the screen where police body worn video transmissions are shown.

Plea hearings

All defendants should have been sent a "Statement of assets and other financial circumstances" form (MC100). Hopefully, defendants will have come with these forms already filled in. For defendants who are pleading Not Guilty, they will need to complete the Preparation for Effective Trial (PET) form. The A2J solicitor may have already helped their clients with this form. Unrepresented defendants may be able to get help from an XR solicitor if one is present. The Court's duty solicitor and even the prosecuting attorney have been known to assist self-repping defendants with the PET form on occasion. Court Supporters should not assist with these forms (unless they are part of XR Legal).

- PET form
- "Statement of assets and other financial circumstances" form (MC100) which the court will use in setting the level of court costs and fines.

If there is an XR defendant at the plea hearing who is not on your list, try to use the Template for Plea Hearing Data to record their details. HOWEVER, the defendant does not have to give us any information. You can explain the value of giving us their details (i.e. we can send them helpful information, we can follow their progress through court and link them with legal arguments and other defendants who could benefit from their experience). Ultimately, it is entirely their choice.

If they don't want to complete the form, you can give them the email address of the Arrestee & Legal Support Comms Team and tell them to contact that address if they later have a question: XR-ArrestWelfare@protonmail.com.

Court Proceedings at a Plea Hearing

A District Judge or a panel of 2-3 lay Magistrates presides at the Magistrates Court. It is an expected courtesy that everyone stands when they enter and leave the courtroom. The Judge/Magistrate is addressed as Sir or Madam.

After the preliminaries of establishing the identity of the defendant and details of the charge, a plea of Guilty or Not Guilty is submitted.

Not Guilty

If the plea of Not Guilty is entered, the arrangements are made for the trial. This is not the time for the defendant to explain their actions. This will take place at the trial. The details on the PET form (see above) will determine how much time should be allowed for the trial. The date will depend on the availability of a courtroom, and the availability of the witnesses and the defendant.

Court supporters' notes need to include the Not Guilty plea, the trial date(s), trial location and amount of time allocated (e.g. half day starting in the morning or afternoon, or one or more full days). Other details such as the imposition or lifting of bail conditions, name of the solicitor or whether the defendant is representing themself are useful also.

Guilty

When a Guilty plea is entered, the Prosecutor will present the evidence against the defendant. If the Judge decides the evidence is insufficient, they will dismiss the case and the hearing is over. If the Judge is satisfied with the evidence, they will accept the guilty plea and determine the penalty, which is usually a Conditional Discharge for 6 (or more) months, OR a fine. They will also state the amount of the prosecution costs the defendant must pay (for most first offences this is less than £85 plus the mandatory Victim Surcharge (VS) of around £26 (as of July 2022) but the information on the MC100 form may reduce these costs, and previous convictions may increase the costs).

Make a note of the Guilty plea, the penalty, and the prosecution costs (incl Victim Surcharge). On rare occasion an Absolute Discharge may be given. Make a note of anything that seems unusual.

When pleading guilty, defendants are generally allowed to make a verbal statement of mitigation explaining their action (usually for no longer than 5 minutes). These are often very powerful statements and very emotional for the defendants.

'Non-appearances'.

When a defendant does not turn up at the plea hearing, their case tends to be discussed at the end of the morning or afternoon session. The discussion is between the prosecutor and the Judge/Magistrates after all the other defendants have finished. It is important for a Court Supporter to stay in the courtroom until the very end (i.e. the Judge leaves the room) to make notes of these discussions. The defendants who are not present may have contacted the court to ask for an adjournment for a short period of time, or may have sent in a 'written plea of guilt', or may have

simply not appeared with no explanation. In this latter case, it is likely the defendant's guilt will be 'proved in their absence' and a more severe penalty will be given.

The other way you may be able to get information about 'non-appearances' is from the Court List Officer or the Court Clerk.

Defendants may leave at varying times once their hearing is over. Try to ensure that each defendant is personally thanked and leaves knowing that our good wishes go with them.

Once you are back home again, send your report to the Comms team on XR-ArrestWelfare@protonmail.com. Put "DaisyChain (date) (Name of Court)" in the subject line, (e.g. DaisyChain 1 Dec 2022 Westminster Magistrates), attach your report and write any additional notes in the message.

When your report has been submitted, destroy any hardcopy notes and forms, and delete records from your phone or computer (including from Trash).

Trials

Most of our trials are in the Magistrates Court. Crown Court cases have different procedures and are not covered in this document. Court support coordinators contact defendants prior to the trial to check details, e.g. charge, plea (which is sometimes changed before the trial), court and time of trial (both of which may have changed between the plea hearing and trial). It also allows us to check if a defendant is represented by solicitors or will be self-representing, and if they have had or need legal advice, or need support in attending court, and any other considerations including whether they are happy to have court support. Most defendants respond but some don't for various reasons. It has to be remembered this is their trial and not an XR action.

On the day of the trial

Defendants, legal representatives, friends, family and court support volunteers should arrive at the court at least half hour before the trial. When entering the court building a security check takes place, see At the court building above. There will be court lists at the main entrance to the court. It is wise to check these to ensure your information is accurate and the court room or times have not been changed on the day, which sometimes happens.

Defendants and those involved will usually be in the waiting room or might be in a consultation room preparing for the trial. You should not enter the consultation rooms but remain in the waiting room. It is very important to be respectful of defendants, legal representatives, friends, and family. Our intervention can be seen as interference. Sensitivity is important. Court list officers will come in and out to check that defendants and others are in attendance. They may ask why you are attending. Officially you are just a member of the public and it is often best to identify yourself as such, although it can be helpful to identify as XR court support if the defendant has not turned up and you can assist in trying to contact them.

You will have a Trial Observation Form which outlines the information needed. You can write directly into the form but it is worth having additional paper for making notes. Most volunteers find it best to make notes and type them later into the form template which expands as needed.

Court proceedings

The trial begins with the Judge or magistrate briefly outlining the charge, making sure everyone is in court and the defendants are correctly named and have not changed their plea to guilty, which they are able to do at this point. If the defendant still maintains their innocence, the prosecution will put their case to the court.

The prosecutor will outline the charge(s) and call witnesses, usually the senior police officer and the arresting officer. The police body worn video will usually be shown. The defence can cross examine (question) the witnesses.

Next the defence will put their case and call witnesses. The defendant may be called to the witness stand. If a defendant is self-representing, they may decide to give evidence from the witness stand. If they are called or decide to give evidence in the witness stand, this evidence is admissible in the trial and the defendant can be cross-examined by the prosecution.

There is then a summing up by both the prosecution and the defence. The Judge or Magistrates will usually leave the court to consider the verdict. Finally, the Judge or Magistrates will decide on the case, sum up and state their verdict.

If the verdict is '*not guilty*' or '*case dismissed*', the case is closed and the trial ends. The defendant can claim for reimbursement of their legal and travel costs.

If the verdict is '*guilty*', then the Judge will decide the sentence. They will ask for the defendant's financial circumstances before sentencing (Form MC100). The Judge or Magistrates may decide that the sentencing should take place on a different day and/or at a different court.

The contribution toward prosecution costs ranges from £150 - £800 depending on length of trial. This cost can be shared between co-defendants if there are any. A Victim Surcharge will also be added. A Conditional Discharge of 9 months or 12 months is usual. Fines are sometimes imposed instead of the Conditional Discharge, and in cases of criminal damage there may be costs of making good the damage.

If the trial is longer than one day, the observation and note-taking may be shared between 2-3 people. The notes then need to be compiled into one report before being sent to informeddissent@riseup.net (also send a copy to XR-ArrestWelfare@protonmail.com)

After the trial

There might be cause for anger or celebration. Whichever it is, save any emotional outbursts or comment until you are outside the court.

We have a relationship with XR media and you may need/want to be in contact with our photographers or media people and help facilitate publicity. BUT it is important to respect the wishes of the defendant about media involvement.

Write up and send off the trial observation report as soon as possible. These reports are very important and used to enable support and advise legal strategy.

About Data Protection and Security

- All court supporters should get a protonmail account if they don't already have one. It is free of charge.
- Also if you have not already done so, please complete the XR Volunteer Agreement https://actionnetwork.org/forms/xr-data-protection-agreement-2 and forward the confirmation email to XR-arrestwelfare@protonmail.com

Love and Gratitude from the Court Support Coordinators (Cristine, Sofia, David)

(Last updated: January 2024)