

Scottish & Community Activist Legal Project

GUIDE TO LEGAL SUPPORT SYSTEMS & COLLECTIVE CARE

scottishactivistlegalproject.co.uk

Instagram: @activists_legal

Twitter: @activists_legal

Facebook: @activists.legal

activists_legal@protonmail.com

Table of contents

What is a Legal Support System?	2
How to Set Up a Legal Support System	3
Legal Support Back Office	4
Back Office Support For Under 16s Who Are Arrested	5
Back Office Roles	5
Checklist for Legal Support Systems	6
Emotional Support After Police Interaction or Arrest	7
Court Support	8
Practicalities of Court Support	8
Prisoner Solidarity	9
Further Resources	10

Introduction

This guide covers the basics of legal support systems, and some things to consider. SCALP gives legal guidance that applies to Scotland, though the principles of legal support apply regardless of jurisdiction. For more general guidance, see [SCALP's Guide to Activism, Scottish Law and the Police](#) and [other resources](#).

What is a Legal Support System?

If you are organising any kind of protest there is a risk that people might encounter the police and could, in certain situations, be arrested and even tried in court. In some situations, political actions can lead to imprisonment. It is important to support people going through these processes and to put systems in place that can help people to be more informed and feel less isolated. A legal support system does just this - it shares information about legal rights, provides a point of contact for everyone protesting so that they can be tracked through the criminal legal system, encourages collective care and debriefing of actions, and supports people who have been arrested and imprisoned. Building an effective legal support system can help to reduce the harmful impact of policing and the criminal legal system, as well as help people to make more informed decisions about the actions that they take.

How to Set Up a Legal Support System

You do not need any special legal training to do legal support: just common sense, patience and persistence, so that within your legal support team you know everyone's legal situation throughout the action and afterwards. Legal Observers should be trained in Know Your Rights and how to be an effective Legal Observer.

Some advance planning and making sure people are well briefed about their role makes legal support more effective and less stressful.

Legal Support breaks down into a number of tasks:

1. Distributing Legal Briefings and information, such as 'Bust Cards' - small cards with basic information to carry on actions and telephone numbers of solicitors experienced in protest law.
2. Sharing the Back Office phone number so that people who are arrested can give this number to the police who will phone the Back Office and inform you of their arrest and where they are being held. Protesters may also call the Back Office number if they have queries about their rights in specific situations.
3. Observing arrests and interactions between the protesters and police / private security / members of the public (often referred to as Legal Observing) and passing information about any arrests and police behaviour to the Back Office. This helps to make sure that anyone arrested can be tracked. It is important to ensure that there are enough legal observers to cover the full duration of the protest or action.

4. Finding out which police station people are being held in and checking whether they are being released or held for court.
5. Coordinating support to pick people up from police stations as they are released.
6. If they are charged and taken to court, supporting them through the process.

This doesn't have to all be done by the same people. Some support happens during the action, both at the scene itself and from a different location at the Back Office, and most of the follow up is done when the group is home and rested.

Everyone taking part in the action, whether they are deliberately in a role risking arrest or a support role (in which there is also always a risk, even if very small, of arrest), should know their legal rights. Take the time to share this information in your community or group before taking action. If possible, attend a training run by a legal support organisation in the jurisdiction where you will be taking action (e.g. [Scottish Community & Activist Legal Project](#) for Scotland, [Green and Black Cross](#) for England and Wales).

Legal Support Back Office

A Back Office is where the Legal Support Team - a person or number of people (sometimes called "arrest trackers") - work from during an action or demonstration. These days it can be a network of people working remotely, or it might be a group of people in the same physical space. Ideally this should be somewhere that you won't be disrupted by the police and where there is enough quiet space to be able to hear people clearly on the phone. It can be at a location near the action or many miles away so long as there are the means for good communication between the Legal Support Team in the Back Office, the Legal Observers and the people on the action or demonstration.

Some things to bear in mind when running a Back Office:

- Everyone coming to the action should have a Bust Card (printed or digital) with phone numbers for the Back Office and your preferred solicitor(s).
- Some people available on the Back Office phone number should be familiar with Scots Law and its implementation on actions so that protesters' questions can be appropriately answered and basic Know Your Rights information shared quickly when needed. SCALP does not give legal advice, nor strategic advice, but simply shares information about what protestors' rights are. Refer to SCALP's [Guide to Activism, Scottish Law and the Police](#).
- A number of people are present at the action as Legal Observers. They record arrests but also other information such as names of witnesses in case their insights are needed in court and how the police are behaving at any particular point.

- Legal Observers report arrests to the Back Office who then keep track of people through the criminal legal system.
- People who have been arrested ask the police to inform the Back Office where they are being held and the police may sometimes ask the Back Office to confirm people's addresses. On some actions where you know everyone who will be attending you might arrange for the Back Office to contact one named individual who each arrestee wants to have informed of their arrest. You will need to gather and securely store those contact details in advance because it is the police rather than the arrestee who will call the Back Office and they won't pass on details like that.
- The Back Office finds out when the police are going to start releasing people (either through another call from the custody desk or from the first person released) and co-ordinates supporters to welcome them out and make sure they can get home. See [SCALP's Guide to Police Station Support](#).
- The Back Office confirms that people are released and monitors and chases up anyone who is still in custody.
- If people are held overnight to appear in court the Back Office checks in with the solicitor and ensures that someone is arranging Court Support.
- You then need to prepare to follow up with support for people who get prosecuted.

Back Office Support For Under 16s Who Are Arrested

Anyone aged 16 or over is treated as an adult in Scots law. If someone under 16 is arrested, the police will inform their parents. They may also (especially if the Under 16 year old lives abroad or their parents cannot be contacted) inform Social Services. Under 16s should not be interviewed without a 'responsible adult' being present (parents or social worker etc.) and they should not be put into a cell with adults.

When providing Back Office support for Under 16s:

- Check if you have contact details for any 'appropriate adults' (e.g parents or guardians of U16s). It can be useful to know when they expect to arrive at the police station, to relay to the desk staff to pass on to the arrested young person.
- Be prepared to relay information to the 'appropriate adults', some of whom (particularly parents or guardians) may be confused, unsure, upset and / or angry. You can tell them about your role, information about the young person's legal rights, the importance of using a specialist protest solicitor rather than the duty solicitor, give them a Bust Card and encourage them to call the Back Office phone line and / or contact SCALP via email if they have questions further along the process or need support.

- Young people under 16 can be held by police until the parents or 'appropriate adults' arrive. They are highly unlikely to be released to adult members of the Legal Support team. If the 'appropriate adult' is unable to attend the police station or is uncontactable, the young person may be handed over to Social Services.
- After arrest people under the age of 18 may go through the same processes as adults but they are sometimes put through the Children's Hearing System. The Court Support team should familiarise themselves with these processes to be able to support the young person and their families.

Back Office Roles

The amount of work that the Back Office has to do varies dramatically but it can sometimes be intense and demanding over a long period of time. Dividing up roles between a few people can make it less exhausting and helps ensure you have the Back Office covered for the whole duration.

Some roles to consider:

- Someone to answer the Back Office phone line at all times - shifts can improve sustainability!
- Someone who can phone back some callers from another line e.g. concerned parents, friends or partners needing a longer chat so that the Back Office line can be kept clear for incoming calls. It is also possible to set up a call forwarding system, a bit like in a call centre, so that more than one person can answer different calls at the same time. This needs to be set up well in advance and the Back Office team should practice using it.
- Someone who can coordinate Police Station Support, and collect people who have been arrested, who has some energy left towards the end of the action or demonstration.
- Someone to keep the database up to date with accurate information. If you are tracking arrests it is important to make sure these details are securely stored on an encrypted hard-drive or secure online system.
- Someone to respond to social media and email enquiries and deal with footage that might be being sent in by protesters (according to your agreed policy on this), which may be useful in defence of protestors if cases come to court.
- Someone who is knowledgeable about Scots law especially in relation to protest who can provide legal information when there are enquiries.

Checklist for Legal Support Systems

- Print and distribute Bust Cards including basic Know Your Rights information, accurate contact details for Back Office and recommended solicitors.
- Set up and practice using the call forwarding system if needed and make sure there is a Back Office phone with the dedicated Back Office sim card in it, charged and ready to go.
- Set up secure data storage, e.g. on an online encrypted and password protected spreadsheet, where you can log arrests, charges and release information, problematic police behaviour and protesters' and legal observers' accounts of incidents they witness.
- Make contact with the solicitor(s), check availability and brief them as appropriate. They don't need to know all the details but they will need a rough idea of how many people might be involved, and where and when the action or protest is happening.
- Train Legal Observers in Know Your Rights information and how to effectively fulfill their role.
- Ensure Legal Observers have identifying bibs (orange ones with 'Legal Observer' written on them are often used) and each have access to a phone, pen and paper and other items they will need to stay as safe as possible and comfortable throughout the action e.g. appropriate clothing and footwear, food and water etc.
- Make sure there are multiple clear lines of communication between the Back Office and Legal Support on the ground including Legal Observers, Police Station Support and the solicitor(s). You might consider using an encrypted messaging service on all your phones.
- Decide on your policy for the sharing of video footage from protesters to the Back Office and how that footage will be used and shared.
- Decide if and how you will use social media to update protesters and / or the general public about what is happening.
- Gather contact details of people with access to vehicles who are willing to do police station pick-ups, then coordinate them when you know who is being released from where.
- Allocate roles amongst the Back Office team.



Emotional Support After Police Interaction and / or Arrest

The arrest process is deliberately designed to isolate and intimidate people and interactions with the police can bring up lots of different emotions. Our different histories and identities can impact how we are treated in the criminal legal system and how we respond to it. It is important to challenge the macho culture that brands police interactions and arrest as a status symbol and shuts down emotional processing of traumatic incidents. Building a better world requires us to build systems of collective care through which we can support each other.

If you are arrested it can make a huge difference to be met by friends at the police station after you are released and asked how you are doing, be offered a hug (only if that is desired and feels safe for everyone involved) or a snack, a chance to process in a space where you can hear each other, a trip out to celebrate or a lift home. Just as arrests can be very different depending on the reasons for arrest and the identity of the arrestee, everyone experiences arrest differently. There is no right or wrong way to feel. Some people feel numb, shut down or dissociated during arrest which might be a way to survive the experience. Some people feel fine, others feel angry or vigilant. Some people feel euphoric when they are released and are up for celebrating immediately and others will want to be somewhere quiet on their own. Plan how to support each other as the adrenaline runs out. Even if you feel euphoric at first you might experience a kind of 'pressure-drop' and begin to feel other emotions later on and if all your friends are drunk or have gone home that can be a lonely place to be.

Police interaction of any kind (even if the officers you encounter aren't physically violent against you and you aren't arrested) can cause a surge of stress-related chemicals in your body and the experience might linger with you long after it has happened. There is nothing wrong with you if you feel the consequences of interacting with the police long after the event. For some people it is helpful to discharge some of the bodily responses when safe to do so e.g. through running, dancing, training, being in nature, practicing grounding bodywork. Others might find it helpful to write about their experience or to speak about it with supportive friends.

If you are supporting a friend who has experienced police interaction or arrest ask them how they are. Proactively open up space for them to share how they are feeling and offer to really listen. If they say they are fine, hear and respect that and ask them again a couple of hours, a day, a week, a month later. It is important to trust their assessment of their own psycho-emotional wellbeing and continue to offer to be available if they want to speak about anything.

Writing down everything that happened during your police interaction or arrest can be useful in two ways - our memories can be unreliable, especially if traumatic things happen so documenting your experiences can be useful if your case goes to court or you need to refer back to it later, and writing can help some people with processing experiences.

Court Support

Practicalities of Court Support

Being up in court can be an intimidating and stressful experience but knowing that your friends are in the public gallery or supporting outside can help a lot. Once you know that your friend is going to be appearing in court, find out which court building they will appear in and make sure you get to the right one! Officially, all Scottish courts are public buildings and most court hearings can be accessed by members of the public over the age of 14. Children under 14 are not normally given access to the courtroom unless they are giving evidence or have the court's prior approval to attend for educational purposes. Some court hearings are closed to the public (official reasons given include protecting vulnerable witnesses, protecting confidential information, or for public health reasons e.g. during pandemics).

To get in to a court building you will generally be asked to empty your pockets, take off your outer layer of clothing (e.g. jackets / cardigans / zip-up tops), pass through a metal detector, and officers may conduct a pat-down search on you to check for weapons or prohibited items. Think carefully about what you need to take with you to court and make sure that you don't have anything on you that could be misconstrued as a weapon (even metal water bottles have on occasion been confiscated!). It is worth arriving at court early as all this can take time.

Once inside court you are not allowed to film, take photos or record audio but you are allowed to take written notes of proceedings. This can be a useful thing to do: during multi-day hearings, notes from supporters can potentially help the defendants to clarify what has happened in the process and having your own version of what has happened in court can be helpful if you want to communicate any of this to the rest of your community, campaign group or the media. Bear in mind limitations on the kind of information shared: during a jury trial you can only make public information that was said in front of the jury. Disclosing anything said when the jury were out is an offence. Eating or drinking in the courtroom is not allowed and you may be prevented access if

you are under the influence of drugs and / or alcohol. Switch off your phone before entering the courtroom and keep it switched off throughout proceedings.

It is worth considering how you will respond when given instructions by court officials, police officers and the judge or sheriff in the court building. Getting on the wrong side of a judge, sheriff or court official can lead to serious consequences. If your behaviour is considered to be inappropriate or disrespectful you could find yourself being held in contempt of court. This could result in you being fined or sent to prison in extreme cases and if you are there to support someone your behaviour could impact the treatment of the person appearing in the dock.

For more information about the Courts and to find the address of a court, visit <https://www.scotcourts.gov.uk/>.

Prisoner Solidarity

The Prison Industrial Complex

According to [Critical Resistance](#), 'The Prison Industrial Complex (PIC) is a term used to describe the overlapping interests of government and industry that use surveillance, policing and imprisonment as solutions to economic, social and political problems'.

On 21st August 2020 there were 7380 people held in Scottish prisons (including pre-trial detainees / remand prisoners) and thousands more relatives and friends of prisoners severely impacted. Anyone who has been in prison or has a friend or relative who they care about in prison will know how hard it can be, on the inside and the outside.

Keeping in touch with and supporting people in prison can make an enormous difference to them and helps to overcome isolation.

Further Resources

Note: These resources are not necessarily endorsed by SCALP but may be of interest in relation to the context of legal support systems.

[Netpol](#) (UK-wide): "The Network for Police Monitoring seeks to monitor public order, protest and street policing, and to challenge and resist policing which is excessive, discriminatory or threatens civil rights. We have built an inclusive network of activists, campaigners, lawyers and researchers to create a forum for sharing knowledge, experience and expertise. Through active campaigning, sharing knowledge and building awareness, we aim to effectively challenge policing strategies which are unnecessarily damaging to any sector of our society. We work in partnership with community and

activist based groups that monitor policing within distinct communities, or who monitor the policing of protest through the deployment of legal observers”.

[Activist Trauma and Recovery](#) from the no longer active [Activist Trauma Support](#).

[Counselling for Social Change](#) provides low-cost phone and online counselling for activists.

[Creating a Wellness Plan](#) from the [Audre Lorde Project](#).

[First Aid for Emotional Trauma](#) “A two-page handout on what emotional trauma is and how to work to heal it, written by Will Hall and based on Peter Levine, Hakomi, Judith Herman, and Process-Oriented Psychology” from the [Icarus Project](#).

[Taking Care of the Basics](#) - This poster is a comic Sophie Crumb made for the Icarus Project about being sure you eat good food, sleep, exercise, take your meds/herbs/etc., and have some kind of schedule.

[Bang Up and Smash](#) offers an overview of women’s prisons in the UK and a political analysis of their physical and ideological construction. The book critically engages with the procedures, concepts and apparatus the state relies on, and the economics behind the expansion of the prison industrial complex.

[Prison - A Survival Guide - Penguin \(2019\) by Carl Cattermole](#) A guide to UK prisons - and a practical resource for prisoners, their families, legal professionals, tax payers and clueless politicians alike. Features contributions from female/LGBTQ/child prisoners and those who support them from the outside.