

XR ARRESTEE & LEGAL SUPPORT

Custody Calls ~ Guidelines

Last updated: 6.5.22

1. Introduction

All arrestees have the right to have someone informed of their arrest, in addition to a call to a solicitor. Usually they are allowed to make a phone call themselves, though sometimes a police officer makes the call on their behalf. We encourage XR arrestees to use their call to contact Back Office, via the number shown on the bustcard.

Custody calls are made under Police supervision, and the Police may attempt to gather details not previously disclosed by the arrestee. **Do not give your own, or any arrestee's, personal information to the Police, and warn the arrestee not to disclose any information during the call that they wish to withhold from the Police.**

2. Speaking to the Police Officer

All calls begin with an introduction from a Police officer. Occasionally, the officer will begin by asking your identity. You do not have to disclose it. We strongly advise that you give no more information than 'Back Office'. The officer will then say something like, "We currently have (X) in custody at Police Station (Y)". X will be the arrestee's name (if disclosed to the Police), or otherwise something like 'an XR rebel'. The officer can end the call there, and may intend to do so, especially if busy. In that case, try asking politely if you can speak to the arrestee (recognizing that you do not have the right to do so). For example, "I'd really like to check on how they are and make sure they are all right. It would be great if you could put them on the line." If the officer refuses, you can still try asking them for some of the specific information requested on the ArrestWatch form, including in particular

- Are they OK? Do they have any injuries?
- Do they have a translator/appropriate adult (if needed)?
- Do they have a solicitor? If so, which firm?
- Do they want me to contact anyone else?

3. Speaking to the Arrestee

If the arrestee is allowed to speak to you, the officer will hand them the phone. The call will probably be limited to approximately 5 minutes. Sometimes it may be shorter, so it's

important for you to use the time efficiently. Keep an eye on the elapsed time to avoid the call being ended by the Police before you reach the end of your list of questions, and resist the temptation to chat.

The call should be used to:

- (i) Gather information (to be recorded in the ArrestWatch form) (Section 4 below)
- (ii) Give information to the arrestee, to help ensure that their welfare and legal rights are protected (Section 5 below)
- (iii) Offer to contact the arrestee's friends or family, to inform them of the arrest (Section 6 below)
- (iv) Summarize key information (section 7 below)

The call should not be used to give legal advice, which they can obtain from their solicitor. Advice at the police station is free.

Before the rebel has a chance to speak, give this reminder: "This call may be being recorded, so please don't say anything that could incriminate yourself or others. Have you given any details to the Police already, such as name, address, date of birth?"

If they have given the Police their name/nickname, ask if they want to give them to you. Then collect the information requested on the ArrestWatch Report form; the form can be completed without including a name if necessary.

4. ArrestWatch Report form

The form can be found at <http://arrestwatch.info/>. It requests the following information, in the order shown below. By asking questions in the same order, encourage the arrestee to give you information in an easily-recorded way – this will help to ensure speed and completeness.

1. Name of police station
2. [How many arrests-are you reporting?] In the case of a custody call, this is always 'one', so the question can be omitted. (The question enables observers to report single or multiple arrests using the same ArrestWatch form.)
3. Date and time of arrest (select date and time from the calendar)
4. Location of arrest

5. Is this part of an **HS2 action**? [This question is likely to be modified in the 2022 version of ArrestWatch to a question about alignment with an XR sister group (or other group), with a free field for data entry]
6. [E-mail address] This refers to the address of the reporter of an arrest, not the arrestee's address
7. Arrestee's **name and nickname**
8. **ID of arresting officer**
9. Any **particular concerns** (if so, tick the appropriate box and enter the details in the 'Other observations' field that appears, and see Note below):
 - Whether **handcuffs** were used during the arrest (should only be used if officers think attempted escape is likely), and if so whether they were used correctly
 - **Mental distress**
 - **Physical distress**
 - Whether they are a **minor** (under 18)
 - Concerns about **Police behaviour**
 - Concerns about **Police prejudice**, and if so, on what grounds
 - Do they need any **medication**?

10. In the free field at the bottom of the form, please record any of the following information, or any other useful information:

Whether they are a **vulnerable adult** [the arrestee will be entitled to support by an Appropriate Adult (see below)]

Which **solicitor** they intend to use .

The **offence** for which they were arrested

Note to Question 9 (above)

If the arrestee answers 'yes' to any of the questions in (9) above, give the following information:

Mental/physical distress, or need for medication: Advise the arrestee to ask to see a doctor if necessary. The Police should not withhold medication, though they may attempt to do so, particularly if the medication is not in a sealed container and accompanied by a prescription (as recommended in pre-arrest preparation).

Minors and Vulnerable adults should not be interviewed by the Police without an Appropriate Adult present. Advise the arrestee to make sure that the Police know if they are under 18 or vulnerable. An Appropriate Adult can be nominated by the arrestee (but should not be anyone involved in the action associated with the arrest); otherwise the Police will nominate a social worker or trained volunteer. Potential arrestees are asked to make arrangements in advance with an Appropriate Adult, who should be contacted by the Police on their behalf. XR does not maintain a list of recommended Appropriate Adults.

Police behaviour/prejudice: Take brief details and advise the arrestee to make notes, if allowed pen+paper by officers. These can form the basis of a complaint later, and can also contribute to statistics compiled by organizations such as Netpol.

5. Information for the Arrestee

Advise the arrestee of their rights, as follows (summarizing if necessary due to time constraints):

Read out the Rights of arrestees:

- You don't have to answer any police questions. You can answer with 'No Comment', and it is recommended that you do so, particularly in an interview. If you withhold your name, you will be held in custody for a hearing in court, where you will again be asked to give your name. (Arrestees are advised not to withhold their name in either the Police station or in court unless they have fully prepared themselves regarding the legal consequences.)
- If the Police ask you to do something, you can ask 'under what power'. Take a note of what they say, if possible.
- You have the right to free legal advice from a lawyer. All legal advice at the Police station is free, though the Police may state otherwise. We strongly recommend that you use a solicitor experienced in protest law, ie not the Duty Solicitor. Ask if they have already chosen a solicitor. If so, note down the firm in the ArrestWatch field, "Anything else you would like us to know about this arrestee?" Otherwise, suggest one of the solicitors listed on the appropriate bustcard (eg HJA for

London actions or Kelly's for any other action). The Police will have all major solicitors' phone numbers.

- You have **the right to a copy of the PACE Codes** (Police and Criminal Evidence Act), a detailed guide about your rights in custody.
- You have **the right to a translator** if you need one.
- You have **the right to food that meets your dietary requirements, and to hot drinks and water**
- You have the **right to a warm cell** – ask for blankets if necessary
- You have **the right to a doctor** if you feel unwell
- You can **challenge Police bail conditions** that may be attached to your release. Ask to consult a protest lawyer - this may in itself result in conditions being removed.

Advise the arrestee of the following recommendations:

- **Do not accept a caution** at the Police Station, unless your solicitor recommends it and you understand why this is an exception. A caution is an admission of guilt.
- Remember that **Coronavirus** is more likely to spread in inside environments without adequate ventilation – like Police stations, with a constantly changing population – and that the Police may be unable rigorously to sanitize cells in between prisoners. Ask for hand sanitizer, wear a face covering, and observe social distancing as much as possible.

6. Contacting the Arrestee's Friends and Family

Ask if the arrestee wants you to contact anyone on their behalf, and take down their phone numbers/contact details. Make sure that the calls are made, according to the procedures of your particular Back Office; calls can be made later if you are very busy, but should be made as soon as practicable, especially if the arrestee is a minor or a vulnerable adult.

7 Summary for the Arrestee

- If the arrestee didn't already have a solicitor, remind them of the name of the solicitors firm you recommended them to call.

- Remind them of the key messages:
 - No Duty Solicitor
 - No Caution
 - What Power?
- Remind them (if appropriate) that there is Police station support (PSS) organized and they should look out for it when released – some stations have several exits and it may be necessary to walk round the building to find the supporters.

If there is time remaining:

- Ask the arrestee about how their time in custody has been and how they have been treated
- Remind them (in the case of XR-aligned arrestees) that XR Arrestee & Legal Support is there for them, including after release
- Advise them to complete the ArrestWatch post-release form to ensure continuing support
- They can also call Back Office if they need any help after release, for example if there are no police station supporters waiting..

8. BOV Welfare

Occasionally, Back Office Volunteers may feel stressed at the end of a shift involving a stream of custody calls. If you are, ask the Back Office Coordinator for a personal feedback session at the end of your shift, or if you feel stressed during a shift, ask to take a short break. Negative experiences may have a number of causes, including inexperience, inadequate training, low numbers of volunteers on-shift, technical difficulties, communication systems, background noise, and more – most of which can be resolved to some extent.