Support for People going to Court

If someone has been arrested they may be released on police bail or they may have been charged with an offence and have to appear at a court.

How do you know if you've been charged? You will have been given a document giving a date to appear at court, the details of the court and details of which offence you've been charged with.

If you are released on police bail you may either be charged at a later date, or be told there is no further action (NFA) to be taken against you, which is the end of the matter.

If you have been charged with an offence this means that you are to go on trial for the offence – but it still may not come to this….

It is invaluable to have support during the whole court process, this brief guide will explain what happens when one goes to court to enable you to support any one you know who has been charged, and also to understand the process if you yourself have been charged. If you would like a much more detailed description you could read 'How to Defend Yourself in Court'

The Activist Court Aid Brigade (ACAB) have volunteers who support people who are going to court. If you or a friend have been called to court after attending an action, please send an email to ACAB who will offer you support. Find out more about court monitoring.

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1. What to do if you have been charged

If you are charged:

- **Do you have a solicitor?**

  NO: get in touch with a good solicitor as soon as you can

  YES: get in touch with your solicitor as soon as you can and give them the details

- **Also get in touch with GBC or ACAB and let us know the details, we can give you help, advice and go along to the court with you.**

Start to talk to people who may have witnessed the incident when you were arrested, and start to gather evidence, such as video links.

It is important to go along to the court on the date set.

2. Going to court as a supporter

The courts are public places, trials and hearings are held in public, as an important part of the legal system.

Any one can go into the court building. Court buildings usually have:

- **Several court rooms where hearings are actually heard**
- **Waiting areas outside the court rooms**

- Side rooms off the waiting area that can be used for meetings, such as with a solicitor

Court rooms have a public gallery where any member of the public can sit and watch a trial or hearing (although there may occasionally be exceptions to trials being public). Go through the main door into the court room. If you cannot see where the public gallery is ask someone in the court, allthough if you look lost a clerk will usually come over to help you. Sometimes the gallery is a glassed off room, sometimes a row of seats in the court room itself.

It can be a good idea to visit the court building before the first hearing, go into a court room and watch what's going on, just to get the look and feel of the environment.

Remember to switch off your phone, or switch it to silent, and generally be quiet, when in the public gallery.

You'll be able to see the defendant from the gallery, who has to go into the 'dock', often a glassed off room.

When you first go into the court building you will have an airport style search and your belongings will be x-rayed. Any sprays (e.g. perfume) or sharp instrument, such as bike tools, will be taken from you and may be re-claimed when you leave the building. Knives are a problem, so best left at home.

In the entrance area there will be a list of who is to be heard where. Look for the defendants surname under the list for each court room.

Court staff can be friendly and willing to help you find your way around.

3. What to do in court

There are many ways to support someone going through the court process, here are some suggestions, but the list is not definitive!

If you arrive at court and the person you are supporting doesn't have a solicitor yet, phone one immediately who should send someone to court, and tell the court clerk that you are waiting for a solicitor – do not use a duty solicitor if offered. Look at our guide to finding a solicitor.

When you are in the public gallery take notes of everything you hear, e.g. what the magistrate or solicitors say. You are usually allowed to use a lap top, and are always allowed to make written notes. It is forbidden to make sound recordings or make videos or take photos. You can share these later with the prerson you are supporting, or with LDMG/GBC.

A good solicitor will be happy to explain exactly what is going on, you can encourage your friend to ask them questions before or after the hearing.

If there are any parts of the process that aren't understood, or your friend would like advice about what to do, then get in touch with GBC or LDMG. It may be possible to get immediate help/explanations by phoning the protest support line.

Have some water and snacks. You and your friend may consume these in the waiting areas. In the court room one is only allowed water. Your friend can ask for water in the court room, but sometimes it's better to have a bottle.

Be prepared for lots of waiting around. The courts sit in two sessions, one starting at 10am, the other after lunch at 2pm. All the cases for the morning or afternoon are listed for the same time. Usually your case will be listed for the morning session, but you may not be heard until mid morning, just before lunch (which is 1pm – 2pm) or even in the afternoon. The courts close at 4pm, but once a case has started may well go on until after 5pm.

However, don't be tempted to arrive late, the magistrates get very vexed if you aren't there when they want to hear your case…

4. A word about courts and judges

There are two kinds of court

> Magistrates courts: the first court one goes to is a magistrates court. They either have a tribunal of 3 magistrates, or a single person sitting on their own. When it's a tribunal these are lay people, i.e. not trained lawyers, and they are advised on matters of law by the clerk, who sits in front of them. A single magistrate is a professional lawyer, a

judge of some description. The judge or magistrates take all the decisions, including the outcome (guilty or not guilty) of a trial.

Crown courts: here there is a judge presiding and a jury who make the not guilty/guilty decision.

It depends on the severity of the charges against the defendant as to which court the trial itself will be held in. Some offences must be heard in the magistrates and some in the crown court, but there are some offences which can be heard in either court, and it is the defendant's choice.

The crown court can give greater sentences, but on the other hand your case will be heard by a jury. For protest cases a jury might well be sympathetic to the cause, and for this reason we usually reccomend that people choose the crown court, given a choice.

5. The court process

There are usually several processes to go through, involving more than one visit to the courts.

The date given in the charge sheet is for an initial hearing. This is at a magistrates court.

At the initial hearing the charges are read out and the defendant is given the opportunity to plead guilty or not guilty. If you are not sure about what you want to do, read the article by LDMG or speak to someone at GBC to get support. If you have a solicitor experienced in protest law then they will be able to offer advice. The advice in general is to plead 'not guilty'.

If you plead 'not guilty' then:

- The magistrate will make arrangements for the trial hearing, i.e. the date, length and place.
- Bail will be set again, often the bail conditions will be dropped or changed.
- Other dates may be set, e.g. for the CPS (Crown Prosecution Service – they conduct the case for the police) to provide (disclose) their evidence. A date might be set for a case management hearing.

The next hearing might be what is called a 'case management hearing' (CMH). The cps and your solicitor come back into court to see how the case is progressing. You may or may not, have to appear at his hearing if it happens.

The trial will be held at the date set in the initial hearing. It is often held at the same magistrates court, but if the offence is more severe it will be held in front of a jury at a crown court. If you have any witnesses they will not be required until the trial itself.

If you pleaded guilty, or were found guilty at trial, the next step is for the court to give a sentence, including fines and court costs. Sometimes this will happen at the end of the trial itself, but sometimes the judge or magistrate will ask for a pre sentence report (PSR) (made by the probation service), and a further date is set for a sentencing hearing. If a report is called for you will talk to someone from the probation service to arrange a date and time.

6. Representation in court

You may be represented in court in one of three different ways:

You may be represented by your solicitor;

Your solicitor may engage (instruct) a barrister who will represent you in court, meanwhile you will continue to be in touch with your solicitor over any thing to do with your case;

You may not have a solicitor and are representing yourself. This may because you have decided that you do not want a professional to represent you, for example you have decided to make a political defence, or it may be because you cannot get legal aid and cannot afford to pay for a solicitor. If you are self representing then you are entitled to have some one stand with you in court during any court hearings. The supporting friend is called a McKenzie friend. See the LDMG guide for more information. Also contact ACAB if you would like to talk through your defence and get advice.

7. Dropped charges and other endings

The court process can end in different ways. Many protest cases do not get as far as sentencing, and it is extremely rare to get a prison sentence.

When it does end then it is the end of the case from your point of view, at this stage you can recover any property the police have taken from you, perhaps at the time of the arrest, and get on with your life…

However if your case is dropped along the way you could consider taking a civil action against the police, we can advise you of how to go about this and there is some information in this LDMG article.

The CPS may drop the case against you all together – this can happen at any stage of the proceedings, even on the day of the trial itself.

The judge or magistrate may throw the case out. Again this can happen at any stage, but most frequently would be during the trial, for example if the police did not turn up to give evidence, or the judge thought your defence case was strong enough by half way through the trial.

The trial may proceed to it's end and you may be found not guilty of the alleged offence.

You may decide to plead guilty or you may be found guilty at the end of the trial. There will then be a sentence given to you which ends the court procedure. Of course this may not be the end of the matter. GBC and LDMG can continue to offer you support following this.

Mostly sentences consist of community work or a fine, or a suspended sentence. On the very very rare occasions that a custodial sentence (prison) is given, again we will give you support during your time inside.

You may decide to appeal against a verdict or a sentence, in that case, of course, the legal procedure, and our support, will continue.

8. What is involved in becoming a court monitor

Court monitors perform a vital role in the whole process of supporting people who have been arrested and charged.

As a joint project with ACAB and GBC, we keep a record of everyone we know about who has been arrested at demonstrations, and use this information to provide individual support to those who are going through the legal process.

Interested in becoming a Court Monitor?

We're always looking for more volunteers to join our team of court monitors, it would be great to hear from you! Email courtsupport[at]protonmail.com
As a court monitor, your main task is to attend a court on the day we expect defendants to be appearing.

At court we:
Make contact with defendants we know about and talk to them to…

- **Find out how their case is going**
- **Put them in contact with a good solicitor if necessary (who can often come out immediately)**
- **Give advice about the whole court process**
- **Meet their solicitors if possible**
- **Find out if we can help with witnesses to the event**
- **Generally be a listening and supportive ear, take people for a coffee/drink after court**
- **Get their email and phone numbers so we can continue to support them**
- **Tell them about ACAB and GBC and put them in touch with defendants groups or other defendants (we have leaflets and contact points, and a defendants email list)**
- **Sit in the public gallery of the court itself and listen to the hearing, making as many notes as possible. It's not always easy to hear as one is at the back of the court, sometimes in a screened off section, but every bit of information is useful.Find out when and where their next hearing is, and the why it is taking place. This can be gleaned from listening to the hearing and by asking the defendant/solicitor after the hearing.**
- **Talk to people in the waiting areas to find out if there are other people there from demonstrations to whom we can offer support. It is important not to push ourselves on people – not everyone wants to be in touch with us. Don't forget to preface saying hello to someone with words to the affect 'I'm from a support group…' , people waiting might be wary of officials etc.**

- **If we are talking to people who might be facing prison, then we can also put them in contact with our prison support group (London ABC) and give them information about what to expect.**
- **Finally, feed back all the information you have gathered so we can update out records. Every small piece of information is useful so don’t worry if you haven’t been able to find out everything you wanted to – it is probably more useful than you realise!**

What if I don’t have a legal background and am unsure of the process?

You don’t need to know all the answers to questions asked by defendants. There is a backup team of people who will be at the end of a phone on the day, or later by phone and email. It is important to only tell a defendant something you are absolutely sure about and get advice about anything else.

We often hear from both defendants and their solicitors telling us how useful and supportive our court monitors have been to help people through what can be a difficult and overwhelming process.