



'Getting Arrested – What to Do' Explanatory notes for the DVD

These notes are designed to accompany the DVD 'Getting Arrested – What to Do'. They aim to expand on the information provided. The DVD is designed as a training component for people with intellectual disability. The amount of detail required by participants will depend on their level of learning ability. The notes are written in plain English to demystify the legal information that is often difficult to comprehend for people with, or without, learning difficulties.

It is important to ask for feedback on the information contained in the DVD to ascertain the appropriateness of the explanations provided. To make it effective as a learning tool, the information needs to be reinforced with other learning experiences. These might include role play and experiential exercises. Exercises have been designed to support participants to develop the skills necessary to access their rights when arrested by the police. It is important to acknowledge the amount of anxiety and fear experienced by people in this situation. It is hoped that the video and training reduce this level of anxiety by giving clear information and guidelines.

The DVD is designed so that it may be stopped at pertinent intervals and the information reviewed and revised. As repetition is an important aspect for retaining information for people with learning difficulties, it is recommended that the DVD be viewed over a number of sessions. Focus testing the DVD highlighted the difficulties of presenting so much complex information in one viewing.

Move on in the DVD once you feel confident that participants have a clear understanding of the information. Prior to watching the DVD, acknowledge that if any participants have been to the police station or questioned by the police, the DVD might make them feel uncomfortable. A person's reactions to their experience may be triggered again by watching the DVD. A participant may need extra support in the training sessions to overcome these reactions.

The training sessions included in this package are designed to facilitate additional discussion and reinforce the key messages on the DVD.

Bail Conditions – Don't Break Them it's just not worth it.

DVD Script

Following the Explanatory Notes for Getting Arrested DVD is the DVD script for Bail Conditions – Don't Break Them it's just not worth it. The script may be useful for educators to use in training people with intellectual disability about bail.

Getting Arrested

Getting arrested means that you must go with the police to the police station. You get arrested if the police think you have done something that the law says you should not do.

Tape count: 1.17

With first freeze frame ask: How do you think a person would feel if the police came to their house and let them know they were in trouble?

The law is lots of rules that make it OK for people to live in the world without trouble. If we don't do what these rules say we should do, we are breaking the law.

If the police have got reasons to think a person has broken the law, they can take the person to the police station. The person has to stay at the police station for a long time, usually about 4 hours.

Tape count: 1.37

Freeze at arrest and discuss the law, our responsibilities to keep to the rules and the implications and consequences of breaking the law.

Ask participants to brainstorm some things they think would be breaking the law. Discuss and add to the list.

These are some of the ways that a person might break the law:

- Take money that is not yours (stealing)
- Hit or hurt someone
- Drive a car if you are drunk (had too much alcohol to drink)

If the police come to where you are and arrest you, you must:

- Go with the police
- Don't fight with the police as this will make it bad for you
- Don't run away because the police will catch you

Tape count: 2.25

Pause the video with the above messages on the screen. Discuss and clarify each one. Ask open ended questions such as: Who can tell me what would happen if Tim did not go with the police?; What happens if the police come to arrest a person and they run away?

It can be very scary to be arrested but it is important to stay calm and go with the police. You can get help once you get to the police station.

Ask participants: How do you stay calm when you feel frightened? What kinds of things can we do to calm down? Is there anything you do now that helps you to stay calm?

Discuss some strategies. For example: slow, deep breathing will help calm you down; doing what the police ask you to do will help you stay calm as they will treat you with more respect; try to think of who you might ring for support when you get to the police station.

At the police station

The police have rules about what you have to do at the police station.

A police officer will ask you to take everything out of your pockets.

The police will take all the things you have with you like your money, your phone or your bag.

The police make a list of everything they take and you get it all back.

You will get it all back when you go home.

Then the police will search you. This means they will feel in your pockets to make sure you gave them everything.

The police will ask you to take off your belt if you have one on. They will ask you to take off your shoelaces if you have some on.

They do this so you will be safe.

You get them back when you go home.

You might have to stay at the police station a long time. You have to wait for someone to come and help you.

Tape count: 3.39

At the end of this section, pause the video and review the information. Ask participants: what did the policeman ask Tim to do? Discuss why he was asked to do these things, talk about the rules.

Make sure participants understand that you get your stuff back when you go home. The police make a list of everything they take and they will get it all back. Believing that the police will keep your stuff can cause a lot of anxiety for people in this situation, so needs revising.

Explain that talking to the police is serious. They may not be polite or give you the support you need to understand what is happening.

What the police tell you

Next the police read you something called a caution. This can be very hard to understand. It tells you about some of the police rules.

It is a good idea to tell the police that you have a disability so they know you need help to understand.

Tape count: 4.05

Pause here. Ask participants: Do you know why it is important to tell the police that you have a disability? Do you feel it is a hard thing to tell someone about your disability?

Discuss some of the feelings arising for people around disclosure of disability. For example: people thinking you are stupid; people treating you differently.

Introduce the advantages of telling the police that you have a disability. For example: getting support; the police can slow down and explain things more clearly.

ROLE PLAY 1

Introduce Role play 1: How to tell the police that you have a disability. Refer to Role play cards in kit for instructions.

Some of the rules:

- It says how long the police can keep you at the police station. They should not keep you much more than 4 hours.
- It says that you do not have to say anything to the police even if they ask you questions.
- It says that the police will help you talk to a lawyer. A lawyer is a person who can help you to understand what the law says. Another name for a lawyer is a solicitor.
- It says that the police can also help you find a support person. A support person can be with you while you are at the police station and help you understand what is happening.
- It says that the police will help you to phone a friend or one of your family so you can tell them where you are.

Tape count: 4.48

Pause the video here. Ask participants: Who would you call if you were in Tim's situation?

Talk about who you would want to know you were at the police station and who you would want as a support person.

Discuss who could be a good support person. Talk about how it may be very hard to call someone to support you when you are in trouble. Talk about the importance of getting the support you need.

Distribute 'helping hand' diagrams and support participants to fill in the names of people they identify as friends or family members they could call. This allows participants to think through these questions in a safe and relaxed environment. (refer to session 2 method 4)

Your rights when you are arrested

- To phone someone
- To ask for a support person
- To talk to a lawyer

Tape count: 5.11

Pause video when these points appear and discuss and reiterate the rights of people with an intellectual disability when they are arrested.

Tim is locked in a small cell in the police station and asked to wait there till the support person arrives. There is a photo of Tim in the photo book in the cell. This might be useful to support the discussion.

Discuss how it might feel to be put in that cell. Talk about how to stay calm in this situation. Refer to previous discussion on ways to calm down.

The support person

If you ask for a support person they will come to the police station as soon as they can.

The support person will help you understand what is happening.

They will tell you what the words say on the papers the police give you.

You don't need to tell the support person what happened to bring you to the police station.

A support person is not a lawyer.

The support person will help you talk to the police.

A support person can help you to stay calm while you are waiting.

If you have trouble talking, the support person can help the police to understand you.

The support person can help you stand up for your rights.

Tape count: 6.04

Hand out another 'helping hand' diagram and have participants fill in names of people they think would make good support people.

When the support person talks about 'evidence' in this section, pause the action and ask: Can anyone tell me what 'evidence' means?

Discuss. Explain that 'evidence' is information that will be given to the judge or magistrate at the court. Any answers you give to the police questions will be given to the judge or magistrate – they will be evidence. You can not change the answers you give.

Reinforce that it is a good idea not to answer any questions at the moment.

To put the use of 'evidence' in context, a simple discussion of court may be appropriate here. Do not confuse the information in the video with too much detail about court. If it is beneficial to run further training on what happens when we go to court, refer to Attorney General's video on going to court for people with an intellectual disability.

The important facts about going to court:

- If the police say you must go to court you have to go
- A judge or magistrate at court will decide if you have broken the law
- A lawyer and support person will help you if you go to court

The lawyer

A lawyer is a person who knows a lot about the law.

You should tell the police if you want to speak to a lawyer.

The police will help you phone a lawyer. You can tell the lawyer what is happening over the phone.

The lawyer will tell you what to do and what to say when you talk to the police.

The lawyer may tell you not to answer any questions. If this is what you are told, you can say to the police:

'My lawyer advised me not to answer any questions'.

Sometimes a lawyer comes to see you at the police station.

Tape count: 7.07

Pause when Tim says 'OK I had better talk to a lawyer then'.

Ask participants: Who has heard the word 'lawyer' before? What does it mean?

Discuss the role of a lawyer and how important it is to get advice from a lawyer. Explain that a lawyer is 'on your side' and it is their job to do the best they can for you.

Explain that there are some services where you can get free advice from a lawyer so it doesn't cost you money.

The police should know where a person can get legal advice. Let participants know that CJSN can get a lawyer to speak to the person over the phone anytime, even at night.

A person can ask the police to ring CJSN on 1300 665 908.

The interview

An interview is a meeting with police officers. They will ask you some questions.

You do not have to answer any questions.

If you are not going to answer any questions you may still have an interview.

The police will not be angry if you don't answer the questions. It is your right to say 'no'.

The interview might be put onto a video and on to a tape recorder.

If you do not understand anything the police say to you, ask them to tell you in a way you can understand.

Tape count:8.07

Pause and discuss why the interview is recorded and how the recording may be used.

Tell participants that usually a lawyer will say it is a bad idea to answer police questions when you are arrested.

Ask participants: 'why would the lawyer say that you shouldn't answer the police questions?' For example, because police questions can be hard to understand; you might get confused with the questions; you might say something that you don't really mean.

You should tell the police if you have decided not to answer any questions.

Explain that the judge or magistrate will read what you said and you can't change it even if you made a mistake.

Ask participants the question: 'how do you think a person might feel about telling the police they don't want to answer any questions?' Brainstorm all the ways a person might feel.

If a person believes they did not do anything wrong it can be hard to not tell the police that. Explain that it is good to tell the lawyer what happened. The lawyer can then give advice about what the person should do.

Discuss these examples: a person might be scared that the police will be angry with them; a person might think the police will believe they broke the law if they don't answer the questions; a person might be afraid they won't be able to go home if they don't answer the questions.

Ask participants: How do you think a person might feel if they don't understand what the police are asking? What words do you think a person could use to tell the police they don't understand?

Support participants to practise some of the ways of telling the police they don't understand the questions. Refer to role plays of telling police you don't want to answer any questions and telling police you don't understand, in the session 2 plan.

If you are charged with breaking the law

Sometimes a person is not charged with breaking the law even if they have been arrested. If they are not charged they can go home and do not have to go to court.

If a person is charged it means that the police believe you have broken the law and you will have to go to court about it.

If you are charged the police will take your photo. They will also take your fingerprints. This means they take a photo of your fingers.

If you are charged with breaking the law you can get bail.

Bail means that you can go home but you have to promise to go to court.

If you go home on bail, you have to do the things the police tell you to do. These things are called bail conditions. If you don't do these things the police can arrest you again.

The police will give you a piece of paper with these things written on it. The words can be very hard to understand. Ask the police to tell you in a way you understand.

Your support person can help you understand the bail conditions.

Tape count: 10.17

Pause after this section and explain being charged, photo and fingerprints.

Describe bail and examples of bail conditions, using the example of video and expanding with others. For example, a person may not be able to contact someone on the phone or go to her or his house; or a person might have to stay with a family member until the court date.

Other examples of bail conditions: A person might have to go to the police station on say, Monday, Wednesday and Friday; or a person may have to stay out of the shopping centre.

Reiterate the importance of making sure a person understands the bail conditions. A person should ask the police to explain the conditions in a way they can understand; get someone else to explain them as well, the support person can help with this.

Explain how important it is not to break the bail conditions. Discuss what can happen if you don't do the things the police tell you. The police can arrest you again and keep you in gaol till you go to court.

It looks very bad on a person's police record if they don't keep the bail conditions.

Court

If you are charged with breaking the law you will have to go to court.

The police will give you papers telling you when to go to court. These papers are called a court attendance notice. Sometimes people call this a CAN.

If you get a court notice it means you have to go to court. It is important to keep the papers in a safe place.

Try to ask someone to help you remember when to go to court.

You need to see a lawyer before you go to court. The support person can help you find a lawyer.

Some lawyers give you help for free.

It is a good idea to take someone to support you in court.

When you go to court a person called a judge or magistrate will decide if you broke the law or did not break the law.

Tape count: 11.24

At the end of this section, ask participants: Have you heard the word 'court' before? Do you know what happens there? Discuss.

Ask participants to think of a person they would like to go with them if they ever had to go to court. If you can't think of someone who can support you to go to court you can ring the Criminal Justice Support Network.

Ask participants the question: 'How do you think a person would feel if they had to go to court?' Discuss.

Explain that it is very, very important to go to court. If you don't go you will be in very big trouble. The police can arrest you again and keep you in gaol till you go to court.

When you go to court you can get a lawyer to help you.

At the next session, ask participants to recall what happened in the video.

Ask open- ended questions to determine how much information participants have retained.

Some examples of open ended questions:

- What happened when the police came to Tim's house?
- How did Tim feel when he was arrested?
- Who came to the police station to help Tim when he was arrested?
- How did the support person help Tim?
- What did the lawyer tell Tim to do when he talked to him on the phone?
- What does 'bail' mean?
- What happens if you are charged with breaking the law?

Fill in gaps in participant knowledge by looking at the video again.

Support participants to try some of the exercises in the training to help them practise the skills they need if they are arrested.

Bail Conditions

Don't break them... it's just not worth it!

DVD Script



Characters:

Tracey
Andrew – her friend
Support Person
Police Officer
Lawyer

Scene: Tracey takes us around her town showing the places in the story.

Tracey: Hi I'm Tracey, I'm going to tell you about what happened when I got into trouble with the Police. First, I'm going to show you a few places around where I live.

This is the City Gate Shopping Centre. This is where my trouble started. I had a fight with my friend Andrew and a window got broken. Andrew had to get some stitches.

This is the furniture shop where I work. Andrew works here too.

This is where Andrew lives.

This is the Court. I have to go to Court next Monday.

This is the Police Station. The Police took me there after the fight.

Scene: Inside Police station at custody desk

Police: Tracey, you have been charged with 2 offences. The first is assault is for hitting Andrew. The second charge is malicious damage for breaking the window. Do you understand that? You have been released on bail which means that you have been given bail conditions which you must follow. If you don't follow these conditions you can be arrested again.

- Tracey: What do you mean?? What is bail? (*Turning to support person*)
- SP: Bail means that you can go home. But, you have to stick to the rules the Police have written down. They're called conditions.
- Tracey: What conditions?
- Scene: Shows various places around the town*
- SP: This paper says there are 2 bail conditions. Come and I'll show you.
The first Bail Condition is: "You have to stay 100 metres from City Gate Shopping Centre". That means you can't go near City Gate, you can't go past here. If you do, the Police can arrest you for breaking the bail condition.
- Tracey: But that's where I go shopping.
- SP: You'll have to shop somewhere else for a while.
- Tracey: Oh, OK
- SP: Now the next Bail Condition. (*points to paper*) This says you cannot have contact with Andrew. That means you can't go to his home, or his work. You can't ring him up. Even if you see him in the street you can't talk to him. If you do any of these things, the Police can arrest you again.
- Tracey: But, I want to say sorry to Andrew.
- SP: Yes, I understand that, but you can't talk to him while you've got these bail conditions.

Now let's see what else you have to do. . Ah yes, this is important - it's about Court. You have to come to this Court next Monday at 10 o'clock.
- Tracey: What will happen then?
- SP: You will have a lawyer who will talk to you. Then in the court room the lawyer will tell the Magistrate your side of the story. You probably won't have to say anything in the court room.
- Tracey: Who's the magistrate? The magistrate is the boss of the Court. The magistrate will decide if you broke the law or not and what will happen.
- Tracey: Do I have to come here?
- SP: Yes. If you don't come to Court that day the Police can arrest you again.
- Tracey: Oh no that's terrible. I'm so scared.

SP: I know, it is scary but if you don't go to Court you'll just be in more trouble.
Come on, you can deal with it and remember, I'll be there with you.

Tracey: OK, I guess I can do it.

Scene: Outside the furniture shop

Tracey: This is where I work.

SP: Tracey, remember you can't go in there, Andrew is in the shop. If you go in you'll be breaking your bail conditions and the Police could arrest you.

Tracey: So when can I go back to work?

SP: You'll have to talk to your lawyer about it when we're at Court. The lawyer can ask the Magistrate to change your bail conditions.

Tracey: It's going to be really terrible if I can't go to work.

Scene: Tracey at home in her lounge room, looking at the phone

Tracey: I haven't seen Andrew for 5 days. I really want to call him.

(Bubble comes up replaying what the support person said about the bail condition - You can't ring him. Even if you see him in the street you can't talk to him. If you do any of these things, the Police can arrest you again.)

Tracey: I need a coffee.

(Bubble comes up while walking past shopping centre about bail condition 2 - You cannot go near the City Gate Shopping Centre. You have to stay 100m away. That means you can't go past here.. If you go past here, the Police can arrest you.)

Tracey: This is horrible. But I don't want to get arrested again. The Police might not let me go next time.

I didn't want to get into any more trouble. I went to the Court on Monday.

Scene: Tracey outside court

SP: Hello Tracey, how are you?

Andrew: *(calls out)* Hey, Tracey.....

Police: She can't speak to you.

SP: Tracey, this is Peter Johnson, he's your lawyer.

Tracey: *(to lawyer)* I want to go back to work but Andrew's there.

Lawyer: I will ask the magistrate to change that bail condition. I'll explain that you can't go to work because Andrew is there.

Scene: Outside the court

Tracey: What happened in there?

Lawyer: Well Tracey, it's not finished. You do have to come to Court again. It will be in two weeks. But the magistrate changed one bail condition so you can go to work. You can't go near Andrew anywhere else – only at work. The magistrate said "you must not threaten, harass or intimidate Andrew when you're at work."

Tracey: What does that mean?

SP: It means that you can't yell at Andrew, or do anything that will scare him or frighten him. If you do, he can report you to the Police. Remember, you still can't go near City Gate Shopping Centre and you do have to come back to Court.

Tracey: OK, I promise I won't do those things and I will come back to court. I've got the picture now. Bail conditions are really serious. It's really hard but I'm not going to break my bail conditions. It's just not worth it.