

GREEN AND BLACK CROSS BUST CARD

If you are arrested, you are entitled to:

REMAIN SILENT We strongly recommend you answer 'no comment' to all questions and during interviews, for your own benefit and that of others. From the moment you are stopped, everything you say is evidence - there is no such thing as a 'friendly chat'. The police are trained to get information out of you, so stay strong. Do not sign any statements.

- Be told what you have been arrested for.
- Not to give your name, address or DOB, but this will delay your release. However, your photo, prints and DNA can be taken without your consent.
- Have one phone call made on your behalf informing someone of your arrest. We recommend that you ask the custody sergeant to contact GBC Arrestee Support. Tell the police you authorise them to talk to Arrestee Support about you and your welfare, so we can monitor your welfare and hopefully arrange someone to meet you upon release.
- You are entitled to free legal advice.
- A translator if English is not your first language.
- Vegan or vegetarian food.
- Request a copy of PACE codes to read (then you will know all your rights in custody). Do ask.
- A medical examination if you feel unwell or hurt. (Inform the custody officer if you are on medication.)

GREEN AND BLACK CROSS BUST CARD

If you are arrested, you are entitled to:

REMAIN SILENT We strongly recommend you answer 'no comment' to all questions and during interviews, for your own benefit and that of others. From the moment you are stopped, everything you say is evidence - there is no such thing as a 'friendly chat'. The police are trained to get information out of you, so stay strong. Do not sign any statements.

- Be told what you have been arrested for.
- Not to give your name, address or DOB, but this will delay your release. However, your photo, prints and DNA can be taken without your consent.
- Have one phone call made on your behalf informing someone of your arrest. We recommend that you ask the custody sergeant to contact GBC Arrestee Support. Tell the police you authorise them to talk to Arrestee Support about you and your welfare, so we can monitor your welfare and hopefully arrange someone to meet you upon release.
- You are entitled to free legal advice.
- A translator if English is not your first language.
- Vegan or vegetarian food.
- Request a copy of PACE codes to read (then you will know all your rights in custody). Do ask.
- A medical examination if you feel unwell or hurt. (Inform the custody officer if you are on medication.)

If you are under 17:

- You will be required to have an appropriate adult to be present if you are arrested during an interview

- The police will ideally want a parent/ legal guardian, but if they are unavailable you can either have a social worker (which we do not recommend), or another responsible adult. This can be any adult, but the police might not agree to someone with a criminal record or on the action.

TO ACCESS FREE LEGAL ADVICE

- If you are arrested for a non-imprisonable offence for which the police do not intend to interview you, you can either speak on the telephone to a solicitor of your choice (for which they may charge – our recommended solicitors have agreed not to) or you will be given the opportunity to get free advice from a legal adviser at a call centre known as CDS Direct (these advisers are probably less good at advising activists)

- If you are arrested for or a more serious offence, or one for which you are to be interviewed, you will be able to access a solicitor of your choice for free (our recommendation is below), provided that they can be contacted within two hours. If not, you will be given a duty solicitor. It may be better to 'no comment' until release and then get good quality legal advice tailored to activists.

The police may tell you that it will be quicker without legal advice – we strongly recommend that you always ask for legal advice and use our recommended solicitors: BINDMANS 020 7833 4433

If you are under 17:

- You will be required to have an appropriate adult to be present if you are arrested during an interview

- The police will ideally want a parent/ legal guardian, but if they are unavailable you can either have a social worker (which we do not recommend), or another responsible adult. This can be any adult, but the police might not agree to someone with a criminal record or on the action.

TO ACCESS FREE LEGAL ADVICE

- If you are arrested for a non-imprisonable offence for which the police do not intend to interview you, you can either speak on the telephone to a solicitor of your choice (for which they may charge – our recommended solicitors have agreed not to) or you will be given the opportunity to get free advice from a legal adviser at a call centre known as CDS Direct (these advisers are probably less good at advising activists)

- If you are arrested for or a more serious offence, or one for which you are to be interviewed, you will be able to access a solicitor of your choice for free (our recommendation is below), provided that they can be contacted within two hours. If not, you will be given a duty solicitor. It may be better to 'no comment' until release and then get good quality legal advice tailored to activists.

The police may tell you that it will be quicker without legal advice – we strongly recommend that you always ask for legal advice and use our recommended solicitors: BINDMANS 020 7833 4433

When the police act they should be carrying out a lawful duty, so ask them what they are doing and why. Make a note of what was said, when, by whom, as soon afterwards as possible.

What to do...

...If arrested:

- On the day let GBC legal team know and keep in touch with gbclegal@riseup.net so we can track outcomes.

If you saw/experienced inappropriate police behavior:

- Note the officers' numbers, find other witnesses
- Make a detailed note of what happened as soon as you can. Include the time and date you made it
- Complete a witness form asap especially if you saw an incident that led to an arrest, or injury
- Consider complaining about the police officer. If you have a serious injury, consult a solicitor first.
- www.ipcc.gov.uk
- Consider writing to your MP www.writetothem.com
- Tell everyone you know!

GBC LEGAL TEAM
07946 541 511

BINDMANS SOLICITORS
020 7833 4433

Please note: Legal Observers are not acting as solicitors, their name is not intended to imply they are legally qualified or recognised to act as a solicitor.

When the police act they should be carrying out a lawful duty, so ask them what they are doing and why. Make a note of what was said, when, by whom, as soon afterwards as possible.

What to do...

...If arrested:

- On the day let GBC legal team know and keep in touch with gbclegal@riseup.net so we can track outcomes.

If you saw/experienced inappropriate police behavior:

- Note the officers' numbers, find other witnesses
- Make a detailed note of what happened as soon as you can. Include the time and date you made it
- Complete a witness form asap especially if you saw an incident that led to an arrest, or injury
- Consider complaining about the police officer. If you have a serious injury, consult a solicitor first.
- www.ipcc.gov.uk
- Consider writing to your MP www.writetothem.com
- Tell everyone you know!

GBC LEGAL TEAM
07946 541 511

BINDMANS SOLICITORS
020 7833 4433

Please note: Legal Observers are not acting as solicitors, their name is not intended to imply they are legally qualified or recognised to act as a solicitor.

On being stopped & searched

You do not have to give your name and address under ANY search power or if stopped for questions - SO DON'T! (there are limited exceptions - see below)

BEFORE ANY search you should be:

- told the officer's name and/or police station
 - entitled to get a copy of the search form (police can decline to give on the spot if not practicable to do so)
 - told the object of the proposed search ie. the legal power being used and what they are looking for
 - told the grounds to suspect you (not for s60 or s44)
-
- You do not have to explain why you are there.
 - The police can only give you a pat down, remove outer clothes (coat, jacket, gloves), search your bags, and have you empty pockets.
 - You are not required to be actively compliant. You can 'go limp' as passive resistance if you wish. The police can use reasonable force to search.

If not given, consider asking the reason for the search – the legal power, what they are looking for, and what grounds they have to suspect you (not required for Section 60 or Section 44).

- Make a note of name, number and police force of the officers searching, what you were told before the search, the reasons given for searching you, how long you had to wait to be searched, the start/end time of the search and (immediately after the search) more detailed notes including the scene before the search. Keep the search record.
- You do not have to comply with attempts to photo or record you. The police have no power to collect DNA data during a search.
- Seizure of property: no need to give name/address, ask

On being stopped & searched

You do not have to give your name and address under ANY search power or if stopped for questions - SO DON'T! (there are limited exceptions - see below)

BEFORE ANY search you should be:

- told the officer's name and/or police station
 - entitled to get a copy of the search form (police can decline to give on the spot if not practicable to do so)
 - told the object of the proposed search ie. the legal power being used and what they are looking for
 - told the grounds to suspect you (not for s60 or s44)
-
- You do not have to explain why you are there.
 - The police can only give you a pat down, remove outer clothes (coat, jacket, gloves), search your bags, and have you empty pockets.
 - You are not required to be actively compliant. You can 'go limp' as passive resistance if you wish. The police can use reasonable force to search.

If not given, consider asking the reason for the search – the legal power, what they are looking for, and what grounds they have to suspect you (not required for Section 60 or Section 44).

- Make a note of name, number and police force of the officers searching, what you were told before the search, the reasons given for searching you, how long you had to wait to be searched, the start/end time of the search and (immediately after the search) more detailed notes including the scene before the search. Keep the search record.
- You do not have to comply with attempts to photo or record you. The police have no power to collect DNA data during a search.
- Seizure of property: no need to give name/address, ask

for the evidence bag to be numbered and written on search form. Items found during a search that could be taken under different search power can be seized.

NB. Police can **fingerprint you before arrest** if suspect you of an offence and can't establish your name and address or think you have given a false one.

Police need reasonable grounds to suspect you to search under:

- **Section 1 PACE**, search for articles for burglary/theft, stolen goods, offensive weapons, bladed articles, items may be used for criminal damage. Items can be seized. Police not entitled to read or record personal info.
- **Section 43 Terrorism Act 2000**

If senior officer approves the following powers in a specific area for a period, police don't need grounds to suspect you – they are blanket search powers:

- **Section 60 Criminal Justice Act**, to search for offensive weapons and dangerous instruments
- **Section 44 Terrorism Act 2000**.

The police only have the power to arrest you for not giving your name and address when asked, if:

- **you are suspected of anti-social behaviour. This requires reasonable grounds to suspect you have caused, or are likely to, cause harassment, alarm or distress to one or more persons – which can include police - under s50 of Police Reform Act 2002**
- you are a driver of vehicle on the road (and date of birth) or if involved in accident or road traffic offence whether in a car, on a bike or as a pedestrian
- **the police wish to summons you for an offence or issue a fixed penalty notice (arrest under s25 PACE).**

for the evidence bag to be numbered and written on search form. Items found during a search that could be taken under different search power can be seized.

NB. Police can **fingerprint you before arrest** if suspect you of an offence and can't establish your name and address or think you have given a false one.

Police need reasonable grounds to suspect you to search under:

- **Section 1 PACE**, search for articles for burglary/theft, stolen goods, offensive weapons, bladed articles, items may be used for criminal damage. Items can be seized. Police not entitled to read or record personal info.
- **Section 43 Terrorism Act 2000**

If senior officer approves the following powers in a specific area for a period, police don't need grounds to suspect you – they are blanket search powers:

- **Section 60 Criminal Justice Act**, to search for offensive weapons and dangerous instruments
- **Section 44 Terrorism Act 2000**.

The police only have the power to arrest you for not giving your name and address when asked, if:

- **you are suspected of anti-social behaviour. This requires reasonable grounds to suspect you have caused, or are likely to, cause harassment, alarm or distress to one or more persons – which can include police - under s50 of Police Reform Act 2002**
- you are a driver of vehicle on the road (and date of birth) or if involved in accident or road traffic offence whether in a car, on a bike or as a pedestrian
- **the police wish to summons you for an offence or issue a fixed penalty notice (arrest under s25 PACE).**

Occupations

The laws on occupying buildings depend on who owns them, whether it is private or public, and your status in that space. Research before you occupy!

Trespass is a civil offence and, for this reason, a police officer should not threaten an arrest for civil trespass. If they do so, ask under what power your arrest is being threatened.

Aggravated trespass is a criminal offence.

- Section 68 of the Criminal Justice and Public Order Act 1994 describes aggravated trespass as when a person trespasses on land and, in relation to the lawful activities of others, intimidates them so as to deter them from engaging in that activity or obstructs or disrupts that activity in any way. Section 69 gives a senior police officer the powers to order any person believed to be involved in aggravated trespass to leave the land. If such a person refuses to leave after being ordered to by a senior officer or if they return to the land in question within a period of three months, this is counted as an offence.

- Be wary of how you use your student ID card. These monitor your presence in a building as well as giving you access.

- **Everyone** can be liable for assault, including police officers, security guards and university authorities, so make note of all physical coercion that may be used, and contact the GBC legal team:

**GBC LEGAL TEAM
07946 541 511**

**BINDMANS SOLICITORS
020 7833 4433**

Occupations

The laws on occupying buildings depend on who owns them, whether it is private or public, and your status in that space. Research before you occupy!

Trespass is a civil offence and, for this reason, a police officer should not threaten an arrest for civil trespass. If they do so, ask under what power your arrest is being threatened.

Aggravated trespass is a criminal offence.

- Section 68 of the Criminal Justice and Public Order Act 1994 describes aggravated trespass as when a person trespasses on land and, in relation to the lawful activities of others, intimidates them so as to deter them from engaging in that activity or obstructs or disrupts that activity in any way. Section 69 gives a senior police officer the powers to order any person believed to be involved in aggravated trespass to leave the land. If such a person refuses to leave after being ordered to by a senior officer or if they return to the land in question within a period of three months, this is counted as an offence.

- Be wary of how you use your student ID card. These monitor your presence in a building as well as giving you access.

- **Everyone** can be liable for assault, including police officers, security guards and university authorities, so make note of all physical coercion that may be used, and contact the GBC legal team:

**GBC LEGAL TEAM
07946 541 511**

**BINDMANS SOLICITORS
020 7833 4433**