

## LEGAL INFORMATION

### If you are arrested

Get the numbers of the arresting officers and the reason given (if any) for your arrest

Don't chat to the cops or talk about the arrest.

Try to remember what happened and write up a full account once you are released.

### Your Rights at the Police Station

To let someone know that you've been arrested. To an interpreter if English is not your first language. To consult a copy of the PACE codes of practice which explain your rights

**Changes to Legal Advice at the Police Station.** You are entitled to free legal advice after you have been booked in at the police station. The police should ask whether you want legal advice and if you have a preferred solicitors. They will then contact the Defence Solicitor Call Centre (DSCC) who will call your solicitor or the Duty Solicitor. If they cannot contact your solicitor within 2 hours the DSCC will contact the duty solicitor instead. Whether someone comes to the police station to advise you or you get advice on the phone from Legal Defence Service Direct depend on whether the offence is imprisonable, if you are to be interviewed and if you need an appropriate adult with you. This does not affect your right to consult a solicitor you pay for yourself.

### We Strongly Advise...

You say "NO COMMENT" in any interview. Don't make or sign a statement or sign any police notebook. If in doubt don't sign anything. Don't accept a caution without taking legal advice, as it is an admission of guilt. Ask for the PACE codes of practice and read them.

After arrest you may be searched, fingerprinted & photographed. At the police station a DNA sample & footwear impressions may be taken. You may be held for up to 24 hours before being released or charged. For indictable offences it can be extended but you must be brought before a court within 36 hours of being booked in. If the police assault you get your injuries photographed & recorded by casualty or your doctor.

### Stop & Search.

The cops have many powers to stop & search people. They can detain you for so long as to carry out the search but not for any other reason. Only coats, jackets & gloves need be removed in public (& headwear and shoes under the Terrorism Act). Items used wholly or mainly to disguise identity may be seized if an order under s60AA of the Criminal Justice & Public Order Act 1994 is in place. Searches for seals or hunting equipment under the Conservation of Seals Act 1970 s4 are confined to vehicles.

### Fixed Penalty Notices

If you are issued with a fixed penalty notice you have 21 days in which to either dispute the offence or pay the penalty. If you do neither a court fine of one & a half times the penalty will be registered against you. Contact a solicitor or LDMG for advice ASAP

### Witnesses

If you witness an arrest you should give the details of the arrest to a legal observer or send them to LDMG. You should write up an account of what happened as soon as possible after the event. If you were with friends you should write up your notes together as collective memory ability is far better than one person's alone.

## Information from LDMG

### Your Name and Address.

#### At the police station.

You do not have to give your name and address after arrest but the police will not release you on bail without them. You do not have to give your date of birth but it may delay your release.

#### On The Street

You do not have to give the police your name and address when asked by the police including when you are stopped and searched even under the Terrorism Act 2000 s44. **...but**

Being unable to readily ascertain your name and address may be grounds for arresting you if you are suspected of an offence, s24 Police & Criminal Evidence Act 1984.

There are offences of failing to give your name and address in specific circumstances. Recently the cops have been using s50 Police Reform Act 2002, which makes it an offence not to give your name & address when an officer reasonably suspects you of anti-social behaviour. We think this is a breach of articles 10 & 11 under the Human Rights Act 1998 when applied to demonstrators. So far this has not been tested in the higher courts. The maximum penalty for s50 is a fine.

It can be an offence to give a false name and address if it amounts to an obstruction of the police, s89 (2) Police Act 1996.

It is an offence for drivers of vehicles not to give their name, address (s165) & date of birth (s164) when asked by the police. Road Traffic Act 1988. Cyclists also commit an offence if they fail to give name & address when reasonably suspected of a traffic crime (s168).

### Processions, Assemblies & Demonstrations

Officers of the senior rank present can impose conditions if they reasonably believe serious public disorder; serious damage to property, serious disruption to the life of the community, or the protest is an intention to intimidate. There are three types of event.

Processions (s11-13 Public Order Act 1986) move & can occur anywhere. Any type of condition may be imposed.

Assemblies (s14 POA 1986) are static, have at least 2 people and can occur anywhere outside the "designated area". Conditions may be imposed on the location, numbers & duration so long as it does not amount to a ban.

Demonstrations (s132-138 Serious Organised Crime & Police Act 2005) are static require at least 1 person! & are only in a designated area (see map @

[www.met.police.uk](http://www.met.police.uk)) within 1km of Parliament sq. This does not include Trafalgar Sq. It is an offence to organise or take part in a demonstration that has not been notified in advance to the police but not if you reasonably believed that authorisation had been given. The same conditions apply as with Assemblies plus on the number and size of placards and the maximum permissible noise levels. Also Loudspeakers are banned in the designated area.

Failure to by the organisers to notify the police of a demonstration or the route of a procession does not make the procession itself unlawful. (Kay Vs Met police 2008).

There is no such thing as an unlawful assembly; this common law offence was repealed in 1986. (Public Order Act 1986 s9)

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