

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.

## Stop & Search

You do NOT have to give your name or address under ANY search power or if stopped for questions- SO DON'T!

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

- 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
- you are suspected of anti-social behaviour (reasonable grounds to suspect have caused, or are likely to, cause harassment, alarm or distress to one or more persons – can include police but higher threshold) under s50 of Police Reform Act 2002
- the police wish to summons you for an offence or issue a fixed penalty notice (arrest under s25 PACE).

## BEFORE ANY search you should be told:

- officer's name and/or police station
- entitled to a copy of the search form (police can decline to give on the spot if not practicable to do so)
- object of the proposed search (i.e. the legal power being used and what they are looking for)
- grounds to suspect you (not for s60 or s44)

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 (s61 PACE). Names of all officers engaged in the search go on the form (PACE code).

Stops for questioning – should be receipted: 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 above)
- 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, or go to a private space.
- 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 s60 or s44).
- 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.

## Search powers

Police need reasonable grounds to suspect you to search under:

- s1 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.
- s43 Terrorism Act 2000, police need reasonable grounds to suspect you are a terrorist and can search and seize anything as evidence you are a terrorist, including from computers, cameras,

personal papers.

- 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:
- s60 Criminal Justice Act, to search for offensive weapons and dangerous instruments. The police are not entitled to read and record personal info. If s60 order is in place (or s60AA), police can require you to remove any item reasonably believe used wholly or mainly for purpose of concealing identity or to seize any item reasonably believe you intend to wear wholly or mainly for that purpose. Can arrest you if you refuse.
- s44 Terrorism Act 2000, search as for s43 above (in force on railways and underground and London all the time). Can require to take shoes and hat off in public.

## Being arrested

If you are arrested, you are entitled to:

- 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.
- 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.
- Have one phone call made on your behalf informing someone of your arrest. We recommend that you ask the custody sergeant to contact Arrestee Support. **Tell the police you authorise them to talk to Arrestee Support about you and your welfare.**
- 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.)
- 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) 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, 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 solicitors: 020 7833 4433 from 9am to 6pm, then via pager on 07659 136 205**

## Arrestee Support \_\_\_\_\_

If you saw/experienced inappropriate police behaviour:

- 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
- Consider complaining about the police officer. If you have a serious injury, consult a solicitor first. [www.ipcc.gov.uk](http://www.ipcc.gov.uk)
- Consider writing to your MP [www.writetothem.com](http://www.writetothem.com)
- Tell everyone you know!