

Stop and Search

Individual search powers require 'reasonable personal suspicion' that you are carrying items that are illegal or have/will be used to commit a crime (eg. S1 PACE or S23 Misuse of Drugs Act)

Blanket search powers mean police can search anyone. They are only in place for a specific area & time period. (eg. Section 60)

Ask 'am I being detained?'

Ask for the 4 Ws:

- **Why** are you stopping me?
- **What** are you looking for?
- **Who** are you?
- **Where** are you from?

You are not obliged to give personal details

Collect a receipt

You can ask for an officer of your (binary) gender

You can film the search

You must be taken to a private place to search more than just outer layers of clothing (eg. police van)

Witnessing an arrest - AABBCDD

Alias/name

Advocate (recommend ITN or HJA solicitors)

Brief (Tell them the 5 key messages)

Bustcard

Crime (Ask 'under what power?')

Call the Protest Support Line

Destination (ask which police station they are being taken to)

Details of witnesses and friends & family

Security

- Use Signal & other encrypted platforms
- Set deleting messages timers, clear relevant chats before an action
- Don't put anything in writing that you'd regret if it was read out to you in court
- Don't use comrades' names in front of police or journalists



Links & further support

Lots more info about the law and your rights at [greenandblackcross.org](https://www.greenandblackcross.org)

Follow @GBCLegal for trainings & updates
24/7 Protest Support Line (PSL): 07946 541 511

Info about immigration status:

informeddissent.info/immigration-status

Info about criminal records: unlock.org.uk

Preparing for a protest

- 'Always Carry A Bustcard' - know what solicitor you are going to use
- Bring medication with prescription
- Turn off phone's location, notifications, touch & face ID (or leave your phone at home!)
- Let someone know you're going; bring a friend
- Bring minimal/no ID (eg. bank cards)
- If under 18, have a contact number for an 'appropriate adult'
- Bringing anything illegal like drugs, potential weapons or items for criminal damage is risky, make your own judgements
- Be conscious of being overheard and what you put out on social media. Don't talk about 'organisers' or 'leaders' to avoid people being targeted
- Remember that anyone can be arrested - no such thing as 'non-arrestable'

What happens if you get arrested

1. Detained
2. Initial search
3. Taken to the police station
4. Booked in - give no personal details except name, address, DOB, maybe medical info
5. Biometrics (fingerprints & DNA) taken
6. Placed in cell
7. Interviewed
8. Released or taken to court

Remember your rights in custody: phone call to a lawyer & to have someone else informed of your arrest, appropriate adult if under 18 or 'vulnerable' adult, an interpreter if English is not your first language, meals, warmth, medical attention

Give a 'no comment' interview, don't accept a caution

You can generally be held up to 24 hours

Some common offences (England & Wales only)

Wilful Obstruction of the Highway

Often relates to blocking roads.

'Highway' does include road, pavement, grassy verges and private property used as a public thoroughfare.

Police often give a warning before arresting to show it is 'wilful' but they don't have to.

First time offenders likely to get fine of £200

Max sentence: 6 months AND unlimited fine.

Criminal Damage

Intentionally or recklessly damaging someone else's property - the damage can be temporary.

Likely & max sentences depend a lot on the value of the damage - in particular if it is over the £5000 threshold.

Section 12/14 Public Order Act

Conditions can be imposed by police to prevent "disorder, damage, disruption, impact or intimidation" (including from noise).

Conditions can restrict the place, duration and number of people allowed at the protest.

To be convicted, the police and prosecution need to show you ought to have known or knew of the conditions.

Don't see it, don't say it, sorted! DON'T share knowledge of a S12 or 14 online or in person.

Max sentence: fine of £2500. First time offenders likely to get fine of £200.

Breach of the Peace

Breach of the Peace is not a criminal offence: you can be detained and arrested, but you can NOT be charged

Police must release you once a threat of 'breach of the peace' has passed.

You should NOT give any personal details if arrested for BotP

Civil Trespass

Trespassing (going on someone else's property without permission is not a crime, but they can use force to remove you.

Aggravated Trespass

Trespassing AND intentionally disrupting lawful activity is aggravated trespass, which is a crime. Often given warning to prove it was 'wilful' but don't have to.

First time offenders likely get £200 - £300 fine.

Max sentence: fine of £2500 and/or 3 months imprisonment.

Section 50 - Police Reform Act

Police have the power to demand your name and address if they suspect you have been or are currently engaging in anti-social behaviour.

If you refuse or give fake details you can be arrested. Always ask 'under what power?' and ask what you specifically did that was likely to 'harassment, alarm or distress'

Unlikely to be successfully convicted, but if so maximum sentence is £1000 fine

Obstruction of a Police Officer

It's an offence to resist or wilfully obstruct a constable in the execution of his/her duty.

Maximum sentence: £1000 fine. First time offenders would likely receive a much lower fine than this

Public Nuisance

A severe offence when you cause serious disruption to the public.

Max sentence: 10 years imprisonment, but likely to be much lower than this - more likely a fine.

S60AA Criminal Justice & Public Order Act

When in place, it gives police the power to require you to remove items (e.g. a mask) which they deem to be being used to intentionally conceal identity. If you refuse, they can arrest you.

Maximum sentence: fine of £1000 and/or 1 month imprisonment

Section 35 (Dispersal Order)

Allows officers to force individuals to leave an area for up to 48 hours

It has also been used to try and gather peoples details. We know of several instances where refusal of details under S35 resulted in arrest.

However in the only instance we know of where people continued withholding information, (after over 24 hours on remand) this resulted in a court ruling that those involved were entitled to withhold their information.

Assault of an Emergency Worker

It's an offence to assault an emergency worker (includes police, paramedics, firefighters, nurses, prison guards and others). They do not need to be on duty but need to be doing something which is seen as part of their functions if working.

Assault includes any action which makes someone fear immediate violence - you don't need to touch them.

Maximum sentence: 2 years imprisonment and/or a fine

More info on these and other offences, including guides to the new Public Order Act 2023 and Police, Crime, Sentencing and Courts Act 2022 at [greenandblackcross.org](https://www.greenandblackcross.org)