

Know Your Rights



Introduction



- Green & Black Cross is an independent entirely volunteer-run grassroots project set up to provide legal support to individuals and groups struggling for collective liberation.
- Write in chat your name, where you're based, any accessibility needs you want the group to know about and what brings you to the training

What is a Know Your Rights Training?

- Know Your Rights training is:

- Training about your legal rights at protests and keeping yourself safer
- Not a certainty - we can never know how the police will behave or take action
- Not telling you what to do, it's telling you how you can keep yourself as safe as possible
- It is a starting point: please go to greenandblackcross.org to learn more about your rights
- Not to try to scare or intimidate people - majority of ppl at protests don't get arrested, but we are ready for anything, to help keep ourselves & others as safe as possible.
- Not legal advice



Agenda

1. Policing experiences
2. Role of police
3. 5 key messages
4. Policing tactics
5. Stop and search
6. Private Security
7. Legal observers
8. Common offences
9. Arrest & Post-arrest
10. Questions



There will be a couple breaks part way through

Content note: we will be discussing racism, policing & potential police violence & surveillance

Oppression and the role of the police



Everyone has different experiences with the police - our privileges impact our experience - race, ability, class, presentation. State violence and repression in the UK is far from evenly distributed.

The police were created to reinforce a deeply racist society. They continue to be institutionally violent towards black people, disabled people and the wider working class.

We are here today because we want to change something. Activist tactics often involve some kind of disruption in order to create change. Police want to minimise disruption we cause and uphold the status quo. The police have a lot of leeway and there is a lot of discretion given to the police so they do what they want!

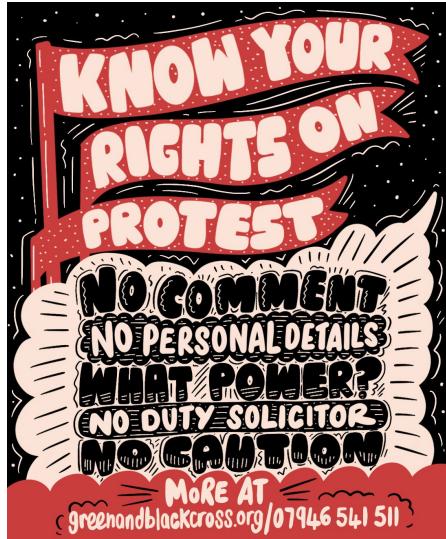
What are the 5 Key Messages?

5 Key Messages:

1. No Comment
2. No Personal Details
3. Under what power?
4. No Duty Solicitor
5. No Caution



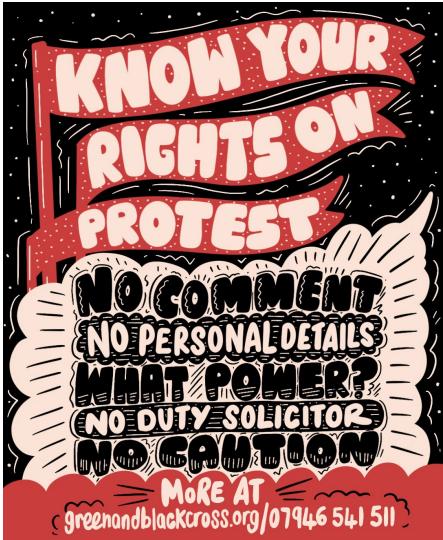
1. No Comment



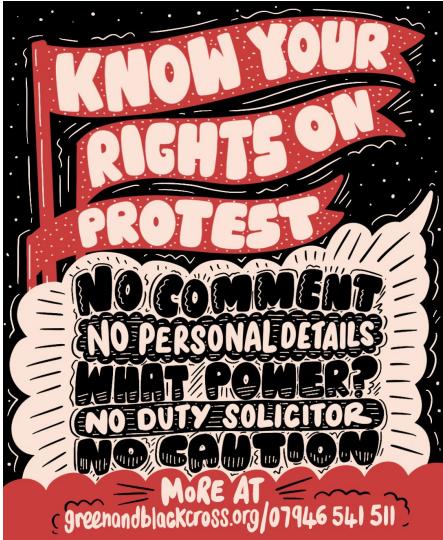
- You are **not required to answer police questions**, so **don't**
- This is for **your own** safety & the safety of **everyone else**
- Police will try to pressure and deceive you into incriminating yourself, so say '**no comment**' to **ALL** questions during the protest & if you are arrested
- Give '**no comment**' interview

2. No Personal Details

- When on the street, you do not need to give the police any personal details (name, DOB, address, nationality etc)
- This changes later if you are arrested - we'll cover this in a bit
- Currently, you do not need to give or prove your nationality or citizenship status
- A few exceptions
 - Being charged with a summons
 - In charge of a motor vehicle
 - Any person in a vehicle accident
 - Or in an airport or port where bylaws might apply

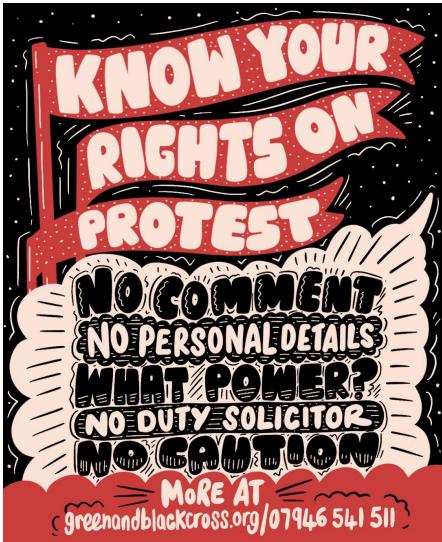


3. Under What Power?



- 'Under what power?' is a question we ask to challenge the police over whether they are acting **lawfully**
- Police often expect protesters to have no knowledge of the law. Expect you will do whatever they tell you even if there is no **legal reason** for you to do this
- If a cop asks you to do anything, ask them: "**Am I legally obliged to do that, officer?**" and if they say that you are, then ask "**Under what power?**"
- If you can, **note down** what the police say and their number
- However you may **not** want to know what power is in place if you suspect S12 or S14 orders are in place (see later)

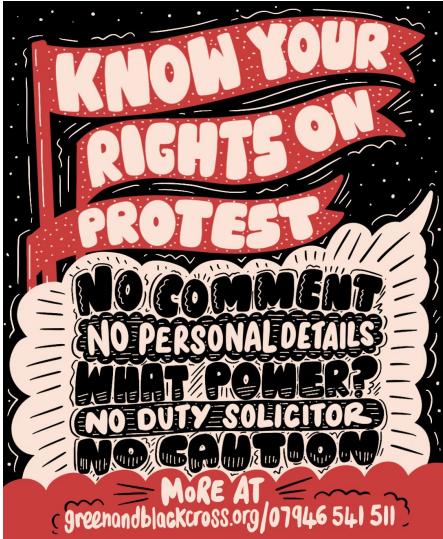
4. No Duty Solicitor



- A duty solicitor is a lawyer assigned to a particular police station.
- While they are not necessarily bad lawyers or in the pockets of the police, they are not usually experienced in protest law and are likely to give you **bad advice**.
- Instead call a solicitor from your bustcard who will be able to give you **free legal advice** at the police station.
- **Remember, it is free to call your chosen solicitor no matter what the police tell you!**

What is a caution?

5. No Caution



- A caution is an **admission of guilt**
- Means that the legal process is over
- You don't get to argue that you are 'not guilty'
- Stays on your **record** so can affect **employability**
- Only accept a caution if you have been **explicitly advised to do so** by a solicitor from your **bustcard**
- Make sure they explain why your case is an **exception**

PCSC Act 2022 update

- **2 new types** of cautions
- Cautions are **worse** than they were before!
- **NOT in force yet** - keep an eye out on our Twitter for updates

What are the 5 Key Messages?

Bustcards

ADVICE ON ARREST

Say "**NO COMMENT**" to all police questions during casual chats, 'booking in' & interviews. At the police station you may wish to give your name, address and date of birth to speed your release. You do not have to give your nationality if asked. For your protection and that of other people don't answer further questions.

Do **not** accept a **CAUTION** without advice from a recommended solicitor. This is an admission of responsibility and goes on the police national computer.

You have the right to **FREE LEGAL ADVICE** at the police station. Duty solicitors don't always have experience with protest law, we recommend asking the police to contact one of the following:

ITN (Irvine Thanvi Natas): 020 3909 8100

HJA (Hodge Jones & Allen): 0808 274 8226

Bindmans: 0207 833 4433 / 020 7305 5638 (out of hours)

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07946 541 511**).

You have the right to an interpreter if English is not your first language.
If you are or appear under 18 an appropriate adult should be called.

- Pocket-sized card with useful info on your rights and details on how to contact good lawyers & protest support helpline
- print one off before the action or pick one up from a legal observer or info desk
- <https://greenandblackcross.org/bustcard/>

Police Tactics



We can **never** predict with certainty how the police will respond in any given situation but we can use what we know about the tactics they use to help us keep ourselves as safe as possible.

Even if an action is completely peaceful &/or not breaking any laws, this does not mean that the police will necessarily act reasonably or peacefully.

The police have previously been seen to act completely unreasonably, especially against protestors who are Black or from other marginalised groups.

We are often going to talk about what the police *should* do, by law. It is important to remember that the police often don't follow the law & often act unlawfully - what the police *lawfully* can do & what they *actually* do are often very different things!

Can you name some common police tactics?



Police Liaison Officers (PLOs)



- Identifiable by their baby blue bibs.
- Primarily intelligence gatherers
- Don't end up on a database - **answer their questions with 'no comment'**
- Even if you don't think you have anything to give away, say 'NO COMMENT' to protect other people, especially people who may be most at risk of police violence

Evidence Gathering Officers



- Evidence gatherers
- Typically seen filming crowds/ individuals
- Anyone is allowed to film in public - the police have no more of a right to film you than you have to film them
- Don't have to comply with filming by the police - can cover your face (wear a mask)/ move away from camera
- Also use cameras mounted on top of vans
- Recently, we've seen deployment of Facial Recognition Technology
- Police officers all wear body worn cameras

Kettling/Containment



- A kettle is where police surround a crowd (small or large), preventing individuals from leaving
- There is no limit for how long they can contain you and no requirement for them to provide food, water or allow toilet access
- You **do not** have to give your personal details when leaving a kettle with the exception of powers under section 50
- Ask 'under what power?' and call the protest support line

Sec 12 & Sec 14 Public Order Act



Under this section, the police **can set restrictions on protests**

We'll come back to this later

Aggression, Intimidation and Lying



Remember the role of the police is not to 'be on our side'.

They often lie & are aggressive and/or physically violent towards protesters

Police are especially aggressive and violent towards protesters from marginalised groups, especially Black people, as the police are institutionally racist

Remember: there is such thing as a friendly chat - say 'no comment'!

Breaking up protests into good & bad protesters



Police may **physically split up protesters** into smaller groups.

They then may try to **label some protesters as 'good' and some as 'bad'**, in order to create mistrust within activist communities and encourage self-policing.

Don't trust the police, stick together & support each other

What are the 5 Key Messages?

5 min. break



Stop and Search



- Police are only supposed to use stop and search to **prevent** a crime from happening or to **investigate** a crime that has already happened
- Commonly used as a racial profiling tool and is incredibly discriminatory
- According to the Home Office stats, under certain search powers, Black people were up to 40x more likely to be searched
- Can be really difficult to prepare for
- If possible, be there for others who are being searched

Stop and Search - what do I do?



- Try to stay calm
- 'Am I being detained?'
- 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**
- Can ask for an officer of your binary gender
- Record the search
- Have the right to collect confiscated items at a later date, without giving personal details

What are the 4 Ws and the 5 key messages?

Stop and Search - powers



Two common types of search powers used at protests:

- 'Reasonable personal suspicion' under S1 of PACE or S23 Misuse of Drugs Act 1971. You are entitled to ask what their suspicion is based on. If they say you fit a description of someone seen committing a crime, ask what the description is.
- A blanket power e.g. S60 - allows officers to search for an offensive weapon. They cover a specific area and are time constrained

Who are these guys?



Private Security



- Often wear uniform similar to that of police
- Often rougher and less predictable than police
- No more powers than 'ordinary' citizens and do not have powers of arrest
- Can use reasonable force to remove trespassers
- Can detain people using reasonable force if they suspect a serious crime has or is about to be committed
- Reasonableness of the force used would be determined in court later

What do Legal Observers do?



Legal Observers



- Independent volunteers who support the legal rights of activists. They are NOT lawyers
- Can provide bust cards and are a witness of police behaviour
- Witness, monitor, and report arrests
- Take notes on police actions at protests
- LOs may ask for your name. Is up to you - you may wish to give a pseudonym
- Contact ILON if you need LOs for an action - legal-observer-network@protonmail.com

**What should you bring/ not bring
to an action?**

What to bring to an action?



- Bust Card - Know what solicitor you are going to use
- Some cash
- Minimal/no ID
- Cheap phone
- Generally, no valuables
- No knives or drugs
- Medication

Communication and Language:



- Signal Messaging App
- ProtonMail
- Don't use words like 'arrestable', 'organiser' or 'leader'
- Don't talk about your role in an action on social media
- Leave your smartphone at home
- Make sure someone knows you are at the action
- Under 18s: Remember or write down the phone number of your 'appropriate adult'

Common offences



Section 12/14

- Conditions can be imposed (as they appear necessary) to prevent '**serious disorder, disruption of the life of the community, or intimidation**'
- Conditions can **restrict the place, duration and number of people allowed**

PCSC Act UPDATE (in force from **June 28th 2022**)

- conditions can now be imposed based on **prospect of noise** causing serious disruption, alarm, unease, distress intimidation, harassment
- To be convicted, the police and prosecution now only need to show you **ought to have known** or knew of the conditions
- *Advice remains same: Don't see it, don't say it, sorted!*
- Max sentence: fine of £2500. First time offenders likely to get fine of £200



Wilful obstruction of the Highway



- Power often used to remove demonstrators who are standing outside buildings, sitting blocking entrances, or roads
- ‘Highway’ includes road, pavement, grassy verges and private property used as a public thoroughfare
- Police often give warnings (though not a legal necessity) so they can prove the offence was wilful

PCSC Act 2022 update - **already in force** (from 12 May):

- No longer a defence to say the highway was already blocked
- Now a recordable offence i.e. finger prints etc.
- Max sentence increased: 6 months AND unlimited fine. First time offenders likely to get fine of £200

Aggravated Trespass

- Trespass is when you are on someone else's property without permission. It is a civil matter, so police should not get involved
- Aggravated trespass is where you trespass with intent to prevent people from going about lawful activities. This is a criminal offence so the police can get involved
- A useful defence in court is to show that you did not prevent people going about their lawful business
- Max sentence: fine of £2500 and/or 3 months imprisonment. First time offenders likely to get fine of between £200 - £300



PCSC Act 2022 update - in force from **28th June 2022**:

- Not allowed to return to the land for 12 months (previously 3mo)

Criminal Damage

- Intentionally or recklessly damage property of someone else (use of chalk spray / super glue)
- If you cause less than £5000 worth of damage you will be tried in a Magistrates court. If over £5000, you would be tried in a crown court (where sentence can be higher, but you also can speak to a jury rather than just a judge)
- Penalty depends on whether damage was under or over £5000 and also the value of damage caused



PCSC Act 2022 update - in force from **28th June 2022**:

- Damage to a memorial is triable either way
- If in Crown Court - sentence of up to 10 years is possible (although unlikely)

Section 50 - Police Reform Act



- Under s50 of the Police Reform Act the police have **the power to demand your name and address** if they suspect you have been or are currently engaging in anti-social behaviour.
- ‘Ask under what power?’ and call the protest support line
- Widespread use of this power on protests would likely be unlawful but we can’t know if there’s exceptions till we see a case in the higher courts

Public nuisance



- You are guilty of this offence if you did something that is not warranted by law and by doing this you endangered the life / health / property / comfort of the public or you prevented the public from going about their lawful activities

PCSC Act 2022 - not in force yet:

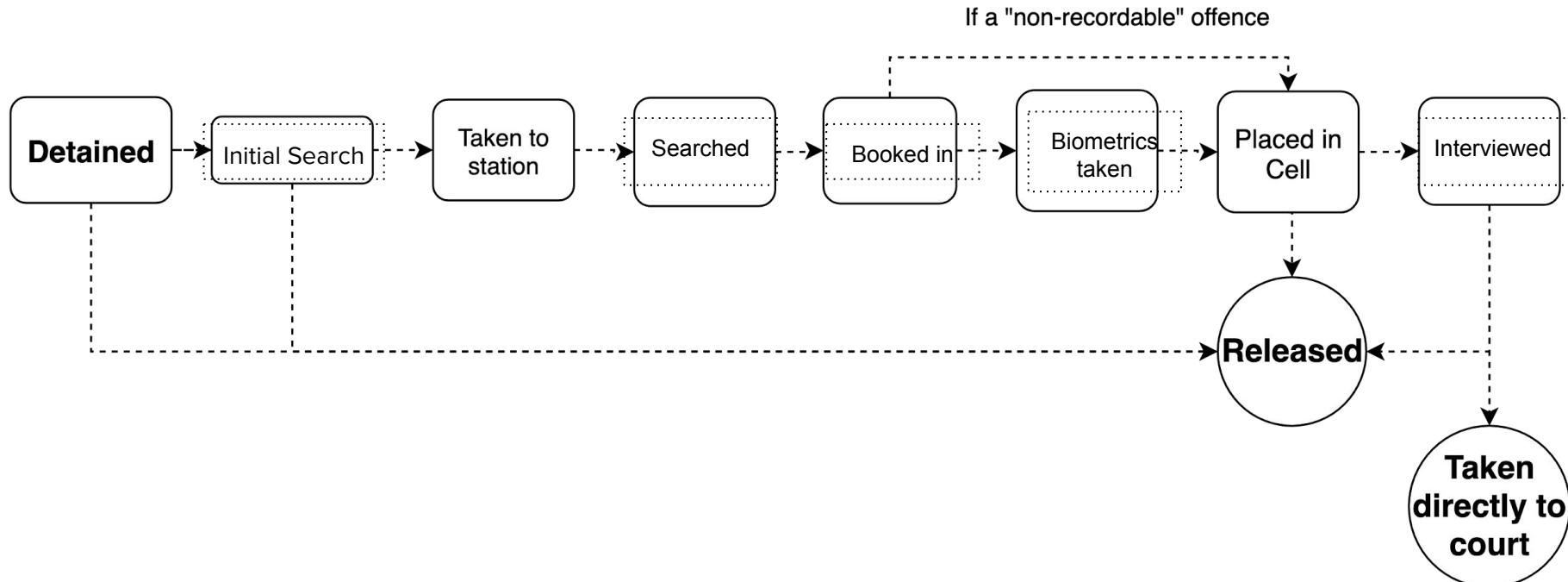
- Max penalty reduced from life imprisonment to 10 years
- Previously this was a common law offence (i.e. from case law)
- Sentencing guidelines have not yet been written

5 min. break



What are the 5 key messages?

What happens when you get arrested?



Initial arrest



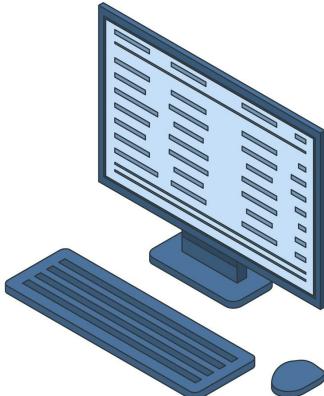
- Sometimes the police will give you a warning, but it is not a legal necessity and they often don't
- You will be cautioned (not the same as being given a caution - we'll look at later)
- You should be told which police station you are being taken to - tell your friends if possible
- You will then be patted down and taken to a police van

In the Police Van



- Could be there for a while
- Revisit the 5 key messages and remind others of them - if they don't have the name of a lawyer listed on the bustcard, give them the name of the one you are using
- You are being recorded
- Do not give personal details at this stage as you do not need to give them. You may be de-arrested

Booked in & Personal details



- You will then be processed and asked a lot of questions at the custody desk
- You might wish to give your name, address and DOB and nothing else - answer 'no comment' to all other questions (including ones on nationality)
- Tell them you want to speak to your solicitor and give them the name of the firm
- Mental + Physical health questions
- You should also want to tell them about any medication you take or if you need medical attention

Phone calls



- You have the right to make a call to a solicitor and to have someone informed of your arrest
 - Call a protest-experienced solicitor off of your bust card
 - Call the Protest Support Line on 07946 541511
- As a minor (under 18) or a 'vulnerable adult', you also have the right to call an 'appropriate adult', which is usually a parent/legal guardian (minor) or social worker (adult).

Biometric Information

- The officer will take your photograph, fingerprints, DNA.
- They can use 'reasonable force' if you don't comply
- There is one main exception where you are not required to give your recordable data (ie the above) - and Breach of the Peace. If you are arrested for this you can refuse to give this information.
- Note: if detained for breach of the peace, you should refuse to give any details. This is not a criminal offence, and they should release you once the breach is over

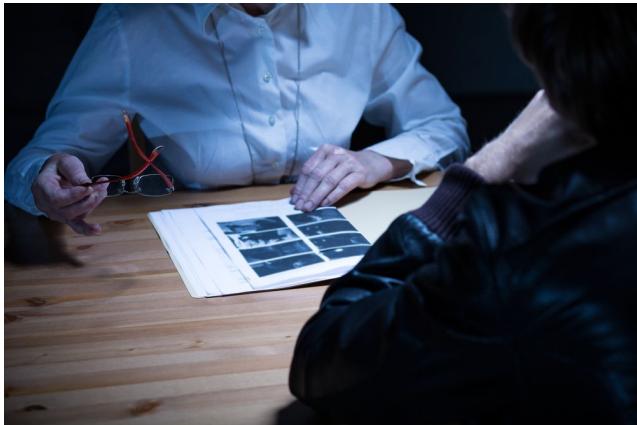


Rights in Custody



- Free legal advice whenever you like
- Have someone informed about your arrest
- A copy of PACE Codes of Practice
- An interpreter if English is not your first language
- Regular meals that meet your dietary requirements
- Water, tea or coffee
- Warmth-blanket, jumpers and pillow
- Lights to be dimmed if you want to sleep
- Medical attention if injured

Interview



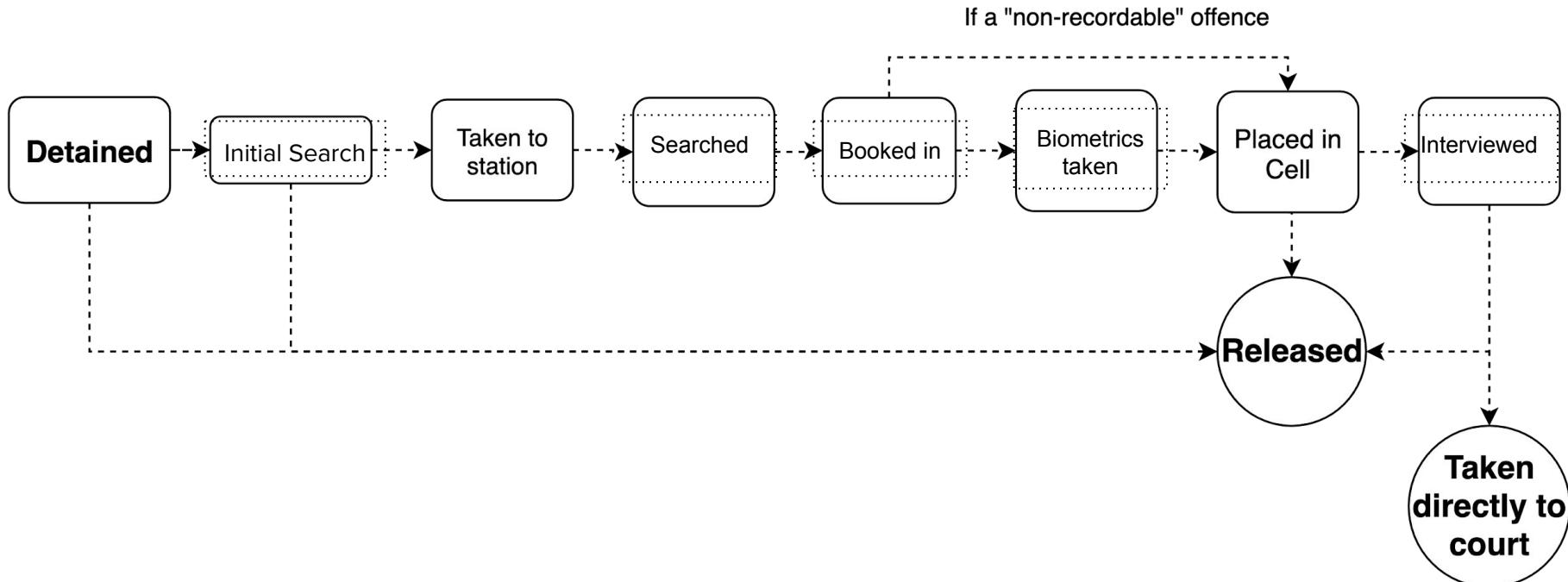
- Free legal advice - no duty solicitor
- No Comment interview is strongly suggested
- The police may try to trick you into speaking or incriminating yourself
- Stick to 'no comment' unless advised by your protest-experienced solicitor to do otherwise

Release



- They should only hold you for a maximum of 24 hours (except for serious offences)
- Often arrestees are released in the middle of the night
- Sometimes your belongings can be held as evidence until your court appearance
- Call the Protest Support Line - 07946 541511

What happens when you get arrested?



Post-Arrest - legal situation

Being arrested does NOT mean you will have a criminal record or punishment:



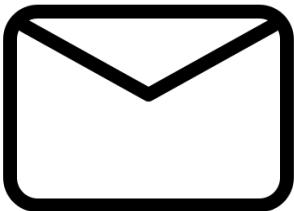
- You may be released with no further action: that is an end to it
- You may be released under investigation
- or on police bail with conditions
- The police may charge you straight away or after investigating further
- ONLY if charged will you be taken to court for a trial
- ONLY if found guilty at a trial will you have a criminal record
- You may be offered a caution at the police station, don't accept.

Very few demonstrators are arrested and of those very few end up with a trial and even fewer end up with a conviction.

Contact courtsupport@protonmail.com if you have been arrested or received a summons to court

Phone the protest support line 07946 541 511 to talk through your situation

Post-Arrest



Possible consequences of Arrest:

- Psychological
- Financial - court fines, court costs etc.
- University / Education
- Non UK citizens may be affected
- DBS Checks
- Travel + Visas

Contact courtsupport@protonmail.com if you have been arrested or received a summons to court

RECAP

**In the chat:
5KMs?
4Ws?
Who you gonna call??**



Questions



Protest support line:
07946 541 511

greenandblackcross.org

Feedback

- One thing you think we should stop
- One thing we should keep doing
- One thing we should add or change