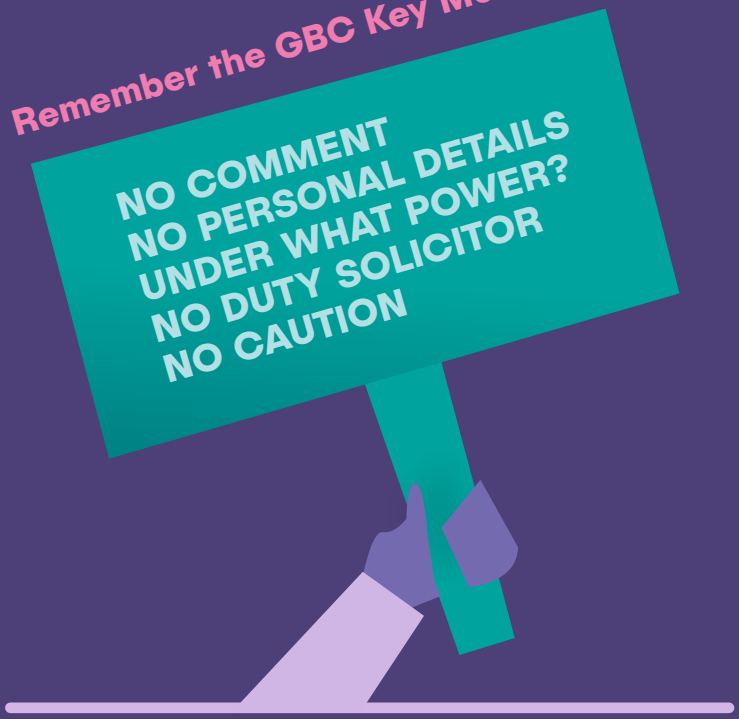
April
2021

A GREEN AND BLACK CROSS
GUIDE TO

GBC

Remember the GBC Key Messages



Recommended Solicitors:

Irvine Thanvi Natas (ITN): 0203 909 8100
Hodge Jones Allen (HJA): 0808 274 8226
Bindmans: 0207 305 5638
Kellys (outside of London): 0800 387 463

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Introduction

Going on a protest?
Organising an action?
Trying to build a movement?
You need to know your rights.

This guide will give you a brief overview of your rights while protesting in England and Wales. It will explain what happens and what your rights are when you are arrested, how GBC can support arrestees and anyone who witnesses an arrest, what happens and what your rights are during a stop and search, and specific considerations for people of colour or BAME people, people who aren't British nationals, and transgender people.

This guide is compiled from the experience of many activists over many years, but won't tell you absolutely everything about protest law. It's not necessary to be well-versed in specific laws to know your rights while protesting. The police will not always adhere exactly to the law, and you can be arrested for one offence then charged with another. Also, many people are not prosecuted for what are technically offences.

This guide should therefore provide the key points to remember when protesting so you are ready to get out on the streets.

If you have specific questions, get in touch:
Activist Court Aid Brigade: courtsupport@protonmail.com | **07946 541 511**

When getting in touch, keep your questions hypothetical:
Not: 'I did/I'm planning this. Might they come knocking on my door?'
Rather: 'If somebody were to do this, what might the consequences be?'

Key Messages

1. **No Comment**
2. **No Personal Details**
3. **Under What Power?**
4. **No Duty Solicitor**
5. **No Caution**

NO COMMENT

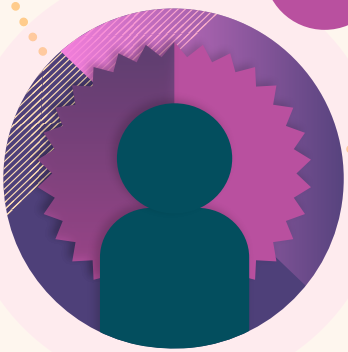
We recommend talking to the police as little as possible. They are constantly seeking to gather information about demonstrators. Don't give them a chance! Even if it seems that they are trying to have a 'friendly chat', they are trying to get details about you and others.

Help protect yourself and others by answering 'no comment' to any questions the police ask you. In particular, if you are arrested, respond to all questions with 'no comment', even in an interview. You may damage your defence case if you answer questions. Further information is available on the GBC and LDMG website

Police Liason Officers

Police Liaison Officers (PLOs) are police officers sent to gather intelligence and spread unhelpful messages on protests. PLOs usually wear baby-blue, and are chatty and smiley. A senior PLO has stated in court that their role is to gather information on protestors, and to encourage 'self-policing' – that is, to get you to undermine your own protest. **Remember: No Comment.** We recommend people ignore them, walk away if approached and **never take pieces of paper from PLOs.**

NO PERSONAL DETAILS



The police want to know who you are. If they ask you, challenge them: 'Am I legally obliged to give you this information?' If you are stopped and searched or arrested, there is no obligation to give any personal details. This includes your visa status. Two important exceptions to this are if:

1. You are driving a vehicle
2. The police want to issue you with a fixed penalty notice or a court summons.

Under these circumstances you are required to give your name and address **only**. The police can also legally require you to provide your name if they suspect you of anti-social behaviour (defined as any behaviour that could cause harassment, alarm or distress).

In some cases the police have threatened to use this power against demonstrators who have refused to give their details in custody. However, they have had little to no success in this and the charges are usually dropped before any court date.

If you are arrested and refuse to give your details they may keep you in custody for a longer period.

UNDER WHAT POWER?

The police have to have a legal basis to require you to do or not do things. Often, you are not legally obliged to follow police orders, but the police are hoping that you will simply obey them.

If a police officer tells you to do or not do something, ask: 'Am I legally obliged to do/not do X?' If they say yes, ask them 'Under what power?'

Make them explain the legal basis for the order. Make a note of what was said and by whom (record their shoulder numbers), as soon as possible.

Don't let them turn this into a situation where they ask you questions – just walk away once you have your answer, and remember: **No Comment!**

NO DUTY SOLICITOR

If arrested you are entitled to legal advice from a solicitor. Support from a solicitor at a police station is free.

We do not recommend using 'duty solicitors', who are based at police stations, as usually they have no experience of representing protesters and often give bad advice.

Until you get to speak to a recommended solicitor, respond to all questions with 'no comment'. This also applies if you think you would like to represent yourself in any future court proceedings.

We recommend:

Irvine Thanvi Natas (ITN): 0203 909 8100
Hodge Jones Allen (HJA): 0808 274 8226
Bindmans: 0207 385 5638
Kellys (outside of London): 0800 387 463

For more options outside of London, check out the Netpol solicitors list at netpol.org/criminal-solicitors

NO CAUTION

Offering you a caution is a way the police can get you to admit guilt for an offence without having to charge you. It is an easy win for the police, as they don't have to provide any evidence or convince a court of your guilt. We recommend not accepting a caution, particularly not at the police station.

At the very least, you should never accept a caution without taking advice from one of recommended solicitors in this section.

Representing yourself

If you do decide to represent yourself in court, please get in contact with GBC or the Activist Court Aid Brigade as they may be able to provide support in the form of what are called ***McKenzie Friends.***

Notes

What happens if I get arrested?

Most people who attend demonstrations do not get arrested. However, if this does happen, it's good to be prepared: know what the process is and what your rights are while in custody.

Stage 1: Initial Arrest

You should be told why you are being arrested and the name or number of the arresting officer.

You should ask what station you are being taken to, although at large protests the police officers do not always know.

You will be searched – usually a 'pat down', where you are touched on your arms, legs, back and chest and asked to empty out your pockets. This should be done by an officer of the same gender as you.* In a public place, officers can make you remove outer clothing such as a coat and hat, but cannot make you take off your shoes.

You will probably be handcuffed.

The police are only allowed to strip search you if there is good reason to believe that you are concealing an item such as a weapon or evidence or drugs, and this must be done in a private place. Please note: a police van does count as a private place, for the purposes of the law.

If you believe you are being or may have been strip searched in an attempt to humiliate and/or punish you, you can make a complaint against the police *(see p.25).*

** If you are transgender and have concerns about being misgendered by the police, please see p29 for more information*

Stage 2: Transfer to the Station

You will be taken to the police station. You may be taken by yourself, or along with other arrestees.

There is no such thing as a friendly chat with a police officer, so even if they attempt to strike up a conversation with you on your way to the station, which they often do, it is best not to engage.

If you have been part of a mass arrest and are in a van or car with another person or people, you could use the time to tell them about the key messages, in particular: **No Comment, No Duty Solicitor, and No Caution.**

The police could hear and/or record any conversation you have with fellow arrestees. Do not say things to other arrestees you would not say to a police officer. This could harm your defence in court if you are charged with an offence. **Remember: No Comment.**

Stage 3: At the Station

You will get 'booked in' at the police station. This will involve:

- Your personal belongings being taken from you
- The police asking you for personal details
- Being photographed, fingerprinted and having your DNA taken.

a) Personal Belongings

These will be taken from you and listed on the custody record and usually you will be asked to sign to say that the list is correct. You do not have to sign and you should definitely refuse to sign for something which isn't yours. These could be held as evidence, so you might not get them back until the end of the legal process (e.g. after a trial) rather than when you leave the station.

b) Personal Details

You do not have to give any details when arrested or at the police station. You are only legally obliged to give your details if and when you appear in court.

If you don't give a name and address at the police station, it may delay your release, but they can only hold you for 24 hours (except for more serious offences) and must then charge or release you, even if they don't have your details.

If you do decide to give your details, you only need to give your name, address and date of birth. Giving a false name in order to commit fraud or evade police follow-up is an arrestable offence in itself. However, some people have more than one name, and/or some people may use a different name to what is written on their official documents. Giving your name is not an offence.

People are sometimes arrested just so police can gain personal information about protesters, thus never give any details before being 'booked in' at the custody desk.

Police will attempt to verify any details you give, perhaps by looking you up on the police database or sending local police around to the address you have given to confirm you live there. If they can't verify this, they may not release you on bail.

c) Photographs, Fingerprints and DNA

After attempting to record your details, the police will take your photograph. You don't have to comply, but they are allowed to use 'reasonable force' to view your face.

They will take your fingerprints and DNA. Again, you don't have to comply, but they are allowed to use 'reasonable force'. Two important exceptions are being arrested for Breach of the Peace (not a criminal offence) and Obstruction of the Highway (a 'non-recordable' offence) – they should not take fingerprints/DNA if arresting for these offences and you can and should refuse to comply.

What is 'reasonable force'?

The law says that the person using the force – i.e. a police officer – has to believe that the force was justified and 'not excessive'. People of colour and black people in particular are disproportionately subject to the use of force by the police.

The police force has been shown to be institutionally racist. This racism is likely to inform what levels of force are considered 'reasonable'.

You will then be put in a cell. You may end up waiting there for a long time – the police can hold you for up to 24 hours (and in rare cases, this can be extended up to 36 hours)

Your Rights in Police Custody

You have the right to legal advice and to have someone informed of your arrest.

You have the right to free legal advice if you are being interviewed. If you are not being interviewed, the police may tell you it will cost you money to get advice from your chosen solicitor. Our recommended solicitors (**on page 7**) will ***never charge*** for police station support. In this situation, tell the police you are willing to accept any financial charges to get advice from your chosen solicitor and then call one of the firms listed on page 7.

If you have a solicitor coming, refuse to be interviewed before they arrive. If they can't be contacted within a couple of hours then you may decide

to give a no comment interview on your own, i.e. answer 'no comment' to all questions. The police might try to convince or scare you into answering questions, but remember: **No Comment**

You have the right to have a person informed of your arrest in addition to the call to your solicitor. You also have the right to:

- A copy of the PACE codes leaflet. This tells you your rights in custody – ask for it
- An interpreter if English isn't your first language
- Food that meets your dietary requirements – e.g. allergies/vegetarian/vegan/religious requirements
- A doctor if feeling unwell
- A warm cell, including blankets and cups of water/tea/coffee
- A religious text like a Bible or Qu'ran.

If arrested on a protest, we recommend you call us on 07946 541 511.

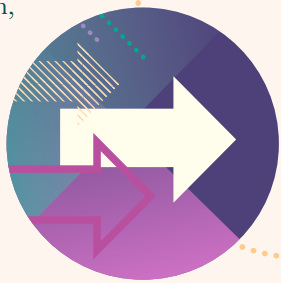
We can liaise with your solicitor on your behalf, arrange support for when you get out, and give further support post-release. We may also be able to keep friends/family updated.

If you are under 18, have learning difficulties or mental health problems (even if you do not have a formal diagnosis): a parent or guardian or appropriate adult must be called and present for any interview. The police may find a social worker, but we recommend against this. They may not agree for an appropriate adult to be someone already with a criminal record or involved in the action.

Mental Health Issues in Custody

Some of the questions you will be asked when you are booked in at the station will concern your physical and mental health (including whether you have a history of self-harm). The stated purpose of these questions is to ascertain whether you have any disabilities and/or pre-existing health conditions which may put you at risk while you are in custody.
It is important to realise that if you tell the officer booking you in that you do have mental health problems and/or a history of self-harm OR answer no comment to those questions, the police are very likely to regularly check up on you when you are placed in a cell. This can be unpleasant and seriously disrupt any attempts at sleep.

If you think you are likely to be arrested on a demonstration, it is worth considering how you will deal with this. Our recommendation is to do whatever makes you feel safest.



What happens next?

You may be:

- Released under further investigation (RUI) – this means that the police do not have enough evidence to charge you at the point of your release, but they are going to carry on investigating. For less serious (summary) offences, the police and CPS have six months in which to decide whether or not they want to charge you and take you to court. For other offences, the six month time limit does not apply.
- Released from the station with No Further Action – this means the police do not intend to do anything more about this particular arrest
- Released on police bail, to return to the police station at a later date
- Charged with an offence and given a court date to appear in court
- Taken straight to court on the next working day to answer charges
- Released with a caution – this should only happen if you have taken advice from a protest-experienced solicitor (see list on page 7).

Be aware that failure to surrender, i.e. not turning up on the date given on your bail sheet (whether to a court or to return to a police station) is a crime.

Bail

Bail is a release from police custody to await charge or court, which may have conditions attached. The time allows the police to gather evidence against you and for the Crown Prosecution Service to decide what to charge you with. Your case may be dropped whilst you are on bail, or you may have to return to a police station, or to court.

You may have conditions attached to your bail. These often specify certain areas that you cannot enter, or types of protests that you cannot attend.

Bail conditions can be challenged, both at the time of release, and at a later date. A good solicitor **(see page 7)** can help with this. There is often a wide variation in bail conditions, even for people arrested at the same protest on the same day. Please let us know what your conditions are. If you are bailed to return to a police station:

On your return, you are likely to be interviewed. You are entitled to have a solicitor present and an appropriate adult if you are under 18. All solicitors will attend this bail interview for free. If you decide to go without a solicitor we recommend giving a 'no comment' interview. This simply means not answering any questions or saying **'No Comment'** in response.

There are 4 possible outcomes when bailed to a police station:

- You could be given 'No Further Action' – the case against you is dropped. This could also happen before your bail date - you then would not have to attend an interview.
- You could be re-bailed to a later date. If this happens solicitors can try to challenge the police's decision.
- You could be charged. You can be charged with a different offence to the one you were arrested for, based on evidence or legal advice police have obtained during bail.
- You could be offered a caution. We strongly advise that you do not accept a caution.

Breaking Bail Conditions

The consequences of breaking bail conditions depend on whether it was the police or a court that imposed them. Magistrates take breaking of conditions set by them much more seriously. If you break bail conditions set by the police, however, you can be arrested, but then the police have to decide whether to:

- Release you on bail again with the same conditions
- Charge you with an offence, and then either bail you or take you to Court the next day.

The police aren't often interested in charging you, because if they do they will have to tell you what you're suspected of doing and what the evidence is against you. Knowing this will help your defence by enabling you to gather information and witnesses of the incident. You'll also be able to demand disclosure of the police's own possible misconduct.

The police often do not arrest people for breach of bail. The only cases we know of recently are of people arrested for returning to ongoing protest sites – which underlines that that the police use this tactic to prevent and disrupt protest.

GBC and LDMG have good info on breaking bail conditions, available at greenandblackcross.org and ldmg.org.uk

Some people may be concerned that if they are taken to court for breaking bail, the court will hold them on remand. This is very rare. The courts take failure to surrender to the police far less seriously than failing to turn up in court, and CPS guidelines state that failure to answer police bail should not be prosecuted at all where the substantive case is dropped.

Cautions

A caution is an admission of guilt and stays on your record for 6 years. It can affect visas, travel, and job applications.

Often the police offer cautions in 'Public Order' cases when the evidence they have is weak. It's an easy result for them: an admission of guilt without having to present evidence against you.

We strongly recommend that you do not accept a caution except when you have been advised to by a solicitor with experience of protest law (**see page 7**). If you are advised to accept a caution, make sure you are clear why your case is an exception to the rule.

Do not follow advice from a duty solicitor to accept a caution.
If you have accepted a caution, it might be possible to appeal it, especially if you did so without any legal advice. Get in touch with a good solicitor who can advise you.

It is also possible that the police could come to your house at a later date, or ask you to come into the station to answer questions. If you are being arrested, follow the advice above. If you are not being arrested, you are not obliged to go to the station, and remember: **No Comment**. You do not have to answer their questions.

Notes

How GBC can support you and others after an arrest

We are a grassroots legal support group. If you have been arrested at, or in relation to, a protest, then we can offer support through the post arrest period and beyond.

Please get in touch either by calling 07946 541 511 or emailing courtsupport@protonmail.com

We can help with:

- Information specific to your case
- Guidance on collating evidence
- Seeking witnesses and gathering other evidence for your case
- After mass arrests, organising defendants' meetings
- Linking you up with court support.

If you have witnessed an arrest, we want to hear from you! Please get in touch either by calling **07946 541 511** or emailing **courtsupport@protonmail.com**

We are **NOT** a solicitors firm, so you will also need to find a solicitor to represent you, or you may wish to represent yourself. If you want support in doing so, contact the Activist Court Aid Brigade at courtsupport@protonmail.com

Stop and Search

What are Stop and Searches for? The police are supposed to use Stop and Search powers when they believe it will prevent a crime, or when investigating a crime that has taken place.

Police often stop and search people for other reasons:

- Intelligence gathering: to learn more about the area or event they are policing and the people involved
- As an intimidation tactic and to exert control on a protest or in a community, especially minority communities. Black men are up to 40 times more likely to be stopped and searched than their white counterparts, under certain search powers.
  Remember: **No Comment, No Personal Details.** The police cannot legally compel you to answer questions or hand over personal details (including your visa or immigration status), so don't.

On what grounds can I be searched?

The law states that you can only be searched if a police officer has a reasonable suspicion that you may be carrying something illegal or something that can be used to commit an offence and you are likely to do so. This forms the *grounds of the search*.

A reasonable suspicion must be evidence based, eg. if you match a description of someone seen to commit an act of vandalism.

You are entitled to ask what their suspicion is based on and, if they say you fit a description of someone seen committing a crime, ask what the description is.

Suspecting you personally

Usually the police need to have a reason to suspect you personally. The police often search using a piece of law known as Section 1 of PACE (Police and Criminal Evidence Act 1984).
Using this power, you can be searched for the following items, provided that there is reasonable individual suspicion:

- Items that could be used for burglary/theft
- Stolen goods
- Offensive weapons
- Bladed articles
- Items that may be used to commit criminal damage (including spray paint, and even chalk or marker pens).

There are other specific laws that allow an officer to search you. They include the power to search for drugs or explosives which also always require reasonable suspicion. If you feel that a stop and search under PACE was not based on a genuine suspicion of you personally, you may have been unlawfully stopped and searched. You can make a complaint easily using Y-STOP's app.

Under Section 47A of Terrorism Act 2000, if the police have 'reasonable grounds' to suspect that you are a terrorist they can search you for evidence that this is the case. What is considered 'reasonable grounds' in this case is likely to be racialised and could probably be challenged in court – please get in touch with GBC if you experience this. It is not used often on protests.

Y-STOP have an app which makes registering complaints against the police quick and easy, you can download it at **y-stop.org**

If you wish to take a discrimination claim against the police, contact one of the solicitors on Netpol's recommended solicitors list: **netpol.org/civil-solicitors**

You can always get in touch with GBC for support if you wish: **courtsupport@protonmail.com**, or 07946 541 511

Blanket Search Powers

There are also two search powers – referred to as 'blanket' powers – that allow the police to search people without having reasonable personal suspicion.

Section 60 of the Criminal Justice Act 1994

This is a power put in place by an Inspector that allows a police officer to search anyone in a specific area for offensive weapons. The order lasts for 24 hours but can be extended by a Superintendent.

Section 47 of the Terrorism Act 2000 (Remedial) Order 2011

This is a power put in place by a senior officer in a specific location where they reasonably suspect that an act of terrorism will take place. This allows the police to search anyone or anything for the purpose of prevention of terrorism.

What happens during a Stop and Search?

Before any search, you should be told:

- The officer's name and the police station they are attached to
- That you are entitled to a receipt of the search
- The law under which they are searching you and what they are searching for
- The grounds to suspect you, or that a blanket search power has been granted and what it is

What can the police do?

The police have the power to search you, your clothes and look through any belongings you have with you. The police officer must tailor the search to suit what they are looking for. For example, if they say they are looking for bolt cutters then it would be unreasonable for them to look in your socks (although that will not necessarily stop them).

If you are trans and being misgendered during a stop and search, you have the right to ask that your gender be respected: gender and gender reassignment are both protected characteristics under the Equality Act. If you are non-binary, it is unlikely you will be searched by an officer of the same gender as you.

If you're in a public space, then the officer can only ask you to remove your outer clothing and give you a pat down and/or turn out your pockets. This should be done by an officer of the same gender as you 'where reasonably practicable'.

Outer clothing would include: coat, hat and jumper if you are not wearing a coat. Outer clothing would not include: shoes, t-shirt or trousers. You can be taken into a private area, such as a police van, where the search can be continued with the removal of more items of clothing. This must be done by an officer of the same gender as you.

What can I do?

The police will ask questions and may also try to make small talk during the search. You do not need to speak to them. You do not need to answer any of their questions. You can simply answer 'No Comment'.

If you have chosen not to give the police any of your personal details, and in the course of the search they come across an item with your name on such as a bank card, driving licence or letter, they may choose to record this as part of a description of you. You could consider leaving items that can be used to identify you at home.

Remember:
No Comment.
No Personal Details.

If you are carrying a phone, lock it. This will prevent officers casually looking through it. A police officer searching you wouldn't normally have any reason to look through your camera. They have no power that allows them to delete photos from a camera or phone.

Getting a receipt

You are always entitled a receipt from a Stop and Search. The searching officers should make every attempt to provide one immediately unless there is an urgent matter to attend to.

If an officer can't provide you with one at the time of the search then they must tell you where you can collect it at a later date. We recommend that you push for one as it is material evidence that the search occurred and it may be useful if you wish to file a complaint at a later date.

Some police forces are switching to only issuing digital receipts. If your searching officer states this is the kind of receipt you will receive, ask whether they can actually issue you with a physical receipt and just don't want to and, if they say that only a digital version is available, ensure that the officer explains to you how this receipt can be accessed.

Leaving Kettles

A common police tactic to contain protest is to cordon everyone off in one area, otherwise known as kettling, often up to hours at a time. When they decide to let you out, you may be placed in front of a camera and asked for your personal details. They may threaten to place you back inside if you refuse to co-operate. This is not a lawful basis to oblige someone to give personal details.

Although this is contrary to what the police will tell you, in our experience if everyone refuses to give their details, the police get bored of asking and let everyone out sooner.

Notes

What if I am a person of colour/Black, Asian or Minority Ethnic person?

Race is a protected characteristic under the Equality Act 2010. This means that it is unlawful to discriminate against anyone because of their race.

However, the police are institutionally racist, and this means that extrajudicial killings of black men occur (such as those of Mark Duggan and Sean Rigg) and no police officer is held to account. It means that people of colour, and in particular black people, are arrested, charged, sentenced and imprisoned in the UK at disproportionate rates and at disproportionate severity to their white counterparts. You are much more likely to be stopped and searched as a person of colour, and as a black person in particular, than your white counterparts.

At GBC we have seen multiple instances of people of colour being singled out on protests for arrest and police violence.

Migrants are racialised in the UK, and so if you are a person of colour the police may ask you about your visa status. Whether you are a migrant or not, remember: **No Comment, No Personal Details.** You do not have to give your visa status to the police unless you personally are suspected of an 'immigration offence': being a person of colour is not lawful grounds to request your visa and would be discriminatory.

Religion is another protected characteristic under the 2010 Equality Act. This means that it is unlawful to discriminate against anyone because of their religion. However, Islamophobia informs society more broadly, and counter-terrorism approaches specifically,

and so many Muslims face discrimination on the grounds of their religion at the hands of the police.

While the Equality Act, in theory, means that you should not be treated any differently as a person of colour or as a Muslim, the reality is very different. But if you feel that you have been discriminated against on the basis of your race or your religion, you may be able to make a complaint to the police or take civil action against them.

Making a civil claim against the police

If you want to make a complaint to the police or take a civil claim against them, get in touch with one of NetPol's recommended civil solicitors here: **netpol.org/civil-solicitors**

If you were arrested with a lot of other people and feel that many/all of your arrests may have been unlawful, get in touch with us at courtsupport@protonmail.com and **07946 541 511** – we have successfully supported group claims against the police in the past.

Notes

What if I am not a British national?

Before you go to a demo, you should think about the risks you are able and willing to take. This is particularly important for people who do not have British citizenship, because the Home Office has the power and is becoming ever harsher. It can revoke visas/deport people even for minor things.

So what kind of risk are we talking about? Most mainstream protests in the UK are fairly predictable, no one gets arrested and everyone goes home happy. However, there is always the risk that the police will decide to arrest people regardless of whether they personally are involved in anything you might expect to get arrested for. Arrests are likely to be racialised, and therefore more likely to happen to people of colour. There may therefore be an increased risk for you.

Remember, just because you are arrested does not mean you will be charged or convicted. Get a recommended solicitor **(see page 7)**.

Some things it is important to remember:

- You don't have to carry your passport or form of ID in the UK – we recommend you don't.
- You never have to give the police your personal details if they are searching you.
- If you are arrested and decide to give your name at the police station, you do not have to tell the police your visa status, but they may look you up on any databases they can access.
- Answer 'no comment' to all police questions.
- If you are questioned at a police station, you are entitled to a translator as well as a solicitor if you'd like one.

Marches and Kettles

If you take part in a march on the planned route, there would not usually be any reason for concern.

If you stay aware of crowd and police movements during marches you can usually spot if there's a police clampdown coming and choose to remove yourself from an area before the police form a dense ring around you. This is known as kettling.

We encourage people not to panic – even if you are kettled you are unlikely to be arrested.

Almost all arrests at demonstration in the UK are for very minor offences – it is extremely rare to be arrested for something that could put you in prison. Furthermore, just because you are arrested does not mean you will be charged or convicted. That is why, if you are arrested, you should contact one ofour recommended solicitors **(see page 7).** Immigration Advice in the UK is regulated by the Office of the Immigration Services Commissioner. The Immigration and Asylum Act 1999 made it unlawful for anyone to provide unregulated immigration advice or immigration services. This is another reason why, if you are arrested, you should contact one of recommended solicitors (from page 7).

What you might do if policing of a protest escalates

If the police put on helmets and are holding round shields, or if there seem to be a lot of police, this may mean that the policing of the protest could escalate soon. This could mean that violence and arrests are more likely. You may want to think about what you would like to do if this becomes the case. First and foremost: don't panic! Perhaps you might want to leave if you are able.

Indefinite leave to remain

If you have indefinite leave to remain, getting into minor trouble with the police will usually not result in that status being revoked.

However, if you are applying for citizenship, you will need to prove your 'good character'. Usually citizenship will be refused if you have had convictions or even certain police cautions in the last three years.

Your indefinite leave to remain can be revoked and you can be deported if you receive prison sentence more than 12 months, but it is unlikely that this would happen as a result of an arrest at a demonstration.

If you have any further questions we recommend contacting Right To Remain on **contact@righttoremain.org.uk** or check out their website: righttoremain.org.uk

Tier 4 student visas

Most international, non-EU students are on 'tier 4' student visas. If you are on this type of visa, your 'leave to remain' can be curtailed (you lose this status and must leave the country) for many reasons and the Home Office has very broad discretion in deciding when to do so. Another thing to bear in mind is that your immigration status is based on you being a student. If you lose this status because the university decides to expel you (based on their internal disciplinary rules), you are also losing your visa (if you cannot transfer to another institution which can sponsor your visa).

What if I am transgender?

Transphobia is rife in society, and how you are treated by police may ultimately be down to the individual cop. However, the actions of the police during stop and search and arrest procedures are governed by the Police and Criminal Evidence codes, which are informed by the Equality Act 2010.

Gender reassignment is defined as a 'personal, social and sometimes medical process' and is a protected characteristic under the Equality Act. Even if the state does not officially recognise your gender, and you do not have it on your documents, your gender should therefore be protected when being stopped and searched or arrested.

UK law is currently unclear about non-binary people. This does not mean that if you are non-binary you need not be assertive about your gender if you wish.

No police officer can legally demand to know whether you have a Gender Recognition Certificate.

The law is (unsurprisingly) still transphobic – Annex L of PACE C, which explicitly addresses gender reassignment, says that police officers should ask your gender and respect it, unless your 'predominant lifestyle' is different from what officers decide.

If you wish to make a complaint about how you were treated by the police, please contact us on **courtsupport@protonmail.com** or **07946 541 511**

This does not mean you cannot insist on having your gender recognised.

You have the right to insist that your gender be respected. You may consider this particularly important:

- When being searched: it should be by someone of the same gender as you
- When being checked in at the station if giving your name: your name is your name, even if it is not on your official documents
- If the police wish to hold you in a cell with someone of the same gender as you or if you need access to medication, hormones, sanitary towels or birth control while in police custody: you can speak to your solicitor about needing these.

It is totally your decision as to whether you wish to do this. Some people would rather endure being misgendered during their time in custody. Do what makes you feel safest.

There is a GBC guide to Being Trans and Protesting available. Visit our website or contact us on gboresources@protonmail.com

FAQs

Can the police make me take off my mask?

If a Section 60AA (Criminal Justice Act 1994) order is in effect, a police officer can demand that any item you are wearing that is mainly used to conceal your identity, is removed. You don't have to be wearing this item at the time for it to be seized.

If a Section 60AA is not in effect, you can wear a face covering freely.

Can the police ask me to remove religious clothing?

Remember: a search should be proportionate to the reason for that search, so if they ask you to remove clothing, ask, "Am I legally obliged to do so? Under What Power?" What are they searching for? Why do they need to search for it inside that item?

Religion is a protected characteristic under the Equality Act 2010. This means that it is unlawful to discriminate against anyone on the basis of their religion.

When a Section 60AA is in effect, as stated above, you may be required to remove face coverings that are being used in order to conceal your identity. You cannot be ordered to remove a head or face covering, such as a hijab, except where the police officer has a reason to believe that it is being worn **only or mainly** to conceal identity. The fact that it happens to disguise your identity is not a reason, and would likely be discrimination on the grounds of religion.

Do I have to let the police take my photo/film me?

No. You do not have to comply with police filming. Unless you've been arrested, they have no more rights than you to take a photo. You are allowed to walk away or hide your face if they are filming or photographing.

Am I allowed to photograph/film the police?

Yes. If you are filming, be careful not to capture or upload footage, affecting personal privacy of protesters to the internet (there have been incidents where participants in demonstrations have been identified after videos were uploaded to sites like YouTube or Facebook).

The police have no power to delete any of your images or videos, and can only view it in very limited circumstances.

Beware that the police may be hoping to arrest you if they believe you may have sensitive footage. Resist and report attempts to inspect, confiscate or delete material, taking police shoulder numbers and senior officers' details down. The police cannot legally confiscate your camera without arresting you, and for that they must have a reasonable suspicion that you have committed a crime.

What rights do security guards have?

Private security guards technically have no more legal power than any other member of the public.

Like other members of the public, security guards can use 'reasonable force' to remove trespassers from private property, if they are acting as agents for the property owner.

In addition, like other members of the public, they can only make a 'citizen's arrest' (under section 24A of the Police And Criminal Evidence Act 1984) and are allowed to use 'reasonable force' to prevent a crime or if they have a reasonable suspicion that an offence has been committed. They can only make a citizen's arrest if they suspect someone of an indictable offence (serious enough for trial at a Crown Court). This includes criminal damage, but not aggravated trespass (not an indictable offence).

'Reasonable force' is open to interpretation, but it can mean restraint techniques and the use of handcuffs by trained security guards.

Additional know your rights resources

More on your rights on protests and in the courts system

Legal Defence and Monitoring Group: www.ldmg.org.uk
LDMG have a free booklet about ***"No Comment"***, downloadable here: ldmg.org.uk/files/No_Comment_5th_Edition.pdf

Network for Police Monitoring: www.netpol.org - includes a list of recommended solicitors for both criminal and civil cases (e.g. if taking the police to court)

Activist online security

Security in a Box (digital security tools and tactics): securityinabox.org/en
Tactical Tech - tacticaltech.org
FLOSS Manual on Basic Internet Security - tinyurl.com/y8lsgzfl

Making a civil claim against the police

NetPol civil solicitors list: netpol.org/civil-solicitors

Immigration Raids

Anti Raids Network: network23.org/antiraids

Facing Deportation

Right to Remain: righttoremain.org.uk
Immigration Detention: biduk.org

Squatting

Advisory Service for Squatters: squatter.org.uk

Injunctions

There is a detailed section about injunctions on the GBC website: tinyurl.com/ydxhynpg

Drugs Policies

Release: release.org.uk

Being sectioned under the Mental Health Act

Mind's resource on your rights when sectioned under the Mental Health Act can be found here: tinyurl.com/y92xd4el

Challenging PREVENT

togetheragainstprevent.org
Preventwatch: preventwatch.org

Housing

Shelter Shelter has various fact sheets on your housing rights in England here - shelter.org/get_advice

Your rights at work

The Solidarity Federation has a 2-sided document here called 'Stuff Your Boss': solfed.org.uk/know-your-rights

Notes

Notes

GBC Key Messages:

1. No Comment
2. No Personal Details
3. Under What Power?
4. No Duty Solicitor
5. No Caution

Recommended Solicitors:

Irvine Thanvi Natas (ITN): 0203 909 8100
Hodge Jones Allen (HJA): 0808 274 8226
Bindmans: 0207 305 5638
Kellys (outside of London): 0800 387 463

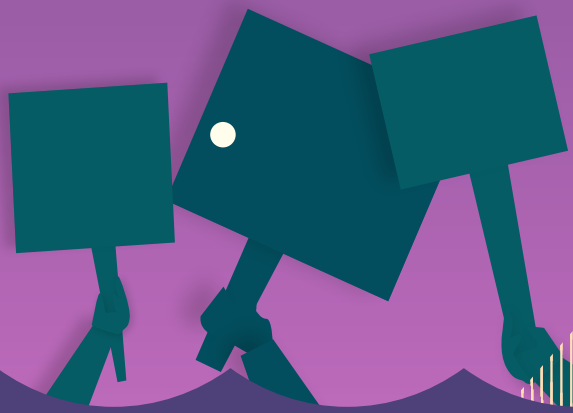
Going on a protest? Organising an action? Trying to build a movement?

You need to know your rights.

This guide will give you a brief overview of your rights while protesting in England and Wales. It covers:

- What happens and what your rights are if you are arrested
- how GBC can support arrestees and anyone who witnesses an arrest
- What happens and what your rights are during a stop and search
- Specific considerations for non-British nationals and transgender folk.

www.greenandblackcross.org
GBC legal hotline: 07946 541511



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