



# I've been Arrested! What Next?

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## I've been Arrested! What Next?

**NOTE:** we are only able to help with arrests following protest or actions. For any other reason please contact a [solicitor](#) directly.

It might have been unexpected, or you might have gone in knowing that the only way out was in handcuffs. Either way, an arrest can be a worrying time and information can be hard to come by.

You might have been:

- charged with an offence
- bailed to return to a police station
- released under investigation
- released without charge or bail
- released having accepted a caution

Your priorities now are to contact us, contact a solicitor, and write a statement of what happened. This guide runs you through those steps, and answers common questions on what happens next.

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## 1. How We Can Help

**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](#) as soon as possible.**

We can help with:

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

We are NOT a solicitors firm, so you will also need to find a solicitor to represent you.

If you have been arrested for an offence that is not protest related then unfortunately we do not have the capacity or expertise to advise you. Some of the advice may still be relevant, but we suggest you find a good solicitor to advise you further.



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## 2. Solicitors

You may already have a solicitor who represented you at the police station.

A solicitor can:

- help you to challenge bail conditions
- come to a bail interview with you
- represent you in court if you are charged.

You do not have to use a solicitor, but we usually recommend doing so. We think it is very important to use solicitors experienced in protest cases.

If you aren't currently represented but would like to be, get in touch with one of our recommended solicitors from the [Netpol solicitors list](#).

You may have already used a solicitor in the police station, but you can still change solicitors – for instance to a firm which is more local to you or with relevant experience in public order law.

You'll need to change solicitors BEFORE you sign legal aid paperwork, as you're only able to switch afterwards in exceptional circumstances (location and/or relevant experience are not considered exceptional enough).

If you've not been charged yet then you don't necessarily need a solicitor at this stage, but they can be quite handy! Without cost to you – regardless of eligibility for legal aid – they can help you to challenge your bail conditions and/or attend your bail interview with you.

If you are charged and are going to court, you will need to decide whether to be represented by a solicitor, or to self-represent.

You may be eligible for Legal Aid, meaning you do not need to pay to be represented in court by a solicitor. See our guide on legal aid.

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## 3. Writing Statements & Gathering Evidence

**Writing your own statement and gathering evidence is important to do as soon as possible after arrest. It will help you build a good case if you go to court, and may also help other defendants or allow you to make a claim against the police at a later date. Be cautious about who this evidence is shared with at this stage, especially online.**

### Statements

A statement is simply a written account of your experiences: from the lead up to your arrest to after you were released from the police station.

Write in chronological order. Focus particularly on what led up to your arrest, your interaction with police, and any mistreatment in custody.

The sooner you write your statement, the more weight it is likely to carry. Sometimes a case can hinge on tiny details that are easily forgotten! Check that the date is clearly marked on the statement.

Don't email the statement to us, just keep it safe until solicitors need it (or if you don't have a solicitor then when you're in court).



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If you've been injured, get evidence as soon as possible, including seeing a doctor and getting photos.

## Witnesses

Ask anyone you know who witnessed your arrest you to write a statement too. See [this page](#) for guidance.

**Have you been a witness to fellow arrestees or victims of police violence? If so please let us know, and write a statement as soon as possible.**

## 4. Social Media

Social media is a mixed blessing in terms of evidence for your case.

It is worth looking for photos or videos on Facebook, YouTube, Twitter, etc that are helpful to your case.

There may be also be unhelpful evidence! Please discourage people from uploading footage/pictures in case they fall into this category, either for you or for someone else.

Be aware that the police may be watching social media. This can be used as evidence against you (or others) as it's in a public forum, so don't post specifics about your arrest or the events of the day.

Emails and private messages are different: they wouldn't usually be used as evidence in court, although they could be monitored for intelligence purposes.

## 5. Bail

**Bail is one of several actions that the police can take after arresting you. It involves release from police custody to await a later appearance at court or a police station. Your case can be dropped while you're on bail.**

If you are bailed without charge, called '**pre-charge bail**' this means that you will have to appear at a police station at a later date. This is so that the police can look over the evidence and decide whether or not to charge you.

Being bailed and charged, called '**post-charge bail**' is where you have been charged and you must appear in court at a later date.

Both types can come with conditions attached which are things you must not do, for example: "You must not return to the borough of Newham" or "You must not go within 1km of an airport"

### What should I do if I've been bailed?

We recommend that you attend a police station interview with one of the recommended solicitors. They will provide this service free of charge. If you decide to go without a solicitor, you should answer 'No Comment' to all questions. This is easier than trying to decide for yourself which questions are best to answer as the police may trip you up. Most good solicitors will likely recommend that you do a 'no comment interview' anyway. If you're under 18, an appropriate adult should also be present, this is most likely to be a parent or guardian. The police can then take one of four actions:

1. You could be given **no further action** (NFA) which is when your case is dropped, this could also happen before the bail date in which case you don't have to attend
2. You could be **re-bailed** to a later date. If this happens, solicitors can try to challenge bail
3. You could be **charged**. This could be with a different offence than the one you were arrested for based on evidence or legal advice. If this happens, you will be given a court date that you have to appear at. This could also happen by post before your



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interview.

4. You could be offered a **caution**, a caution is an admission of responsibility which we strongly advise that you do not accept unless a recommended solicitor has explicitly advised you to do so.

If you have been bailed to court, check out our guide to the [post-charge legal process](#) for what you should do for your court date.

We have more information on [why the police use bail](#), and [what happens if you break bail conditions](#) in [this guide](#).

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## 6. Personal Belongings

**You are likely to have had possessions taken from you at the custody desk. In some cases, these are kept for evidence.**

Your belongings will have been put in clear plastic bags in front of you at the custody desk and you should have been asked to sign a list of their contents. The bag was then sealed.

Signing is optional, but means nothing else could be added!

If the bag was opened while you were in custody, this will have been logged on your custody record.

You can obtain the custody record up to 12 months following arrest – it may be useful if you want to make a claim or complaint.

Your solicitor will automatically obtain it if you are charged.

You may have been given your belongings back on release, or they may have been kept for evidence.

Belongings kept for evidence will be returned at the end of the legal process (i.e. when your case is dropped or the court case is over).

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## 7. Defendants' Meetings

**We think it is really important for defendants to meet and offer mutual support. Defendants meetings facilitate a discussion of the specific details of the case(s) with solicitors and ourselves and defendants campaigns may be started following these meetings.**

[Contacting us](#) early after arrest means we can inform you if we organise a defendants' meeting. Please encourage any other arrestees you know to get in touch too.

There will usually be solicitors present, and a representative from the Activist Court Aid Brigade.

We do NOT campaign on defendants behalf. However, we offer support to defendants to organise their own campaigns if they wish.

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## 8. Media

**Some people wish to talk politically about their arrest in the media. We advise approaching this with caution.**

We suggest that media is done by groups on behalf of arrestees and not by named arrestees themselves.

Attaching your name to something could put you higher in the pecking order in terms of 'organising' as far as the police are concerned. This will place you under greater scrutiny. The police can and will monitor anything that's said and it can be used in court if it's public i.e. press release or a blog post.



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Talk to a solicitor or to us before doing any media.

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## 9. Police Complaints

**You may have a case against the police either for wrongful arrest or for something specific that happened during the arrest process. This is unlikely to be urgent, but you may want to start collecting evidence now.**

Any statements that you write now may be able to be used as evidence in a claim or complaint later on. Injuries should be well documented.

Generally, you should wait until criminal procedures are over before thinking about claims/complaints.

There is a possibility that a complaint at this stage might encourage the police to charge. However if an officer committed an offence then this should be raised sooner rather than later, and there are time limits on certain claims. Contact a solicitor for advice on timing of complaints.

Get in touch with us as we may have useful evidence, and you may be able to make a joint claim with others.

More on: [Holding the Police to Account](#).

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## 10. Emotional Support

**Being arrested can be an intimidating and isolating experience. Remember you're not alone, and that emotions you may be feeling are a perfectly normal, and very human reaction.**

There are lots of sources of [support and guidance](#) available.

Meeting and talking with other people facing the same pressures, and working together, can make everyone stronger. [Contact us](#) to find out if we are organising a defendants' meeting.