



Guides

Our guides are designed to help support you in dealing with the police.

We are not lawyers. The information in these guides comes from our collective experience in supporting people in protest situations, and is offered in solidarity. It is not formal legal advice, and should not be treated as such.

We are in the process of re-formatting existing guides and writing new ones for this website. Keep checking back to see what is new, and let us know if things don't work as they should.

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Laws Commonly Used at Protests

Having a basic knowledge of the laws the police most commonly use to disrupt protests can increase your confidence on actions and help you stand up to repressive police tactics.

This guide may be useful for people who are aware of their [key rights](#), and would like to learn a bit more detail, or for [legal observers](#) to print off and refer to.

We think that knowledge of the law can help your confidence in planning actions and standing up to police, but unfortunately it will not necessarily protect you from arrest. The police frequently arrest first, and then work out if there is anything they can charge you for later. At most types of actions though, the **risk of actually being arrested is low**. The risk of being convicted is even lower, and first time offenders would be **very unlikely** to receive the maximum penalties.

If asked to do something by a police officer, we recommend that – if safe to do so – you ask “[What Power](#)” to challenge whether they are acting lawfully. If you get an answer, please note it down, and let us know what powers are being used (or tell a [legal observer](#) if they are present).

1. [Obstruction of a Police Officer](#)
2. [Section 12/14 of the Public Order Act](#)
3. [Obstruction of the Highway](#)
4. [Breach of the Peace](#)
5. [Trespass/Aggravated Trespass](#)
6. [Criminal Damage & Theft](#)
7. [Violent Disorder and Affray](#)
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Filming and Photographs at Actions

You do not have to comply with police filming unless you have been arrested for an offence. 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.

You can quite happily film them. If you are filming, be careful not to capture or upload footage affecting personal privacy to the internet (there have been incidents where participants in demonstrations have been identified after videos were uploaded to sites like YouTube).

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 you have sensitive footage. Resist and report attempts to inspect, confiscate or delete material, taking police shoulder numbers and senior officers' details.

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.



Police Liaison Officers

Just say no!

Police Liaison Officers (PLOs) are police officers sent to gather intelligence and spread unhelpful messages on protests. They are sometimes tasked with telling protesters information that can later be used to prosecute them. 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. There is **no legal requirement** to listen to them. We recommend people ignore them, walk away if approached and never take pieces of paper from PLOs.

PLOs are still normal police officers, who have powers of arrest and who will testify against you in court.

Should I ignore Police Bail?

People arrested at protests often have unreasonable conditions imposed by the police when given bail, despite not being charged with an offence.

It is not unusual to have conditions imposed on you when given police bail. These conditions might limit what you can do, and when and where you can be, and can last for many months. They are used to try to intimidate people from taking part in protest, many of whom haven't been charged with an offence.

Some recent examples include:

- Not being within 100m of a power generating device.
- Not setting foot in the county of Essex.
- Not attending any protest.

There are legal methods of challenging these conditions on the grounds that they breach the European Convention on Human Rights, in particular Article 10 “Freedom of Expression” and Article 11 “Freedom of Assembly”. However, these can be expensive and time consuming.

Instead, you might want to just ignore them. Here's why:

1. [Why the police put everybody on bail.](#)
2. [Breaching bail conditions is not a crime](#)
3. [Resisting victimisation of protesters.](#)

You might still want to challenge bail conditions imposed on you. Speak with your solicitor.

My Friend has been Arrested!

Hearing that a friend has been arrested can be a scary experience. It is disempowering being unsure of what is going on, but there are things you can do to plan ahead and help your friend get better support.

If you have just witnessed the arrest, please [call us now](#) so that we can help support you and advise on the next



steps. You should also write a [witness statement](#) as soon as possible.

If your friend was at a protest, you can't get in you are worried they may have been arrested, you can call us and we may be able to help you find out.

1. [What will happen to my friend in custody?](#)
2. [How can I get more information about my friend's arrest?](#)
3. [What should I do if I receive a call from custody?](#)
4. [Supporting friends after release](#)

Support for People going to Court

If someone has been arrested they may be released on [police bail](#) or they may have been charged with an offence and have to appear at a court.

How do you know if you've been charged? You will have been given a document giving a date to appear at court, the details of the court and details of which offence you've been charged with.

If you are released on police bail you may either be charged at a later date, or be told there is no further action (NFA) to be taken against you, which is the end of the matter.

If you have been charged with an offence this means that you are to go on trial for the offence – but it still may not come to this².

It is invaluable to have support during the whole court process, this brief guide will explain what happens when one goes to court to enable you to support any one you know who has been charged, and also to understand the process if you yourself have been charged. If you would like a much more detailed description you could read '[How to Defend Yourself in Court](#)'.

Together with the [Legal Defence and Monitoring Group](#) (LDMG) we have volunteers who support people who are going to court. If you would like to join the group of **court monitors**, please send an [email to LDMG](#) who will offer you training and add you to the group. [Find out more about court monitoring.](#)

1. [What to do if you have been charged](#)
2. [Going to court as a supporter](#)
3. [What to do in court](#)
4. [A word about courts and judges](#)
5. [The court process](#)
6. [Representation in court](#)
7. [Dropped charges and other endings](#)
8. [Becoming a court monitor](#)

Protesting on Private Property

This guide goes through the main things to be aware of if you are planning a protest on private property.

The police have the power to arrest people for criminal offences. Remember though that, even if convicted, first time offenders would be **very unlikely** to receive the maximum penalties.

If you are planning a long-term occupation then it's good to be prepared for being faced with a Possession Order and an Injunction.



1. [Civil Law](#) (including Possession Orders and Injunctions)
2. [Criminal Offences](#)
3. [Private Security](#)

For a more detailed guide, see Netpol's [Guides on Policing and the Law for Campaigners Against Fracking](#)

Mini briefing on common policing powers used on a demo

Stop and Search

- **Section 1** of PACE. The police have to give reasonable grounds to suspect YOU of carrying articles for use for burglary/theft, stolen goods, offensive weapons, bladed articles, items that may be used for criminal damage, or category 4 fireworks.
- **Section 60** Criminal Justice Act. This is a blanket search power. If a section 60 is in place they can search anyone, but only for weapons or blades

You NEVER have to give any PERSONAL DETAILS when being searched.

The police have to tell you what legal power they're using and what they're looking for. The search should be tailored to reflect this.

Say 'no comment' to any other questions.

Section 60AA is a separate power. If a Section 60AA is in place, the police can require you to remove a mask. They can arrest you if you refuse. They can also confiscate the item.

Conditions on a protest

Section 12 and 14 of the Public Order Act. The police can impose conditions which restrict the place, duration, and the number of people allowed on a static demo, or any reasonable conditions on a procession.

In order to be convicted of an offence under Section 12 or 14, it must be proved that you were aware of the conditions and then chose to break them. A senior officer may make an announcement, or sometimes visual displays or leaflets are used. Don't accept or pass on leaflets, make announcements, or tweet about condition under Section 12 or 14, as it is also an offence to organise or incite people to break the conditions and your actions may be misinterpreted as obstructing the police.

Section 35 of the Anti-Social Behaviour, Crime, and Policing Act. This allows officers to force individuals to leave an area for up to 48 hours.

Section 35 has also been used to try and gather peoples details. We know of several instances where refusal of details under Section 35 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.

Section 50 of the Police Reform Act

If you are suspected of anti-social behaviour, the police can demand your details under Section 50. Refusing to give your details is a criminal offence, and you can be arrested.

This should not be used on protests, according to the police's own guidance, and we encourage people to resist the use of Section 50 on protests by refusing to give their names.

If you are arrested

- NO COMMENT! We recommend that you don't talk to the police at all if possible. No friendly chats, on the ground or in a police van, and "No comment" to all questions if you are interviewed after arrest. Talking to the police only helps them to



gather information about you and others.

- Don't use the duty solicitor (the one available at the police station). They often give bad advice to protesters. Use one recommended on the bustcard.
- Don't accept a caution. The police may offer you a caution if they arrest you. This is an admission of guilt and goes on your permanent record. It's an easy win for the police.

If you have a particular concern that you want to discuss, GBC run a drop-in session every Wednesday at Freedom Bookshop, from 12-6pm.

Injunctions

Dealing with injunctions – a brief protesters' guide

Injunctions are basically a way that companies can buy themselves personalised laws. As such they are complicated and vary quite widely, but there are three things you need to do if you receive one:

- Don't talk about it. Especially on email or social media.
- Ring us as soon as possible so we can help you go through the details and plan the best course of action. This is time critical if you're to effectively challenge the injunction.
- Read this guide!

You can [download a PDF](#) of this guide for ease of printing.

[What is an injunction?](#)

[Injunctions in a campaign context](#)

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What is an injunction?

An injunction is a Court Order which orders one or more people to stop doing something. The court makes that order following an application made against you by someone who can demonstrate that your actions are, or will be, unlawful.

Some examples of things which could be grounds for an application for an injunction:

1. Entering into or staying on someone's land without their permission.
2. Blocking the highway.
3. Trying to stop workers going to work.



4. Publishing untrue derogatory statements.

There are two types of injunction:

Civil injunctions – these are less serious and do not give the police any powers to arrest or prosecute anyone. In order to enforce a breach of a civil injunction the company must notify the courts and provide the details of those who breached them. The courts then summon the protesters to a hearing – during which they can argue that they weren't aware of the injunction, or that it doesn't apply to them. Although less serious, people who breach a civil injunction can be found to be in Contempt of Court which is a criminal offence.

Protection from Harassment Act injunctions (PfHA injunctions) – these more serious injunctions are issued under the Protection from Harassment Act 1999 and do give the police the power to arrest Defendants who breach the Order, for the offence of Breach of Injunction. However, there are protections within the act which make it difficult for the police to prosecute under it. We strongly suggest you contact us if you are arrested for breaching a PfHA injunction.

Breaching an injunction may be an offence, which is punishable with a fine or imprisonment. For more info on the different implications of the two types of injunction, see 'What happens if I break an injunction?' below.

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Injunctions in a campaign context

The rest of what happens next is the by-product of a system that is designed to protect private interests over the public good. Injunctions allow companies to buy their own personalised laws. Do not expect it to be fair.

Dozens of others have been enjoined while at the forefront of campaigns that they went on to win, even though they didn't 'win' their injunction cases.

Sometimes injunctions have been a major strategic error on the part of the complainants and have massively amplified the protest group's work. Sometimes they've been well written and will frustrate your preferred tactic. Sometimes they've been an irrelevance. Later in this document there will be some examples of the context in which other people have worked around or with their injunctions, but every instance will be different.

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Getting an (interim) injunction

The company will usually hire lawyers to apply to the court for an injunction. If it is an emergency the court may grant an injunction straight away, over the telephone. Very occasionally injunctions have been done 'ex-parte'. This is a tactic whereby the protesters are not told that an injunction is being sought, and are not able to represent themselves before the court, even when they are aware of the situation.

Note: Most injunctions against campaigns and protests start off being interim injunctions. There still has to be a final hearing with all parties able to argue the terms of the final injunction. However, interim injunctions are very important in that they set the initial terms of discussion and often go on to be rubber-stamped by the court as final injunctions if not challenged. During applications for interim injunctions, there is no need for the 'evidence' from the company claiming it (the Claimant) to be proven. This means they are allowed to rely on hearsay evidence against the Defendants, which is often incomplete and full of false inferences, in order to get as strict an injunction as possible. Unfortunately, how much this is accepted by a judge is a matter of luck.

Injunctions can be brought under different bits of legislation. For many years they were toothless and ignored by protesters, particularly around the environmental movement. However, from 2003, the Government supported the bringing of injunctions under the Protection from Harassment Act 1999 (the 'Stalkers Law' / PfHA), which had much tougher penalties and wider powers. It is important to find out what legal powers an injunction is brought under, as the consequences connected to it may vary considerably, independent of what the terms of the injunction are.



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Being served with an injunction

Those who are the target of the injunction have to be made aware of it. It has to be 'served' according to the terms set out in it.

Standard service means giving you the document or leaving it at your address. This can mean detectives in hard hats running round road protest sites dropping bundles of paper in front of people when on the loo, so they can't run away. It can just mean posting the injunction through your front door.

In protest cases, the court often makes an order for 'substituted service' and says that they can serve the injunction by simply putting notices up in the area where regular protests have been happening, or by announcing it over a megaphone etc. Some campaigns have been ordered to put notice of the injunction on their websites (contact us for more info if you are ordered to do this).

The judge needs to be satisfied that you were aware of the injunction for you to be covered by it.

They may time serving the injunction to coincide with a point where they know you will be busy and too preoccupied to deal with it properly- a few days before a national demonstration for example. If you're engaged in such organising, particularly if it's the sort of activity that is openly calling for borderline unlawful action, try to have a contingency process in place to deal with this eventuality.

It is worth noting that not accepting a copy of an injunction doesn't enable you to say you haven't been served, although generally if there are going to be prosecutions arising out of it, the servers will usually try to take video/photographic evidence of the serving anyway. Serving the injunction can simply amount to touching someone with it or dropping it at their feet.

Though injunctions are civil matters, it is not unknown for the police to actively participate in either serving or facilitating the serving of copies on people.

Whether or not an injunction is enforceable will depend on the individual circumstances; the type of injunction, whether it can be proven that you've been served or that you are in fact a Defendant as defined in the injunction.

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Seeking support

We'd encourage you to contact us as soon as possible so we can help talk through the situation and offer support in dealing with the injunction and the process of seeking legal advice. NETPOL have an online list of recommended civil solicitors that can help in injunction cases. Unfortunately it is now extremely difficult to get legal aid for contesting injunction cases. It may be worth trying to seek support from Non Governmental Organisations in terms of either funds or expertise. You can also represent yourself. If you chose to represent yourself we may be able to organise support.

Public fundraising for such cases can be an interesting and complicated area, see the later question of 'to publicise or not to publicise'.

Because of the differences in the two types of injunctions, we will provide varying information for each within some of the following sections.

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Appearing in court for the interim injunction

This often happens at a brutally short interval after the injunction is served, a few days or a week is not uncommon. This is your first opportunity to contest the parameters of the injunction. However, in some cases the time to actually reach final trial can take many years, during which time the terms of an interim injunction will be binding.

In instances where there are no named individuals on the injunction, someone will need to put themselves forward to be named on the injunction in order to defend against it in court. Ideally they should be someone sensitive and responsive to the wider campaign's aims, someone with no assets to lose, who is comfortable acting in court and doesn't have a contentious legal status (not someone



with visa issues or ongoing criminal cases etc).

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Who's covered

Before serving these papers on you, they'll ring up the courts and ask for a wish list of people they want covered by the injunction. They can name specific individuals, broader groups, or 'Persons Unknown'. Often they will include a mix of the three. This is their most optimistic list of desires, if you choose to contest it then it may well be moderated slightly by the court.

Claimants will sometimes deliberately include other groups with which you have little or no link to in order to increase their case for interim injunctions. They can get away with this because in civil courts, the standard of evidence is not as high as it would be in the criminal courts.

'Persons Unknown' is effectively anyone and everyone who may want to do something that the injunction is seeking to stop them doing. While courts will grant injunctions based on 'Persons Unknown', on the whole they are reluctant to do so, and will often ask the Claimants to provide named individuals. In some cases, those named on injunctions appear to have been relatively random, or simply fake names issued as part of press releases. But most often the people named on it will be the most high profile organisers.

In the past groups have been able to bolster their campaigns by drawing attention to injunctions that try to specify wider groups (e.g. anyone who's looked at a particular Facebook page or read a particular handbook) as the public often find this particularly outrageous. In the instance of the Heathrow Climate Camp injunction, where the coalition mentioned included all members of the RSPB, the presiding judge had to announce an interest in the case before starting, because she was a member. More on this later.

Because of the potentially wide catchment of Defendants, you may be bound by the terms of an injunction just because you know of it if you can be proven to fall under 'Persons Unknown' or a named group featured in the injunction.

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What's covered

The company wish list handed to the court will also include things they want the Defendants to stop doing. These can range from not damaging their property, to not speaking to the media about an issue, or being banned from a wide geographical area.

In some cases they can claim that the persons named are liable for the costs of the company or individual bringing the case. They have attempted to claim that if you are seen to incite others to action then you become financially responsible for the behaviour of others, even if you've never met them or have even subsequently urged them not to act. They can claim that all of your assets could be seized as a result.

This is obviously a very frightening prospect, but in recent English protest law has only ever been implemented once to our knowledge. Dealing with this aspect will be covered in more detail later.

Many people have hoped to challenge injunctions under the Human Rights Act, but this has many exemptions which have shown it to be a rather weak tool for fighting injunctions. What the Human Rights Act does in the main, is introduce the notion of proportionality, that is, any restriction on the rights under the Act has to be proportional to what is being claimed. For example no court will agree for your right to access private land, without it being agreed by those who own the land.

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Final hearing

If you have representation, then a lot of bargaining on the final contents of the injunction is likely to be done over the phone, email or post in advance, and you may not need to appear in court. If you are representing yourself, or want to make a show trial of the process (see below) then you can call a number of witnesses to help you contest the case, although the judge can set limits on the amount of evidence heard.



Though legal representation is preferable, it is more than possible to fight injunctions in person. In some cases, having a mix of legal representation and 'litigants in person' can be an effective tactic, although it's important for you to work together in these situations. With increased pressure on legal aid, getting representation is not always possible. See 'seeking support' above for suggestions.

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To publicise or not to publicise?

There is a tactical decision which needs to be made quickly after you receive an injunction; do you publicise it or not?

This answer will depend on the nature of the injunction and the nature of your campaign.

If the injunction could be seen as unreasonable to a neutral person – if it tries to ban free speech or infer that upstanding members of the RSPB might be implicated for example, then publicly taking on the bullies is a story that some parts of the press may be interested in. This can amplify your campaign and demonise your opponents, who will be particularly sensitive to this if they have a product to sell directly to the public. However, such strategies will always depend on an element of luck, and to a degree the sympathetic profile of the Defendants. The public are notoriously conservative on who they regard as sympathetic. Even with positive media and/or public support, you are unlikely to win the injunction battle but it may take you a step closer to winning the campaign war.

It may be that your campaign is primarily about raising awareness of an issue rather than being able to take direct action. It may be that a priority for the group is to demonstrating the openness and accountability you'd like to see in others. A classic example of this was the Genetix Snowball project of the late 90s. See case studies below.

The Claimants are also likely to make a noise about their injunction to the press themselves and at some point you may decide that while engaging with such stories may inflame them, it's better than leaving their assertions unchallenged

However, it is worth being aware that the courts are a very difficult platform to manipulate to campaign ends, and that unless you have a very stable and unified group this tactic risks being divisive. Particularly if those covered are a network of groups, some local, some national, with an interest in a variety of tactics.

By talking about the injunction and spreading word of it, particularly by traceable means like social media and the press, you risk broadening the number of people the Claimants can reasonably assert knew about the injunction and were therefore covered by it. For example, by publicly commenting on or 'liking' a post about an injunction on Facebook, people may then place themselves more open to prosecution if they are later proved to be a Defendant in breach of the Order. So publicising an injunction can help to do the Claimant's job for them and put your supporters at risk.

There are no right or wrong answers, it may be best to simply assess what the group has most energy for in the next six months and use that as your guide.

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What happens if I break an injunction?

If someone is caught breaking an injunction, and it could be claimed beyond reasonable doubt that they were aware of the injunction at the time and are covered as a Defendant, then they can face prosecution, the process for and severity of which will vary dependent on the nature of the injunction.



For Civil injunctions: Civil injunctions do not give the police the power to make arrests. In order to prosecute someone for breaching a Civil injunction, the Claimants need to apply to the court for an 'Order of Committal' against the Defendants they claim have breached it. To do this, they will need to provide the names (and potentially contact details) of the Defendants so the court can summon them to attend a hearing. This makes it very difficult to enforce a Civil injunction if the Claimant cannot identify individual protesters. During a Civil injunction breach hearing the Defendants will have the opportunity to argue that they aren't covered as a Defendant, weren't aware of the injunction or didn't breach it. However, if these arguments fail, the Defendant can be found to be in Contempt of Court. Contempt of Court is a surprisingly serious offence which usually results in a custodial sentence. This would normally be relatively brief, ranging from a few days to a few months, but the length of time is entirely at the discretion of the judge.

For PfHA injunctions: This type of injunction does give the police the power to make arrests. However, as mentioned earlier, there are protection clauses within the Protection from Harassment Act which make it difficult for the police follow arrests with prosecutions. We strongly suggest you contact us if you are arrested for breaching a PfHA injunction. If a Defendant is liable for prosecution, they could be charged with Breach of Injunction, for which the potential sentencing is much higher than that for breaching a Civil injunction.

For both types of injunction, to be taken to court, the Claimant and/or police would need to provide evidence that you breached the injunction. This would mean identifying you committing an act banned by the Order – in many cases, catching you in the act. In practice, injunctioned individuals have been known to spend days or weeks in autonomous spaces they're technically injunctioned out of, wearing limp disguises, without repercussions. However this cannot be relied upon and how keen the Claimants and police are to enforce the injunction will depend on the specific campaign.

A paradoxical benefit of injunctions can be their capacity to up the stakes and generate martyrs. An injunction can render even simple acts like walking onto a field something that puts people in prison. In the past, groups or individuals have planned injunction breaks. Such defiance creates a drama that can demonstrate strength of feeling on the issue and the lack of confidence of your opponents. While this clearly isn't for everyone, it is something to bear in mind if you want to regain the initiative on the process at your own convenience.

The implementation of injunctions against 'Persons Unknown', at a reasonable time after the serving of the papers, is relatively untested territory. As has been mentioned, the courts need to be satisfied that anyone breaching them was aware that an injunction was in effect to be covered by it.

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What happens if they make a financial claim against me?

Being named on the injunction makes you open to costs. Normally, if individuals accept the terms of the injunction straight away, or simply do not fight it, then the court is unlikely to make a cost order against them. However, most injunctions have cost orders that are known as 'joint and severable'. That means, that any one person can, in theory, be held for all the costs of the other Defendants who chose to fight it.

Costs come in two forms:

1. Legal expenses for bringing the claim against you.
2. Damages for the perceived impact your activities may have had, or financial penalties should the injunction be broken.

So far, to our knowledge, those with no assets have not experienced successful attempts to retrieve money from them, but this isn't impossible. Usually, the Claimant and courts are only interested in claiming significant damages off individuals they know have assets worth the expense of extracting, making anyone with property considerably more vulnerable.

This tactic can be effective for Claimants from a 'divide and conquer' perspective. Ensuring that only those perceived as more socially marginal are in a position to engage in action. Where possible discuss this scenario in advance within your group, creating a safe space to draw out the reasonable fears and frustrations it generates. There are often creative ways around such barriers when the dust has had a chance to settle.



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Case studies

What follows gives you a bit of an idea of some of the different ways injunctions have played out. In several instances we have taken out the names of those groups or individuals to protect those involved.

Fracking site occupation, injunction used to smear activists in press

A group occupied a proposed fracking site for a limited period of time to raise awareness of its location. After vacating the area a high profile person in the campaign and 'Persons Unknown' were issued with an injunction banning them from returning to the area. Distressing and totally unfounded allegations that the group were somehow implicated in the killing of a cow and an assault on a security guard were published in the local press as a consequence of the phrasing of the injunction. The named person was fined many thousands of pounds, but being without assets, the amount remains unpaid.

Genetically Modified crop mass action short notice injunction

An event called for mass public removal of a Genetically Modified crop, on the basis that GM pollen pollution poses an unlawful threat to others property – a case which had been argued and won on several occasions in the criminal courts. However there was no opportunity to lay out the case for potential unlawfulness of the claimants behaviour.

The preamble to the demonstration had by necessity included farmers and smallholders talking about why they felt compelled to act on national media. This made them vulnerable.

While an injunction was anticipated, the timing (4 days before the rally) and its wide reaching implications were not. 5 spokespeople, including a farmer whose livelihood and that of his sons was tied to his inherited farm, were threatened with the confiscation of all assets. Not just if they were seen to take part in the process – but if anyone else attempted to remove the crop.

A member of the group was granted free advice on how they could act for themselves. This primarily involved emailing the Claimants firm and the clerk of the court directly requesting a change of the leading name on the list from the farmer to the asset-less activist on the list. No one was able to attend the court hearing in person. Clarity on the 'lead' protester wasn't established until after the action.

On the day of the demo those listed chose not to warn the crowd of the potential implications of effective action. Injunction papers had been posted on trees and gateways in the surrounding area but there didn't seem to be a widespread knowledge of them among those gathered. In the event heavy police presence prevented anyone from actually gaining access to the trial site.

Protesters arrested for taking photos outside a company

Protesters campaigning against an animal testing laboratory were arrested for breaching a PfHA injunction. They had taken photos of their demonstration, but the terms of the injunction banned photographing the staff. The police were quick to use the injunction to try to stop the protest and jumped at the opportunity to allege that the photos could have included staff members. The protesters were arrested and had their houses searched and property seized while in custody. They were later convicted and fined.

No Dash For Gas: a great example of media jujitsu

A group occupied the chimney of a newly constructed gas fired power station for over a week. While the injunction against them was upheld, the claims for 5 million damages against them associated with it helped turn around the media silence on the story. The social media petition to stop the damages was a great engagement tool for wider supporters, and the public perception was that the activists involved 'won'.

The Heathrow Climate Camp: a total failure to injunct people beyond those named

This was a classic example of the injunction enhancing the campaign. It created a media storm in the run up to the aviation expansion protest camp that helped nearly double the event's size from previous years. The camp went ahead despite the injunction being upheld against the named Defendants. It is believed that several of them donned dodgy wigs and moustaches and spent the week on site anyway.

Peaceful protest leads to trial at The Old Bailey

Two animal rights protesters held a short, peaceful protest next to the stall of a notorious animal testing laboratory, at a university careers fair. Although neither the laboratory or university complained about the protest, the police saw footage of the demonstration online and seized the opportunity to try to prosecute the activists, who were well known protest organisers. The police initiated a criminal case against the individuals, arresting them for allegedly breaching the injunction by harassing the staff members who were



manning the stall. After many months on bail with restrictive bail conditions, the protesters ended up going to trial in The Old Bailey, the UK's most serious criminal court, facing imprisonment. Through some clever legal arguments they managed to get the case thrown out at the last minute, but the threat of prison had been very real.

Drones Factory injunction overturned by judge, all cases dropped

A factory implicated in the production of military hardware used by the Israeli army against civilians had been subject to peaceful protests for some time. The day before a mass demonstration there an injunction was issued against the group calling it, and bundles were served on people who arrived on the day. Dozens were arrested for breach of injunction. A team, including people with legal experience, worked on a defence for the final injunction hearing which happened after the demonstration. The judge that had issued the interim injunction announced that he had not been informed of the previous peaceful protests at the site, and had this information not been omitted he would never have granted the interim injunction. He retrospectively withdrew the injunction. However it still took over a week for the Crown Prosecution Service to withdraw their cases against people who had breached an injunction which now no longer existed?

SmashEDO fought through the courts and won

The attempt by arms manufacturers EDO MBM to restrict protest outside their Brighton factory ended in expensive failure. Their attempt to secure a no-protest exclusion zone with an injunction under the Protection from Harassment Act has resulted in unconditional surrender after a year-long High Court battle. The case is estimated to have cost the company upwards of £1 million. EDO MBM were forced to pay the protesters costs, which ran to tens of thousands of pounds.

EDO brought the injunction claim against 14 protesters and two protest groups in April 2005, and by bringing spurious evidence into the case were able to get an interim injunction against all protesters

The Defendants argued consistently that the use of the Act to restrict protest infringed their rights under articles 10 and 11 of the European Charter for Human Rights. This was dramatically illustrated by the imprisonment on remand of two protesters for alleged breaches of the injunction. Both cases were subsequently dropped before reaching court. Protesters were placed under threat of five years imprisonment for any breach of the injunction terms that prohibited simple acts such as standing in the road.

The defence lawyer asserted that there was likely to be evidence that implied improper relations between Sussex Police and EDO and it was possible that arrests of protesters were made to provide an atmosphere of disorder to convince a high court judge to give the injunction.

EDO tried to settle the case out of court. Those Defendants who were represented by publicly funded lawyers had no choice but to accept the generous settlement offer as it spelled the end for legal aid funding, but the three people who represented themselves refused the deal as it involved signing undertakings that placed restrictions on their future conduct, and went on to win the case at a public hearing.

Animal rights campaign injunction threatens to confiscate campaigner's home

A woman named on an injunction for having allowed her house to be used as an address for a campaign was found liable for costs when the Final Order was given. However, she was able to argue that this would cause her to lose her home, which would invoke other parts of the law. In the end, the judge ordered that a charge was put on her house, so she was not required to pay the costs immediately. She has subsequently applied to have the charge removed on the grounds that the campaign no longer exists. Further reading on this <http://www.smashedo.org.uk/pressreleases/06-05-07.htm>

Genetix Snowball, injunctions and accountability

Genetix Snowball was a campaign that sought to model the accountability they wanted to see by demonstrating it in their actions. In 98 they set the media agenda for crop removals by announcing that they intended to decontaminate sites and conducting interviews about their reasons for doing so. They aimed to escalate the numbers involved each time (hence the Snowball)

An injunction was obtained against the five women who launched the project which restrained the Defendants from uprooting, interfering or damaging Monsanto's plants or encouraging or conspiring with others to do so. This generated further news stories, but somewhat stifled the original vision of ever increasing numbers involved in their work. Actions on crops continued by covert groups and on mass demonstrations.

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Terms of reference used within this guide

Claimant: the person or institution who has requested the injunction e.g. the company subject to a campaign against them.

Defendants: the groups or individuals named on the injunction, who are bound by the conditions e.g. the group protesting against the Claimant company.

The Order/The Court Order: the injunction.

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Obstructing Workplaces: Trade Union Law

Section 241 of the Trade Union and Labour Relations Act

This power is for preventing pickets related to workplace strikes from disrupting work. However it has recently been used to prosecute demonstrators who are preventing entry to a fracking site; it has also been used against new road protesters in the past.

Section 241 of TULCRA appears to be used where demonstrators are not on the site and therefore are not committing '[Aggravated Trespass](#)', but the police want to charge people for an offence that is more serious than '[Obstruction of the Highway](#)'.

For the purposes of fracking protests (or similar protests where people may be trying to prevent access to a work site) you are committing an offence if you are:

'Watching or besetting' someone's workplace with a view to compel that person to abstain from doing any act which that person has a legal right to do

Watching and besetting means preventing access or preventing people from leaving a site. The methods used to prevent access or leaving must be 'wrongful' and therefore has to be either a criminal or civil offence. An example of this in relation to fracking is obstructing a highway at the entrance to a fracking site.

'With a view to compel' for the purposes of the law means that the action is done with the intent of more than just persuading people to stop working.

Example of a conviction under S241 of TULCRA:

- At Balcombe 2 people who glued themselves around the gate to the fracking site, and prevented access for 2 hours, were convicted.

If convicted, the maximum penalty is a fine of £5000 and/or 6 months in prison. However of the two people convicted of this offence after protests against fracking in Balcombe: one was given a £200 fine and the other conditionally discharged for 12 months. A conditional discharge means no punishment is given as long as no other offence is committed within 12 months.

Being Trans and Protesting

You have the right to have your gender recognised. This guide outlines other key rights and advice for trans people attending protests.

Transphobia is rife in society. This can mean that some trans people do not wish to put themselves at risk of having to interact with



the state – through having to interact with the police – by going on demonstrations. Fear can therefore keep people off the streets: know your rights so you can understand the risks.

We hope that this guide will support you in knowing your rights, so you can make informed decisions about how and when you take action.

This guide covers:

1. [Your rights under the Equality Act](#)
2. [Our key messages](#)
3. [Being stop & searched](#)
4. [Being arrested](#)

We know that gender and how people are gendered can be complex and contradictory. The following will not be completely comprehensive.

Please email us at gbclegal@riseup.net with any comments, questions or suggestions.

[Click Here to Download "Being Trans & Protesting" as a PDF](#)



'What's next?' - A Guide to the Post-Charge Legal Process

So you were arrested for protesting and the authorities have decided to charge you with an offence: what happens next?

Being prosecuted can be a confusing and intimidating experience. This guide sets out what you can expect at each stage in this process and how you can put yourself in the strongest possible position as a (potential) defendant.

We will cover:

1. [Legal Representation](#)
2. [The Prosecution Process](#)
3. [Possible Outcomes](#)
4. [Potential Sentences](#)



5. [FAQs](#)

How to give Police Station Support

Being arrested and held in police custody is unpleasant. This guide will assist you with supporting arrestees once they leave the police station, and will help us to continue supporting them during a police investigation.

Being arrested and held in police custody is unpleasant, and people often appreciate being met by a friendly face when they are released from custody. If people have been arrested – be they friends of yours, people from your demo or people you have read about and support – consider going to meet them from the police station to offer support. The information you record outside the police station will help us [support the arrestee](#), and can make the difference between a conviction and an acquittal.

This is a guide for doing good police station support. It's best to read in advance of heading to a police station, but do take a copy of it with you.

1. [Your role](#)
2. [What to take with you](#)
3. [What we will need to support you](#)
4. [What to do at the police station](#)
5. [Liaising with the solicitor\(s\)](#)
6. [Meeting arrestees on their release](#)
7. [Collecting information for ongoing support](#)
8. [Once everyone is released](#)

Before heading to a police station, check in with the GBC back office to see where cover is needed.

Demonstrations and International Students

This briefing deals with the risks to someone's immigration status if they get into trouble at a demonstration.

First, it is important to remember that most mainstream protest in the UK is fairly predictable, no one gets arrested and everyone is happy. However, there is always the risk that the police will decide to arrest people even if they personally are not involved in anything arrestable.

Before you go to a demo, you should think about the risks you are able and willing to take. This is important for people who do not have British citizenship, because the Home Office can be very draconian and has the power to revoke visas/deport people even for minor things. Challenging these government actions can be very time-consuming and costly.

In this guide:

1. [Marches and Kettles](#)
2. [EU Citizens](#)
3. [Indefinite leave to remain](#)
4. [Tier 4 student visa](#)
5. [What to do?](#)



Planning an Action

Planning ahead will help keep you safe and confident on an action. Contact us as early as possible to discuss how we can support you.

Many people are worried about the arrest and police intimidation at actions they are planning. Police repression of protests can be difficult to predict, but the risk is often smaller than you may think. One of the most important things you can do to help counter it is for all participants to be aware of their [key rights](#).

We can help with briefings, providing legal observers and phone support, and follow-up support if arrests or police brutality occur. We understand that actions aren't always predictable, but the sooner you talk to us, the more we can do!

In this guide:

1. [Support GBC can offer before the action](#)
2. [Should I tell the police about my protest?](#)
3. [Will we be arrested?](#)
4. [Support GBC can offer during the action](#)
5. [Support GBC can offer afterwards](#)

Looking after your health on actions

On an action/demo you are likely to be outside for long periods, probably without access to amenities, so you need to be prepared to look after yourself and your mates for quite a while.

Going to an action with a friend or an affinity group of friends is always safer. Try to get extra (or at least a reasonable amount of) sleep before the event and plan on needing some recovery time afterwards.

This guide is sourced from the Action Medics [guide to preparing for protests](#).

1. [What to wear](#)
2. [Water and Food](#)
3. [Medical Issues](#)
4. [Offensive weapons and sprays](#)
5. [Calling backup help](#)

You might also want to read our guide on [Emotional and Trauma Support](#)

Stop and Search

The police have specific powers that allow them in some circumstances to stop and search you. These powers are used to build an intelligence picture of people taking part in protest and civil disobedience. The best way to protect yourself is to know the law and not to talk.

Stop and Search can be used against protesters, so it is useful to know what your rights are if you are stopped by the police.

Some forces have been known to abuse stop and search procedure in order to **harass protesters**, and we know that stop and search



tactics are used for **intelligence gathering purposes**.

You do not have to give you personal details under any search power.

This guide will cover what those are and offer some advice for when you are stopped by the police.

1. [When can I be stopped?](#)
2. [When can I be searched?](#)
3. [What can I be searched for?](#)
4. [Blanket search powers](#)
5. [What is reasonable suspicion?](#)
6. [What happens when I get searched?](#)
7. [What to look out for when being searched](#)
8. [What happens if they find what they are looking for?](#)
9. [Seizing an item](#)
10. [Getting a receipt](#)
11. [Phones and Cameras](#)
12. [Removing Masks](#)
13. [Further Reading](#)

Trauma and Emotional Support

We believe in the importance of mutual support in enabling sustainable activism. It's easy to go from action to action without taking time to reflect – here are some sources of support.

Working hard on projects we care deeply about has the risk of exhaustion and burn out. Once police violence, arrest, and going through the court system are added into the mix, it is no wonder that trauma and stress are a huge problem. We all need to take a step back sometimes, to talk to each other, and to feel comfortable to seek further support early.

This guide lists some suggested sources of support.

1. [Activist support](#) – sources of support specifically for people involved in protest
2. [Other sources of support](#) – more general sources of emotional support, and advice on mental health issues

What is a Legal Observer?

Legal observers are trained volunteers who support the legal rights of activists. They provide basic legal guidance and are independent witnesses of police behaviour at protests.

Legal observers are independent from the protest and do not participate as activists. They support protestors by:

- Distributing bust cards and briefing activists about their rights.
- Keeping notes about the actions of the police on protests, which may be later used to challenge the police on their behaviour.
- Monitoring arrests, including collecting witnesses and helping to connect the arrestee with support in the police station.

GBC legal observers can be identified on actions by their orange hi-viz vests that say “Legal Observer”.

Legal observers have no official legal status or privilege, but the police are often aware of the role, and legal observers may act as a deterrent to police wrongdoing.

Legal observers are not:



- Lawyers
- Medics (GBC has separate medics on some large actions)
- Media spokespeople
- Stewards or police liaison: legal observers may occasionally speak to the police to find out information, but will **not** pass messages between police and activists.

Other groups also train and provide legal observers. We work closely with LDMG in many areas including legal observing, and sometimes work alongside legal observers from other groups who share our values.

[Contact us](#) if your group is planning an action that may need legal observers – please try to give as much notice as possible, preferably at least two weeks.

Come to one of our comprehensive [legal observer trainings](#) if you are interested in become a legal observer with GBC.

Witness to an Arrest or Police Violence?

Please write a witness statement as soon as possible after the event.

If you're a witness to something that's happening right now, please stop reading this page and give us a call right away on 07946541511.

If you have seen

- an arrest
- an injury
- police brutality
- abuse of police powers

you may be a useful witness if a criminal or civil case goes ahead. **Please get in touch with us as soon as possible at gbclegal@riseup.net, or 07946 541511.** You can check out our [Witness Appeal](#) page for our current call-outs, but please do write a statement even if what you saw happened at a different action.

Please include as many details as you can remember, at least the following:

- **Who** was involved
- **When** it happened
- **Where** it happened
- **Where** you were standing in relation to the incident
- **What** happened, in full

Don't send your witness statement to us, the purpose of writing it is just so that you can remember what happened. A solicitor may later want to discuss what you saw, so it's good to keep your memory fresh. Sometimes cases hinge on small details that are easily forgotten.

Be aware that having written a witness statement does not automatically mean you will end up being a witness in court. The incident you have witnessed may not end in a court case or there may be other witnesses who have seen more than you. But please do write a statement anyway!



Holding the Police to Account

We are a voluntary group set up to support people who take part in protest. **Please do not phone us if your query does not arise from taking part in protest. We will not be able to assist you.**

Have you been a victim of police misconduct or violence and want to know what you can do about it?

This guide should give you an idea of whether you can take the matter further and the types of action you can take against the police.

1. [Take action against the police](#)
2. [Case studies and success stories](#)

How do I find out what information the police hold on me?

The police record a variety of information, or 'intelligence' on people attending protests. This information is retained on databases and shared with other police forces, government institutions and, in some cases, private companies.

You do not need to have committed an offence to become a target for intelligence gathering, and by merely attending a demonstration your presence might be logged. Legal safeguards that limit who and what the police can record are virtually non-existent.

There is a mechanism in place that you can use to obtain information about yourself that the police hold in certain databases. This is known as a **Subject Access Request**.

This guide will help you make a Subject Access Request by telling you who to contact and what information to request.

1. [Why might I want to make a Subject Access Request?](#)
2. [What information might be stored on me, and by who?](#)
3. [Making a Subject Access Request](#)

I've been Arrested! What Next?

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 without charge or bail

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.

1. [How we can help](#)
2. [Solicitors](#)
3. [Writing statements and gathering evidence](#)
4. [Social media](#)



5. [Bail](#)
6. [Personal belongings](#)
7. [Defendants meetings](#)
8. [Media](#)
9. [Police complaints](#)
10. [Emotional support](#)

Key Advice when Going on a Protest

If you're heading out on a protest, take a read of our key messages and download a copy of our latest [bustcard](#).

We suggest that you take a note of our arrestee support number and of a criminal solicitor with protest experience. Write them down on something the police will struggle to take from you, such as an arm or a leg.

Arrestee Support: 07946 541 511
[Solicitor with protest experience](#)

Key Messages

- [No Comment](#)
- [No Personal Details](#)
- [No Duty Solicitor](#)
- [No Caution](#)
- [What Power?](#)

No Comment

You do not need to answer police questions, so don't.

This is for your own protection and for the protection of others.

The police will try to pressure and deceive you into incriminating yourself. Instead of trying to decide when it seems 'safe' to answer, just say "No comment" to all questions – during 'informal chats', in the police van and especially in interview.

If your friend in the next cell knows you aren't going to talk, they will feel better able not to talk themselves. Remember, interviews only help the police – they will not interview you if they already have enough evidence to charge you.

There are two main exceptions to this: if you have been arrested and taken to the police station you may wish to give your name, address and date of birth at the custody desk to speed your release.

Under recent changes, the police are also entitled to ask you your nationality, but only after arrest, and only if they have good reason to suspect you are a foreign national.

A good solicitor will sometimes suggest that you make a prepared statement in interview. In that case, you or your solicitor will read the statement and you should answer "No comment" to any more questions.

For a longer discussion, the booklet "NO COMMENT" produced by the [Legal Defence and Monitoring Group](#) is excellent.

[Key Messages](#)

No Personal Details

You do not have to give personal details under ANY stop and search power, so don't.

On protests, the police often use searches as a way of finding out who is present, both for intelligence purposes and to intimidate you.



Police also use arrest as a means of gathering information, particularly when they arrest a large number of people together (“mass arrest”).

You do NOT have to give your personal details to the police at any point during the arrest process. In fact, you are not legally required to give any personal information until you appear in court.

We recommend not giving personal details to the police for as long as possible – for more information on why, see the page “Do I have to give my details?”.

[? Key Messages ?](#)

No Duty Solicitor

Use a recommended [solicitor with protest experience](#)

The “duty solicitor” is the solicitor who is present at the police station. They may come from any firm of solicitors, which means they almost certainly know nothing about protest.

Duty solicitors often give bad advice to protesters; we recommend you always use a [good solicitor](#) who knows about protest.

[? Key Messages ?](#)

No Caution

Cautions are an admission of guilt

Offering you a caution is a way the police may ask 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.

At the very least, you should never accept a caution without taking advice from a [good solicitor](#).

[? Key Messages ?](#)

What Power?

Ask “What power?” to challenge the police to act lawfully

Some police officers rely on you not knowing the law. If you are asked to do something by a police officer, ask them what power (i.e. what law) they are using and why they are using it. Make a note of what was said, by whom (numbers) as soon as possible afterwards.

Don't let them turn this into a situation where they ask you questions though – just walk away once you have your answer, and remember [No Comment!](#)

[? Key Messages ?](#)

Making a Claim Against the Police

We are a voluntary group set up to support people who take part in protest. The process outlined below is the same regardless of the nature of your complaint. However, if your claim / complaint is not protest-related then further advice should be sought through a [solicitor](#). **Please do not phone us if your claim does not arise from taking part in protest. We will not be able to assist you.**

Have you been a victim of police misconduct or violence and want to know if you can take them to court?



This guide will take you through the civil claims process, giving you an understanding of how to sue the police in the courts.

Please note: This is not intended to be exhaustive and you should always speak to a [solicitor](#) when considering legal action against the police.

1. [What can I make a claim for?](#)
2. [What kind of court case will it be?](#)
3. [What could I get if I win?](#)
4. [What are the costs?](#)
5. [How long have I got to start a case?](#)
6. [What should I do next?](#)

Making a Complaint Against the Police

We are a voluntary group set up to support people who take part in protest. The process outlined below is the same regardless of the nature of your complaint. However, if your claim / complaint is not protest-related then further advice should be sought through a [solicitor](#). **Please do not phone us if your claim does not arise from taking part in protest. We will not be able to assist you.**

Have you been a victim of police misconduct and want to know if you can do anything about it?

This guide will take you through the complaints process.

We recommend that as well as making a complaint against the police that **you also make a civil claim** to [sue them for compensation](#) through the courts. Although the complaint system and a civil claim are separate processes, they both have the same aim: holding the police to account.

1. [What can I make a complaint for?](#)
2. [Making a complaint against the police](#)
3. [Outcomes](#)

What happens if I'm Arrested?

Don't panic! Just remember our [key advice](#):

Make "NO COMMENT" to all questions. There is no such thing as a friendly chat with a police officer. Everything you say can and will likely be used as evidence. If they interview you, give a "No Comment" interview, unless under explicit advice from a [good solicitor](#) to make a written statement.

Don't use the 'duty solicitor' (the one available at the police station). They often give bad advice to protesters. Use a solicitor recommended on the bust card instead.

Do not accept a caution! This is an easy win for the police. It is an admission of guilt and goes on your permanent record.

This guide goes into the arrest process and your rights in more detail.

1. [Should I give the police my details?](#)
2. [What happens when I get arrested?](#)



3. [Rights in police custody](#)
4. [Psychological prep](#)
5. [What happens in an interview?](#)
6. [Cautions](#)
7. [Getting released](#)
8. [What happens next?](#)

What is a Judicial Review?

A Judicial Review, or JR, is another method of holding the police to account.

This is different to a civil claim where you are suing for the actions of an individual officer. Judicial review allows the Courts to scrutinise a decision made by the police (or any other public body) and would look at a policy decision or a command and control decision. For example: a decision to ban a march or to conduct a certain type of operation like kettling or blanket stop and search.

You should always seek the advice of a very experienced solicitor before taking a judicial review, since a negative outcome has the ability to create 'bad law' that affects everyone.

If you are applying for 'judicial review' you should start your case, as soon as possible and in any event within three months of when you first knew about the decision.