Guides, Resources & Other Organisations

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. The list also includes links to some guides on external websites from partners including Netpol.

These guides are about protest law as it is enacted in England and Wales. Please scroll down for guides in other jurisdicstions, such as Northern Ireland

> **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.**

Supporting Yourself

- Key Advice When Going on a Protest
- 2 minute Know Your Rights video (Netpol)
- Stop and Search
- Key Advice When Going to a Counter Protest Against the Far Right
- Being Trans and Protesting
- Looking after your health on actions
- Trauma and Emotional Support

Arrest & Court

- What happens if I'm Arrested?
- I've been Arrested! What Next?
- All About Bail
- The Post-Charge Legal Process

Other Considerations

- DBS checks and being arrested on protests
- Demonstrations and International Students
- Do you have to give your fingerprints to police? (Freedom Press)
- Info on immigration status and protest (JCWI)
- Info on arrest and immigration status (in-depth) (Informed Dissent)
- Advice when attending counters for far right actions
- Coronavirus and protest
- Wearing masks on protest (Netpol)
- Your Rights and Mobile Fingerprinting (Netpol)

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- How to give Police Station Support
- My Friend has been Arrested!
- Support for People going to Court
- What is a Legal Observer?
- Witness to an Arrest or Police Violence?
- Guide to filming the police (Netpol)
- Downloadable Know Your Rights graphics

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- Preparing for Police Station Support in Advance
- Protesting on Private Property
- Guide to Injunctions

- ‘Know Your Rights’ Mic Check

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- Holding the Police to Account
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- Making a Claim Against the Police
- Making a Complaint Against the Police
- What is a Judicial Review?

Briefings

- University encampments
- Disrupting a public meeting
- Disrupting a private meeting

Legislation in Other Jurisdictions

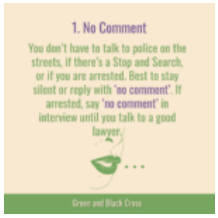
- Know Your Rights to Protest (Northern Ireland)

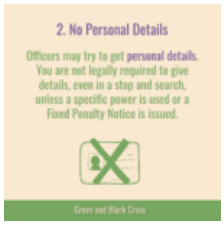
Resources

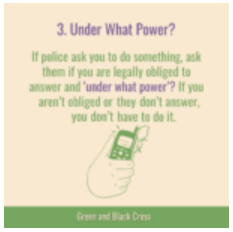
We have a number of graphics that are useful for social media etc:

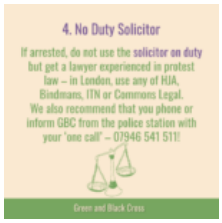
older of all of our graphics and resources

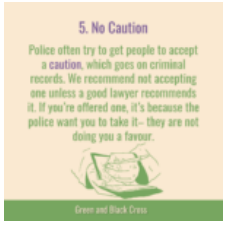
Guides, Resources & Other Organisations

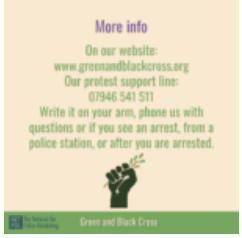






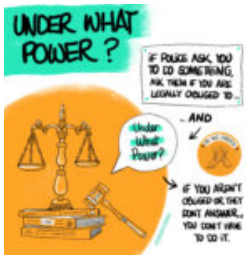






The above 7 graphics merged into a video can be found here

Guides, Resources & Other Organisations



Bustcards

We have a page of BUSTCARDS for different regions of England

Key contacts for other organisations

- **07946 541 511 – protest support line.** *Everyone should also write this on their arm, ideally in marker pen.*
- **07761 911121 – Manchester protest support line**
- **Need a lawyer for something protest related? Check out Netpol's Lawyer's list**
- **Black Protest Legal Support – BlackProtestLegal@protonmail.com**
- **Legal questions and court support – Activist Court Aid Brigade, courtsupport@protonmail.com**
- **Contact GBC Resources collective – gbcresources@protonmail.com**
- **Contact GBC Trainings collective – gbctrainings@protonmail.com**
- **Legal Observer callouts and coordination – legal-observer-network@protonmail.com**
- **Y-Stop for non-protest Stop and Searches – https://y-stop.org/**
- **London Campaign Against Police and State Violence – https://londonagainstpoliceviolence.wordpress.com**

Coronavirus & Protest Law

From Monday 19th July 2021 the Coronavirus ACT, which had implications for protest, is revoked. There are no longer any restrictions on protests.

Some people may still be affected by arrest or fixed penalty notice (FPN) fines from recent protest or actions, which took place before 19th July. If you have been issued a FPN and would like to challenge it, please contact one of our recommended solicitors, or talk through options on the protest support line 07946 541 511

The Coronavirus Act had introduced new police powers in England and Wales which had implications for protest. There are also changes to the way police interviews and court hearings are being conducted. (Also see guide to rules in Scotland)

It had been updated several times, most recently March 29th 2021 to start to ease restrictions, including for protest. (The latest legislation for England and for wales. can be seen here).

Guides, Resources & Other Organisations

As restrictions begin to ease police have been reverting to using the usual public order offences. For people still caught up in legal procedures, there is a brief history of the legislation below.

June put us into ‘step 3’ where groups of 50 will be allowed to meet outdoors, but there were exceptions for protests. The system of ‘tiers’ had been dropped. for further details see our page Coronavirus police powers and their use on protests.

Previously we had been seeing widespread use of Coronavirus powers to disprupt ptotests and in the community, which are disproportionately being used against people of colour, and may be challengable.

Previous changes to legislation were following lockdown in January 2021, updates at the end of the November 2020 lockdown and the introduction of Tier 4 in December 2020.

For information about the implications of Coronavirus-related legislation for protesters:

1. **Health – including face masks**
2. **Coronavirus police powers and their use on protests**

For a general guide to the powers created by the Coronavirus Act in England & Wales, please see these guides from Bristol Defendant Solidarity.

For a guide to the powers created in Scotland please see SCALP’s guide

Please note that Coronavirus related law is changing rapidly. This guide was last updated on 24th June 2021

Key Advice when going on Far Right Counter Actions

In late 2025, at the time of writing, far right formations are regularly organising rallies across the country, harassing and threatening minoritised people, particularly migrant people, Muslim people, disabled people, and queer and trans people.

Counter actions can be chaotic and dangerous – plans and tactics differ widely between different factions. Some are focused on blocking fascist movement or directly defending their targets; others are content to be policed away from confrontation with fascists. In addition to this, policing and far right tactics have changed somewhat in the last year. Below are some of our thoughts on what's changed, alongside some advice for protesters.

What's changed **What to do**

Policing

In some areas, especially those where Reform is now in power locally, policing of far right actions has changed.

Police are less likely to hold fascists in a specific area, and less likely to disperse fascists after actions end.

This means groups of fascists can sometimes be closer to antifascists during actions, and afterwards can be moving around towns, sometimes looking for targets.

Don't rely on police to keep you safe from fascists. Practice situational awareness. Remember the 5 Key Messages.Stay together and support one another; don't collude with police attempts to portray one group of antifascists as bad or violent.

Arrive, move and leave with a buddy if at all possible. Share info with them, such as what solicitor you'll use if arrested.

Make sure you know your way to and from the action. Don't travel alone, and be prepared for far right presence on public transport. Carry cash.

Far right tactics

Fascists are more likely to have specific targets currently, often hotels where they say migrant people are staying.

Far right livestreamers are frequently working alongside fascists at recent actions, sometimes wearing legal observer bibs in order to move around among antifascists. They will attempt to confront and provoke people, and then to doxx them (identify them by searching for images of their face online). This can result in quite serious consequences for people.

Reform's current profile means that the far right feels powerful at the moment. This can translate into more aggressive behaviour, particularly against minoritised people – Black, brown and migrant people, Muslim people, disabled people, and queer and trans people.

Far right campaigns often have a focus on child sexual abuse, rape and other potentially triggering topics.

Check the location and area before you go. Make a plan for where you want to be and who you want to be there with you.Avoid livestreamers. Mask up and don't speak to them. Avoid responding unless safely moving them away in groups. Be wary of 'legal observers' who are streaming and commentating, filming antifascists or forming lines – these are probably fascist livestreamers.

If you feel at risk from fascists, or are panicked or feeling unwell, it's ok to go home. Make a plan and communicate it, and try not to leave alone, particularly if under fascist scrutiny. Arrange a meet up point with your buddy away from the action.

Take time to care for yourself: drink water, take breaks, eat snacks, or whatever works to help keep you calm.

Disruping a public meeting

Name of the law: Section 1 of Public Meetings Act 1908, Electoral Meetings are governed separately under the Section 97 of Representation of the People Act 1983.

Relevant to: Anyone planning to protest at a public or election meeting.

Note that any meeting that is wholly or partly in the open air is a 'public assembly' and subject to conditions imposed by the police under the Public Order Act 1986.

For information on protesting at private protests, see our guide here.

What counts as a public meeting?

A public meeting is one that takes place where the public or a section of it has access including by invitation or payment, including on private premises, to discuss matters of interest.

All manner of meetings are included ranging from debating societies to organising meetings for protests.

Electoral meetings are dealt with separately and comprise those political meetings happening during election campaigns.

What are the relevant offences?

It is an offence under s1 of the Public Meetings Act 1908 and the s97 Representation of the People Act 1983 to act, or incite others to act in a disorderly manner for the purpose of preventing the business for which the meeting was called.

If a police officer suspects someone of committing this offence they can demand the person give their name and address at the request of the chair of the meeting. Refusal to give their name and address, or giving a false name of address has a penalty of £200 fine.

The above two offences are the same for s97 of Representation of the People Act 1983, covering electoral meetings.

Meetings in the open air that are not on private land are subject to other police powers, see our guide to s12&14, 14ZA of the Public Order Act 1986.

What is the maximum penalty?

6 months imprisonment or an unlimited fine.

Disrupting a private meeting

Name of the law(s): Sections 68 & 69 of the Criminal Justice and Public Order Act 1994

Relevant to: Anyone planning to protest at a private meeting.

For information on protesting at public protests, see our guide here.

What is a private meeting?

A private meeting is a meeting that is not open to the public and takes place on private land.

What are the relevant offences?

The most common offence for disrupting a private meeting is **aggravated trespass**

Trespass alone is a matter of civil law, which means that the police have no power to arrest you for it; police may nonetheless help owners or their representatives (e.g. security) remove trespassers.

You must be doing two things to commit aggravated trespass: (i) Trespassing, and (ii) Intentionally obstructing, disrupting, or intimidating others from carrying out 'lawful activities'.

In many cases people are removed by security rather than arrested.

Please see our page on Trespass/Aggravated Trespass for more information including maximum penalties.

There is also a risk of being charged with **False Imprisonment**, if exits are blocked and people cannot leave.

Legal briefing for uni encampments

The following is adapted from a brief composed by CASP (Climate Action Support Pathway) with amendments and additions by Green and Black Cross (GBC). This brief covers laws about land occupations and the potential consequences of taking such action. Please note, it is not exhaustive and does not constitute legal advice. Always seek advice from a protest experienced solicitor if you are arrested or charged with an offence.

If you have any feedback on this briefing, please contact gbcresources@protonmail.com.

Contents

- **Overview**
- **Key messages – know this if you know nothing else!**

- **Other useful resources/ guides**
- **Relevant legislation**

Overview

All protests come with some risk and it is much better to be prepared, however this is not intending to scare you. Most people who attend protests do not get arrested, and of those who do few are charged and even fewer are convicted. In general, the risk of police intervention is very low. If they attend the camp, they are likely to primarily observe what is going on, and then leave. They may stay to do longer surveillance. In the US, trespass is criminal, but in the UK, it is only a civil offence, so in general, police are not supposed to intervene. However, there are some laws that would give them the power to do so in certain circumstances. In the vast majority of cases, it is not legal for the police to attempt to move the camp without first providing a legal order (obtained from their superiors) declaring the camp to be illegal or not permitted in certain areas. At that stage, there would be an opportunity for any person not willing to face the police or arrest to vacate the area. We can never guarantee that the police follow the law, but we can be aware of the powers they have to challenge when they are in breach.

At universities in recent years, where action against protesters has been taken, this has generally been through internal uni disciplinary procedures rather than through the police. Some universities have called police to protests but no arrests have occurred. There have been a few instances where police have made targeted arrests of a small number of individuals, such as at UCL or Oxford in May 2024 (their cases are still outstanding as of June 2024).

It can be helpful to have specific people with the role of liaising with police & security (sometimes called protest liaison) in order to keep the line of information controlled and clear. In general, it is advised **everyone is briefed on the key messages** and sticks to them – most importantly 'no comment'.

Police, security and Universities, if targeting individuals, will likely attempt to identify and target organisers. It is advisable to not visibly appear as or present yourself as an organiser, if it can be avoided.

If you're attempting to hide your identity, only under s60AA (info on GBC website) can police require you to remove your mask. NB – universities have been known to use connection to eduroam wifi to identify protesters.

Any questions or need any support? Ring the **24/7 protest support line: 07946 541 511**

Key messages

? Read our Key Advice when Going on a Protest webpage & always carry a printed **Bustcard**.

Remember the 5 key messages: No comment! No personal details! Under what power? No duty solicitor! No caution!

If you don't know anything else, these are the key things to remember **and a bustcard can remind you of these key messages.**

There's a **call and response mic check** you can read out at protests.

Other useful resources/ guides

- Upcoming Know Your Rights trainings (if none are listed, check back later)
- Guide on what happens if you're arrested
- What to do if you witness an arrest
- Guide to organising police station support
- **Check out our guides & resources for more**

Relevant legislation

- **Risks from Police**
- **Directions to Leave (s61 CJPOA 1994)**
- **Aggravated Trespass (s68/ s69 Criminal Justice & Public Law Act 1994)**
- **Violating Conditions on Public Assemblies (s14 & s14A Public Order Act 1986)**
- **Criminal Damage**
- **Risks from Bailiffs or Civil Action**
- **Risks from University**

- Risks for International Students
- Risks for Staff

Risks from Police

Directions to Leave (s61 CJPOA 1994)

While this power has not been used on any of the student encampments so far, in theory police have the **power to remove trespassers** who look as though they plan to set up a camp, or the police suspect that is the intention. This was used to evict one of the anti-fracking camps at Balcombe in 2013. **The camp does not even have to be set up yet.**

Requirements for the police to be able to issue directions to leave:

These are the steps for eviction to happen on these grounds:

1. The "occupier" of the land (owner, or person who is legally entitled to occupy) must first have required you to leave
2. Then, they may ask the police for support.
3. The police must **reasonably believe** that individuals are **trespassing with the intent to reside**, *and* have caused **damage, disruption, or distress**, or have more than **six vehicles.**
4. They can then direct you to leave the land **as soon as reasonably practical** and to remove any vehicles or other property.

In making a decision to evict, a police officer of the rank of inspector or above must assess whether doing so is **legal** (are all conditions present?); **necessary** (could other methods be used, such as regular patrols or arrests if anyone commits a criminal offence?); and **proportionate** (are your rights to protest balanced against the rights of the landowner or local community and is it right to evict everyone?)

What if protestors refuse to leave?

- It is an **offence to refuse to leave**, or to return within three months.
    - But, there are often opportunities to prolong your occupation, because the law does not define "as soon as reasonably practical" or set a deadline by which you have to leave.
- The **maximum penalty** for this offence is three months imprisonment or a fine of £2500, or both**.**

Aggravated Trespass (s68/ s69 Criminal Justice & Public Order Act 1994)

You can be arrested for Aggravated Trespass if you are:

1. Trespassing (see civil trespass), AND
2. Intentionally obstructing, disrupting or intimidating others from carrying out 'lawful activities.

Further to this a senior police officer has the power to order any person believed to be involved in aggravated trespass to leave the land. If they then refuse to leave or return to the land within three months, this is an additional offence under s69.

What are the risks of an Aggravated Trespass charge:

- triable in the magistrates court only, and max sentence level 4 fine (£2,500) and/or three months imprisonment.
- **Imprisonment is very unlikely for a first offence**, and usually the sanction would be a relatively small fine, or even conditional discharge if of previous good character.

There are additional trespass offences if you have a vehicle with you. Please call the protest support line for more information: 07946 541 511.

Violating Conditions on Public Assemblies (s14 Public Order Act 1986)

Section 14 allows the police to impose **conditions on 'public assemblies'** (which can be any number of people, including just one) and makes it an offence for protesters not to comply with conditions they **know about or ought to know about**.

What kind of conditions can be set:

- Conditions can (but don't have to) restrict the place, duration and the numbers of people allowed.
- Often, conditions will include setting up a "protest pen" and asking you to move into it.

When can conditions can be set:

- Conditions can be imposed in advance, or by the senior police officer who is at the scene.
- The law states that conditions can be imposed 'as they appear necessary' to prevent 'serious public disorder', 'serious damage to property', 'serious disruption to the life of the community, or intimidation'.
    - For 'serious disruption to the life of the community' – the PCSC Act (s74(5)) has added specific examples of prolonged disruption of access to certain essential goods and services, including the supply of food, an educational institution, or a place of worship
- Conditions can also be imposed based on the prospect of **noise** generated by the assembly causing:
    - 'Serious disruption' to an organisation located nearby, which means the people in the organisation are 'not reasonably able' to do their usual activities 'for a prolonged period of time'.
    - 'Intimidation, harassment, alarm or distress' to people nearby the protest.

When you've broken the law and the penalties attached to this

- To be convicted of an offence under Section 14, it must be proved that you **were aware, or should have been aware** of the conditions and then **broke the conditions**.
- Maximum penalty is a fine of £2,500. **First time offenders** would be likely to receive a conditional discharge or fine, both with costs. Total ranging from £100-£1000.
- It is also an offence for **organising** a protest or **inciting** others to take part in a protest which breaks conditions you knew or ought to have known about, which carry heavier fines and potential custodial sentence. More info on GBC website.

What happens when conditions are imposed?

- When conditions are imposed on a protest, the police then have the job of publicising them, in order for them to be able to prove that the protesters know or ought to know about the conditions. Examples of ways they do this include making announcements, putting up posters, handing out leaflets, posting on social media, or emailing or phoning individuals/ groups.
- The police have the power to **move you**, using force if necessary, in order to make you comply with conditions.

What should I do if conditions are imposed?

- Ring the **Protest Support Line** (07946 541 511) to talk through your options
- **Do not share**, spread or pass on any information you hear or see about conditions that have been imposed. This is doing the police's work for them – it is often very difficult to hear, or comply with, conditions, but by passing on the message you make people more likely to be found guilty as it is easier for the police to prove you knew or ought to have known. #Don'tSeeItDon'tSayItSorted
- If you are concerned that your action is likely to have s14 conditions imposed, you may want to have a plan in place within your organising group about how you will deal with this situation should it happen. Call the protest support line if this applies to you to discuss in more detail.

Section 14A Public Order Act 1986

Section 14A gives the chief police officer the power to apply for an order to prohibit all trespassory assemblies in a district, if they have reasonable belief that assemblies are planned on land the public has no right or limited right of access to and the assembly may result (i) in serious disruption to the life of the community, or (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.

This order can only be imposed if approved by the local government e.g. the City Council or Mayor. This is unlikely to be used. Call the Protest Support Line for more information.

Criminal Damage

The "deliberate or reckless damage" of property without lawful excuse. The damage does not have to be permanent. Property does not only mean buildings, but could for example include grass or pavements. Damage to **memorials** or **caused by fire** are specific offences.

Avoiding arrest, charging, and conviction:

- The steps you take to **mitigate the extent of the damage** (i.e. steps taken to try to avoid damage to grass) reduces the likelihood of both arrest, charge and conviction as well as being a mitigating factor at sentencing.
- This would also have an impact on any claim for **compensation** for cleaning up which can also be ordered by the court if you are convicted.
- Defences can often hinge on the 'lawful excuse' aspect of this offence

Consequences

The magnitude of the possible penalty, and whether or not you would be tried in the Magistrate (lower level) or Crown Court (in front of jury), **depends on whether the damage is more, or less, than £5000** (unless the damage is to a memorial or caused by fire, in which case it is treated as if over £5000).

The maximum penalty where the value of damage is less than £5000 is 3 months imprisonment and/or £2500 fine. Where the damage is more than £5000 the maximum penalty is ten years imprisonment. However, the likely penalty for **first time offenders** is a lot lower than the maximum penalty and highly dependent on the cost of the damage you supposedly committed. If it was low the penalty could be anything from a conditional discharge, to community service or a fine of around several hundred pounds.

For damage under £5000, Insulate Britain/Just Stop Oil average: £300 (range £127 – £450) + compensation orders (which often covers the invoice for the actual damage caused). This is based on guilty pleas (there's no data for trials).

Risks from Bailiffs or Civil Action

The preferred action for landowners to regain possession of land may be to proceed through the civil courts, seeking a **possession order**. The other possible civil action is seeking an **injunction**.

If you are served with court papers, **do not panic** – this is not a criminal matter and there is **not an immediate threat of eviction**. They still have to go to court before anything can happen. Call the **Protest Support Line** (07946 541 511) to talk through your options and what may happen, and/ or seek legal advice.

Some Universities may already have a possession order imposed on parts or all of the University as a result of previous protests, however if the order for enforcing possession has expired, they may need to return to court to get a new one.

Possession orders

A 'possession order' is a court order that allows landowners to hire bailiffs to remove trespassers. If you were to return to the land, the landowner (University) would have to hire bailiffs again to remove you.

For a quicker turnaround, the landowner might also seek interim possession order (IPO). This is temporary in nature, meant to grant them possession before the hearing for the full possession. If an IPO is granted it is a criminal offence to remain on the land it regards, for anyone who's named (which likely includes 'persons unknown').

For more information on possession orders see page 53 of the Squatters Handbook.

Injunctions

Injunctions are court orders that specifically instruct someone to do or not do something, for example not to set up an encampment on university property. It is a contempt of court to knowingly break an injunction, which has a max penalty of a prison sentence.

For more information on Injunctions see Not 1 More's comprehensive guide.

Risks from University

In many cases, university action is more likely than criminal or civil actions. Attempts at repression may focus around trying to identify and target organisers.

Every University has different codes of conducts/ contracts and disciplinary procedures. It is worth familiarising yourself with these so that you can make informed decisions. Things to look out for include:

- Disruption of activities / functions of the university
- Breaking university regulations / byelaws (e.g. if there is a rule against camping overnight)
- Breaking the law / convictions
- Damaging university property
- Bringing university into disrepute
- Attendance requirements, if an action will mean prolonged absence
- Fire safety/ health and safety regulations

Students doing medical or healthcare degrees may face additional penalties for participating in the camp, due to fitness to practice processes. These can be harsher than disciplinary action, and harder to defend against.

Students facing disciplinary action should seek support from their SU advice service and/or NUS branch in the first instance.

Fire safety

Some Universities have been arguing occupations or encampments are breaking fire regulations. Something that has helped some groups has been to find a friendly FBU member who can come and do an independent assessment for fire safety and report back to university management if it's safe. This can deter university action but is not a guarantee.

Risks for International Students

If you are arrested and you are not a British citizen, this could have implications for your current visa, or for future visa/status applications. It is unlikely that an arrest would impact your current status unless it is for a serious offence. It is more likely that it could impact future applications to the Home Office. It is difficult to give conclusive guidance on likely consequences, however this webpage has much more detailed information regarding arrest and immigration status.

If you are an international student and you are fully suspended then it is possible that you could lose your visa. If you were to be excluded from university and are on a Tier 4 visa then you would lose your visa to stay in the UK – this would be a very extreme and unlikely step for the university to take (but not impossible). If you are suspended or excluded, we recommend that you contact your SU Advice Service and/ or an immigration lawyer as soon as possible.

The Home Office is known to also target high profile pro-Palestine activists without British citizenship, even if they have not been arrested. This includes harassment (eg. sending intimidatory letters) and potentially threatening to/actually withdrawing your visa status. Overall, we would recommend avoiding being personally identified in the media and being careful about your public profile if you are in the UK on a visa or otherwise have insecure immigration status. If you do receive any letter like this, we recommend that you contact your SU Advice Service and/ or an immigration lawyer for advice.

Risks for Staff

Work in Progress. Please email gbcresources@protonmail.com if you have any comments.

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 protest support phone 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.

> **Protest Support Line: 07946 541 511**
>
> **Find a Solicitor with protest experience**

Key Messages

- No Comment
- No Personal Details
- Under What Power?
- No Duty Solicitor
- No Caution

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.

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 (note that the booklet is fairly old and we cannot guarantee that all the content is up-to-date and that LDMG is no longer active, it's functions are now carried out by ACAB)

? 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").

As a default, you do NOT have to give your personal details to the police at any point during the arrest process.

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?". 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. Police will usually check the address and may visit at a later date.

Once you reach court, you can be required to give your name, address, date of birth and nationality.

There are a few situations in which police may have a power to require personal details: if someone is driving a vehicle (or another licensed activity); if they are being fined under a Fixed Penalty Notice; under a particular anti-social behaviour power (which should not generally be used against protesters); or if there is a particular by-law (for example, in a port or airport).

? Key Messages ?

Under 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 ?

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.

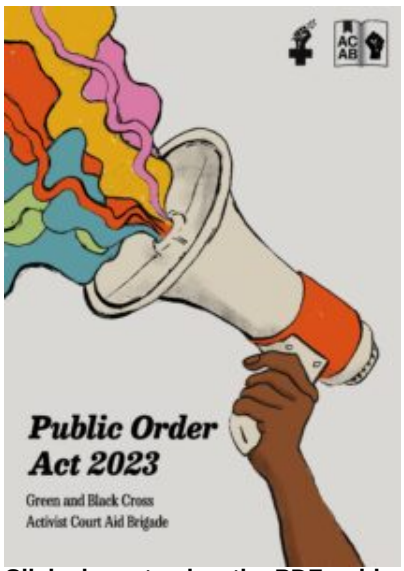
? Key Messages ?

Guide to the Public Order Act 2023

The Public Order Act 2023 has received a lot of attention for the impact it will have on activists in England and Wales. This guide is designed to help you understand the law as it is written. It is hard to know exactly how the measures will impact protesters until more time has passed. If you are arrested or threatened with arrest under any section covered here, please let us

know by calling the Protest Support Line on 07946 541511 so we can better understand how these changes are being used.

To help you understand the offences and changes to the law, in collaboration with our comrades in the Activist Court Aid Brigade, we’ve put together a guide (below) with all the key information activists will need



Click above to view the PDF guide

PLEASE NOTE: At the time of writing, a chunk of the Act is not yet in force, meaning it cannot be used unless and until it is 'commenced' in Parliament. We've noted this next to each heading where it applies, and will try to update the guide and this page as this changes. To be sure if this has changed when you're reading this, see here on the legislation website.

Guide to the Crime and Policing Act 2026

This guide was written through the collaboration of Green and Black Cross (GBC) and the Activist Court Aid Brigade (ACAB). There has been much public discussion about the Crime and Policing Act 2026 (C&P Act). so we have produced this guide to distribute practical and simple information about what the Act says, how it might work, and what to do about it. This guide only covers the parts of the C&P Act that we believe are likely to be relevant in protest situations – it does not cover everything the Act changes.

Introduction

On the 29th April 2026, the Crime and Policing Act passed into law. The sections affecting protest came into force on 29th June 2026.

New restrictions include: giving the police new powers to stop you from concealing your identity at a protest; making it easier to impose restrictions on protests because of the "cumulative disruption" other protests have caused in the past; criminalising the possession of flares and other pyrotechnics; making it illegal to protest near an MPs home or place of worship; and a new offense of climbing on particular statues and monuments – such as Winston Churchill's in Parliament Square, which was formerly rather a national tradition.

All sentences quoted are the maximums- what you'd get is likely to be less, and because of the Sentencing Act 2026, prison sentences of less than 12 months should now be suspended other than in exceptional circumstances. Note anything which carries a prison sentences can also mean you can get a "community order sentence". Defenses mentioned are the 'statutory' ones in the Act. General defenses such as preventing crime, acting in self defense etc apply to all criminal charges. Having a defense may not prevent an arrest, but if charged it can certainly be used at your trial.

The sections likely to affect protest are:

Concealing Identity at Protests (Section 157)

Banning Pyrotechnics at Protests (Section 160)

Climbing on a Memorial (Section 161)

Banning Protests Outside Politicians' Homes (Section 162)

Restrictions on protests near places of worship (Section 164)

Cumulative Disruption (Section 165)

and we have an summary of the offences in this A5 leaflet

Concealing Identity at Protests (Section 157)

Summary:

Section 157(1) creates a new power for the police to designate an area, for a period of time, where it will be an offence to cover your face or conceal your identity, punishable by up to one month in prison or a fine of up to £1000 (a level 3 fine).

Details:

A person commits an offence if they wear "or otherwise use an item that conceals their identity or another person's identity" in an area designated by an Inspector.

Procedure for Designation

A police officer of the rank of inspector or above may designate a locality for not exceeding 24 hours if they "reasonably believe that":

(a) a public assembly, or public procession, *which constitutes a protest* **may take place or is taking place in the locality,**

(b) the protest is likely to involve or has involved the commission of offences, and

(c) it is expedient, in order to prevent or limit the commission of offences, to designate the locality under this section.

The designation must be in writing and specify the grounds on which it is made.

Alternatively, where it is not possible for a designation to be made in writing, an oral designation may be made. The police officer making the designation still must state the reasons for the designation and record it in writing as soon as reasonably practicable. The requirement to notify the public of the designation still remains.

Requirement to Notify the Public

The police must ensure that "all reasonable steps are taken … to notify the public of":

(a) the fact that the designation has been made,

(b) the nature of the offence created by section 157,

(c) the locality to which the designation applies, and

(d) the period during which the designation will be in force.

Extending the Duration of the Ban

The designation may be extended for a further 24 hours by a police officer of the rank of superintendent, "if it appears expedient to do so, having regard to offences which – (a) have been committed in connection with the protest in respect of which the designation was made, or (b) are reasonably suspected to have been so committed".

The police must ensure that "all reasonable steps are taken" to notify the public that the designation will continue, the nature of the offence, the area it applies to, and the period it will be in force.

Sentence:

On summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale (or both).

Defences:

It would be a defence for the person charged to prove that they wore the item for:

(a) the health of the person or others,

(b) religious observance, or

(c) relating to the person's work.

Comments:

It is unclear at this point if the Courts will interpret it as an offence of strict liability. That is, whether people do not be need to be individually told by the police to remove the item before being arrested.

Banning Pyrotechnics at Protests (Section 160)

Extent:

UK-wide

Summary:

Section 160(1) makes it an offence to have in your possession a “pyrotechnic article”, such as a flare, when taking part in a protest.

Details:

It is an offence to have a “pyrotechnic article” in one’s possession at any time when taking part in:

(a) a public procession which constitutes a protest,

(b) a public assembly which constitutes a protest, or

(c) a one-person protest.

Pyrotechnics are defined as “an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions”

Matches are not considered pyrotechnics. The Home Secretary can also draw up a list of articles which will not be considered pyrotechnics.

Sentence:

on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000)

Defences:

It is a defence to show you had “a reasonable excuse” for possessing the pyrotechnic. For example, it is used in connection to your work.

It is not an offence if the pyrotechnic is for a “cultural or religious event of a kind at which pyrotechnic articles are customarily used”.

Comments:.

Smoke flares are the obvious target. Hard to judge how it will policed, The cops may let it go in otherwise legal protests but it provides a pretext for them to wade in should they wish to kick things off.

Climbing on a Memorial (Section 161)

Extent:

England and Wales

Summary:

Section 161(1) makes it an offence to climb on a ‘specified memorial’, such as the statue of Sir Winston Churchill, punishable by up to three months in prison and/or a fine up to £1000 (level 3 fine).

Details:

It will be an offence to climb on, or climb on part of, a specified memorial.

The Home Secretary will create a schedule of specified memorials on which it will be an offence to climb. There must be “significant public interest” in adding the memorial to the list.

A memorial is defined as a building, structure, or any other thing erected or installed on land (or in a building) which has the purpose to commemorate individuals, animals, or events.

Schedule 17 of the Act contains a list of "specified memorials", the majority of which are war memorials (see below). The Home Secretary may amended this list to add or remove memorials.

Sentence: on summary conviction up to three months imprisonment and/or a fine not exceeding level 3 on the standard scale.

Defences:

It will be a defence if the person can prove they:

(a) had a good reason for climbing on the specified memorial,

(b) were the owner or occupier of the memorial, or

(c) had the consent of the owner/occupier, or had other lawful authority, to climb on it.

List of Memorials as at September 2026, check schedule 17 for the latest list

- **Arch of Remembrance, Leicester.**
- **Cenotaph, Whitehall, London.**
- **Charles Church, Plymouth (being the entire derelict structure of that church).**
- **Chatham Naval War Memorial.**
- **Edith Cavell Memorial, St Martin's Place, London.**
- **Eleanor Cross, Sledmere.**
- **Hall of Memory, Centenary Square, Birmingham.**
- **Guards Memorial, Horse Guards Parade, London.**
- **Liverpool Cenotaph.**
- **Merchant Navy Memorial, Tower Hill, London.**
- **Plymouth Naval War Memorial.**
- **Port Sunlight War Memorial.**
- **Portsmouth Naval War Memorial.**
- **Preston War Memorial.**
- **The Response, Newcastle upon Tyne.**
- **Rochdale Cenotaph.**
- **Royal Artillery Memorial, Hyde Park Corner, London.**
- **Southampton Cenotaph.**
- **Spalding War Memorial.**
- **Statue of Captain Albert Ball, Nottingham Castle Gardens, Nottingham.**
- **Town and County War Memorial, Northampton.**
- **Wagoners' Memorial, Sledmere.**
- **Ely War Memorial (and the wall in which it is situated, extending east from the Almonry to the west end of No. 2 Fore Hill).**
- **Monument to the Women of World War II, Whitehall, London**
- **The external walls and roof of Alcester Town Hall, and any fixtures attached to any of those walls or that roof.**
- **Statue of Sir Winston Churchill, Parliament Square, London.**
- **Holocaust Memorial Garden, Hyde Park, London.**

Banning Protests Outside Politicians' Homes (Section 162)

Extent:

England and Wales.

Summary:

Section 162(1) makes it an offence for a person (alone or in a group) to protest outside, or in the vicinity, of a politician's home, punishable by up to six months in prison and/or a fine up to £2,500 (level 4 fine).

Details:

It is an offence to carry on a protest outside, or in the vicinity of, the dwelling of a public office-holder.

A protest is defined as "for the purpose of representing to, or persuading, the public office-holder that they – (i) should or should not do something, or (ii) should or should not have done something".

It applies to a group protest, or just a single person.

A "public office holder" means UK government ministers, welsh ministers, members of the House of Lords, House of Commons, the Senedd, local councillors, mayors, Police and Crime Commissioners, or a candidate in an election.

It would not apply to "official residences", such as 10 Downing Street. Section 162(11) lists the official residences as:

- **10, 11 and 12 Downing Street, London;**
- **Admiralty House, Whitehall, London;**
- **1 Carlton Gardens, London; (***The residence of the Foreign Secretary***)**
- **the Palace of Westminster, London; (***AKA. The Houses of Parliament***)**
- **Chequers, Missenden Road, Aylesbury, Buckinghamshire (***The Prime Minister's Country House)*
- **Dorneywood, Dorneywood Road, Burnham, Buckinghamshire**
- **Chevening House, Chevening, Sevenoaks, Kent.**

Sentence: on summary conviction, "a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both)." Currently up to 6 months.

Defences:

It is a defence for the person charged to show that they did not know the premises were used by the public office-holder as a dwelling.

Comments:.

There is already legislation against 'home demos'. Sections 42 & 42A of the Criminal Justice and Police Act 2001. This power does not require the cops to assess the actual situation but again it's questionable if they can get convictions without individually telling people to leave.

Cumulative Disruption (Section 165)

Extent:

UK-wide, but sentences are different (less) in Scotland.

Summary:

The police must take into account any disruption caused by previous protests, regardless of who they were organised by, when deciding whether to impose restrictions on a protest.

This gives the police new and broad powers to further restrict protests. Failing to comply with the conditions will be punishable with a fine up to £2,500.

Details:

This amends Section 12 and Section 14 of the Public Order Act 1986, which give the police the power to impose conditions on a protest.

A senior police officer must take into account "any relevant cumulative disruption" resulting from protests when imposing conditions on them.

"Relevant cumulative disruption" means the "cumulative disruption to the life of the community" resulting from any assembly or procession held in the past in the same area. It does not matter if they are organised by the same person, attended by the same people, or intended to be held at the same time.

An "area" is broadly defined, meaning "such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly.".

The Current Law (Public Order Act 1986)

Currently sections 12, 14, and 14ZA of the Public Order Act allow for the police to impose conditions on protests and assemblies. The most senior police officer present may impose conditions if they "reasonably believe" that, amongst other things, the protest "may result in serious public disorder, serious damage to property or serious disruption to the life of the community".

The conditions the police can impose are any that "appear to him necessary to prevent such disorder, damage, disruption, impact, or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions."

It is an offence for someone taking part in the protest to fail to comply with these conditions, where the person knows or ought to know that the condition has been imposed. It is punishable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2,500).

It is an offence for the organiser of the protest if they fail to comply the conditions, punishable on summary conviction to 6 months imprisonment, or a fine not exceeding level 4 on the standard scale (currently £2,500).

It is an offence to incite (encourage) people not to comply with the conditions, punishable on summary conviction to 6 months imprisonment, or a fine not exceeding level 4 on the standard scale (currently £2,500).

Defences

The current defence will remain, namely, the person charged with the offence can "prove that the failure arose from circumstances beyond his control".

Comments:.

We're not sure that this gives the cops much more leeway than they already have given the Courts reluctance to rule conditions they impose unlawful either on Judicial Review or in Criminal Trials.

Restrictions on protests near places of worship (Section 164)

Extent:

UK (sentences are different in Scotland)

Summary:

The police may impose restrictions on a protest near a place of worship if they reasonably believe it will be intimidatory. Failing to comply with the conditions will be punishable with a fine up to £2,500 (level 4 fine).

Details:

S.12 and S.14 of the Public Order Act 1986 are amended such that conditions may be imposed on a protest if it is in "the vicinity of a place of worship" and "may intimidate persons of reasonable firmness" being deterred from accessing the place or worship, or carrying out religious activities at the place of worship.

Comments:.

Rather similar to the above. The Met in particular have been using the excuse of demos being near synagogues to impose conditions for some time. Like many laws looks like it's put in for political point scoring rather than practical reasons. Taken literally, it's very hard to have protests in big cities that aren't near places of worship – for exmple, Trafalgar and Parliament Squares would both be out.

'Know Your Rights' Mic Check

‘Know Your Rights’ Mic Check

(Call each line – the crowd should repeat each one after you. Call 'Mic check!' at the beginning until you get a response and people work out what's going on.)

~~

Mic check!

Know your rights!

If police talk to you
No matter the question
Protect yourself
Protect other people
Say 'No Comment'
The police officers in blue tabards are also police officers.
Their job is to gain information about protestors.
Say 'No Comment!'
'No Comment!'

If police tell you to do something
Check they're acting lawfully
Ask 'Under What Power?'
'Under What Power?'
'Under What Power?'

If you get stop and searched
Don't give police personal details
This includes your visa status
No personal details!
No personal details!

An exception is
If you get arrested
Many people
Give their name, address and date of birth
At the custody desk.

If you get arrested
Ask for a solicitor
On the bustcard
For example
Call ITN
Or call HJA
Or call Bindmans.*

Don't accept a caution
That's saying you're guilty
It's an easy win for the police
You might not get found guilty later
No caution!
No caution!

If you get arrested
Call the Protest Support Line number
It's on the bustcard.
Write this on your arm.

Protect yourself
Protect other people
No comment!
No comment!

~~

***If you're outside of London look at the bustcard for your region to check what lawyers to recommend. If you're not sure say the ones listed here anyways.**

Stop and Search

The police have specific powers that allow them in some circumstances to stop and search you. These powers are used as an intimidation tactic and to exert control on a protest or in a community, especially minority communities. It is also used for intelligence gathering. The best way to protect yourself is to know the law and not to talk.

Stop and Search is applied disproportionately in a racist manner. Black men are up to 17 times more likely to be stopped and searched than their white counterparts.

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. Challenge Your Search

Bustcard

Bustcards are an essential item to take with you on a protest.

They provide you with our key advice, information on stop and search and arrest, and the names and numbers of solicitors who can help you.

> **We often hear stories from people who weren't carrying a bustcard as they didn't expect to be arrested. Always write the name of a solicitor and the number for the Protest Support Line (07946 541 511) on your arm. Don't be caught out!**

Collect printed bustcards:

Check out this map of locations you can pick up bustcards from. If you would like to suggest other bookshops/ cafes/ venues etc to stock bustcards, get in touch!
https://bustcard.mapped.tools/

Download a bustcard:

If you notice any problems with any bustcards please email gbcresources@protonmail.com.

For resources for Scotland please see Scottish Activist & Legal Project.

English-language bustcards:

Guides, Resources & Other Organisations

All bustcards have the same information on your rights and the names and numbers of local lawyers who are experienced in protest cases.

1. London
2. South East & East of England
3. Brighton
4. Bristol
5. South West
6. Midlands
7. North East
8. Manchester & North West
9. Leeds & West Yorkshire
10. Sheffield & South Yorkshire
11. York & North Yorkshire
12. Cymru/Wales

Bustcards in other languages:

Please note these have the lawyers from the London bustcard, unless stated. Please get in contact if you need it editing for other regions.

1. **Português (Portuguese):** 1 card to page; 4 cards to page
2. **Español (Spanish):** 1 card to page; 4 cards to page
3. **Cymraeg (Welsh):** 1 card to page; 4 cards to page **(Cymru/Wales regional bustcard)**
4. **???? (Arabic):** 1 card to page; 4 cards to page

ADVICE ON ARREST

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

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

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

ITN (Irvine Thanvi Natas): 020 3909 8100
HJA (Hodge Jones & Allen): 0808 274 8226
Bindmans: 0207 833 4433 / 020 7305 5638 (out of hours)

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07946 541 511**).
You have the right to an interpreter if English is not your first language.
If you are or appear under 18 an appropriate adult should be called.

LEGAL QUESTIONS about PROTEST?

STOP AND SEARCH: You're not legally required to give your name and address under any stop and search power, see below website for more details. Legally you must be told the reason and the power that you are being searched under.

If you witness an arrest, want support or have legal questions about protest:
courtsupport@protonmail.com
07946 541 511
Legal Observers are independent volunteers who gather evidence on behalf of protesters and act to counter police intimidation and misbehaviour. Read more about your rights and protest legislation:
www.greenandblackcross.org

After arrest &/or if you have a court date & want advice email
courtsupport@protonmail.com

All the firms on the London bustcard can provide cover outside of their geographical area, with advance notice.

Download single London bustcard
Download 4-per-page London bustcard

South East, Oxfordshire & East of England

Guides, Resources & Other Organisations

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[Download single South East, Oxfordshire & East of England bustcard]
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You have the right to **FREE LEGAL ADVICE** at the police station.
Duty solicitors don't always have experience with protest law, we recommend asking the police to contact:

Kelly's: 01273 674 898 / 0800 387 463 (out of hours)
HJA (Hodge Jones & Allen): 0808 274 8226
ITN (Irvine Thanvi Natas): 020 3909 8100

You have the right to have someone informed of your arrest (make that **Protest Support Line** unless otherwise arranged: **07946 541 511**).
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[Download single Brighton bustcard]
[Download 4-per-page Brighton bustcard]

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Kelly's: 01273 674 898 / 0800 387 463 (out of hours)
HJA (Hodge Jones & Allen): 0808 274 8226

You have the right to have someone informed of your arrest (make that **Bristol Defendant Solidarity** unless otherwise arranged: **07510 283424**).
You have the right to an interpreter if English is not your first language.
If you are or appear under 18 an appropriate adult should be called.

LEGAL QUESTIONS about PROTEST?

STOP AND SEARCH: You're not legally required to give your name and address under any stop and search power, see below website for more details. Legally you must be told the reason and the power that you are being searched under.

If you witness an arrest, want support or have legal questions about protest:
bristoldefendantsolidarity@riseup.net
07510 283424
Legal Observers are independent volunteers who gather evidence on behalf of protesters and act to counter police intimidation and misbehaviour. Read more about your rights and protest legislation:
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After arrest &/or if you have a court date & want advice email
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Download 4-per-page Bristol bustcard

ADVICE ON ARREST

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

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

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

ITN (Irvine Thanvi Natas): 020 3909 8100
HJA (Hodge Jones & Allen): 0808 274 8226
Bindmans: 0207 833 4433 / 020 7305 5638 (out of hours)

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07946 541 511**).
You have the right to an interpreter if English is not your first language.
If you are or appear under 18 an appropriate adult should be called.

LEGAL QUESTIONS about PROTEST?

STOP AND SEARCH: You're not legally required to give your name and address under any stop and search power, see below website for more details. Legally you must be told the reason and the power that you are being searched under.

If you witness an arrest, want support or have legal questions about protest:
courtsupport@protonmail.com
07946 541 511
Legal Observers are independent volunteers who gather evidence on behalf of protesters and act to counter police intimidation and misbehaviour. Read more about your rights and protest legislation:
www.greenandblackcross.org

After arrest &/or if you have a court date & want advice email
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North East England

Guides, Resources & Other Organisations

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Duty solicitors don't always have experience with protest law, we recommend asking the police to contact:

Singleton Winn Connell (Newcastle upon Tyne): 0191 2658817/ out of hours 07904190124
Robert Lizar 0161 227 7777 / 07900 998 999 (out of hours)

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07946 541 511**).
You have the right to an interpreter if English is not your first language.
If you are or appear under 18 an appropriate adult should be called.

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07946 541 511
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www.greenandblackcross.org

After arrest &/or if you have a court date & want advice email
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Duty solicitors don't always have experience with protest law, we recommend asking the police to contact:

Robert Lizar: 0161 227 7777 / 07900 998 999 (out of hours)
Hodge Jones & Allen (HJA): 0808 274 8226

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07761 911 121** (Manchester) / **07946 541 511**).
You have the right to an interpreter if English is not your first language.
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If you witness an arrest, want support or have legal questions about protest:
courtsupport@protonmail.com
Manchester line: 07761 911 121
National 24/7 line: 07946 541 511

Legal Observers are independent volunteers who gather evidence on behalf of protesters and act to counter police intimidation and misbehaviour. Read more about your rights and protest legislation:
www.greenandblackcross.org
After arrest &/or if you have a court date & want advice email
courtsupport@protonmail.com

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Duty solicitors don't always have experience with protest law, we recommend asking the police to contact:

Ison Harrison (Leeds): 0113 200 7400 / 07659 106872 (out of hours)
Robert Lizar: 0161 227 7777 / 07900 998 999 (out of hours)

You have the right to have someone informed of your arrest (make that the **Protest Support Line** unless otherwise arranged: **07946 541 511**).
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HJA (Hodge Jones & Allen): 0808 274 8226
Ison Harrison: 0113 200 7400 / 0113 399 6181 (out of hours)
ITN (Irvine Thanvi Natas): 020 3909 8100
Robert Lizar: 0161 227 7777 / 07900 998 999 (out of hours)

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Duty solicitors don't always have experience with protest law, we recommend asking the police to contact:

Howard & Byrne (York): 01904 431421

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Wales

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ADVICE ON ARREST

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

Hodge Jones & Allen (HJA): 0808 274 8226 - this firm covers the Wales area when told of a protest in advance

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

CYNGOR WRTH GAEL EICH ARESTIO

Atebwch gyda **"DIM SYLW" / "NO COMMENT"** i bob cwestiwn a ofynnir gan yr heddlu yn ystod sgyrsiau anffurfiol, pan maen nhw'n mynd â chi i'r orsaf heddlu, neu yn ystod cyfweliad. Yn yr orsaf heddlu gallwch ddewis rhoi eich enw, cyfeiriad a dyddiad geni i'r heddlu er mwyn cyflymu eich rhyddhad. **Er mwyn gofalu am eich diogelwch chi a phobl eraill, peidiwch ag ateb unrhyw gwestiynau pellach.**

Peidiwch a derbyn **RHYBUDD** heb gyngor cyfreithiwr. Mae rhybudd ffurfiol yn arwydd eich bod chi'n cyfladdef eich bod chi'n euog, ac yn cael ei nodi ar gyfrifiadur cenedlaethol yr heddlu.

Mae hawl **CYNGOR CYFREITHIOL AM DDIM** gyda chi yn yr orsaf heddlu. Fel arfer, dyw'r cyfreithwyr ar ddyletswydd dim yn brofiadol gyda deddfau protest, felly rydyn ni'n eich cynghori i ofyn i'r heddlu gysylltu â:

Hodge Jones & Allen (HJA): 0808 274 8226 - oes ydyn nhw wedi cael eu rhybyddio o flaen llaw, mae'r cwmni hwn yn gweithio yng Nghymru.

Mae hawl rhoi gwybod i rywun eich bod wedi cael eich arestio gyda chi (galwch y **Protest Support Line** os nad oes gyda chi gynllun yn barod: **07946 541 511**).

Mae hawl cyfieithwr gyda chi, os nad ydych chi'n siarad Saesneg fel iaith gyntaf.

Os ydych chi'n iau nag 18 mlwydd oed, neu os ydych chi'n edrych yn iau nag 18, maen rhaid i'r heddlu gysylltu ag oedolyn addas.

Oes CWESTIYNAU CYFREITHIOL gyda chi am BROTESTIO?

STOPIO A CHWILIO: Does dim pŵer stopio a chwilio sy'n eich gorfodi chi i roi eich enw neu eich cyfeiriad i'r heddlu, ewch i'r wefan isod am fwy o fanylion. Mae rhaid i'r heddlu esbonio iddych chi pam maen nhw yn eich stopio, ac o dan pa bŵer.

Os ydych chi'n gweld rhywun yn cael eu harestio, os oes angen cymorth arnych chi, neu os oes gyda chi unrhyw gwestiynau am brotestio, ebostiwch neu floniwch:
courtsupport@protonmail.com
07946 541 511

Gwirfyddolwyr yw Arsylwyr Cyfreithiol sy'n casglu tystiolaeth ar gyfer protestwyr ac yn atal bygythiadau a chamfieifio o'r heddlu. Cewch ddarllen mwy am eich hawliau ac am ddeddfau protest:
www.greenandblackcross.org

Ar ôl cael eich arestio, neu os oes dyddiad llys gyda chi ac rydych chi eisiau cyngor, ebostiwch **courtsupport@protonmail.com**

Lawrlwytho cipgerdyn Cymru unigol
Lawrlwytho 4 cipgerdyn Cymru ar un tudalen

Your rights and mobile fingerprinting

This page serves as an overview for dealing with requests for fingerprinting from police on the street. This reference was developed by NETPOL.

When can police take fingerprints with a mobile device?

- **If you are under arrest and you are taken to a police station, the police have the power to take your fingerprints (by force if necessary).**
- **The police can take fingerprints away from a police station ONLY if they have reason to suspect you have committed an offence AND they have reason to doubt that you have provided your real name and address.**
- **If the police have grounds to take fingerprints, they must first give you an opportunity to give your details. They can fingerprint you only if there are 'reasonable grounds' to doubt you have given your real name and address.**
- **If you have provided a document showing your name and address, they must tell you why this is not sufficient on its own to prove your identity.**
- **If you refuse to give your fingerprints (and the police have 'reasonable suspicion'), they have the power to take fingerprints without consent, or to arrest you for the offence you are suspected of, and take you to the police station.**

What if I haven't committed an offence?

- **To lawfully take your fingerprints the police must suspect that you have committed an offence. They MUST tell you what offence you are reasonably suspected of having committed and why you are reasonably suspected of committing it. If the police will not or cannot do this, you SHOULD NOT provide your fingerprints (or your name and address).**
- **If the police allege that you have committed an offence, MAKE SURE they explain what offence it is that has been committed, and what reason they have for suspecting you.**
- **Being stopped and searched, DOES NOT by itself give the police powers to take your fingerprints OR your name and address.**
- **Being detained to prevent a breach of the peace, or held in a protest kettle, DOES NOT by itself give the police powers to take your fingerprints OR your name and address.**
- **If the police have suspicion that you are breaching bail conditions, they have the power to arrest you. A suspicion that you are breaching bail conditions DOES NOT give them the power to take your fingerprints on a mobile scanner, as this is NOT an offence.**

What if I am suspected of Anti-social behaviour?

- **If the police allege that you have engaged in anti-social behaviour*,INSIST they tell you what they 'reasonably believe' you have done that was likely to caused harassment, alarm and distress.****
- **If the police cannot or will not tell you why they believe you were likely to cause harassment alarm or distress, , the police do NOT have powers to take your fingerprints, and you SHOULD NOT give a name and address.**
- **If the police DO you have reason to believe you have engaged in anti-social behaviour, they DO have the power to demand your name and address. The police WILL then have the power take your fingerprints IF you refuse to provide your name and address, OR they suspect you of providing a false name and address***.**

*** Anti-social behaviour is any behaviour likely to cause harassment alarm or distress to a member of the public. If what you did was not likely to do that, it was not anti-social behaviour. Non-violent protest is NOT anti-social behaviour, even if it is unlawful.**

**** Swearing in front of a police officer probably ISNT anti-social behaviour as the law says that police officers are unlikely to be caused 'harassment alarm or distress' by bad language. (This may not be the case if other people could hear.)**

*****Under s50 Police Reform Act, you commit an offence if you do not provide your name and address when a police officer reasonably believes you have engaged in anti-social behaviour.**

What happens if I give my fingerprints?

- **The device will scan your fingerprints and check them against the police database. They should return a result within two minutes. The scan taken by the mobile fingerprint device is NOT kept, and DOES NOT stay on the system.**
- **If your prints are already on record, the police will be able to see your details. These will include your name, last known address, warning markers and whether or not you are wanted for any outstanding offences.**
- **If the offence you are suspected of committing is a minor one, and you have given your prints, the police SHOULD consider alternatives to arrest eg summons, fixed penalty notice or words of advice.**
- **If your prints are not already on the database, this will mean that the police cannot verify your details. What the police do then is up to them – depending on the situation they may accept the details you have given as true, or they may arrest you for the offence you are suspected of committing. If you are arrested your prints will be taken in the police station, and these will be retained on the system.**

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.

If you have time, it can also be helpful to attend one of Know Your Rights trainings, which will go through these key messages and other useful information to know when protesting.

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

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.

Please note we are in the process of updating the guide – please do get in touch if you have any questions! 07946 541 511.

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 gbcresources@protonmail.com with any comments, questions or suggestions.

Click Here to Download "Being Trans & Protesting" as a PDF

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. Our training tells Legal Observers NOT to film protesters.**
- **Monitoring arrests, including collecting witnesses and helping to connect the arrestee with support in the police station.**

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**
- **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.**

Contact the Independent Legal Observer Network 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.

If you are interested in being trained as a legal observer, you can see future training dates and sign up here.

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. It would also be useful to read our guide on Stop & Search powers.

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. **Assaulting a Police Constable or emergency worker**
3. **Conditions on a protest – inc. Section 12/14 of the Public Order Act**
4. **Obstruction of the Highway**
5. **Breach of the Peace**
6. **Trespass/Aggravated Trespass**
7. **Criminal Damage & Theft**
8. **Violent Disorder and Affray**
9. **Prohibiting face covering**
10. **"Anti-Social Behaviour" – Section 50 of Police Reform Act**
11. **Public Nuisance**
12. **Dispersal Order – Section 35**
13. **Obstructing Workplaces: Trade Union Law**
14. **Injunctions**

Injunctions

Dealing with injunctions – a protesters' guide

Injunctions are basically a way that companies can buy themselves personalised laws. As such they are complicated and vary quite widely. Not1More has produced an excellent guide to help you understand and navigate injunctions.

View the Protest Injunctions Toolkit here!

You can find out more about this work and download a version of the guide to print at home on Not1More's website.

If you've received or otherwise been affected by an injunction, here are 3 things you should do:

- **Don't talk about it publicly until you've received advice.**
- **Read the guide linked above!**
- **Ring us as soon as possible so we can help you go through the details and plan the best course of action.**

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.

We're currently in the process of updating our guidance for those without British Citizenship. The Informed Dissent website has useful guidance on the impacts of arrest on immigration status.

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?

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, which is no longer available online. This Zine from the Black Cross Health Collective also includes useful information on looking after your health on actions. QueerCare can offer first aid and care, as well as trainings, for your action.

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 after-action Emotional and Trauma Support

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.

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

DBS checks & being arrested on protests

The disclosure and barring service (DBS) is primarily used by employers to check whether potential employees have criminal convictions. Some jobs can request that you have a DBS check, mainly those working with children and vulnerable adults.

We are often asked whether arrests, charges and convictions related to protest activities will show up on a DBS check and whether this will affect people's employment prospects.

In short: Expect convictions and cautions to show up on your DBS check. Arrests or charges may show up on Enhanced DBS checks, at the police's discretion, but is exceedingly rare. Your potential employer may ask you to explain what shows up, but having convictions etc doesn't automatically mean you can't get the job and won't necessarily count against you.

- **DBS checks are only allowed for some roles, largely those working with children, in healthcare or personal care, or in some professions. Some jobs are eligible for Standard DBS, and some are eligible for Enhanced DBS, including most jobs working directly with children. You can check whether a job is eligible for a DBS check at this gov.uk site.**
- **What will show up on a Standard/Enhanced DBS: spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer.**
- **Additional for an Enhanced DBS: anything that the Chief Officer of a police force thinks is relevant. This can include arrests. We find it unlikely that anything related to protest activity would show up here, but it could include arrests that don't result in conviction. If you have to go through an enhanced DBS check and information related to protest activity is included, the Network for Police Monitoring would be interested to know as this could be a method of intimidating people out of protest.**
- **There is something called "filtering" where some convictions don't show up after 11 years have passed (5 ½ years for convictions imposed when you were aged under 18), but only if you have been convicted of a single offence and got a non-custodial sentence, and the offence is not included on the list of offences that will never be filtered.**
- **For more help and information go to Unlock's guide to DBS checks**

Will an arrest that doesn't lead to a charge show up on a DBS check?

It may show up on an Enhanced DBS check, at the discretion of the Chief Officer of the relevant police force, but it is very unlikely.

If I am arrested, tried and acquitted, will this show up on a DBS check?

It may show up on an Enhanced DBS check, at the discretion of the Chief Officer of the relevant police force, but it is very unlikely.

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.

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

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 courtsupport@protonmail.com, 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**

The purpose of writing it is just so that you can remember what happened, and the sooner it's written the better. 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. Make sure to send a copy to courtsupport@protonmail.com so the Activist Court Aid Brigade can keep it safe for future.

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!

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.

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**

My Friend has been Arrested!

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

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 the arrest happened at a protest or during an action, or is protest related, then we can offer support.

> **If you have just witnessed the arrest, and it was protest related, 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 touch with them and 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**

Police Station Support Guide

Being arrested and held in police custody is unpleasant. People often appreciate being met by a friendly face when they are released. This is a guide to doing effective police station support.

If you're organising a protest, it is really helpful to prepare for Police Station Support in advance, even if you think the risk of arrest is low. We can never predict what the police will do. It's always better to be prepared.

The information you record outside the police station will help Activist Court Aid Brigade (ACAB) support the arrestee, and can make the difference between a conviction and an acquittal.

This guide contains information about how to prepare for police station support; what to do at the police station; tips on liaising with lawyers and appropriate adults; what information to collect for follow-up support and a guide to some basic First Aid and acute mental health support.

1. Preparing for Police Station Support in advance
2. Your role
3. Why you might end up doing police station support
4. What to take with you
5. What we will need to support you
6. What to do at the police station
7. Liaising with the solicitor(s)
8. Liaising with appropriate adults
9. Meeting arrestees on their release
10. Collecting information for ongoing support
11. Once everyone is released or when you're leaving
12. Appendix 1: First Aid Kit
13. Appendix 2: Mental Health Support
14. Appendix 3: Basic First Aid

> You don't need to go to the police station right away after someone's been arrested – it usually takes at least an hour for them to be taken to the station and be booked in, before being held, interviewed and released. It's a good idea to make sure you're ready and have everything, including people who can take over support during the night or later on, before heading to a station.

If you're not sure where an arrestee has been taken, ask a Legal Observer if they know and phone the Protest Legal Support Helpline / Legal Back Office for the action, as they may have more information.

This guide is an updated version of the Activist's Legal Project guide to arrestee support, created collectively by GBC Resources, Activist Court Aid Brigade (ACAB) and Queercare.

What is bail and should I ignore police bail?

Our phoneline can only answer questions about bail where it regards to a protest context. Please do NOT call us for other questions about bail conditions. Go straight to a solicitor!

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", "You must not go within 1km of an airport" or "You must not associate with [a particular person]".

1. Why the police use bail
2. What should I do if I've been bailed?
3. What happens if I break bail conditions?
4. Challenging unfair bail conditions
5. Resisting victimisation of protesters.

'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 and Self Representation
2. The Prosecution Process
3. Possible Outcomes
4. Potential Sentences
5. FAQs

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 this….

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'

The Activist Court Aid Brigade (ACAB) have volunteers who support people who are going to court. If you or a friend have been called to court after attending an action, please send an email to ACAB who will offer you support. 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

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

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

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?

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.

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

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 please phone the protest support line on 07946 541 511