2. Key Messages - Being Trans and Protesting

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

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

> **Arrestee Support: 07946 541 511**
> **Solicitor with protest experience**

Key Messages

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

1. No Comment

You are not obliged to speak to the police on demonstrations.

They want to gather information about you, your friends and other people on the demonstration. You can and should say "No Comment" to them. If arrested, 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.

However, if you have been arrested and have been taken to the police station you may wish to give your name, address and date of birth at the custody desk to speed up your release.

You may also wish to speak to the cops if you are trans and being forced to interact with them (e.g. if you are being stopped and searched or arrested) and they are misgendering you. You have the right to insist that your gender be recognised.

UK law is currently unclear about non-binary people. However, government policy documents refer to nonbinary people, and therefore by extension you can insist that your gender be respected.

If possible, just don't engage with the police. No comment.

2. No Personal Details

You are not obliged to give your details under any stop and search power. This includes your name, your address, and your gender.

If you are being stopped and searched, 'non-intimate' searches (i.e. 'pat-downs' – being physically touched by an officer outside of your clothes) can be done by officers of any gender, but you have the right to ask to be searched by an officer of the same gender as you, and if it is 'reasonably practicable' this should be done. Therefore if you are being misgendered you can insist on being treated as your gender.

If you are non-binary, because the police only have to provide someone of the same gender as you 'where reasonably practicable', it is very unlikely you will be physically searched by a non-binary officer. This doesn't mean you needn't request this if you wish.

3. Under What Power

If the police are demanding that you do certain things, ask "Am I legally obliged to do so?" then if they say yes, "Under What Power?" The police must have a legal basis for their actions. You can ask them "under what power" are they doing things.

4. No Duty Solicitor

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.

2. Key Messages - Being Trans and Protesting

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

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

5. No Caution

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.