



# 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.

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## 1. Should I give the Police My Details?

**You do not have to give any details when arrested or at the police station.**

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

If you do decide to give your details, you only need to give your **name, address, and date of birth.**

**Never give your details before being 'booked in' at the custody desk, as people are often arrested as an intelligence-gathering exercise.**

In mass arrest situations, all arrestees should consider **not giving details until charged with a crime.** The mass arrest is often done for the purpose of getting people's details – there is unlikely to be evidence that you have committed a crime. If you decide not to give your details, it makes it easier for others to make the same choice.

You are only legally obliged to give your details if and when you appear in court.

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

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## 2. What Happens When I Get Arrested?

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



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

You will probably be handcuffed.

**You will be searched** – usually just a ‘pat down’ by an officer of the same sex as you. The police are only allowed to strip search you if there is good reason to believe that you are concealing an item such as a weapon or evidence or drugs.

You will be taken to the police station. This may be individually, or you may be taken along with other arrestees. At recent mass arrests, the police have used buses for multiple arrestees, and there have been very long waits before arrival at the police station.

You will get **‘booked in’** at the police station. **Your personal belongings will be taken from you.** These are listed on the custody record and usually you will be asked to sign to say that the list is correct. You do not have to sign, but if you do, you should sign immediately below the last line, so that the police can’t add something incriminating to the list. You should also refuse to sign for something which isn’t yours, or which could be incriminating. They will ask you all kinds of questions about who you are and what you do (see above).

They will take your **photograph**. You don’t have to comply, but they are allowed to use “reasonable force” to view your face.

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

You will then be put in a cell.

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## 3. Rights in Police Custody

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

You have the right to have a solicitor present during an interview. We recommend that you use a solicitor with experience of supporting activists. If you have a solicitor coming, refuse to be interviewed before they arrive. If they can’t be contacted within a couple of hours then you may have to just give a no comment interview on your own.

**Do not use the duty solicitor.** They are unlikely to have experience in protest law, and may give bad advice.

You have the right to have a person informed of your arrest **in addition** to the call to your solicitor. If arrested on a protest, we recommend you **call Green & Black Cross on 07946 541 511**. We can liaise with our recommended solicitors on your behalf, ensure you have police station support on release, and give further support post-arrest.

**You also have the right to:**

- A copy of the [PACE codes](#) leaflet. This tells you your rights in custody – ask for it.
- A translator if English isn’t your first language.
- Food that meets your dietary requirements – e.g. vegetarian/vegan/religious requirements
- A doctor if feeling unwell.
- A warm cell, including blankets and cups of tea/coffee.

**If you are under 18**, a parent or guardian or appropriate adult must be called and present for any interview. They may find a social worker, but we recommend against this. They may not agree for an appropriate adult to be someone already with a criminal record or involved in the action.



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## 4. Psychological Prep

It is reasonable to prepare yourself for extreme boredom, isolation, bad food, frustration, mild sensory deprivation, distressing noises from other prisoners, a bright light on 24/7 and being kept under constant surveillance. Remember, you can only be held for up to 24 hours (except for some very serious charges – unlikely in protest related cases). If you've prepared for the worst you may be pleasantly surprised!

If you are perhaps expecting to be arrested, bring along a book. Chances are you will be allowed to take it to your cell.

You might also want to ask the custody sergeant for a pencil and paper to take to the cell.

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## 5. What Happens in an Interview?

**An interview is a NO WIN situation. Don't incriminate other people by talking.**

If the police are interviewing you, it is because they don't currently have enough evidence.

The best place to construct a defence is after you've left the police station, with your solicitor or witnesses, not under pressure in the hands of the police.

Refuse to be interviewed until your solicitor gets there. If they can't be contacted within a couple of hours then you may just have to give a no comment interview on your own.

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. Make sure they are a [solicitor experienced in protest law](#), and you understand their reasons for deviating from "no comment". **Do not** follow advice from a duty solicitor to answer police questions.

If you respond to small-talk questions but then stop talking when they start asking questions about the crime, it looks bad in court. So just say "no comment" to everything.

"No Comment" is for your own protection and for the protection of others. If your friend in the next cell knows you aren't going to talk, they will feel better able not to talk themselves.

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

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## 6. Cautions

**You do not have to accept a caution!**

A caution is a **possible outcome of an arrest**, which you may be offered instead of being charged. The police make cautions sound less serious, but they are **an admission of guilt, and will still go on your record**.

Accepting a caution can seem appealing because it means you will not go to court for that offence. It's phrased like it's a slap on the wrist, and can seem like an easy way out. However, a caution is an admission of guilt and can still affect you in the future: it stays on your record for 5 years and can affect visas, travel, and job applications.

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

We strongly recommend that you **do not accept a caution** except in very rare circumstances where you have been advised to by a



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solicitor with experience of protest law. If you are advised to accept a caution, make sure you are clear why your case is an exception to the rule. **Do not follow advice from a duty solicitor to accept a caution.**

If you have accepted a caution already then it might be possible to appeal it, especially if you did so without legal advice. Get in touch with a good solicitor who can advise you.

**Don't get confused! In your interview at a police station the police will begin by reading you a warning:**

***“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”***

**This is normal and has to happen before an interview. It is sometimes referred to as a ‘caution’, but it is NOT the same as the formal caution discussed above.**

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## 7. Getting Released

Once you've spent your time in custody, usually one of four things will happen:

1. You are **released with no further action**.
2. You are **charged with an offence and released on bail to appear in court** at a later date. There may be bail conditions imposed, such as staying away from a certain area or not attending specific events. You may be able to challenge these conditions, especially if they have been imposed in a ‘blanket’ manner on a large group of people.
3. You are **charged and held over to be brought into court the next day** (or the following Monday if it is a weekend). This is usually done if you do not agree to your bail conditions, or if the police do not believe they should release you (because you might leave the country, etc.).
4. You are **bailed to return to the same police station at a later date**, pending further inquiries. This means the police have not decided whether to charge you or not. It often means they need more time to look over the evidence. You might, as above, be given bail conditions.

If we know about your arrest, Green & Black Cross (GBC), or groups who we work with, will try and organise [police station support](#) on your release. This means a friendly face to meet you, make sure you can get home, and ensure you are in touch with us for further support if desired.

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## 8. What Happens Next?

See our [I've been Arrested!](#) guide.

You might also want to take a look at this book by [LDMG – “No Comment” – The Defendant’s Guide to Arrest.](#)