

A person in a dark uniform, possibly a police officer, is shown from the waist down. They are wearing a dark jacket with "h2o" on the sleeve, dark pants, and a black belt. They are wearing silver handcuffs on their wrists and holding a white banner with blue text. The background is a collage of blue and red abstract shapes.

WHAT TO EXPECT

IF YOU GET

ARRESTED

Even the most law-abiding citizen can get arrested. Whether or not they're supposed to, any police officer can place anyone under arrest at any point for any reason. This is as true for someone participating in a protest as it is for someone walking to the shops. Of course, most people on most protests in the UK are never arrested, and in many cases, the police will warn you before they arrest you. We have designed this guide to help prepare you for what to expect if it does happen to you.



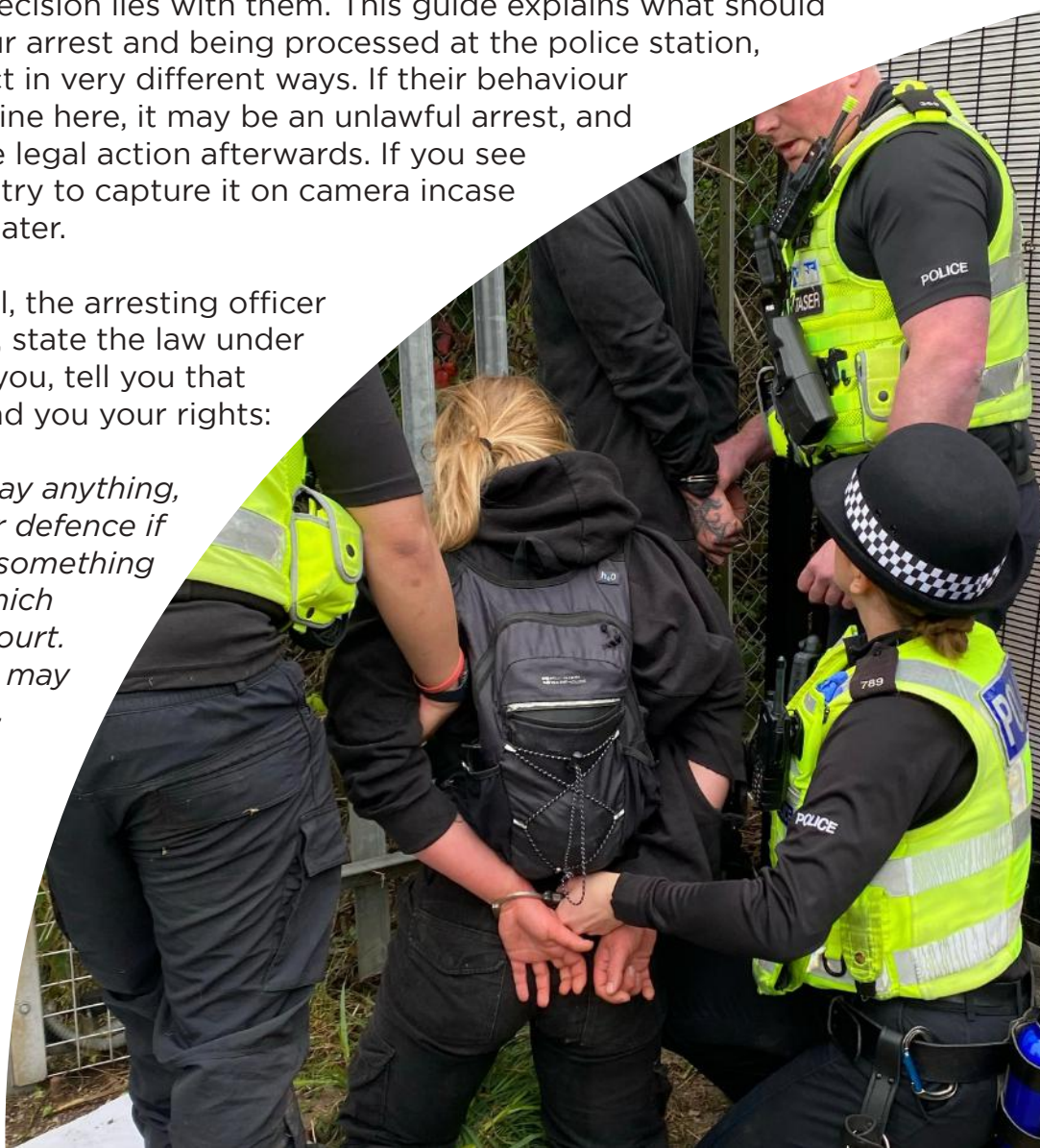
What is an Arrest?

An arrest occurs when a police officer claims they believe you have committed a crime. At this point, the entire decision lies with them. This guide explains what should happen, but between your arrest and being processed at the police station, individual officers may act in very different ways. If their behaviour differs from what we outline here, it may be an unlawful arrest, and you might be able to take legal action afterwards. If you see someone being arrested, try to capture it on camera in case they need it as evidence later.

To make the arrest official, the arresting officer must identify themselves, state the law under which they are arresting you, tell you that you cannot leave, and read you your rights:

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

The first line is crucial here. We will explore this in depth later, but **you have the right to remain silent; in almost all cases, you should exercise it.**



Resisting Arrest

In the UK, resisting arrest is not a crime. You can refuse to walk, go floppy, lie on the floor, refuse to stand up, or do anything else that could be considered **passive resistance**. If you choose to run away, be aware that 'Escape from Lawful Custody' is a common law offence. Assaulting a police officer is also an offence, and can be as mild as pushing or grabbing, so if you resist, try to keep your arms and hands close to your body.

The police can use 'reasonable force' to restrain and detain you. If you refuse to walk, they will likely pick you up and carry you, or else restrain you in a blanket or on a stretcher. Be aware that if they injure you at any point in this process, the police will have to justify their behaviour later, and if it is not proportionate, it may amount to an assault on you.

Theoretically, 'reasonable force' means the minimum aggression necessary to secure your arrest. However, in the moment, this remains at the discretion of the arresting officer. They will have to record and explain their actions later, but their account tends to be accepted (unless they are blatantly out of control). If they think they can justify it (or they just don't care), they routinely use handcuffs and, in some rarer cases, even CS gas/PAVA spray, dogs, guns, or tasers to arrest people. How easy it is to justify directly impacts how likely they are to use a specific tactic. Saying: 'I thought she might run away' usually justifies them applying handcuffs. That would not be enough to excuse setting a dog on someone or spraying them with PAVA. While that doesn't always stop them, it does make these things less likely.



Handcuffs

An officer should only handcuff you if you pose an escape risk or a danger to the safety of the police, the public, or yourself. In reality, they often just handcuff people because it's become a habit. They are supposed to remove the handcuffs as soon as the threat has passed, but are unlikely to do so until they book you into the police station (or they change their mind and release you).

In most cases, the arresting officer should secure the handcuffs behind your back. Cuffs are made of steel and can be very painful. Inform the arresting officer and any other officers if the restraints are too tight. If they are feeling 'nice', they might loosen them slightly.

Using handcuffs during an unlawful arrest, or in any situation where their use could not be deemed necessary, is an assault. When you arrive at the police station, always ask the custody officer to photograph your wrists in case you need to take legal action later.

Batons

Police officers most commonly use batons as a deterrent. They look scary because they are; they have the potential to cause serious injury. Most officers prefer not to use their batons, as it is challenging to justify the severe damage they can cause. If they do use them, they tend to aim for legs and arms to avoid potentially fatal injuries. If police officers with batons lose control, it can become a very dangerous situation.

Handcuffs and the threat of batons are the maximum force you are likely to face for almost all protest-related arrests.



‘Irritant’ sprays

PAVA spray is the most commonly used ‘irritant’ that police use to subdue people. They should only use it when all other forms of de-escalation or ‘reasonable force’ (such as handcuffs) have failed. You are far less likely to encounter it than handcuffs, but nervous, rookie officers sometimes use it when they feel out of their depth.

Before they spray it, the officer should shout a warning. They should also spray it in short bursts, rather than emptying the contents into your face. They should do so from a distance of at least one metre. Of course, whether they do these things will depend on the officer on the day.

The best way of recovering from PAVA spray is to wait until the pain goes away on its own, which usually takes at least half an hour. Unfortunately, water (and most other liquids) only activate it further, so fresh air is your biggest ally. If the symptoms persist after 30 minutes, you can try running cold water over your face. You should remove contact lenses as soon as possible and replace them with new ones. Demand medical attention if you need it.

Tasers

Police officers should only use tasers when there is an imminent threat of severe violence. It is incredibly unusual for them to be used against protestors, but it has happened.

It is most usual for an officer to draw the taser and aim it at the suspect, with the intent of scaring them into compliance. Sometimes, however, they will simply shoot. When this happens, two metal prongs pierce your skin, and an electric current runs from the machine, down copper wires to the prongs, with your body completing the circuit and giving you a severe electric shock. This is enough to immobilise most people, and can be incredibly dangerous (or even fatal to those with heart conditions or other underlying health issues). Demand medical attention if you need it.

Dogs

Before a police officer sets a dog upon a member of the public, they should shout a warning to everyone who may be affected. **If a police dog bites you, the police should provide suitable medical assistance, but they do not have to do so until after they have finished arresting you.** On the plus side, if you are 'accidentally' bitten by a police dog, the police can enroll you on a reintroduction program where you get to hang out with puppies to undo any fears you may have developed.

If you are seriously injured by a police dog (i.e. a deep wound or broken bone), the police must refer the matter to the IOPC (Independent Office for Police Conduct) to investigate.



Guns

In the UK, the police deliberately shoot about 7 people per year. The chances of it happening to you or at any protest are incredibly slim. However, armed police may arrive at a protest you are participating in, usually if an armed response unit happens to be the nearest at the time, or if you are protesting somewhere that typically has armed police present.

While you may find yourself arrested by an armed officer, it is unlikely their gun will play a role in that unless they feel you pose an immediate risk (for example, if they think you are trying to grab their weapon).

Once the arresting officer believes they have suitably restrained you, they are likely to search you to ensure you don't have anything on you that you could use to escape, attack anyone, harm yourself, or that they might consider evidence to support your arrest. **The police should place any items they take from you in a sealed evidence bag and log them.**

After being searched, you will be led, or carried, to a police vehicle. You will be placed in a secure section of the vehicle, either in the back seat of a patrol car or in a cage at the back of a van. They will usually put as few people as possible in each available vehicle, but this depends on what transport is available to them.

Sometimes, the police will activate their sirens and lights to transport you to the police station as quickly as possible. This is usually simply a matter of whether they have something else they'd rather be doing (either elsewhere or if they feel they need to or want to return to the protest). It does not usually reflect how seriously they are taking your arrest.



At the Police Station

At the police station, you will arrive via the secure car park at the rear of the building, as close as possible to the door to the custody suite. You will wait in the vehicle until the custody officers are ready to process you. At this point, the officers who travelled with you will lead you through the door to a desk, where they will introduce you to the custody officer. They might be a police sergeant or a civilian employee. The custody officer will guide you through the process; some officers may do so more politely than others.

Often, a line or footprints are drawn on the floor in front of the desk to show where you should stand. **If you are under 18, you can have an appropriate adult accompany you throughout the process.** You can suggest an appropriate adult (a family member or friend aged 18 or older), but the police can choose to provide an independent civilian who has been trained for this role.

The custody officer will ask the officer who brought you in why they arrested you. In theory, they are supposed to determine whether it is lawful and necessary to detain you, but in practice, that decision has already been made. You cannot say or do

anything to convince them to release you. **If you sustained any injury while being arrested, you should inform the custody officer at this point.** They should ensure that you receive any necessary medical attention as soon as possible.

They will ask for your name, address and date of birth. You do not have to give any of this information. It may delay your release if the police are unable to identify you. **If you choose to provide this information, it should be the only information you supply.** In most cases, you can be detained at a police station for a maximum of 24 hours, after which you must be released or charged, regardless of whether you have given your personal information. While incredibly unlikely for a protest, for severe charges, a police superintendent (or a higher-ranking officer) or a magistrate can approve holding you for 36 hours, followed by 96 hours. If you have been arrested for suspected terrorism offences, that rises to two weeks.

The custody officer should then read you your rights while you are in detention. First, you have a right to speak to a solicitor/lawyer in private. **The police will offer a duty solicitor, but it is always best to use your own solicitor** (some examples are provided at the end of this guide) who specialises in protest law and has no existing relationship with the police station or the officers involved in your case. The custody officer can access a legal database, so knowing the name of the lawyer and the law firm is usually enough. You may be able to speak to your lawyer on the phone there and then, but this may not be possible. Your solicitor will, however, be informed of your arrest, and they, or a solicitor they nominate, will attend the police station to talk to you before your interview.

In most cases, you have the right to have someone informed of your arrest. This can be anyone you like, as long as you can provide their phone number. In some cases, the police may allow you to speak with the person yourself, but this is not a right and is not guaranteed.

You have a right to medical attention at any point during your detention. You also have a right to read the police's Code of Conduct that governs your stay. This is a very thick and unengaging book, but it can be a good way to pass a few hours, which is something you'll need.

You have the right to an interpreter if you don't speak English as your first language. If you are a foreign national, you also have the right to contact your embassy or consulate.

You also have the right to remain silent. Use it. The police have no interest in proving you did not commit a crime. Their performance is based upon arrest and conviction numbers, and no police officer wants to confirm that you were arrested unlawfully or without good reason by themselves or their colleagues. Every word you say will be recorded and used to build a version of events that you have done something to warrant your arrest (whether or not it was connected to the original crime).

The officers who transported you will then conduct a more thorough search of you. In most cases, this will be another pat-down search without the need to remove clothes. Strip searches should only be performed if the police have reasonable grounds to believe you are hiding something you shouldn't have, or evidence of a crime. If you are strip-searched, this has to be conducted by an officer of the same sex as you, and your privacy should be respected as far as possible (it should not happen in sight of anyone else). They should not ask you to squat, and if you are menstruating, you have

the right to inform a female custody officer in private. If you are asked to remove any menstrual product, the searching officer must offer replacements immediately. Intimate searches involve the police touching any orifice other than your mouth. These can only be conducted if you are believed to be hiding a weapon or class-A drugs, and have to be authorised by an inspector (or above). The police have the authority to conduct any form of search using force. They should seal any items removed during the search in an evidence bag. If you are asked to remove your clothes as evidence, they must supply you with clean alternatives. This will usually be a grey tracksuit, or in some situations, a paper boiler suit. You may be asked to turn off your phone before they store it to prevent it from ringing and annoying them, and also to preserve your battery so you can use it later to get home.

If the police handcuffed you during your arrest, they are allowed to remove them at any time, but in practice, the custody officer will likely order the transporting officers to remove them now.

The custody officer will next ask you to look at a CCTV camera on the wall so that they can take your photograph, before another officer leads you to a separate room to capture your fingerprints. They usually do this on a big machine with a digital screen, which they will press your hand and fingers against at various angles and positions. The officer taking your prints will usually position your hands in the correct places, and while they may not be gentle or considerate, it shouldn't be painful. Next, they may take a sample of your DNA. In most cases, this will be a cotton swab rubbed against the inside of your cheeks, or in some cases, a hair plucked from your head. **They are allowed to use force to take your fingerprints, DNA, and photo if you choose not to comply.**

The custody officer will then ask you to remove your shoes and any drawstrings from your clothes. This is to prevent detainees from asphyxiating themselves and is standard procedure for anyone in police custody. Depending on how nice/sympathetic they are, some custody officers will allow you to take certain items that you were arrested with into the cell with you to make your time a bit more comfortable (such as books, chocolate bars, speciality tea bags etc.), but this is very much a case-by-case basis. It's always worth asking, but the answer will often be no. You can also request magazines, and a pencil and paper. They will frequently say yes, and then forget, so keep asking until they bring them.

At this point, they will finally lead you to your cell. This will be a small room with tile or concrete walls. There will be a low wooden bed with a thin rubber mattress (similar to a school gym mat) and a thin blanket. It is usually worth asking for extra blankets. Some cells have sinks and toilets, and they all have a button you can press to get the attention of the custody officers if you need anything. These buzzers tend to be ignored.

On paper, the police are holding you here while they investigate your alleged offence. However, in almost all cases, you are just being put out of sight and out of mind for a while and/or punished for getting on the wrong side of the police. There is no rhyme or reason to how long you will be in this room, but when they shut the door behind you, you should mentally prepare yourself for many hours.

Your options for distracting or entertaining yourself are limited. If you are tired and mentally able, getting some sleep is the best way to pass the time, with the added advantage that you will hopefully have more energy when you are released. You can meditate, do yoga, exercise, write, draw, and read. Time tends to pass faster than in the real world, but finding a routine to break it up helps a lot. Do not overthink what

is happening outside or any broader implications of your arrest. It's not always easy, but for these hours, there is nothing you can do other than distract your brain, and the more you can do that, the easier it will be. Unless you were wearing a watch when arrested and were allowed to keep it, there is no way to track time other than asking whenever the custody officer checks on you. Try to create a routine (a period of exercise, meditation, or yoga, followed by a period of writing or drawing, followed by an attempt to sleep, for example), and repeat it. The custody officer will open the hatch on the door every 30 minutes to one hour, which can provide a general sense of time and also offer the opportunity to request food, water, pencils, paper, updates, etc.

You have a right to food and water. **All dietary choices must be catered for under UK law, so vegan options will always be available.** Expect a ready meal of dubious colour and flavour. The food is not good, but asking for it, eating it, and trying to figure out why the baked beans are grey all pass the time, and every second you can kill does make a difference.

The official reason the police have detained you is to gather evidence, in preparation for interviewing you. The interview is the most significant piece of evidence the police usually have, and most people who are convicted of a crime give the police everything they need by talking too much. An hour or so before your interview, the investigating officer will inform your solicitor, who will head to the police station, where they will arrange to meet you in a private room. It is against the law for the police to listen to these conversations. Be aware that, unlike in the USA, your solicitor cannot (now or during any court case) tell you what you should say to get you off a crime. However, a good solicitor should pass on to you anything the police have told them about your case and their professional opinions on it. **They will also advise you to say 'no comment' to every question the police ask during the interview.** Switching between talking and saying 'no comment' will look more suspicious than saying nothing.

After speaking to your solicitor, the police will either briefly return you to your cell while they prepare, or take you directly to the interview room. When the police come to collect you for your interview, in most cases, this means your ordeal is almost over.



The Interview

Your solicitor should be waiting in the interview room. There will be two police officers interviewing you; one will usually take the lead, but both officers can ask you questions. They should inform you that they are about to start recording before turning on the recording equipment.

The officers will introduce themselves and invite your solicitor and you to do the same. **You are not required to say anything, but confirming your name can speed things along.** They will then read you your caution:

You have the right to remain silent. It might harm your defence if you don't mention something in the interview that you later use in court. Anything you say can be used as evidence.

They will proceed with the interview. You can either say ‘No comment’ to every question or remain silent. The police have to allow you time to answer, so ‘No comment’ interviews tend to be a little faster than silent ones, but whatever you choose, stick to it throughout. You may find it easier to zone out and ignore the questions, or you may prefer to hear them to consider them (and any potential defence) later. **You mustn’t show any signs of reacting to specific questions**, though.

If the interview turns out to be long (which is less likely if you aren't answering), you should be offered the toilet, food and drinks at appropriate intervals. Sometimes, the police believe that breaking up an interview makes you more likely to return in a more compliant state of mind.

When the police have exhausted their questions, they will conclude the interview. They may allow you to debrief with your lawyer before leading you back to your cell. All being well, you are likely to be released within the next hour.



Next Steps

Following your interview, the police must decide what to do with you. After another short stay in your cell, they will take you back to the custody desk for processing. They essentially have five options:

- **They can release you without charge.** If they can't see any way they could bring a case against you, you should be released with no further action or conditions. They may still continue to investigate the alleged offence, and if they later decide there is a case to answer, they could 'invite' you for another interview, re-arrest you, or summon you directly to court. If any of these things do happen, speak to your solicitor immediately.
- **They can offer you a caution.** This is you admitting you committed a crime, but without any further action being taken. The police can put conditions on the caution (i.e. ban you from a specific area for a period of time), and it will show up on DBS checks. It is usually worth refusing the caution, as they only tend to be offered when the police aren't confident in their case against you and want to avoid it going to court.
- **They can release you on police bail, under investigation.** This is the third option they will take if they aren't confident in the case against you. Police bail can be accompanied by any conditions the police believe are necessary to prevent you from re-offending. They should balance these against your right to work and your basic human rights. You will be given a date to return to the police station, a maximum of three months away. There is no obligation to sign your bail conditions. Breaching your police-imposed bail is not an offence, but you can be arrested for it. If that happens, the police will then have to charge you (and might remand you to prison while you await trial) or release you with stricter bail conditions. When you return to answer bail, you will either be charged (see points 4 and 5), released without charge, or the police will extend your bail. Usually, they won't extend it more than twice (to a total of 9 months), but in some cases, they can extend it to up to two years.
- **They can charge you.** Just like the previous option, you will be on police bail, but this time you will have to attend a magistrates' court rather than the police station. At your first court hearing, the magistrates will consider the conditions of your police bail and, with the help of your solicitor, will in most cases lessen them and find more proportionate options. Depending on how severe the case against you is, they will bail you to return to the magistrates' court or the Crown Court to begin the lengthy criminal trial process.
- **They can deny you bail and hold you until the next available Magistrates' court session** if the police have reason to believe you are a flight risk, a danger to the public, or highly likely to reoffend (i.e. if you are already on bail for a large number of offences), This is usually the following morning, but it will be Monday at weekends. You will be transported by prison van to the court, where the magistrates (or a



district judge) will decide whether your detention is justified. You will be sent to prison to await trial if they feel it is. If not, they will release you on court bail. Breaching court bail is not an offence, but can lead to arrest and a high chance of being remanded to prison awaiting your trial.

If you are released from custody (options 1-4), the police should return any property they don't feel necessary for their investigation. **Be aware that police can add hardware or software to any electronic devices (phones, laptops etc.) while you're in custody to gather further evidence against you and anyone you communicate with.**

Once released, you will be led out of the custody suite and through a door back into the civilian world. Here you will be left entirely to your own devices. The police do not have to help you get home, regardless of the time of day or night. If you chose to inform someone of your arrest (or other activists saw you getting arrested), hopefully someone will be waiting for you to take you home! If you cannot get home, ask the custody officer as you are released, and hope they are helpful. In many cases, they will provide train tickets or travel vouchers.



Potential solicitors/lawyers:

Gill McGivern/Credence Law - 01733340666

Bindmans - 0207 833 4433

Birds - 0208 874 7433

Birnberg Peirce - 0207 911 0166

Hodge Jones & Allen - 0330 822 3451

Kellys - 01273 674 898

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