

RIGHTS ON ARREST

In practice, you have few enforceable rights against the police: even evidence illegally obtained by them can be used against you in Court.

REMEMBER:

1. Don't get drawn into conversations with the police. Even apparently innocent remarks can be used against you. You do not have to say or write anything, or sign any statement. You have the right to refuse to answer all police questions, and most people are better off remaining silent when being questioned by the police. If the police suspect you have committed any offence, you can be arrested if you refuse to give your name and address, or if the police aren't satisfied with the address you have given.
2. If in doubt, do and say nothing until you have contacted your solicitor, Release, or the Duty Solicitor.
3. If anything you ask for is refused, ask why and remember the reason given.
4. As soon as possible, make full notes of what has happened and give them to your solicitor. These can be used as evidence in court. If you have been injured, go and see a doctor as soon as possible, giving a full explanation of your injuries.

ON THE STREET - IF YOU ARE STOPPED:

1. Check police identity: ask to see their warrant card, and remember any details. If they are uniformed, remember their numbers.
2. If you are stopped and searched in the street, ask why. The police can stop you in any public place if they suspect that you are in possession of 'prohibited articles' such as offensive weapons, stolen goods. On the street, the police can only search outer clothing such as coats, gloves etc. If the police suspect that you are in

possession of illegal drugs, the police can take you to a police station for a more thorough search without formally arresting you. Police should show evidence of identity before searching you, and must keep a record of the search.

IF YOU ARE TAKEN TO A POLICE STATION:

1. Don't rely on any legal advice the police offer you.
2. Ask if you have been arrested, and if so, why. Ask to see the custody officer as soon as you arrive at the police station, and make sure that the starting time of your detention is correctly recorded. Remember that the reason for your arrest and detention is recorded at the top of the police custody record, as is the need for the police to ask whether you need a solicitor or relative informed. Make sure you know why you're being held. The nature of the possible charge determines your entitlement to rights in the police station.

3. Ask the custody officer to phone your solicitor, the Duty solicitor, or Release. Insist that a friend or relative is informed of your arrest. You have the right to have someone informed without delay unless you are being detained in connection with a 'serious arrestable offence' (P.A.C.E. Act section 56). If you are being held in connection with a 'serious' offence, police can delay access to solicitors and relatives in specific circumstances. If they do refuse access, ask 'why', and insist that the reason is recorded on your custody sheet. Even if the police are confident that there are grounds for refusing access to a solicitor or relatives, they have to allow access before 36 hours has expired.

4. Ask to be charged or released. Unless you are suspected of a 'serious' offence, you must be released or charged within 24 hours of detention, and you have the right to consult a solicitor at any time. Make sure that you request to see a solicitor and the time of the request is recorded by the custody officer. Whatever the police say, you should NEVER sign the custody sheet saying you don't want to see a solicitor. Insist on seeing one. If you are held in connection with a 'serious' offence, you can be held for up to 36 hours without access to a solicitor, without being charged, if certain conditions are satisfied. For guidance, ask the police for their codes of conduct on detention. You have the right to see them. After 36 hours, you have the right to see a solicitor, and a magistrate may order your continued detention in the police station for up to 96 hours, with a series of reviews. If, after 96 hours you have still not been charged, you have the right to be released.

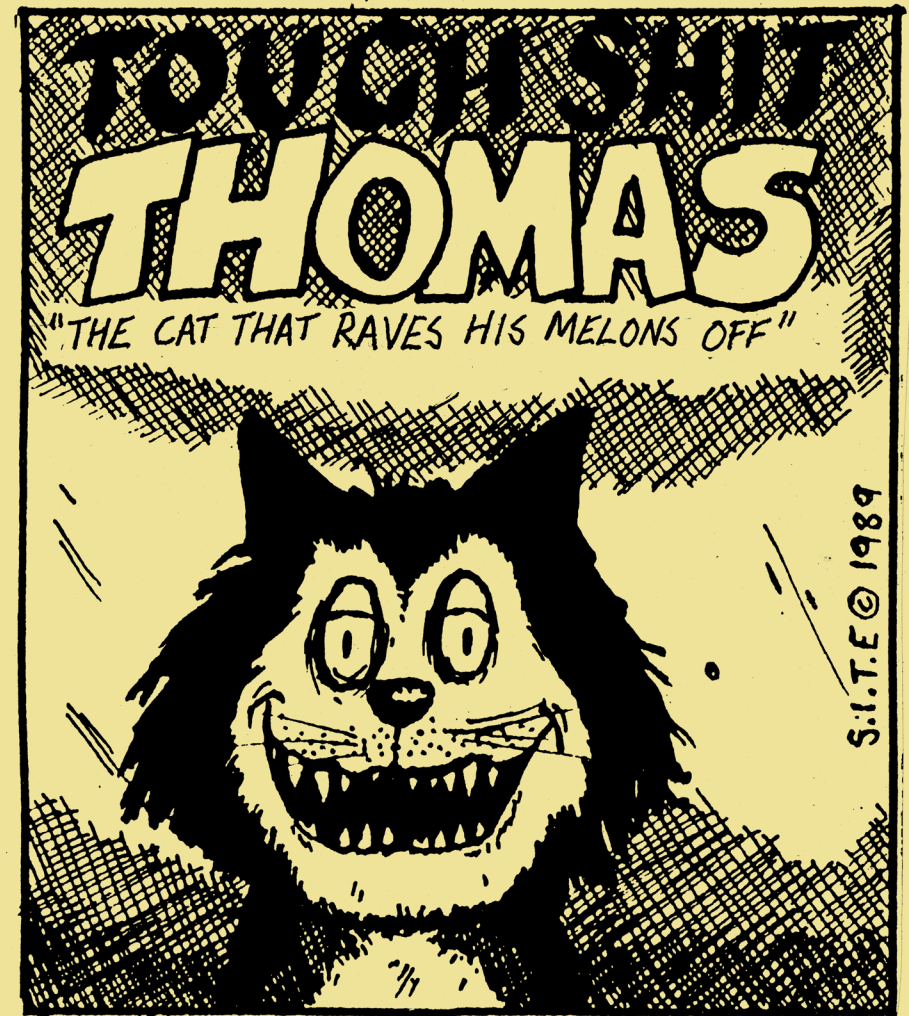
5. In order to get bail (i.e. released from the police station before going to court) you will probably have to satisfy the police that you have a fixed address. **REMEMBER - DO NOT SAY ANYTHING TO THE POLICE UNTIL YOU HAVE SEEN A SOLICITOR**
IF YOUR HOME OR WORKPLACE IS TO BE SEARCHED: The police do not need a warrant or your permission to enter your home in order to arrest someone, but in theory, they should name the person sought. Searches can sometimes be conducted without a warrant, but in all cases you should ask the police to identify themselves, and ask the reason for the search. You are entitled to see a copy of the search warrant.

**FOR MORE INFORMATION
ON DRUGS AND THE LAW
CONTACT:**

LifeLine

M A N C H E S T E R

**101-103 Oldham Street, Manchester, M4 1LW.
Tel: 061 839 2054.**



"CALL THE COPS!"

