

# YOUR RIGHTS ON ARREST



## **More about the police at [MENRUS.CO.UK](https://MENRUS.CO.UK)**

Scan the QR code to [MENRUS.CO.UK](https://MENRUS.CO.UK) for information about the Metropolitan Police Service (MPS). This includes details about the 12 Basic Command Units (BCUs), and up-to-date listings for walk-in police stations, and custody suites in Greater London.



## **Acknowledgement and thanks**

Rather than re-invent the wheel, the text is based on the outstanding “Bust Card: Your Rights on Arrest” by Release—in continuous publication since the early 1970s. Used with permission.

Illustrations: Walter Walrus  @wwoflgbt

## Drugs and the law

Drugs and the law is a complicated subjects and if you find yourself in trouble you should get legal advice at the earliest opportunity.

Thousands of people are prosecuted for simple drug possession every year in the UK – with no legal aid available. Also, it's GMHC's experience that gay men's understanding of drugs law, arrest, cautions and the criminal justice system is pretty poor. There's a wealth of anecdotal evidence to say that when things go wrong gay men don't know who to call or what to do. If you are arrested you should insist on seeing a solicitor even though you might have to wait.

Always request that a solicitor be present when you are interviewed. Do not be put off seeing a solicitor by the police. It is YOUR RIGHT, and it is FREE.

### Release

Provides a free, confidential, non-judgemental, national information and advice service in relation to drugs and drug laws.

**020 7324 2989**

11am – 1pm and 2pm – 4pm, Mon – Fri. Message service is available 24 hours.  
Calls returned within one business day. Or email [ask@release.org.uk](mailto:ask@release.org.uk)



## You have the right to be treated fairly by the police

You do not have to say anything to the police **BUT** if you are later charged with a crime and you have not mentioned, when questioned, something that you later rely on in court, then the Court can be asked to make a 'negative inference' of this. This is to encourage people to give any reasonable explanation they have at an early stage, rather than waiting until a trial. This can be complicated to consider when at the station, so it's important to insist on seeing a Solicitor for advice before you are interviewed.

There may be good reason why you do not wish to say anything to the Police, and you should not be intimidated into answering questions. Get a solicitor down to see you in the police station as soon as possible.

### Remember

- There may be times when, if you give an innocent explanation for what you have done, the police may leave you alone.
- It is wise **NOT** to discuss the case with the police until you have consulted privately with a solicitor.
- If the police are about to arrest you or have already arrested you, there is no such thing as a 'friendly chat' to sort things out. Anything you say can later be used against you.
- **Think before you talk**

## When the police get it wrong

If you want to challenge anything the police have done, then get the names and addresses of any witnesses and the name or number of the police officer/s, and make a written record as soon as possible after the incident. This should be witnessed, dated and signed.

If you are injured, or property is damaged, then take photographs or video recordings as soon as possible and have physical injuries medically examined.

If you have been treated unfairly, then complain to the Independent Office for Police Conduct (IOPC) and contact a civil liberties group like Release, a Citizen's Advice Bureau or a solicitor about any possible legal action.



## On the street

If you are stopped by the police:

- If they are not in uniform, then ask to see their warrant card
- Ask the police if you are being detained
- Ask why you have been stopped and, at the end, ask for a record of the search

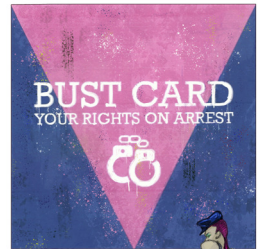
You can be stopped and searched if the police have a reasonable suspicion that you are in possession of:

- controlled drugs
- an offensive weapon or firearm
- a sharp article
- stolen goods
- or if you are in a coach or train, on your way to, or you have arrived at, a sports stadium

The Police can stop and search you without a reasonable suspicion of the above if there is a Section 60 Order in place in the area. These may be made if there's a fear that serious violence may take place, or if you're in a specific location or area. These Orders used to have to be made public beforehand, but that's not currently the case and while they can typically last for 24 hours they can be extended to 48 hours. You should ask, and be told, if this is the basis on which you're being stopped and searched.

## ! Remember

- If you have been stopped and searched the police should provide you with a record of the event. There is no requirement to provide a record for a stop and account (that is, where no search has taken place).
- You run the risk of both physical injury and serious criminal charges if you physically resist or impede a search, even if the initial grounds for the search were unlawful. If this happens, or you are charged with resisting arrest or assaulting an emergency worker, you should seek urgent legal advice on whether you can challenge any of what has happened to you. If it is an unlawful search, you should take action afterwards by using the law.



## In the police station

You always have the right to:

- be treated humanely and with respect.
- see the written Codes governing your rights and how you are to be treated.
- speak to the custody officer (the officer who MUST look after your welfare).
- know why you have been arrested.
- have present with you a responsible adult if you are 17 years old or below, or are vulnerable.

You also have the right (but they can in rare situations be delayed) to:

- have someone notified of your arrest (not to make a phone call yourself).
- consult with a solicitor privately.
- request for a medical examiner to attend to you if you feel unwell.

Inform the custody officer at the earliest opportunity if you are on prescribed medication. You may in certain circumstances be permitted to ingest, or negotiate for the collection and administration of your medication. If not, notify your solicitor and refer the officer to PACE 1984 Code C Part 9.





 **Remember**

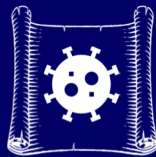
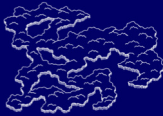
- Do not panic. The police sometimes keep you isolated and waiting in the cell. Above all else, try to keep calm. The police can only keep you for a certain period of time – normally a maximum of 24 hours (this can be extended to 36 hours by a superintendent if certain grounds are satisfied, or 48 hours for a terrorist offence). Further extensions of custody can be obtained in exceptional circumstances.
- Make sure the correct time for your arrest is on your custody record.
- Make sure you know why you have been arrested.
- Insist on seeing a solicitor even though you might have to wait.
- Always request that a solicitor be present when you are interviewed. Do not be put off seeing a solicitor by the police. It is **YOUR RIGHT**, and it is **FREE**.
- If you ask for anything and it is refused, make sure this is recorded in your custody record.

## Searching your home

- The police can search premises with the consent of the occupier.
- A warrant can be obtained from magistrates by the police to search premises for evidence of certain crimes.
- The police can only search the section of the premises that you occupy and communal areas of the premises.
- Police may enter WITHOUT a search warrant in many situations, including:
  - following an arrest, the police are allowed to search premises the detained person occupies or has control over
  - to capture an escaped prisoner
  - to arrest a person
  - to protect life or to stop serious damage to property
  - other laws give police specific powers to enter premises

 **Remember**

- You are entitled to see a copy of any search warrant.
- Police can use reasonable force to gain entry if they have a warrant or grounds to enter without one.
- Police should give you information about their powers to search premises.
- A record of the search must be kept by the Police.
- You or a friend should be allowed to be present during the search but this right can be refused if it is thought it might hinder investigations.



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