

DON'T
SAY A
THING

A PRACTICAL GUIDE TO DEALING WITH THE POLICE

“A fish with a
closed mouth
never gets caught”

The advice presented within this guide is valid for England and Wales. The law is different in Scotland and Northern Ireland and anyone dealing with the police there should seek separate legal advice.

REMEMBER:

The police are NOT Your friends.

The police are employed to enforce the state's political positions.

The police are NOT impartial.

1. Speaking to the Police – DON'T!

The police aren't speaking to you because they want to help you, they are speaking to you because they are hoping you will help them.

When the police speak to you, they are hoping you will say something that will aid them in building a case against you. A huge number of people who are interviewed by the police and end up being charged, are charged on the basis of what they have said during that interview. The primary evidence presented against those people in court are statements they have made during that interview.

If the police wish to speak to you:

- **Remain polite and stay calm.**
- **If you are asked by an officer to give your name and address, you only have to do so if the police suspect you of committing an offence. Before you give your name and address they must inform you of the general nature of the offence they believe you may have committed. If asked to do so, you must give your name, address, date and place of birth and nationality to the officer.**
- **Do NOT give any other information!**
- **If you are being placed under arrest, the police have a duty to inform you of this.**
- **If the police are not arresting you, you are under no obligation to go with them, let them into your home or say anything to them. If you are not being placed under arrest politely terminate any contact with them and go on your way.**
- **If the police place you under arrest, simply confirm your name and address and refuse to give any other statement.**

2. Find Out Who You Are Dealing With

When dealing with the police you should always ask for the names and collar numbers of the officers you are dealing with. If you are dealing with an officer in person, always ask to see their warrant card. Make a note of these details.

If an officer is not in uniform, they must always present their warrant card – if they do not, they are in breach of their own code of conduct.

3. Record Everything

When you are dealing with the police you are well within your rights to record the interaction - for example, by using your phone. Often the police are rude, abrasive and attempt to intimidate people into saying or doing things that could later harm their defence in a court of law.

Recording your interaction with the police will provide you with the evidence you may need to prove the police have acted inappropriately and to clear yourself of any allegations of wrongdoing.

4. Stop and Search

The police do have a right to stop and search you, but they must adhere to strict guidelines, which are published on the government website and are as follows:

The police can stop and question you at any time - they can search you depending on the situation. A police community support officer (PCSO) must be in uniform when they stop and question you. A police officer doesn't always have to be in uniform but if they're not wearing uniform, they must show you their warrant card.

A police officer might stop you and ask:

- **What your name is.**
- **What you're doing in the area.**
- **Where you're going.**

You don't have to stop or answer any questions. If you don't and there's no other reason to suspect you, then this alone can't be used as a reason to search or arrest you.

A police officer has powers to stop and search you if they have 'reasonable grounds' to suspect you're carrying:

- **Illegal drugs.**
- **A weapon.**
- **Stolen property.**
- **Something which could be used to commit a crime, such as a crowbar.**

You can only be stopped and searched without reasonable grounds if it has been approved by a senior police officer. This can happen if it is suspected that:

- **Serious violence could take place.**
- **You're carrying a weapon or have used one.**
- **You're in a specific location or area.**

Before you're searched the police officer must tell you:

- **Their name and police station.**
- **What they expect to find, for example drugs.**
- **The reason they want to search you, for example if it looks like you're hiding something.**
- **Why they are legally allowed to search you.**
- **That you can have a record of the search and if this isn't possible at the time, how you can get a copy.**

A police officer can ask you to take off your coat, jacket or gloves.

The police might ask you to take off other clothes and anything you're wearing for religious reasons. If they do, they must take you somewhere out of public view.

If the officer wants to remove more than a jacket and gloves they must be the same sex as you.

These rules are different in Scotland – these can be found here:

<https://www.gov.scot/publications/guide-stop-search-scotland/>

5. What if You Are Arrested?

If you are arrested, you will be taken to a police station, booked in and then interviewed under caution and anything you say in that interview can be used against you in a court of law.

Before the interview takes place you will be photographed, have your finger prints taken and have a DNA swab taken. Despite the invasive nature of the DNA swab the police have the right to use force if you refuse it, including pinning you down and tearing hairs from your head. It is better to politely accept the swab.

Although you are only formally recorded during your interview the police officers and civilian staff will attempt to talk to you, **do not be lulled into a false sense of security and begin talking to them – they are NOT your friends** - even though they may attempt to present themselves as such.

When first booked into the police station any items that are on your person will be taken from you, the police must record all of those items. Ensure that these records are accurate and that everything on your person is accounted for. If you feel the police are not making accurate records, challenge them over this.

6. Speak to a Solicitor First

You have the right to legal representation – use it.

You will be provided with legal counsel and you have the right to speak privately with your legal representative before any interview takes place. **Do NOT waive this right.**

Often the police will tell you that it will take a number of hours for a solicitor to arrive or try other methods to convince you to speed the process along by going into an interview alone. Regardless of time scales, wait to speak to a solicitor first.

When you speak to a solicitor inform them that you do NOT wish to make a statement and that you wish to provide a no comment interview.

Having a solicitor present will ensure that the police are kept in check to a greater degree and the solicitor will challenge them if they attempt to do something that falls outside of the boundaries of the law or their own code of conduct.

7. It's NOT a Debate

Many people are rightfully outraged when arrested for carrying out completely legal political activity. This sense of outrage often leads to a burning desire to challenge the officers involved and a wish to 'debate' those carrying out an interview.

The police are not there for a political debate, they are there to gather evidence and secure a conviction. During the course of any interview the police may well approach said interview as if it were a debate, or an officer may act as if he or she is genuinely enquiring about your political beliefs. Both of these tactics are simply attempts by the police to fool you into talking to them.

The police may also employ other techniques in order to attempt to make you break your silence. One of these tactics may be to attempt to paint you as foolish or naive in order coax you into justifying your beliefs.

Do not view an interview under caution as a chance to grandstand, debate with, or justify your positions to the officers present, this will most likely lead to you saying far more than you should.

This is another good reason to have a legal representative present. This legal representative will answer on your behalf and ensure you do not say anything.

Stay silent and take instruction from your legal representative.

8. Do NOT Let the Police into Your Home

To enter your home or to perform a search on your property the police need a warrant. If the police do not have a warrant they will often ask if they can come into your home.

Do NOT grant them this right – and make sure your family know to do the same.

If anyone over the age of sixteen grants the police the right to enter your home, that automatically grants them the right to search your home. **Once you have admitted them into your home, you then do not have the right to remove them.** Even if the police are polite, do NOT be lulled into a false sense of security. If you have any mobile devices or computers in your home, once the police have been admitted, they would then have the right to take those devices and you would be required by law to hand over any passwords necessary to access the devices, or any files held on those devices.

The refusal to allow officers into your home must also be observed by your family members or other people living in your home. If anyone living in your home allows police officers entry then those officers have the right to search the property and that search could place everyone living in the property at risk.

If the police do not have a search warrant that means they have insufficient evidence to convince a judge that you have committed a criminal offence. By giving them the right to enter your home without a warrant you only risk yourself and your belongings, which if confiscated could be in their hands for a period of six months or more.

By allowing the police into your home you not only place yourself at risk, but you also place members of your family at risk.

9. What if the Police Have a Warrant?

If the police have a warrant to search your home **you have a right to have someone present when that search is taking place and that person has the right to film the officers carrying out that search.**

The person overseeing the search must retain a copy of the warrant and any other paperwork provided by the officers.

It is very important that during any search the police adhere to the rules laid out in the warrant. The person overseeing the search should ensure the police only search rooms or buildings they are entitled to search and that any damage caused by the police is challenged at the time and recorded.

Finally, if you have antiques, collectables or items of value that if disturbed, opened or damaged would reduce their value then the police need to be informed of this before they carry out a search. If you have such items in your home, make a list of them and their whereabouts and prepare a letter that can be handed to the officers carrying out the search. This will ensure that if the police do damage anything, you will be far more likely to receive compensation afterwards.

10. Bail Conditions

If you are arrested and then subsequently released by the police (without or without charge) the police will often attempt to get you to agree to unreasonable bail conditions.

You are not forced to agree to these conditions.

When you are presented with bail conditions read them carefully and refuse to sign any paperwork that includes unreasonable conditions. If you have a solicitor present inform your solicitor of your intention not to sign the bail conditions and ask for their advice.

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