

Interview

REMEMBER: YOU HAVE THE RIGHT TO REMAIN SILENT

If you are interviewed the police will say: "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."

We recommend you reply "No comment" to any questions.

If you decide you want to reply to their questions, please talk only about yourself - do not give information about any other people, or their actions.

Charge, release and court

- If you are charged you will be fingerprinted and your photo and DNA (via mouth swab) will be taken. DNA samples should be destroyed if you are not convicted.
- When you are released your property will be returned to you.

ONE OF THE FOLLOWING WILL HAPPEN BEFORE RELEASE:

- **Caution:** If you haven't been arrested before, you may be offered a caution. This means you admit guilt, and it goes on your police record, but you will not be charged and do not have to go to court
- **Release on police bail:** you are not charged, but are given a date to return to the police station for charge/release and conditions may be applied. *Irrespective of recent media reports this is still the case.*
- **Release on bail to court:** you will be charged with committing an offence, and required to attend court for trial on a set date. You may be given bail conditions, for example, not to return to Hinkley.

MOST LIKELY CHARGE: OBSTRUCTION OF THE HIGHWAY - A MINOR OFFENCE. IF CONVICTED YOU WILL PROBABLY BE FINED OR GIVEN A CONDITIONAL DISCHARGE.

Court support

After you are released, please give details of your charge, court date (and any other relevant information) and your contact details to the legal support drivers who will collect you from the police station.

Before going to court, contact:

courtsupport@stopnewnuclear.org.uk

legalsupport@stopnewnuclear.org.uk

THE LEGAL SUPPORT TEAM DO NOT PROVIDE LEGAL ADVICE

READ THIS NOW!



Blockade • Hinkley Point • 3 Oct 2011

IF YOU ARE ARRESTED

**Be calm. Be confident. The process can take many hours.
Be prepared. Take this leaflet. Take a book.
Take any medicine you need in its original packaging**

THE LEGAL SUPPORT TEAM

The legal support team will be on site to support you. We will

- Coordinate legal observers
- Try to record every arrest
- Identify which police station you are in
- Pick you up from the police station
- Inform the court support team if you have to go to court

STOP AND SEARCH

You may be searched on your way to Hinkley.

Searches are often used to gather information about protesters.

You do not have to give your name and address (or any information), unless you are driving a vehicle, or if you have been arrested. Ask for a copy of the search record.

ARRESTED? TELL US

If arrested ask the police to notify the **Legal Support Team**
07887 802879



If you need to speak to a lawyer, contact **BINDMANS: 0207 833 4433**

You could be arrested for

● MINOR OFFENCES

Obstruction of the Highway (Highways Act 1980, Section 137). It is an offence to cause “a wilful obstruction of the highway without lawful authority or excuse”. If you obstruct the highway you may be arrested. You may be warned first. Or not.

Obstruction/resisting a police officer in the execution of his/her duty (Police Act 1996, s.89(2)) Offences include a “failure to move when required to do so”.

Under the **Public Order Act 1986, s.14**, the senior police officer present can impose conditions on an assembly [demonstration] in a public place if s/he reasonably believes that conditions are necessary to prevent serious public disorder, serious damage to property or serious disruption to the life of the community. You may be told to protest in a specific place. Failure to do so may result in arrest.

Breach of the Peace (BoP) is not a criminal offence, but you can be arrested to prevent a BoP. A BoP includes the threat of violence against a person or their property. Even if you are nonviolent, you may be arrested if the police think your actions may cause others to be violent to you. You may be “bound over” to keep the peace.

● SERIOUS OFFENCES

If you cause any damage, you could be arrested under the **Criminal Damage Act 1971, s.1(1)**. **Penalty for minor damage:** fine and costs. For damage exceeding £10,000, trial at Crown Court.

Serious Organised Crime and Police Act, s.128. Hinkley is a “designated” nuclear licensed site. You may be arrested if you enter, or trespass on, a “designated” site.



The blockade will be policed by Avon & Somerset police. The power station is policed by the Civil Nuclear Constabulary. They can arrest you, but must transfer you to Avon & Somerset for processing.

REMEMBER! COSY CHATS IN THE VAN = INTELLIGENCE-DRIVEN POLICING

Being arrested - the process

● The arresting officer should tell you that you are under arrest, the reason for the arrest, and caution you. Police should only use reasonable force.

● After arrest you will probably be held in a police vehicle.

● The police may take your details and search your outer clothing at this stage.

● You may have to wait hours before they take you to a police station.

● At the police station the Custody Officer will authorise your detention.

S/he will ask you to give your personal details.

● You must give a verifiable name and address. Whatever the police may say, you don't have to give your date of birth.

● The Custody Officer will explain your rights (see box on this page).

● You will be searched (women by a female officer), and your possessions listed and bagged. Do not take anything you don't want them to find.

● Ask to keep your book, pen and paper if you have them.

● You will be put in a cell, possibly with others. On your own it can be boring: so exercise, read, do yoga, chill, sleep.

● You may be interviewed (see overleaf) and then taken back to your cell to wait for release.

YOU ONLY HAVE AN AUTOMATIC RIGHT TO A SOLICITOR IF YOU ARE ARRESTED FOR A SERIOUS OFFENCE, OR IF YOU ARE INTERVIEWED. For minor offences you may only be able to ring a call centre providing legal advice.

KNOW YOUR RIGHTS!

When you are formally taken into custody at the police station you will be informed of your rights:

● You [still] have the right to silence

● You have the right to have someone informed of your arrest

**Ask the police to inform legal support
07887 802879**

● You have the right to legal advice:

**BINDMANS
0207 833 4433**

● And to read the PACE Codes of Practice, which set out further rights.

● If you are injured or unwell, ask to see a doctor.

● If you are under 17 an appropriate adult (could be your parent) must be called to the police station.

● If you are a foreign national, you can ask for a translator.

