



YOUR RIGHT TO PROTEST

A guide for protesters

About

NUS Black Students (NUS BSC) The NUS Black Students' campaign represents the largest constituency of Black students in Europe and students of African, Asian, Arab and Caribbean descent, at a local and national level on all issues affecting Black students. The campaign focuses on equality in education, black representation, anti-racism and anti-fascism and international peace and justice. In recent times NUS BSC has been involved in organising solidarity efforts with US Black Lives Matter organisers alongside families demanding justice for loved ones who have been killed in police custody in the UK.

National Union of Students (NUS) represents 7 million students across the UK and seeks to harness the collective power of students to promote, defend and extend student rights. NUS offers full support to students facing criminalisation for exercising their right to protest and is currently developing national resources for students campaigning for cops off campus in the wake of increasingly repressive policing on campuses.

Defend the Right to Protest (DTRTP) was formed following student protests against fees in 2010 to build a collective response to the criminalisation of protesters including the Justice for Alfie Meadows campaign. A national network of protester defendants and their families, activists, trade unionists, academics and lawyers, DTRTP seeks to ensure protesters who are unjustly arrested or criminalised are not left to fight alone. DTRTP campaigns against policing, policies and practices that threaten the right to protest and our civil liberties and works in solidarity with a range of community and family justice campaigns challenging state violence and racism.

This booklet is also available online:

<https://issuu.com/nationalunionofstudents>

Contents

7 YOUR RIGHT TO PROTEST

Introduction

The importance of collective action

Creative and effective protest

12 TIPS AND PRACTICAL GUIDANCE

Planning

Communicating safely: the use of a mobile phone

Protecting your privacy: the decision of
masking up

Making informed decisions

16 KNOW YOUR RIGHTS

Arrested? Green and Black Cross' five key messages

Under 18 and arrested: your rights

Vulnerable adult and arrested: your rights

What is a vulnerable adult?

International student and arrested: your rights

Stop and account

Stop and search

Powers to remove face coverings

23 POLICE TACTICS ON PROTESTS

Intelligence gathering: Police liaison officers, being filmed and mass arrests

The kettle

Police violence

28 POLICE COMPLAINTS: HOLDING THE POLICE TO ACCOUNT

31 BEEN ARRESTED? PRACTICAL GUIDANCE

Staying calm

The record: most who fight win

Solidarity: police station and court support

35 DEFENDING THE MOVEMENT AND EACH OTHER: DEFENCE CAMPAIGNS

Why a defence campaign can help

Challenging false narratives in the aftermath of arrests

Ideas for solidarity: financial support to public meetings and protests

Learning from the success of other defence campaigns

40 DIRECTORY OF USEFUL ORGANISATIONS

In 2010 I participated in a powerful, determined and massive student movement for free education and against austerity. Through a series of occupations, strikes and demonstrations, we came close to defeating the government, and ushered in a year of resistance, but we were not prepared for the level of state repression.

On 9th December 2010 – the fourth major protest in the space of a month, and the day the government voted through £9000 fees – tens of thousands of protesters were kettled by police in Parliament Square, charged with police horses, struck with shields and batons, and held in freezing conditions on Westminster Bridge till late in the evening, as punishment.

I almost died after being hit on the head by a police baton, and had to undergo lifesaving brain surgery that night. But several months later, after making a complaint against the police, I was arrested and charged with violent disorder. And I was not the only one. Many protestors reported injuries and police mistreatment, and dozens of protestors were later arrested. Although many were never charged, or had their charges dropped or reduced – suggesting that the main aim was to intimidate and deter – a significant number were charged with violent disorder, a charge that carries a sentence of up to 5 years in prison.

Being arrested, charged or put on trial can be a very isolating experience. That's why solidarity is so important. With the help of many supporters, I was unanimously acquitted at trial, and the vast majority of protestors who fought their cases were acquitted too. For those convicted – often protestors who plead guilty early because they don't have good legal advice – support is even more important.

Anti-repression organising is not just important at the personal level. It is vital to defend the movement, and to challenge state violence. As the South African student movement is demonstrating, the fight for free education is inseparable from the fight against state racism and violence. And it's just as true here in the UK.

Through my experience I've learned that you need to be prepared. That means know your rights before you go out, and be ready to collectively defend anyone who faces repression after. And now there are experienced groups like GBC and DTRTP who can help. But above all, don't let them stop you protesting.

No Justice No Peace.

ALFIE MEADOWS acquitted student protester



**YOUR
RIGHT
TO
PROTEST**

Introduction

We have the right to protest - individually and collectively, and the European Convention on Human Rights affords us the rights to peaceful assembly, freedom of expression and thought.

Over periods of time British governments have introduced pieces of legislation that have increased police powers on demonstrations and undermined our right to protest. However experience also shows that if you are prepared, aware of your rights and know where to get advice and support should you need it; then you should feel confident about attending a demonstration and exercising your right to protest.

This guide aims to act as a practical protest handbook to equip you with that guidance and knowledge ahead of attending a protest.

This handbook is not intended as legal advice and the NUS is not a legal advice service. Information is intended to provide you with the information necessary for you to take control of your protest experience and prepare in a way that is right for you. If you wish to obtain legal advice ahead of a protest or because you have been arrested then we strongly recommend you always use a good solicitor who knows about protest.

The following firms are experienced in dealing with protest cases:

- Bindmans;
- Birnberg Peirce and Partners;
- Hodge Jones and Allen;
- ITN solicitors; or
- Kellys Solicitors (if you are arrested in or near Sussex)

The importance of collective action

PROTEST, DIRECT ACTION, STRIKES AND OCCUPATIONS

No government wants to be faced with demonstrations against its policies and rule. As recent events highlight, there are many disillusioned citizens across Europe and the Atlantic today, who are taking action against their current and/or proposed governments.

When we look over Britain's long history, it is clear how protest and industrial action has brought about significant progressive social and political change. From the Chartists to the Suffragettes campaign for the vote, industrial action by women at Ford Dagenham for equal pay and actions against South African apartheid, we have a rich culture of well prepared, creative action that has effectively challenged governments, injustice and brought about significant change.

Each of the above campaigns were condemned at their relevant time as violent and/or extremist in some form. But we should acknowledge how they unfolded. At the start, the actions are ignored; if they continue, they are frequently described as absurd, and then if they persist, they are described as violent and those deemed responsible may be imprisoned.

However – then, frequently, there comes a pause as public opinion readjusts itself to support the changes being demanded. When the government has finally got the message, you will struggle to find somebody who does not claim to have supported the demands in the first instance. Just as now you could not easily find somebody who opposed the principle of one woman, one vote. Yet it was only a committed group of activists who brought about this change.

Protests are as vital as they have ever been, without them, injustices will be unchallenged and people will lose confidence in democratic processes by which things can be changed.

Creative and effective protest

Many people resolve that protest is simply static rallies or A to B marches. However recent protest movements in Egypt, Britain, Spain, Greece, China, Brazil, Chile, Mexico, France, Russia and the United States have all illustrated protest is much more than this. Movements in these places have encapsulated creative and original protest actions. Many of these have inspired us, sparked imaginations with ideas for changing the world, as well as provoking discussion on challenging injustice and inequality.

In 2011, perhaps one of the biggest factors that helped lead the Occupy movement's success in capturing the media and public attention was its creativity. The idea of occupying, and sleeping in, a particularly relevant public space, space twenty-four hours a day was (at the time) new and exciting.

More recent examples of creative, effective actions include those taken by Sisters Uncut, most notably when they stormed the red carpet of the premier of the film, 'Suffragette'. This action alone dominated newspaper headlines and provoked national discussion on domestic violence, the narrative of which was set by their powerful chant, "dead women can't vote."

The Ritzy cinema strikers' picket lines in 2014 were well supported and publicised, thanks to a reputation for being an exciting and creative space where workers were asserting their demand for a living wage. The picket lines were even visited by Eric Cantona who lent his support to the strikers in June 2014.

A few suggestions to bring some creativity to your protest:

1. MAKE YOUR OWN PLACARD OR BANNER

Creating a clever or inspirational placard or banner and carrying it to a public space where people will see it and ask you questions is a great way of spreading awareness.

2. SIT-INS, DIE-INS AND FLASH MOBS

From department stores to university buildings, sitting with a group of people for an extended period of time within the heart of what you're fighting against is powerful. Or targeting a popular and busy space, which will bring your action to the attention of other citizens, is also a powerful gesture and often attracts the attention of photo journalists.

3. CHANTS

“No justice, no peace”, “the pipeline will fail, our planet is not for sale”, “hold the burgers, hold the fries, we want our wages super-sized.” These are just a few examples of catchy chants that have attracted the attention of the public and media.

4. MASS DEMONSTRATION

Getting as many people as you can to create a mass of people that display the magnitude of what you are fighting for is not just powerful but means you can employ a wide array of tactics within the demonstration.

5. BOYCOTTS

A boycott is abstaining from buying or using something. For example, some people have previously organised boycotts of Coca Cola to show solidarity with Latin American workers who have been mistreated by the company. One of the most famous boycotts was the American, Montgomery Bus Boycott in 1955 ignited by Rosa Parks. The Black community stopped riding the segregated buses until they desegregated.

Careful preparation is invaluable and it will help ensure your part in the demonstration is as safe and effective as possible.

**TIPS &
PRACTICAL
GUIDANCE**

Planning

WHO WILL YOU BE PROTESTING WITH AND DO YOU HAVE A PLAN OF ACTION?

In advance decide who you are going to protest with, whether it's certain friends or an affinity group.

- Exchange contact numbers or arrange other communication plans including regular meet up points if you choose not to take a phone;
- Have a plan of action for before, during and after the protest and agree to stick with it. Try to have an alternative plan if you think something might change;
- Be aware of each other's physical or mental health conditions and how that may impact on protesting.

WHAT ARE YOU BRINGING TO THE PROTEST?

Do not take things you won't need and avoid bringing anything that could give the police an excuse to detain you for a stop and search.

DO BRING:

- Warm clothes and comfortable shoes

You will be particularly thankful for warm clothes and waterproofs if you are outside in a cold climate for a long time. Sometimes you might be outside longer than you anticipate, particularly if you are kettled or you need to wait outside for a friend detained in a kettle or police station.

- Food and water

It is also a good idea to bring as much water and food as you can comfortably carry, for the same reasons as you should dress warmly. Something unexpectedly may happen which prevents you having easy access to food and water.

- Bust card

Grab a bust card when they are handed out by legal observers at the beginning of a protest, or download one in advance from Green and Black Cross' website. A bust card will remind you of your rights if you are arrested or detained by police. It also provides important contact details in the event you are arrested or witness an arrest or police wrong doing.

Communicating safely: the use of a mobile phone

Before attending a protest you should weigh up the risks of using a mobile phone. Having a simple mobile device with you will help you and others stay safe. But depending on your privacy settings and the type of phone, it can also give away information about your identity, whereabouts, plans and friends.

You should be aware that some police forces, including the Metropolitan police, have been exposed for operating covert surveillance technology that can masquerade as a mobile phone network. It transmits a signal that allows authorities to shut off phones remotely, intercept communications and gather data about thousands of users in a targeted area. This technology is commonly referred to as an IMSI catcher. Decide what is best for you. As it is not clear how you can protect your mobile from such technology, you might want to consider:

ALTERNATIVE WAYS OF STAYING IN TOUCH WITH FRIENDS

It is wise not to rely exclusively on your mobile device in any event as the signal may become poor, deliberately blocked, or monitored. Try to agree check-in times and meeting points with your friends in advance as part of your plan of action.

ENCRYPTING YOUR MOBILE PHONE AND COMMUNICATIONS

For basic iPhone encryption: 'Settings', 'General', 'Touch ID & Passcode'. Follow the prompts to create a passcode, when you've finished, ensure it says 'Data protection is enabled'. This is no surety that it cannot be overridden by advanced technology. If you want to secure your communications there are a range of encrypted channels, including: 'Signal' and 'Off the Record', 'Pretty Good Privacy', 'TextSecure' or 'ChatSecure'.

ONLY TAKING WHAT YOU CAN AFFORD TO LOSE

You may want to back up your phone and delete any information you do not need to have with you. You can always reload the data when you get back from the protest.

Protecting your privacy: the decision of masking up

Some protesters wear face paint or masks to conceal their identity because they may be concerned about their immigration status or an employer seeing them. You should make an informed decision of what is best for you. It is important to be aware of your rights to mask up and police powers to remove masks. This is outlined in our 'know your rights' section

Making informed decisions

Everybody's circumstances are unique and we all have different things we need to consider when attending a protest. For example: immigration status, employment, disability and mental health conditions. Therefore we will all vary in how long we can spend at a protest and what we feel comfortable doing.

It is a good idea, if you have not organised the protest yourself, to find out who is organising it and if possible what type of actions they may plan to do during the protest. This will help you think through risks, opportunities and legal implications of the protest. We encourage you to weigh up any risks carefully – do not exaggerate or minimise them.

The best way to make informed decisions on protests is by making sure you are clear about your rights and what the police have powers to do.

**KNOW
YOUR
RIGHTS**

Arrested? Green and Black Cross' five key messages

1. NO COMMENT

The police may pressure and deceive you into incriminating yourself. Instead of trying to decide when it seems 'safe' to answer, you should say, "no comment" to all questions – during 'informal chats', in the police van, custody suite and in interview.

A good solicitor will sometimes suggest that you make a prepared statement in interview. In that case, you or your solicitor will read the statement and you should answer "no comment" to any more questions.

2. NO PERSONAL DETAILS

You do not have to give your personal details to the police at any point during the arrest process. In fact, you are not legally required to give any personal information until you appear in court.

If you don't give a name and address at the police station, it may delay your release, but you can only be detained for 24 hours (except for very serious offences) and the police must then charge or release you, even if they do not have your details.

If you do decide to give your details, you only need to give your name, address, and date of birth. It is important you make an informed decision of what is best for you.

3. NO DUTY SOLICITOR

The "duty solicitor" is the solicitor. They may come from any firm of solicitors, which means they almost certainly know nothing about protest.

We strongly advise that you always use a solicitor from a law firm we recommend. A list of firms is at the beginning of this guide.

4. CAUTIONS ARE AN ADMISSION OF GUILT

When the police offer you a caution it is a way in which the police can ask you to admit guilt for an offence without having to charge you. This means they do not need to provide any evidence or convince a court of your guilt, which they may not be able to do.

You should never accept a caution without taking advice from a solicitor from one of our recommended firms.

5. WHAT POWER?

Too often police officers rely on us not knowing the law or our rights. If you are asked to do something by the police, particularly if they are threatening to arrest you if you do not, you should ask them what power (i.e. what law) they are using and why they are using it. Try to make a note of what they said, by whom (i.e. their police number(s)) as soon as possible.

Under 18 and arrested: your rights

An appropriate adult should be called;

You have the right to request an appropriate adult, parent and/or guardian present for any interview;

You have the right to request an appropriate adult, parent and/or guardian present during a search at the police station;

If you are over 16 the police can take fingerprints and photographs;

If you are under 14 the police will need permission from a parent or guardian in order to proceed with fingerprinting;

If you are 15 or 16 you will need to agree along with your parent or guardian's agreement for fingerprinting to take place

Vulnerable adult and arrested: your rights

If you have learning difficulties, you have the right for an appropriate adult (i.e. somebody with experience of working with people with learning difficulties and not employed by the police) to be present for any interview and you can be accompanied by a relative and/or other person responsible for your care;

If you have hearing or speech difficulties, then the police should offer you an interpreter and you certainly should not be interviewed without an interpreter. There are only exceptional circumstances where you can be denied an interpreter in interview.

If you have been diagnosed with a mental health condition then you also have the right to an appropriate adult being present during any interview. The appropriate adult may be a carer, relative or other trained person not employed by the police.

WHAT IS AN APPROPRIATE ADULT?

The appropriate adult is an important person. Their role is to make sure the police behave properly, treat you fairly and respect your rights.

They ensure that you understand what is happening at the police station and that you are aware of your rights.

They do not and should not provide you with legal advice; they cannot encourage you to talk to the police if you do not want to.

You can talk to them in private at any time but you should be aware that if you tell them that you have committed a crime, they will have to tell the police.

You should obtain legal advice and representation from a solicitor from our list of recommended firms in addition to having an appropriate adult.

International student and arrested: your rights

- You do not need to provide the police with your visa status;
- You have the right to an translator if English is not your first language for any interview (in addition to a solicitor);
- You do not need to be in possession of a passport or any form of ID in the UK so you may want to consider leaving this at home before attending a protest;
- You do have the right to inform your High Commission, embassy or consulate about your arrest if you wish to exercise it

If you are concerned about your immigration status following an arrest you should seek advice and guidance from the NUS International Students Campaign who may be able to put you in touch with a good immigration solicitor if necessary.

Stop and account

Stop and account is the widely used practice of the police stopping and asking people where they have been or what they have been doing and with whom.

Stop and accounts should be distinguished from general conversations with an officer which do not count as a stop, for example if they are looking for a witness, or asking for general information about an incident.

It is important to note:

- There is no specific power for the police to require a person to stop and account in this way;
- You do not have to answer any of these questions and you are entirely within your rights to respond with “No Comment”.

There is no power of arrest attached to the failure to answer questions. However, under Section 50 (Police Reform Act 2002) a police officer or Community Support Officer (PCSO) can require a person to give their name and address but only where

there are reasonable grounds to believe that the individual has been or is involved in anti-social behavior. This is defined as causing harassment, alarm of distress to someone.

You can be arrested for refusing to give your details or for giving false or misleading information. However, according to the police's own guidance this power should not be used on protests.

It would also be unlawful for an officer/PCSO to arrest you for one of these offences if there were no reasonable grounds for thinking that you had been involved in anti-social behavior. If you are stopped under section 50 you should ask the police to clearly explain what they believe you have done to cause harassment, alarm or distress.

Stop and search

Police powers: The law says that you can only be searched if a police officer has a reasonable belief to suspect that you may be carrying something illegal or something that can be used to commit an offence. This forms the grounds of the search and police officers must specify their grounds before any search.

There are two exceptions to this rule, which are known as blanket search powers:

- If a section 60 search power has been granted (Criminal Justice Act). This power can be authorized where the police believe violence will take place and only allows the police to search for “dangerous instruments” i.e weapons.
- If a section 47A search power has been granted (Terrorism Act). This power can be used in locations authorized where police reasonably suspect that an act of terrorism will take place. The specified area and duration must be no greater than that considered necessary to prevent such an act.

Blanket search powers give the police the ability to search large groups of people, with no reasonable suspicion of that particular individual. The use of these powers is subject to a number of practical and procedural requirements. These powers should not routinely be deployed against peaceful protestors or journalists just because they are at a protest.

PROTECTING YOUR RIGHTS AND PERSONAL DETAILS DURING A SEARCH

There is a set procedure that the police must follow when searching people. You do not have to give your personal details when being searched. Police forces are only required to record 7 items of information collected during a stop and search: ethnicity, grounds for search, object of search, identity of the police officer, the date, time and location. Police officers must specify before the search: Who they are and where they are from, what legal powers they are using, what they are looking for, why they suspect you, and then they must search only in places that they might find the items they say they are looking for.

If you are stopped ask the officer for the “4 W’s”:

WHY ARE YOU STOPPING ME?

For example: what grounds and what legal power are they using?

WHAT ARE YOU LOOKING FOR?

For example: what is the object of the search.

WHO ARE YOU?

Can you see the officer’s ID number, his badge or warrant card?

WHERE ARE YOU FROM?

For example: the police station where they are registered.

It is important to ask if you are being detained or are free to leave.

Remember: If you are stopped and searched, you should always ask for a “Stop Form” – this requires the officer conducting the stop and search to write down their reasons for doing so. Records for searches under blanket powers would not include the reason for their authorisation. If an officer is unable to provide you with an explanation this can be found at a later date. This information can provide important evidence if you need to bring an action against the police.

Powers to remove face coverings

If a **Section 60AA (Criminal Justice Act 1994)** order is in effect, a police officer can demand that any item you are wearing that is mainly being used to conceal your identity is removed. Failure to remove this item can result in an arrest.

The police can seize the item, and you do not have to be wearing this item at the time for it to be seized.

**POLICE
TACTICS
ON
PROTESTS**

Intelligence gathering: police liaison officers, being filmed and mass arrests

Police liaison officers, commonly referred to as PLOs, have become regular figures on our protests since around 2010. You can easily spot them by their baby blue clothing.

There is a lack of official clarity about the exact role of PLOs on our demonstrations. However Network for Police Monitoring (NETPOL) have exposed police officers who previously worked in Forward Intelligence Teams (FIT) as now working as PLOs. FIT officers previously had their role defined in the Association of Chief Police Officers' Public Order Training Manual. FIT officers were responsible for, "establishing a dialogue with individuals and groups to gather information and intelligence."

The police have repeatedly claimed that PLOs perform a separate role to officers who are part of FIT or Evidence Gathering Teams (EGTs), who are deployed with cameras. They suggest that PLOs are not used for data gathering. However NETPOL has repeatedly exposed PLOs as being intelligence gatherers.

In 2012 Chief Inspector Sonia Davis, head of the Police Liaison Teams unit in the Metropolitan police, gave evidence as a prosecution witness in the trial of Critical Mass cyclists arrested on the evening of the Olympics opening ceremony. Under cross-examination, she admitted that PLOs gather information on protesters and had even been covertly deployed at previous Critical Mass rides to try to identify 'leaders'.

A peer group review of the policing of anti-fracking protests in Balcombe, West Sussex, also confirmed that PLOs played "a pivotal role in the operation" by "interacting with the protest organisers" and as a result, "there was intelligence, including open source, to suggest the protest would escalate." The report concludes: "consideration of the deployment of a dedicated PLO Bronze may help ensure that important intelligence is appropriately considered."

No matter how friendly a PLO seems to be on a protest, you should remember that they have a proven record of intelligence gathering and you do not have to talk with them or answer any questions. **Remember: no comment.**

The police officers also have other means of gathering intelligence and many fear that their discretion to arrest people, on mass, is another means to gather information about those of us are on protests.

A former Assistant Metropolitan Police Commissioner Lynne Owens gave evidence to the Home Affairs Select Committee on the Policing of the TUC March on 26 March 2011. On speaking about the mass arrests of UKUncut activists at Fortnum and Mason she said:

“Q12: We do need to improve the intelligence picture, but our ability to arrest over 200 people at the weekend gives us a very good starting point in terms of building that picture.”

Therefore in the event you are arrested as part of a mass arrest i.e. everybody involved in a certain protest action, you may want to consider not giving your details until you are charged with an offence. If the mass arrest has been done for the purpose of obtaining information about people, then there is unlikely to be evidence you have committed a crime. As stated earlier, you must make an informed decision on this, see the Green and Black section on ‘No personal details’ above to understand the risks.

Another form of intelligence gathering comes in the form of Evidence Gathering Teams of officers with cameras. You do not have to comply with police filming you unless you have been arrested for an offence. Unless you are arrested you are perfectly within your rights to walk away or cover your face from being filmed.

The kettle

Kettling (or containment) is a tactic of police surrounding or otherwise sealing off protesters and containing them for a period of time. The police can lawfully impose a kettle if they believe it is necessary to prevent disorder or protect public safety. They can maintain that containment as long as it is believed necessary to prevent breach of the peace.

Kettling has been widely criticized by civil liberties and human rights groups for seriously infringing on the rights of protesters and for its indiscriminate nature. No one wants to get caught up in a kettle, but ensuring you have the right clothing for the occasion, food, water and a means of letting people know where you are, can make the experience more manageable.

It is worth knowing that police are responsible for drawing up a plan that can assist

vulnerable or distressed persons or those inadvertently caught up in the police containment to exit. They are also responsible for the provision of water and toilets where necessary and practicable.

It also important to be aware of your rights, the same restrictions on police powers to stop and search apply if you are kettled.

In the past the police have used kettles as a means of gathering protesters personal details; however this has been ruled unlawful. You do not have to give your name or address or agree to have your picture taken as a condition of being released from a kettle.

Police violence

If you experience excessive police force or you witness it, try to obtain as much information as possible about the police officer(s) responsible and anybody else who witnessed the incident. Take a note or photo as soon as possible of any police shoulder numbers, location you are in and whether there is any nearby CCTV cameras. If there are CCTV cameras take a note or photo of exactly where it is and any reference number on it.

This will help you or somebody else lodge a complaint about the force used and possibly bring a civil action against the police for assault and/or battery.

The force may have been unlawful because there was no basis at all for using it. For instance, if an arrest was unlawful then any force used during that arrest was also likely to be unlawful. Alternatively, the force used may have been unlawful as a result of it being excessive i.e. too much force being used.

An action for assault and/or battery can involve any unlawful contact, from unwanted touching to where serious injuries are caused. This can include a range of situations involving police officers, including the following:

- Striking or hitting with hands or police batons;
- Use of restraint;
- Tasing;
- Preventing someone from walking away;
- Applying handcuffs;
- Taking DNA and fingerprints; and
- Strip searches.

You are entitled to film the police and take photos, this is particularly important if you think they are using excessive force. The police have no power to delete any of your images or videos, and can only view it in very limited circumstances. The police cannot legally confiscate your camera without arresting you, and for that they must have a reasonable suspicion you have committed a crime. However do be careful not to capture and upload footage that may affect personal privacy to the internet.

If you do witness excessive police force or particularly an injury caused to a protester by a police, then once you have obtained as much information as possible we encourage you to contact Green and Black Cross [GBC] on 07946 541 511 and Defend the Right to Protest [DTRTP] on 07928 579 605. You may be needed as a witness to the incident at a later date.

**POLICE
COMPLAINTS:
HOLDING THE
POLICE TO
ACCOUNT**

If you have suffered at the hands of the police there are a number of ways you can seek to hold them to account. One of the most used and important ways of doing so is to make a police complaint.

The police complaint procedure is the only process which can potentially result in a police officer facing disciplinary action. It may be your only opportunity to influence a possible criminal prosecution being brought against an officer. Although it should be noted that it is exceptionally rare to succeed in getting a police officer disciplined or charged with a criminal offence. This has been well documented by families who are fighting for justice for their loved ones who have been killed by the police.

Nonetheless it can still be a worthwhile process to engage with and has on occasion resulted in policy changes and officers being held to account.

It is also a way in which your experience of police misconduct can be documented and may provide important data for future Freedom of Information Requests made by campaigns or journalists, who are seeking to raise awareness of certain types of policing on protests.

When you lodge a complaint it must be pursued through the formal complaints procedure and there are various pieces of legislation and statutory guidance that sets out the rules of this process.

This includes the investigating officer or caseworker's obligations to investigate promptly and properly update you on the progress of their investigation every 28 days.

If you wish to lodge a complaint about the conduct of police officers, we recommend that you contact a solicitor from one of our recommended law firms in the first instance as they may be able to provide you with advice and assist you with this process.

WHAT CAN I COMPLAIN ABOUT?

You can complain about police officers or anyone working for the police, and about a range of issues, including:

- Wrongful arrest;
- Unlawful detention, for example, a stop or search or containment in a kettle;
- Excessive force;
- Trespass to goods; or
- Intelligence gathering.

WHO CAN COMPLAINT ABOUT WHOM?

A complaint can be made by any member of the public who has either been the victim of the conduct complained of, has witnessed such conduct, or has been adversely affected by the conduct. Therefore you can make a complaint about the actions of a police officer even if you were not the victim, although without the evidence of the victim the likelihood of the complaint being upheld will be reduced.

WHO DO I LODGE YOUR COMPLAINT WITH?

You can lodge the complaint with the IPCC or whichever force's Professional Standards Department [PSD] by looking up their details online. However, unless the nature of the complaint involves a significant incident of police misconduct, for example a serious injury or act of discrimination, which if found to be true would result in the officer facing some form of disciplinary action, it is very likely it will be investigated by the relevant police force's internal PSD rather than the IPCC.

WHAT FORMAT SHOULD THE COMPLAINT BE IN?

You can make a complaint verbally or in writing. However we strongly advise that you make your complaint in writing rather than verbally and in a form which you can retain an exact copy of. You should avoid lodging a verbal complaint or relying on an online form.

IS THERE A DEADLINE BY WHEN I SHOULD LODGE MY COMPLAINT?

Police complaints must be lodged no more than a year after the incident you are complaining about takes place. It is only in exceptional circumstances that this deadline will be extended.

WHAT IF I HAVE BEEN ARRESTED AND WANT TO MAKE A COMPLAINT?

We strongly recommend you seek advice from your criminal solicitor in the first instance. There may be risks attached to lodging a complaint before you are clear of criminal proceedings and they will be able to properly advise you. If you do not have a criminal solicitor, we encourage you to contact the crime and police action teams at one of our recommended law firms.

If you have been arrested it can be an extremely stressful and daunting experience, especially if it is the first time. Whether you have been charged with an offence, bailed to return to a police station or released without charge or bail, we are here to support you.

BEEN ARRESTED? PRACTICAL GUIDANCE

Staying calm

It is normal to feel scared or worried and many people panic, and assume they are going to jail before they have even been charged with an offence.

It is important to know that often arrests don't lead to charges being made, and it is important to take advice on how deal with and challenge any bail conditions that may have been imposed in the meantime. In the case of charges being brought against you; experience shows that with the right legal advice and support you have a good chance of winning your case.

TRY TO STAY CALM AND FOLLOW THE SUGGESTED STEPS:

1. Contact the GBC, Defend the Right to Protest or the relevant person from NUS.

You are entitled to contact somebody upon your arrest at the police station, so you can contact us then but you can also do so after your release. We can ensure you have networks in place to offer you support and guidance.

2. Instruct a solicitor

If you did not have an opportunity to contact a solicitor at the police station but you have been charged or bailed to return to a police station then please contact a criminal solicitor from one of our recommended firms as soon as possible.

If you have been released without charge but believe your arrest should never have happened then you may wish to contact a police actions solicitor to lodge a complaint and/or consider a civil action against the police. We recommend a police actions solicitor from one of our recommended firms.

3. Write a statement and gather evidence

It is easier than you realise to forget important information such as descriptions of police officers, timings, witnesses and things you were told. Try to write a written account of your experience as soon as possible. It should focus on the lead up to your arrest to after you were released from the police station. Try to include as much detail as you can.

You should ask anybody you know who witnessed your arrest to write a statement too. Tell them to check out GBC's website for witness templates, which can give them a steer as to what the statement should include.

The record: most who fight win

Arrests on demonstrations are rare and so you may already feel like one of the unlucky few. However of those arrested, even fewer are actually charged with a criminal offence and if you are charged with a criminal offence, even fewer are convicted.

The statistics are on your side and there are lots of support networks who can help you pastorally and practically. Therefore if you have instructed a solicitor from one of our recommended firms and on their advice you are pleading not guilty, you should feel confident in fighting your charge.

9TH DECEMBER 2010 PARLIAMENT SQUARE STUDENT PROTEST

34 people were arrested and charged with violent disorder, 13 people pleaded guilty. However 20 people pleaded not guilty and only 1 of those was then convicted.

Over the course of student protests in 2010 between 10th November, 24th November, 30th November and 9th November 35 people fought their charge of violent disorder.

Of the 35 who pled not guilty to violent disorder, just 4 were convicted of violent disorder, with 5 cases discontinued, 10 lowered to lesser charges, 15 acquitted outright and 1 successful appeal. So of the 20 that went to trial for violent disorder, just 4 were convicted – an 80% acquittal rate.

ANTI-FASCIST PROTESTS 2013

In June 2013, 58 people were arrested during an anti-BNP protest in Westminster. In the end just five were charged and that case collapsed after the prosecution admitted on the morning of the trial they had “no evidence” to proceed due to their key witness Chief Inspector Williams being “on leave”. In the course of the brief exchange it was admitted by the prosecution that no major public order incidences took place on the day.

Just 3 months later in September 2013 Tower Hamlets 286 anti-fascists were arrested during a mobilization to stop the EDL from marching on Tower Hamlets in September 2013. Again with just a handful charged and we are not aware of anybody who was convicted.

BIRMINGHAM UNIVERSITY, FREE EDUCATION DEMONSTRATION JAN 2014

In January 2014, 13 people were arrested and 3 charged with violent disorder following a free education demonstration on campus. Some of those arrested reported being strip searched, held for 30-40 hours and in turn subject to bail conditions that refused them access to higher education institutions, force them to remain resident at their home address, restrict their ability to meet in groups publicly, and stop them speaking to the other students arrested. Ultimately all charges were dropped or investigations discontinued.

WE CAN'T BREATHE "DIE IN" WESTFIELD SHOPPING CENTRE, DEC 2014

In December 2014, 400-500 people participate in a die in at Westfield shopping centre in solidarity with Eric Garner's family in the US and families who were victims of deaths in custody and police violence in the UK. 74 people were arrested under suspicion of violent disorder. Four to six months later the charges were dropped, and as far as we are aware, only one conviction was achieved in relation to these protests.

Solidarity: police station and court support

If you are arrested, when you are at the police station you are entitled to contact somebody about your arrest. If you contact GBC, DTRTP or the NUS then they can ensure there are people waiting outside the police station for when you are released.

These same organisations can ensure that you have support, if you want it, throughout any court hearings, along with the Legal Defence & Monitoring Group – LDMG – which provides dedicated court support. Court support can help by being a visible presence of support to a jury and/or judge, taking a note of the proceedings and/or just being somebody who you can talk to at breaks for support and/or guidance.

If you know somebody who is facing a trial, you should ask them if they would like support inside the court hearing. The court process can individualise and isolate people making them feel as if they are a scapegoat for a protest action. It can very quickly make people feel demoralised and scared, so it is important that we offer support that reminds people they are not alone. This will also assist people in feeling

confident to fight the charges they are facing and maintain a not guilty plea.

**DEFENDING
THE
MOVEMENT
AND EACH
OTHER:
DEFENCE
CAMPAIGNS**

Why a defence campaign can help

One way of building support for your case and raising wider awareness is through getting together with other defendants and organising a defence campaign. This is one way of building support for your case and putting the policing and attempted criminalisation of protesters under public scrutiny.

It can also help to talk to others who have been through the same experience as you – and we can also put you in touch with people who have been through what you are going through for broader support.

Some people think that ‘anti-repression’ is a distraction from the political struggle you are engaged in, that building defence cases, offering court support, supporting individuals and their families, organising defence campaigns, are not as important as agitating on a university campus or going to a protest - this is not true.

The expectation of routine kettling, police violence or arrest can have an enormous deterrent effect on people attending protest. Those who have been arrested, charged or bailed may also find their right to protest removed or inhibited in a process that can take many months, even years. History tells us that when we work together, share experiences, and make defence a collective and political task, we can beat repression – and you do not have to go through this experience alone.

Challenging false narratives in the aftermath of arrests

It is common in the aftermath of protests, particularly where arrests of protesters have been made, for politicians and sections of the media to create false or inaccurate narratives of protester violence. When police officers use the enormous discretion that they have to arrest people for violent disorder, this can be easily manipulated to contribute to a narrative of ‘extreme’ protester violence. We saw this in action during the student protests in 2010.

On the evening of the 9th December 2010 Chief Superintendent Julia Pendry spoke on BBC news of large numbers of people “intent on violent disorder.” The Met Commissioner Sir Paul Stephens consistently referred to student protesters as “thuggish” and “louts”.

Sections of the media and political establishment acted like an echo chamber for the narrative put forward by senior police officers; with little independent reporting or scrutiny of the facts, referring to “riots” and reproducing front page “wanted” posters of individuals later proven innocent in court. David Cameron even remarked on specific cases, calling for protesters who had “dragged (officers) off police horses” to “feel the full force of the law” (it was later proven that such an incident never took place).

If you have been arrested, then you can often begin challenging an inaccurate narrative by having a defence campaign and taking advice from a solicitor at one of our recommended law firms. It may be legally difficult and unwise to be specific about your experience but a campaign and wider networks can try to draw attention to general inaccuracies or exaggerations that are being put in the public domain. You should seek advice from a solicitor about the narrative you wish to make public.

Social networking sites are increasingly used to highlight protesters experiences on a demonstration, including documenting police violence. Twitter users tweeting about protests they are part of have frequently undermined mainstream media narrative painting protesters as violent. You should document events carefully and considerately, your starting position should be to avoid taking photos and tweeting something that might affect the privacy rights of a fellow protester or put them in danger.

Ideas for solidarity: financial support to public meetings and protests

For all of the reasons above it remains essential that we continue to build effective support around any arrested protesters and refuse a narrative which seeks to turn disruptive protest into “riot” or “mob”. By doing this we will ensure that we build protests that are big and all encompassing. Therefore if you know somebody arrested, charged and/or facing a court trial, the following is a non-conclusive list of ideas for support for those arrested – if they are happy to receive it.

FINANCIAL SUPPORT

It is a good idea to collect for a defence fund. Being taken through the criminal justice system can be an expensive process, particularly if you have to go through an entire trial. Funds raised can contribute to travel and food costs for those arrested

and their families during the trial. Depending on the circumstances of the individual, if they need legal representation beyond the police station, then funds may also be necessary to contribute to any legal costs.

PUBLIC AND PRIVATE MEETINGS

Private meetings for groups of arrestees can be a really helpful way to facilitate a discussion around legal and defence campaign tactics. If you want to publicly launch a defence campaign for somebody arrested then one effective way of doing so is by hosting a public meeting in your school, college or university.

The person arrested is unlikely to be able to discuss their case but it can be a useful way to provoke discussion amongst your student community, raise awareness of what's happened and generalise people's experiences of policing to other areas they may not be aware of. For example, a protest may have been one person's first experience of heavy handed policing whereas others in attendance may be able to share experiences of policing in other contexts. We have a lot to learn from each other and sharing knowledge and experiences can ensure we build an effective and inclusive defence campaign.

UNION SUPPORT

You should seek the support of your local student union and the NUS. Firstly, they may be able to assist you practically, for example, with printing posters and booking rooms for meetings. Secondly, they can also add significant political weight to support for somebody arrested or the defence campaign. They may be able to assist by passing a motion of support, providing letters to the court, MPs or other relevant bodies or individuals.

RALLIES OUTSIDE COURT

If all those facing a criminal trial are happy for this type of support then it is probably because they acknowledge that a rally outside court will help them feel confident and part of a collective during the trial. Again, this is important because this process can make people feel isolated and on their own, as if they are taking the brunt for an effective protest action. We should remind them and others that an attack on their right to protest is an attack on ours. A rally outside the court also draws the court's attention to the fact that those arrested have wider support of the community.

LETTER WRITING AND SUPPORT FOR THOSE IMPRISONED

In the worst case scenario, you may know somebody who has been sentenced to a custodial sentence, which means they must serve some time in prison. Clearly going to prison can be an incredibly intimidating and scary time, whereby somebody is purposefully isolated from the wider world. The most effective way to counteract this feeling is by writing to them.

We suggest organising letter writing workshops and contacting somebody from LDMG, DTRTP and/or the NUS who will be able to offer some guidance on writing letters to those imprisoned. It is also a good idea to raise some funds to ensure those imprisoned have access to things they need whilst serving a sentence.

You may also want to organise a solidarity rally outside the prison they are detained in, particularly if they are imprisoned over Christmas, Eid, New Year or any other time that people traditionally spend with friends and family. If you are unsure on how to organise such an event you can contact DTRTP for some assistance with this.

Learning from the success of other defence campaigns

There is a rich history of successful defence and justice campaigns across the world. From the Free Nelson Mandela Campaign to the Orgreave Truth and Justice Campaign, defence campaigns have been integral to most significant political campaigns and movements in the 20th and 21st century.

In recent British student protest history there has been the Justice for Alfie Meadows, Free Zenon and Reinstate the Sussex Six campaigns. All of these campaigns cultivated and used student support by hosting public meetings, running petitions, building rallies and getting creative by making videos, photo collages and posters of support, as well as obtaining high profile endorsements of solidarity from politicians or other public figures.

However there are also high profile campaigns for justice that provide invaluable inspiration and ideas for running a defence campaign. For example, the United Families and Friends Campaign, the Sean Rigg Justice and Change Campaign and the Hillsborough Justice Campaign are ongoing campaigns which have achieved significant aims.

If you want some further guidance on building a defence campaign then you can contact DTRTP. They will be able to put you in touch with people who have experience of building successful defence and justice campaigns.

**DIRECTORY OF
USEFUL
ORGANISATIONS**

PROTEST, POLICING AND KNOW YOUR RIGHTS

DEFEND THE RIGHT TO PROTEST (DTRTP)

www.defendtherighttoprotest.org

info@defendtherighttoprotest.org

07928 579605

GREEN AND BLACK CROSS (GBC)

<https://greenandblackcross.org>

07946 541 511

LEGAL DEFENCE MONITORING GROUP (LDMG)

<http://ldmg.org.uk>

07946 541 511

THE NETWORK FOR POLICE MONITORING (NETPOL)

<https://netpol.org>

info@netpol.org

STOP AND SEARCH

LONDON CAMPAIGN AGAINST POLICE AND STATE VIOLENCE (LCAPSV)

<https://londonagainstpoliciveolence.wordpress.com>

STOPWATCH

<http://www.stop-watch.org>

Y-STOP

<http://y-stop.org>

STUDENT ORGANISATION AND SUPPORT

NATIONAL UNION OF STUDENTS (NUS)

<http://www.nusconnect.org.uk>

0845 5210 262

Contact: shelly.asquith@nus.org.uk

NUS BLACK STUDENTS CAMPAIGN (NUS BSC)

<https://www.nus.org.uk/en/who-we-are/how-we-work/black-students/>

Contact aadam.muuse@nus.org.uk

NUS INTERNATIONAL STUDENTS CAMPAIGN

<https://www.nus.org.uk/en/who-we-are/how-we-work/international-students/>

Contact mostafa.rajaai@nus.org.uk

NUS DISABLED STUDENTS CAMPAIGN

<https://www.nus.org.uk/en/who-we-are/how-we-work/disabled-students/>

Contact james.elliott@nus.org.uk

ESSENTIAL RESOURCES

GBC BUST CARD

<https://greenandblackcross.org/bustcard/>

ORGANISING A DEFENCE CAMPAIGN

<http://www.defendtherighttoprotest.org/defence-campaigns/>



nus

national union of **students**

nus *black students*

Protest remains one of the most powerful and effective means we have to collectively challenge injustice and organise for a better world.

In this booklet we have pulled together some key advice for anyone taking part in or organising a protest: whether it's tips for staying safe and warm to knowing what to do in case of arrest or a stop and search.

Experience shows that being prepared and knowing where to get support and advice is key to protecting your rights and ensuring your collective voice is as effective as it can be.

See you on the streets!