

"No Comment"

The Defendants guide to arrest

This text is taken from the 1994 edition of 'No Comment' produced by London Anarchist Black Cross.

Getting arrested is no joke

It's a serious business. All convictions add up: eg, you're done three times for shoplifting, you stand a good chance of getting sent down.

If there's a chance of you getting nicked, get your act together: know what to do in case you're arrested. Unless you enjoy cells, courtrooms, prisons, you owe it to yourself to wise up.

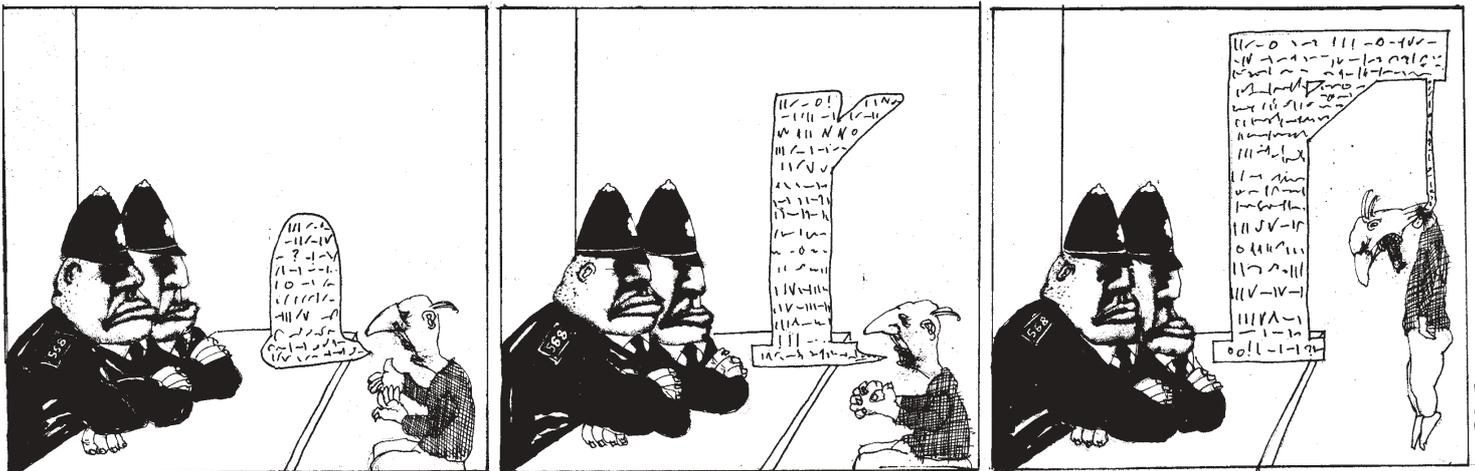
When you have been arrested

You have to give the police your **name**, **address**, and **date of birth**. They also have the right to take your Fingerprints, photo and non-intimate body samples.

The Criminal Justice and Public Order Act 1994, has now removed the traditional 'Right to Silence'. **However**, all this means

is that the police/ prosecution can point to your refusal to speak to them, when the case comes to court, and the court **may** take this as evidence of your guilt. **The police can not force you to speak or make a statement, whatever they may say to you in the station.** Refusing to speak cannot be used to convict you by itself. It's yet to be seen how the police will use this change in the law, but we reckon the best policy **if you want to get off** is to **remain silent**. The best place to work out a good defence is afterwards, with your solicitor or witnesses, not under pressure in the hands of the cops. If your refusal to speak comes up in court, the best defence we think is to refuse to speak till your solicitor gets there, then get them to agree to your position. You can then say you acted on legal advice. **Keeping silent is still the best thing to do in police custody.**

Remember - all charges add up



WHEN YOU'RE ARRESTED

Q: What happens when I get arrested?

When you are arrested, you will be taken to a police station. You will be asked your name, address and date of birth. Your personal belongings will be taken from you. These are listed on the custody record and usually you will be asked to sign that the list is correct. You should sign immediately below the last line, so that the cops can't add something incriminating to the list. You should also refuse to sign for something which isn't yours, or which could be incriminating. You will then be placed in a cell until the police are ready to deal with you.

Q: When can I contact a solicitor?

You should be able to ring a solicitor as soon as you've arrested, once at the police station it is one of the first things you should do, for two reasons:

1. To have someone know where you are.
2. To show the cops **you** are not going to be a soft target, they may back off a bit.

It is advisable to avoid using the duty solicitor as they are crap or hand in glove with the cops. It's worth finding the number of a good solicitor in your area and memorising it the police are wary of decent solicitors. Also, avoid telling your solicitor exactly what happened. This can be sorted out later. For the time being, tell them you are refusing to speak. Your solicitor can come into the police station while the police interview you: you should refuse to be interviewed unless your solicitor is present.

Q: What is an interview?

An interview is the police questioning you about the offences they want to charge you with. The interview will usually take place in an interview room in the police station.

An interview is only of benefit to the police. Remember they want to prosecute you for whatever charge they can stick on you.

An interview is a no win situation. For your benefit, the only thing to be said in an interview is "NO COMMENT".

Remember. **They can't legally force you to speak.**

Q: Why do the police want me to answer questions?

If the police think they have enough evidence against you they will not need to interview you. For example, in most public order arrests they rely on witness statements from 1 or 2 cops or bystanders, you won't even be interviewed.

The Police want to convict as many people as possible cos:

1. They want to convict you because it makes it look like their doing a job at solving crime. The clear-up rate is very important to the cops, they have to be seen to be doing their job. The more crimes they get convictions for, the better it looks for them.

2. Police officers want promotion, to climb up the ladder of hierarchy. Coppers get promotion through the



number of crimes they 'solve'. No copper wants to be a bobby all their life.

A 'solved crime is a conviction against somebody. You only have to look at such cases as the Birmingham 6 to understand how far the Police will go to get a conviction. Fitting people up to boost the 'clear-up rate', and at the same time removing people cops don't like, is wide spread in **all** Police forces.

Q: So if the police want to interview me, it shows I could be in a good position?

Yes - they may not have enough evidence, and hope you'll implicate yourself or other people.

Q: And the way to stay in that position is to refuse to be drawn into a conversation and answer "NO COMMENT" to any questions?

Exactly.

Q: But what if the evidence looks

like they have got something on me? Wouldn't it be best to explain away the circumstances I was arrested in, so they'll let me go?

The only evidence that matters is the evidence presented in court to the Magistrate or jury. The only place to explain everything is in court, if they've decided to keep you in, no amount of explaining will get you out. If the police have enough evidence, anything you say can only add to this evidence against you.

When the cops interview someone, they do all they can to confuse and intimidate you. The questions may not be related to the crime. Their aim is to soften you up, get you chatting. Don't answer a few small talk questions and then clam up when they ask you a question about the crime. It looks worse in court.

To prosecute you, the police must present their evidence to the Crown Prosecution Service. A copy of the evidence is sent to your solicitor. The evidence usually rests on very small points: this is why it's important not give anything-away thing in custody. If they don't have enough evidence the case will be 'thrown out' or never even get to court

This is why they want you to speak. They need all the evidence they can get. One word could cause you a lot of trouble.

Q: So I've got to keep my mouth shut. What tricks can I expect the police to pull in order to make me talk?

The police try to get people to talk in many devious ways. The following shows some pretty common examples, but remember they may try some other line on you. They spend 24/7 practising catching people out.

WHEN YOU'RE INTERVIEWED

These are the things that often catch people out. Don't get caught out.

1. "Come on now, we know it's you, your mate's in the next cell and he's told us the whole story."

If they've got the story, why do they need your confession? Playing co-accused off against each other is a common trick, as you've no way of checking what other people are saying. If you are up to something

dodgy with other people, work out a story and stick to it. Plus you can't be convicted on just the word of a co-accused.

2. "We know it's not you, but we know you know who's done it. Come on Jane, don't be silly, tell us who done it"

The cops will use your first name to try and seem as though they're your friends. If you are young they will act in a fatherly/motherly way, etc.

3. "As soon as we find out what happened you can go"

Fat chance!

4. "Look you little bastard, don't fuck us about. We've dealt with some characters, a little runt like you is nothing to us. We know you did it you little shit and you're going to tell us."

5. "What's a nice kid like you doing messed up in a thing like this?"

They're trying to get at you

6. "We'll keep you in till you tell us. **Unless they charge you for a 'serious offence' they have to release you within 24 hours. Even if you are suspected of a 'serious offence' you have the right to a solicitor after 36 hours, and only a magistrate can order you to be held without charge for any longer.**

7. "You'll be charged with something far more serious if you don't start answering our questions, sonny. You're for the high jump. You're not going to see the light of day for a long time. Start answering our questions cos were getting sick of you.

Mental intimidation. They're unlikely to charge you with a serious charge that won't stick in court. Don't panic

8. "My niece is a bit of a rebel."

9. "If someone's granny gets mugged tonight it'll be your fault. Stop wasting our time by not talking."

They're trying to make you feel guilty. Don't fall for it, it's not your fault.

10. Mr Nice: "Hiya, what's it all about then? Sergeant Smith says you're in a bit of trouble. He's a bit wound up with you. You tell me what happened and Smith won't bother you. He's not the best of our officers, he

loses his rag every now and again. So what happened?"

Mr Nice is as devious as Mr Nasty is. He or she will offer you a cuppa, cigarettes, a blanket. It's the softly-softly approach. It's bollocks. "NO COMMENT".

11. "We've been here for half an hour now and you've not said a fucking word.... Look you little cunt some of the CID boys will be down in a minute. They'll have you talking in no time. Talk now or I'll bring them down."

Keep at it, they're getting desperate. They're about to give up. You've a lot to lose by speaking.

12. "You're girlfriend's outside. Do you want us to arrest her? We'll soon



have her gear off for a strip search. I bet she'll tell us. You're making all this happen by being such a prick. Now talk"

They pick on your weak spots, family, friends, etc. Gerry Conlon of the Guildford 4 was told that his mother would be shot by the RUC unless he confessed. Cops do sometimes victimise prisoners' families, but mostly they are bluffing.

13. "You're a fuckin' loony, you! Who'd want you for a mother, you daft bitch? Start talking or your kids are going into care."

14. "Look, we've tried to contact your solicitor, but we can't get hold of them. It's going to drag on for age this way. Why don't you use one of our duty solicitors and we'll soon get this situation cleared up so you can go home."

Never accept an interview without your solicitor present, and don't make a statement even if your solicitor advises you to - a good one won't.

15. "You're obviously no dummy. I'll tell you what we'll do a deal. You admit to one of the charges, and we'll drop the other two. You admit to it and we'll recommend to the judge that you get a non-custodial sentence, because you're co-operated. How does that sound?"

They're trying to get you to do a deal. There are no deals to be made with the police. This bloke got sent down for not paying a fine. The prisoner he was handcuffed to in the prison bus did a deal with the police. He pleaded guilty to a charge after being promised a non-custodial sentence. The man trusted the police; he was a small time businessman accused of fraud, when it came to court, the judge gave him two years. The bloke was speechless!

16. "We've been round to the address you gave us and the people there say they don't know you. We've checked on the DSS computer and there's no sign of you. Now come on, tell us who you are. Wasting police time is a serious offence. Tell us who you are or you've had it."

If you've sorted out a false address with someone, make sure they're reliable, and everyone in the place knows the name you're using. Stick at it, if you're confident. You can't be charged for wasting police time for not answering questions.

17. "They've abolished the right to silence - you have to tell us everything now, it's the law."

As we said at the beginning, you can still say nothing, there is no obligation to tell the cops anything, beyond your name, address and date of birth.

If you are nicked on very serious charges, or for serious violence to a police officer, the cops may rough you up, or use violence to get a confession (true or false.) out of you. Many of the people freed after being fitted up were physically assaulted until they admitted to things they hadn't done. It's your decision to speak rather than face serious injury, just remember, what you say could get you and others sent down for a very long time. The more excessive the pressure the longer your going to prison for, if you talk - even if it's not true. Don't rely on retracting a confession in court - it's hard to back down once you've said something.

In the police station the cops rely on peoples naivety. If you are aware of the tricks they play, the chances are they'll give up on you. In these examples we have tried to show how they'll needle you to into speaking. That's why you have to know what to do when you're arrested. The hassle in the cop-shop isn't bad, but if you are on the ball, you can get off. You have to be prepared. We've had a lot of experience of the police and we simply say:

1. Keep calm and cool when arrested (remember you are playing with the experts now, on their home ground.)
2. Got a solicitor.
3. Never make a statement
4. Don't get drawn into conversations with the police.
5. If they rough you up, see a doctor immediately after being released. Get a written report of all bruising and working. Take photos of all injuries. Remember the officer's names and numbers if possible.

Having then said nothing in the police station, you can then look at the evidence and work out your alibi, your side of the story.

THIS IS HOW YOU WILL GET OFF.

Remember an interview is a no win situation. You are not obliged to speak.

If the police want to interview you, it shows you're in a good position...

And the only way to stay in that position is to refuse to be drawn into any conversation and answer "NO COMMENT" to any questions.

What can I do if one of my friends or family has been arrested?

If someone you know is arrested, there's a lot you can do to help him or her from outside.

1. If you know what name they are using as soon as you think they've been arrested, ring the police station. Ask whether they are being held there and on what charges.

2. Inform a decent solicitor.

3. Remove anything from the arrested person's house that the police may find interesting: letters, address books, false ID, etc, in case the police raid the place.

4. Take food, cigarettes, etc, into the police station for your arrested friend.

But don't go into enquire at the police station to ask about a prisoner if you run the risk of arrest yourself. You'll only get arrested. **Don't go alone.**

The police have been known to lay off a prisoner if they have visible support from outside. It's solidarity that keeps prisoners in good spirits.

If you think you might one day run the risk of being arrested, you must find out what to do in that situation. If prison, fines, community service, etc, don't appeal to you by following what's written in this pamphlet you can massively reduce the risk of all three. In the police station, the cops rely on people's naivety. WISE UP.

SUPPORTING PRISONERS

THINGS YOU CAN DO

ADOPT A PRISONER If you're active in a group or campaign why not choose one or two prisoners to consistently support. Pass cards round meetings, send useful stuff, knock up a flyposter and get their case some publicity if they could use it, get in touch with the prisoner's support group if there is one. Of course you can take this on as an individual, too.

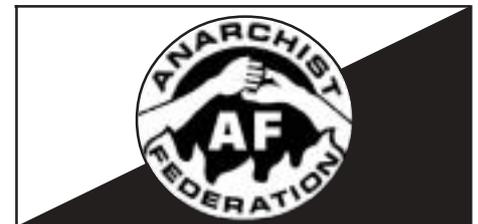
WRITING TO PRISONERS/SENDING THINGS Prison is isolation, so contact with the outside world, letting a prisoner know s/he is not forgotten, helps break this down. Sometimes just a friendly card can boost their morale. Writing for the first time to a complete stranger can be awkward. A card with some well wishes, a bit about who you are and asking what you can do to help is often enough. Don't expect prisoners to write back. Sometimes, the number of letters they can receive/write is restricted, or they just might not be very good a writing back. To help, include a couple of stamps or, if writing abroad, International Reply Coupons (IRC's) that you can get from any post office. Write on clean paper and don't re-use envelopes. Remember a return address, also on the envelope. Ask what the prisoner can have sent to them, as this varies from prison to prison. Books and pamphlets usually have to be sent from a recognised distributor/bookshop/publisher (ask at a friendly bookshop). Tapes, videos,

writing pads, zines, toiletries and postal orders are some of the things you might be able to send. Food just gets eaten by screws.

Remember that all letters are opened and looked through so don't write stuff that could endanger anyone – this doesn't mean you should be over paranoid and write one meaningless comment on the weather after the other. Be prepared to share a bit of your life to brighten up someone's on the inside.

PROTEST LETTERS Petitioning Tony Blair asking him to stop being a capitalist bastard might well be futile. But writing letters to relevant places requesting something realistic such as an appeal, transfer, vegan food etc on behalf of a prisoner can help improve their chances. Prisoners who seem to be 'in the public eye' do tend to be treated better.

OTHER SUPPORT There is so much more than can be done, up to you and your imagination and your contact with a prisoner, such as: publicity for the case, visits, financial support, pickets of prisons...



For more information contact the **Anarchist Federation**, 84B, Whitechapel High Street, London, E1 7QX. Tel: 07946 214 590 Visit: www.afed.org.uk Email: anarchistfederation@bigfoot.com

Our bulletin, resistance and our magazine, **Organise!** have regular columns about prisoner support. Subscriptions to each are available for £4 from the above address or can be viewed for free on our website.

The **Anarchist Black Cross** are also active in supporting class struggle prisoners. The can be contacted at: Brighton ABC, P.O. Box 74, Brighton, BN1 4ZQ, UK. www.brightonabc.org.uk Bristol Anarchist Black Cross, c/o Kebele, 14 Robertson Road, Easton, Bristol, BS5 6JY, England.

