

# You're Nicked! Arrest Advice Guide

## Food and Toiletries in Police Stations

Arrangements for provision of food, toiletries and blankets for vegans detained in custody varies from police station to police station.

Our research shows that some police stations stock microwavable meals. As at 08.02.07 the following are suitable for vegans:

- Westers - Vegetable Chilli
- Westlers - Pilau Rice
- Bunzl - Vegetable Chilli
- Bunzl - Pilau Rice

See [http://www.bunzlcatering.co.uk/standard\\_1.asp?category=3&id=6112](http://www.bunzlcatering.co.uk/standard_1.asp?category=3&id=6112) and <http://www.westlerfoods.com/westlers/compleat.php> for more details.

Some police stations will accept manufacturer-sealed vegan food, and toiletries when appropriate, provided by family or friends, often this is agreed only following a request from the Vegan Prisoners Support Group.

Disposable toothbrushes issued at police stations are unlikely to be suitable for vegans, the same applies to the soap, shampoo and toothpaste.

In January 2007 Vegan Prisoners Support Group (VPSG) sent a questionnaire to all constabularies requesting information regarding their arrangements for vegans detained in police custody, the updated information will be available at <http://www.vpsg.info/PoliceCustInfo.html> (note: all newly updated information will be preceded by the date).

## Solicitors

If you are arrested you have the right to speak privately to a solicitor of your choice free of charge at the police station.

You can insist on speaking over the phone to your solicitor in a private room rather than at the custody desk. Whilst it is advisable to keep a copy of the phone number of your firm of solicitors (and to check that your solicitor is available), all police stations should have details of criminal law firms. So as long as you know the name of the firm of solicitors, the police will be able to find the contact details.

It is not advisable to accept a duty solicitor, they may be biased and this can be undermining if you get advice you don't want to follow.

The following solicitors can be contacted 24 hours a day:

- Birds (Tim Greene) 020 8874 7433
- Sonn Macmillan Walker (Tim Walker) 020 7377 8889
- Kieran Clarke (Kevin Tomlinson) 01246 211006
- Kellys Solicitors (Theresa Blades & Lydia Dagostino) 01273 608311
- Hickman and Rose (London) 020 7700 2211

- Harrison Bundey (Leeds) 0113 284 5000
- Bindmans (London) 020 7833 4433

## **Other Entitlements**

PACE Code of Practice C Para 5.1 states: "Any person arrested and held in custody at a police station or other premises may, on request, have one person known to them or likely to take an interest in their welfare informed at public expense of their whereabouts as soon as practicable. If the person cannot be contacted the detainee may choose up to two alternatives. If they cannot be contacted, the person in charge of detention or the investigation has discretion to allow further attempts until the information has been conveyed."

You only have a right to have someone informed, but that the custody sergeant can - and often will - allow you to make the call yourself.

## **Processing**

You will be searched (degrees of thoroughness will depend on your charge and the police station in question), and you will have your details taken. It is advisable at this or at any other time only to give your name and address.

**Important!** Remember that you have the right to remain silent and it is not an actual offence to refuse to give your details. But if you are later charged with an offence you will not get bail if the police cannot confirm your name and address. You cannot be detained for refusal to give your date of birth. Your only reason you will be interviewed is to try and get information from you.

## **Length of detention**

The police can normally hold you for up to twenty-four hours from arrival at the police station. After this period has elapsed, they must either charge you or let you go. In many cases you will be released within six hours, although in a "mass arrest" situation you may be detained for longer, especially if everyone is being interviewed and charged.

They can only detain you for longer than twenty-four hours if you have been arrested for a serious offence. The police can then extend your arrest for a further twelve hours on the authorisation of a superintendent. After that they must go to court to obtain warrants of further detention up to a maximum of 96 hours from your arrival at the police station.

## **Food**

The police have a duty to provide anyone in custody with an appropriate meal (e.g. if you are vegan you must be provided with a vegan meal). Three meals a day should be offered at recognised meal times.

Drinks should be provided at meal times and upon reasonable request between meal times. As far as practicable, meals provided shall offer a varied diet and meet any specific dietary needs or religious beliefs the detainee may have. The detainee may, at the custody officer's discretion, have meals supplied by their family or friends at their expense. Any food offered should be in unopened manufacturer-sealed packaging.

## **In interview**

The police may question you before you are charged, but not after. You have the right to remain silent. Most defendants choose to remain silent during interviews, irrespective of whether a solicitor is present or not, though we recommend that you have one. Interviews cannot begin before she/he arrives unless you consent to being interviewed without a solicitor present, and they must allow you a minimum of 8 hours rest to sleep each day.

The police warning intimidates many people into making statements that they later may regret. Remember either the police have enough evidence to charge, or they don't. The interview is regarded by the police as an important tool for obtaining evidence against you and many cases only get to court as a result of what the defendant said to the police.

Although the police cannot question you outside the interview room, ANYTHING you say may be used as evidence. So anything you say for example on the way to the station in the police car or while you are being fingerprinted would be admissible in court.

## **Photographs, fingerprints and DNA**

The police can photograph anyone lawfully being detained in a police station, and can use reasonable force if they resist. The police can use reasonable force to take the fingerprints and DNA of anyone who has been detained (whether or not they are charged) for a recordable offence. Although most offences are recordable, examples of non-recordable offences are obstruction of the highway and causing breach of the peace.

## **Being charged with an offence**

The police can keep your fingerprints, DNA and photograph indefinitely even if the charges are later dropped. It is advisable to make a written note of everything that happens to you - including times, requests, requests denied, officer's names and numbers etc.

If you have been charged, the police will either release you on bail to appear in court at a later date or hold you until the next available court. If you are bailed it may be subject to conditions- e.g. on condition that you sign on each week at the local police station.

## **Police Bail**

Changes brought in by the Criminal Justice Act 2003 mean that the police can now sometimes impose bail conditions even where someone has not been charged. The law is as follows:

If the police decide that they do not have enough evidence to charge a prisoner with an offence, then the prisoner must be released. The release will be either unconditional or subject to a duty to surrender to a police station on a specified date in the future pending further police enquiries. In this situation - police bail pending further enquiries - the police have no power to issue bail conditions (such as not going into a certain area of a town, etc.) except to return at a specified date.

If the police decide that they do have enough evidence to charge the prisoner, they can either release the prisoner, offer a caution or charge the prisoner with an offence. In addition the police now have the option to release the prisoner on police bail pending a referral to the Department of Public Prosecutions (DPP) who will then decide what charges - if any - to bring. The decision whether or not to refer a case is made by the custody sergeant, who has to apply guidelines issued periodically by the DPP. (The government's stated reason for this change to the law included the aim of uniformity of sentencing practices across the country, and ensuring that offenders were charged with the appropriate offences).

When the police release without charge on police bail pending a referral to the DPP, they do now have the power to issue bail conditions. So whether or not the police can impose bail conditions on suspects released on police bail without charge will depend on the reason given by the police for issuing bail.

If the police do decide to release pending such a referral they are obliged to inform the suspect of this fact, which will probably be stated on the bail sheet. This will help people to establish what kind of police bail they have been given. Anyone released simply pending further enquiries should not be given bail conditions, and if this happens they should seek immediate legal advice.

There might be a situation where a person is released on bail conditions without charge pending a referral to the DPP, then kept on bail for several months. In such a situation it ought only to take the DPP weeks rather than months to decide what charges to bring. Anyone subjected to bail conditions under these circumstances should seek immediate legal advice.

The law on this is contained at Schedule 2 of the CJA 2003:

<http://www.opsi.gov.uk/acts/acts2003/30044-aa.htm#sch2>

The new power to impose bail conditions is not immediately clear, but if you read this in conjunction with s37 PACE 1984 and the Bail Act 1976 it's clear that the police now have the power to do this.

## **Remand to prison**

If you are remanded, you will first go to the reception area of the prison/remand centre, to be "processed". The reception process involves your details being logged into the computer and filed. At this point you should be asked about your diet and religion which is when it is essential you mention you are vegetarian/vegan, to prevent problems later on. You will also be strip searched (usually one half at a time), you may be asked to shower and should be allocated toiletries.

You will be given a free stamped envelope, a free phone call (or the opportunity to buy a phone card and make a call) and a "reception V.O." and you should see a doctor before being allocated a cell.

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If you are vegan and held either in police custody or remanded it might be advisable to contact the VPSG on the emergency arrest line: 07984 733008. They offer advice and practical assistance on obtaining vegan food and toiletries, contact them at the VPSG, BM 2107, London. WC1N 3XX Tel/Fax: +44 (0)20 8292 8325, email: [info@vpsg.org](mailto:info@vpsg.org), [www.vpsg.org](http://www.vpsg.org). If you are held in police custody they will need to know the name of your solicitor before we can contact the police station.

Please keep the emergency arrest number on your phone, just in case.

More legal advice can be found at: FreeBeagles website: <http://www.freebeagles.org/>

**Note:** This information is just a guide, as the law and police procedures change, keep yourself informed of your rights and the laws used against protestors, be aware and protect yourself.

This guide is taken from different sources; please let us know of any mistakes or omissions.