

Five key messages

No action/protest is ever 100% risk free. So even if you have no intention of being arrested, its important to remember these 5 key messages.

No Comment

You do not need to answer police questions, so don't. This is for your own protection and for the protection of others. Furthermore, no one is legally obliged to answer police questions, so your best bet is not to!

The police are trained to gather evidence and so you might accidentally incriminate yourself or someone else. Never identify anyone as an 'organiser', 'co-ordinator' or 'leader' - they might see themselves differently or may not want to be known to the police in this capacity. Instead of trying to decide when it seems 'safe' to answer, just say "no comment" to all questions - during 'informal chats', in the police van and especially in police interviews.

No Personal Details

You do not have to give personal details at the point of arrest. We recommend not giving your details when inside the police van / car and are being transported to the police station. Sometimes the police will arrest you without grounds and primarily for the purpose of obtaining your personal details. They also sometimes just release activist after driving a few roads away (before reaching the station). In this case, there is usually no record of your arrest and so it is best to keep yourself anonymous at this point

Typically people give their details when being checked in at the custody desk at the police station as this minimises the chance of being arrested and then released without being booked in (example above). It also allows you to be released within the 24hr limit - if you withhold personal details at the police station it's likely you'll be kept in until you can be taken to a magistrates court (on the next working day).

'Under What Power?'

If the police ask you to do something, ask them "am I legally obliged to do that?" and if they say something along the lines of "yes", then ask "under what power?" to challenge the police to act lawfully. Police officers rely on you not knowing the law. If you are asked to do something by a police officer, ask them 'under what power?' (i.e. what law they are using and why they are using it). Make a note of what was said and by whom (badge number / shoulder number) as soon as possible afterwards.

Don't let them turn this into a situation where they ask you questions though – just walk away once you have your answer, and remember 'No Comment'!

No Duty Solicitor

Use a solicitor with protest experience. The “duty solicitor” is the solicitor who is present at the police station. They may come from any firm of solicitors, which means they almost certainly know nothing about protest law (which is quite a specific area of law). You don't have to know the number of your solicitor, but you do need to remember the firm's name so you can give it to the police. They will call your solicitor for you.

See your 'bustcard' or [here](#) for a list of protest experienced solicitors, who are already representing XR rebels and have capacity. Remember that all advice from lawyers at the police station (no matter what firm you use) is free, so call a solicitor who has protest experience, rather than the duty solicitor. If you are eligible for [legal aid](#), it can be difficult to change solicitors once it has been applied for. If there are lots of you arrested, there may be a delay before you get the chance to speak to a solicitor.

Contacts for protest experienced solicitors in your Region or Nation can be found [here](#). If there isn't one near you, it's possible to call the nearest one or a London based one before your action to ask them to cover your area using a local 'agent' (basically someone who the law firm will instruct to represent you at the police station).

No Caution

Cautions are an admission of guilt. Offering you a caution is a way the police may ask you to admit guilt for an offence without having to charge you. It is an easy win for the police, as they don't have to provide any evidence or convince a court of your guilt. We only ever recommend accepting a caution if your solicitor (not the duty solicitor, but a protest experienced solicitor) advises you to do so. Even then, ask your solicitor why you are an exception to the general rule of 'No Caution' and get them to explain to you the reason behind it.

See <https://informeddissent.info/5-key-messages> for more information.
