

# Will chalking or flyposting get me arrested?

You are unlikely to get stopped in the UK.

The police are usually uninterested in chalking and flyposting, unless you force them to take action by doing it under their noses.

NOTE: Avoid taking or posting photos of anyone doing the work if they are potentially identifiable as it can be used as evidence against them.

## **What if I'm stopped?**

If you are stopped it's more likely to be a member of the public, private security, or a police community support officer (who don't have any more power than the others).

The best response is normally to simply walk away. If this is not possible and you are 'detained' you aren't obliged to say anything to anyone. This technically includes the police, though not confirming your details can increase the possibility of arrest.

If arrested it's normally advisable to confirm who you are. If you don't you are likely to be held overnight and taken to court the next day.

The most likely charge is Criminal Damage, but there is now a higher threshold to successfully prosecute. A recent ruling confirmed that it is not in the public interest to prosecute if the damage caused was part of a legitimate protest and was 'minor and temporary' in nature.

The specific example given by the court was chalk-based paint on a pavement. The threshold would be lower if the damage was on private property and if you cause damage that would have significant 'clean-up costs' a prosecution would be likely.

The penalty for criminal damage largely depends on the cost of the damage caused. If convicted you would normally be expected to pay some or all of any clean-up costs incurred, the prosecution's legal fees, a victim surcharge and a sentence ranging from a conditional discharge to low-level fine for damage of less than £5k.

In some circumstances, the police may decide to resolve the matter through a fixed penalty notice.

For more information check out the [Green and Black Cross website](#).

Scotland has different rulings, more info can be found [here](#).

**For legal support, contact XRUK Legal Support**

- Email: [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
  - Mattermost: [XRUK Legal Support Reception](#)
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