

# Release

Drugs, The Law & Human Rights

## BUST CARD

YOUR RIGHTS ON ARREST

For information and help  
in dealing with the police, the  
courts or drug problems, contact:

[ask@release.org.uk](mailto:ask@release.org.uk)  
[www.release.org.uk](http://www.release.org.uk)

HELPLINE:  
0845 4500 215  
020 7324 2989

**This Bust Card is correct at the date of print. Always seek legal advice.**

## **YOU HAVE THE RIGHT TO BE TREATED FAIRLY AND WITH RESPECT BY THE POLICE**

You do not have to say anything to the police **BUT** if you are later charged with a crime and you have not mentioned, when questioned, something that you later rely on in court, then this may be taken into account when deciding if you are guilty.

There may be good reason why you do not wish to say anything to the police, and you should not be intimidated into answering questions. Get a solicitor down to see you in the police station as soon as possible.

### **Remember:**

- There may be times when if you give an innocent explanation for what you have done, the police may leave you alone.
- It is wise **NOT** to discuss the case with the police until you have consulted privately with a solicitor.
- If the police are about to arrest you or have already arrested you, there is no such thing as a 'friendly chat' to sort things out. Anything you say can later be used against you. **Think before you talk.**

## WHEN THE POLICE GET IT WRONG

If you want to challenge anything the police have done, then get the names and addresses of any witnesses and the name or number of the police officer/s, and make a written record as soon as possible after the incident. This should be witnessed, dated and signed. If you are injured, or property is damaged, then take photographs or video recordings as soon as possible and have physical injuries medically examined.

If you have been treated unfairly, then complain to the Independent Police Complaints Commission ([www.ipcc.gov.uk](http://www.ipcc.gov.uk)), and contact a civil liberties group like Release or a Citizen's Advice Bureau or a solicitor about any possible legal action.

## ON THE STREET

If you are stopped by the police:

- If they are not in uniform, then ask to see their warrant card
- Ask the police are you being detained
- Ask why you have been stopped and, at the end, ask for a record of the search

- You can be stopped and searched if the police have a reasonable suspicion that you are in possession of:
  - controlled drugs
  - offensive weapon or firearm
  - carrying a sharp article
  - carrying stolen goods
  - or if you are in a coach or train, on your way to, or you have arrived at, a sports stadium.

There are other situations where you can be stopped and searched, for example:

- If police fear that there might be serious violence or a terrorist threat in a particular area, they can stop and search anyone in that area for up to 48 hours (**this can be extended in some circumstances**). In these circumstances, the police do not need to have reasonable suspicion that you are carrying a weapon or committing a crime.

### **Remember:**

If you have been stopped and searched the police should provide you with a record of the event. There is no requirement to provide a record for a stop and account (that is, where no search has taken place).

You run the risk of both physical injury and serious criminal charges if you physically resist a search. However, if the initial grounds for the search are unlawful and you are then charged with resisting arrest this may be legally challenged. If it is an unlawful search, you should take action afterwards by using the law.

## IN THE POLICE STATION

You always have the right:

- to be treated humanely and with respect.
- to see the written Codes governing your rights and how you are to be treated.
- to speak to the custody officer (the officer who **MUST** look after your welfare).
- to know why you have been arrested.
- to have present with you a responsible adult if you are 16 years or below or vulnerable.

You also have the right (but they can in rare situations be delayed):

- to have someone notified of your arrest (not to make a phone call yourself).
- to consult with a solicitor privately.
- to request for a medical examiner to attend to you if you feel unwell.

Inform the custody officer at the earliest opportunity if you are on prescribed medication. You may in certain circumstances be permitted to ingest, or negotiate for the collection and administration of your medication. If not, notify your solicitor and refer him to PACE 1984 Code C Part 9.

**Remember:**

- Do not panic. The police sometimes keep you isolated and waiting in the cell. Above all else, try to keep calm. The police can only keep you for a certain period of time - normally a maximum of 24 hours (this can be extended to 36 hours by a superintendent if certain grounds are satisfied or 48 hours for a terrorist offence). Further extensions of custody can be obtained in exceptional circumstances.
- Make sure the correct time for your arrest is on your custody record.
- Make sure you know why you have been arrested.
- Insist on seeing a solicitor even though you might have to wait. Always request that a solicitor be present when you are interviewed. Do not be put off seeing a solicitor by the police. It is **YOUR RIGHT**, and it is **FREE**.
- If you ask for anything and it is refused, make sure this is recorded in your custody record.

## SEARCH OF YOUR HOME

- The police can search premises with the consent of the occupier.
- A warrant can be obtained from magistrates by the police to search premises for evidence of certain crimes.
- The police can only search the section of the premises that you occupy and communal areas of the premises.
- Police may enter **WITHOUT** a search warrant in many situations, including:
  - following an arrest, the police are allowed to search premises the detained person occupies or has control over
  - to capture an escaped prisoner
  - to arrest a person
  - to protect life or to stop serious damage to property
  - other laws give police specific powers to enter premises

**Remember:**

- You are entitled to see a copy of any search warrant.
- Police can use reasonable force to gain entry.
- Police should give you information about their powers to search premises.
- A record of the search must be kept by the police.
- You or a friend should be allowed to be present during the search but this right can be refused if it is thought it might hinder investigations.

For information visit:

[www.release.org.uk/stop&search](http://www.release.org.uk/stop&search)