

LEGAL BRIEFING

If you do get arrested, don't worry, stay calm.

This Legal Briefing lists offences you could possibly be arrested for during the "Disrupt the Masters of War" actions at Northwood. Please read this carefully, and collect a bust-card - which contains details of your basic rights on arrest, the legal support number (which we suggest you ring, if you have been arrested) and the number of a solicitor, who has agreed to provide legal advice, if needed.

Legal observers will be present, but it would be helpful - if you are part of an affinity group planning to risk arrest - that one of your group acts as a legal observer. This would involve writing down the names of members of your group who are arrested, what they have been arrested for, and any violent or abusive behaviour by any police officer. This information should then be given to the legal support team.

This legal briefing is a guide. It is not a definitive statement of the law, and does not cover all eventualities. If you need legal advice after arrest, ring the solicitor.

IF YOU ARE ARRESTED

The arresting officer should tell you that you are being arrested and what you are being arrested for. They should also caution you ("Anything you say..." etc, etc), and note your reply to caution. They may forget to do all of this - if so, ask them what you are being arrested for, as you sometimes end up at the police station being charged with something different to what you thought you were being arrested for. They do not have the right to detain you, without arresting you, unless they impose a Section 60 order, where they have the powers to detain and search a

whole crowd of people, as on recent May Day demonstrations.

LIKELY CHARGES

OPERATION "INTERNAL LOOK".

In theory, you could be arrested under Section 1 of the Official Secrets Act 1911 which provides that it is an offence for any person for any purpose prejudicial to the safety or interests of the State to (a) approach, inspect, pass over, be in the neighbourhood of or enter any prohibited place; or (b) make any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or (c) obtain, collect, record, or publish, or communicate to any other person any secret official code word, or password, or any sketch, plan, model, article or note, or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy. [A prohibited place includes any place, property or establishment that either belongs to or is used by the Crown.]

If convicted, of an offence under section 1 of the 1911 Act a person can be sentenced to up to 14 years' imprisonment. However, the Hertfordshire police have advised that they would not arrest anyone for looking at, photographing or sketching, buildings etc, which may easily be seen from outside the fence. If you decide to take a more internal look (and enter Northwood), the OSA could be used, but more likely, aggravated trespass (see below).

Section 12, Crime and Public Order Act, 1986.

Under normal circumstances, a S.12 order is imposed if a march or procession is "likely to result in serious public disorder, serious damage to property or serious disruption to the life of the community". However, Hertfordshire police have advised

us that they are intending to impose a S.12 order, which will define and restrict the route which we plan to take from the tube station to the main gate at Northwood, on the grounds that the route proposed by the organisers would be unsafe and would impede safety and traffic flow. We assume that the police may, under S. 12, arrest anyone who does not approach the base along the designated route, along which you will be escorted by the police. S. 12 also prohibits the "intimidation" of people from doing what they have the legal right to do. This section could on theory be used to prohibit a blockade which would seek to prevent authorised personnel from entering at Northwood.

S. 12 also gives the police powers to arrest any stewards or organisers, if they believe there has been a failure to observe S. 12. We believe these conditions are deliberate and unnecessary, and fail to respect our rights under the Human Rights Act to freedom of assembly and expression; you may be able to challenge their grounds for imposing the order during any court cases arising from an arrest.

The police have also indicated that they do not want the MULTI-FAITH ACT OF WORSHIP to take place, as planned, in Atria Road, and have suggested an alternative venue. They may use Section 12, or they could impose this by using **Section 14, Crime and Public Order Act, 1986.**

Under S.14 they police may identify a designated area where "lawful" protest may take place, if they believe that such an assembly is "likely to result in serious public disorder, serious damage to property or serious disruption to the life of the community". Under S. 14 anyone who organises or takes part in an "unlawful assembly" is guilty of a criminal offence. It is likely that this act contravenes the Human Rights Act and there are cases challenging S.14 in process.

THE BLOCKADE

The use of S. 12, or perhaps s. 14, may make the planned blockade difficult or impossible. In 2001, people attempting to blockade Northwood were arrested for Aggravated Trespass. **Section 68, 1994 Criminal Justice & Public Order Act.**

The police have indicated that they will use the same powers this time. S. 68 applies when you "trespass on land in the open air with the intent to disrupt or obstruct or intimidate someone going about a lawful activity on that land (or adjoining land) in the open air". Section 68 should not apply if you are in or on a building.

Please note that S.68 also applies to Crown land outside Northwood, (e.g. the entrance to the main gate and the surrounding pavements and verges; the Atria road entrance), so that you can be arrested under S.68 even if you are outside the base. They have said they will paint lines in the road to indicate which lands are so covered.

Likely penalties: Small fine (Around £50) This section may also be used in the context of the guided tour on Saturday. They may also choose to warn you under Section 69 of the same act. If the senior police officer present "reasonably believes" that a S.68 offence has, is or will be committed, they will warn you to leave the land. It is an offence not to leave as soon as possible; it is also an offence if you return within three months.

If the blockade takes place on, or blocks free passage along, a public highway you may be arrested for

Obstruction of the Highway.

Before they arrest, the police generally warn you that unless you move you will be arrested. If you don't want to get arrested, move.

This is a minor, non-recordable offence, usually resulting in a fine or conditional discharge. However, an arrest for highway

obstruction may also end up with you also being arrested for or charged with Obstruction of a Police Officer in the course of his/her duty. This can be used if you refuse to move (or in some way make a police officer's task more difficult. This is a recordable offence and more serious than obstruction of the highway, but conviction usually results in a fine of up to £130.

OTHER OFFENCES.

Depending on the action you decide to take you may be arrested for: Criminal Damage. This includes cutting fences or painting things, and virtually guarantees arrest. However, if you get into Northwood by climbing over the fence, you may be arrested on suspicion of criminal damage if they think you cut a hole or damaged the fence when you climbed over. If you cause no damage, they would probably use Aggravated Trespass. Likely penalties for Criminal Damage: Trial in magistrates court, with a fine and an order to pay compensation for the damage, based on the value of the damage caused. If damage is over £500, you may elect for a trial by jury in the Crown court. The maximum penalty is 10 years, and custodial sentences have been imposed, but it is more likely you will get a fine and compensation order as above

Military Lands By-laws. Northwood (HMS Warrior) is a Ministry of Defence (MOD) site, covered by by-laws displayed on notices around the perimeter of the site. The MOD Parts of the land immediately outside Northwood are also covered by the by-laws. Under by-laws, it is a criminal offence, for example, to enter the site (trespass). Arrests and prosecutions under the by-laws are very rare (almost unknown), because the MOD have not been able to enforce them in the past .

You can be arrested for Section 5, Crime and Public Order Act, 1986 if you behave in a way likely to cause "distress alarm and harassment" to a reasonable person - usually the police - by using threatening or abusive behaviour or language (including banners or placards) or disorderly conduct. Even well behaved people have been arrested for this - the police get distressed and alarmed quite easily. Likely penalties: a fine or conditional discharge.

Breach of the Peace. If they can't think of anything else, you may be arrested if the police believe your actions might cause a breach of the peace. In theory, there must be violence or threat of violence for a charge to stick. BoP is often used to get people out of the way to prevent a demonstration from continuing. You can be "bound over" to keep the peace; it is not a criminal offence, but if you refuse this "bind-over", you can be detained.

AFTER ARREST

You will be taken to a police station - possibly Watford or Rickmansworth. You will be taken before the custody officer who will ask you for personal information. We advise you to give your name and a verifiable address. It is a separate offence not to give your name, and it is unlikely that you will be bailed and released without a verifiable address. You do not have to give your date of birth or any other personal details if you do not wish to do so. If you are under 17 or a foreign national you may need legal advice.

If you are injured, ask to see a doctor. If you need to take regular medication, (PLEASE have it with you), a doctor may check that the medicines you have are appropriate for your condition.

On the basis of the statement of your arresting officer, the custody sergeant

decides if there is sufficient evidence to detain you. He or she will then advise you of your rights to have someone notified (Please ring the legal support team - tel no. 020 8203 0813); your right to a legal advice (see bust card for details of a solicitor); and a copy of relevant aspects of PACE - Police and Criminal Evidence Act.

You will then be searched (non-intimate) and your possessions listed and bagged, before you are placed in a cell until they are ready to interview or release you. This always takes a very long time, so relax, sleep, read a book, write a statement (you are entitled to writing materials); do some yoga/exercises; make sure that you ask for cups of tea/coffee/water, blankets. You should get fed at regular mealtimes if you are there that long.

You should only have your photo, fingerprints and a DNA sample taken AFTER CHARGE, although some police stations do this if you have been reported with a view to prosecution (see below). If you resist, these can be done by force if authorised by a senior police officer.

If you are interviewed - and they sometimes don't bother on mass arrests - you will be taken to an interview room with a tape machine, your arresting officer and possibly a CID officer. They will ask you lots of questions. You still have the right to silence and do not have to answer. It's probably best not to say anything at this stage, but if you want to make a political statement to be read out in evidence if you go to court, this is your opportunity. Be careful if you reply to interview questions - it doesn't take them long to find out your life history - and please only answer questions about your own actions, and not those of others.

If you feel things are getting serious and

you can't cope, ask to ring a solicitor. Bindmans have agreed to provide legal advice (by phone) over the whole weekend (tel 020 7833 4433).

After interview they pop you back in the cell, and decide if they have enough evidence to charge you. Eventually, they will either release you either without charge or release you and (a) report you to the CPS (Crown Prosecution Service) with a view to prosecution - this has to happen within six months, or (b) charge you, and bail you - often with conditions (like not going near Northwood), to appear in court at a later date. However, they may also offer you a caution, which basically means that you have to admit to the offence; a note of this is made on your record, but no further legal action will be taken against you.

The police can impose bail conditions before releasing you. If you do not want to accept these want to get the conditions varied in court you will probably have to stay in the cells until they can take you to court in the morning. Please ring legal support on 020 8203 0813 if you do this.

AFTER RELEASE

Members of the legal support team will probably be waiting outside the police stations for everyone to be released. Please tell them what you have been arrested for and the date of your first appearance in court, plus your contact details. If no-one is there, please ring 020 8203 0813. There will be a defendants meeting in London on 23 January. Ring for venue details. After event legal support phone number is 07887 802 879

Good luck!

