

# **LDMG ANNUAL REPORT 1995**

## **Success and Future Activities**

We have monitored demonstrations against police & state racism & brutality, marches against the CJA, mass street parties and events organised by the Direct Action Network. There have been 47 arrests on events monitored by us. We have given assistance to people arrested, ensuring they get legal advice at police stations; providing crucial witnesses; and monitoring the progress of court cases. The vast majority of these cases have ended either in an outright acquittal, the dropping of charges altogether or the reduction of the charge to a bind-over.

40 observers have now been fully trained up. Each one is given a detailed information pack explaining their role, relevant police powers, rights on arrest, etc. There is also a briefing before the event itself. Future training may include video excerpts of the LDMG in action, to give new volunteers an idea of the reality of legal observing.

The police have tended to concentrate on harassing demonstrators rather than LDMG volunteers. However, observers are regularly threatened with arrest for things such as obstruction, inciting a riot, and an obscure law to do with helping someone else commit an arrestable offence.

## **Looking Forward**

In the next year, we plan to get more people trained as legal observers. Interested? Then call us now. But we also want to spread the idea that everyone taking part in political protests should be a legal observer. The police are watching us - we should all be watching them, whether we're formally acting as observers or not.

Opposition to the CJA has seen a lot of people getting involved in protest for the first time. Many don't know about their rights. In the next year we plan to get information out as widely as possible on people's rights on arrest, police powers, etc. We are producing leaflets on your rights in the police station and the new law on the right to silence. We also want to get out and speak to people. If you're involved in a campaign or political organisation and want to know your rights, invite LDMG to come and talk to one of your meetings.

A sister group to LDMG is forming in Brighton and hopefully Glasgow. If you want support in setting up a group in your area contact us and we will help however we can.

We also need to publicise the group itself more widely. You can help by taking leaflets, or this report, and distributing them to friends, groups, etc. We also need money! Donations will be gratefully received & will help us keep a presence on the street, keeping an eye on London's finest.

## **Know Your Rights!**

It is a simple fact that people who attend demonstrations and "public order" situations are more likely to be arrested than those who don't. Even if you are arrested for a minor offence you will find yourself entering a bewildering and often frustrating journey through the English legal system.

Even if you don't expect to be arrested it's important to have a knowledge of your rights for 2 reasons. Firstly, a vast number of individuals are arrested on protests simply, for example, by being "in the way" when the police charge into a crowd to arrest "troublemakers". Secondly, you may be with somebody who is arrested or witness an arrest yourself.

To minimise your fear, increase your (or someone else's) chances of an acquittal and demystify the whole process, you need a basic knowledge of your legal rights. You will be more relaxed, able to keep your head and to think more clearly in what will always be a hostile environment.

## **WHAT TO DO IF YOU GET ARRESTED**

The first thing to do is to ask the arresting officer **WHY** you are being arrested. You are entitled to know the reason for your arrest. Shout out your name so somebody knows you've been arrested.

You are then likely to be taken to a police station, where you will be taken before the Custody Officer. S/he will record your details & list your property, which will be taken from you. You will be asked to sign for this. Sign directly under the very last item on the list, so that items cannot be added later. Also **DON'T** sign for any items that are not yours.

The police seem to have a particular dislike for demonstrators, so they are likely to be prejudiced against you from the beginning. You have an **ABSOLUTE RIGHT** to the solicitor of your choice **FREE OF CHARGE**, whatever your income. Phone a solicitor, even for a minor offence. It shows the police you are not someone who they can take advantage of. You are allowed **TWO** phone calls - one to a solicitor and the other to inform a friend/relative of your whereabouts. **USE BOTH CALLS**. The police can only deny you them in extreme circumstances.

Once in the cells you are likely to have a fairly long wait. It will feel like you are there for ever. But, you will soon be out - so keep calm.

The police may decide to interview you - have your solicitor present. However, you may just be held until they decide whether to charge you with an offence or not. Or, they may offer you a caution - **BE CAREFUL**. You won't have to go through the courts, **BUT IT MEANS** you are admitting guilt. Although the police may tell you different, this is recorded, but it is not a conviction.

If you are charged with a recordable offence (basically most imprisonable offenses) the police can take your fingerprints. They have no special powers to take your photo, but they will normally try and take one anyway. In certain circumstances they can ask

for a non-intimate sample such as hair or saliva. Your solicitor will tell you if you can refuse or not. If you are injured or need medical attention, ask to see the police doctor.

At some point, you should normally be released on bail. The police can only refuse bail if a specified ground for refusal exists - eg. they have reason to believe you will fail to turn up at court. You will have been asked for your name and address (which they may check). If you do not give these, or they believe the address you give to be "insecure" (a tree house or maybe a squat) again they may refuse bail. The police can't simply refuse bail because they do not like the look of you.

If you are refused bail at this stage, you will be taken before the Court the next weekday morning. If you have not already done so, get a solicitor now. The magistrates will reconsider bail and unfortunately they may be persuaded by a lawyer when they won't listen to you.

## **More powers for the state: fewer rights for defendants**

Following on the heels of the 1994 Criminal Justice Act, 1996 will see the Criminal Procedure & Investigations Bill further undermine the rights of defendants facing criminal charges. Both Labour and Tory parties are supporting restrictions on the prosecution's duty of "disclosure", which requires them to pass on to defendants all material gathered by police in the course of their investigation.

This duty was fully established after it emerged in the Judith Ward case that the prosecution kept from the defence, evidence that could have led to her acquittal.

Under the new Bill, you will only be entitled to full disclosure if you reveal your defence - which allows the police to concentrate on disproving your innocence rather than proving your guilt. Failing to disclose your defence will also mean judges can infer guilt. A provision requiring defendants to give names and addresses of their witnesses has been dropped - we'll probably have to wait until 1997 for that one.

Meanwhile, MI5 is to have new powers to bug and break into property to combat "serious crime". There is no clear definition of a serious crime but in related legislation it includes conduct "by a large number of people in pursuit of a common purpose". This could cover anything from the Salvation Army to car-boot sales but it will clearly be directed at the activities of political organisations and campaigns. Warrants for bugging and breaking into property will be given by politicians, not courts.