

## **Breach of the Peace.**

This is quite a common reason for arrest at the football when you haven't actually done anything wrong they can charge you with, they want to get you away from the area or, more and more frequently, when they want to find a way of getting your details and find out who you are.

**If you are arrested and told it's for breach of the peace, remember -  
BREACH OF THE PEACE IS NOT A CRIMINAL OFFENCE!**

You cannot be charged, fined or imprisoned, and it will not result in a criminal record. They MUST release you when the breach of the peace has passed (usually after the match when the crowds have dispersed, there is no reason to keep you any longer than this and you can challenge them for unlawful imprisonment if they do.)

YOU DO NOT HAVE TO GIVE YOUR NAME AND ADDRESS if you are arrested for breach of the peace – they are only allowed to hold you until the threat of breaching the peace has passed and therefore you are not obliged to give them your details. They'll try all sorts of tricks and mislead you to get you to do so, but if you want to stay anonymous, you can refuse to give it to them. You can also refuse to give your fingerprints and DNA and you should definitely refuse. They are entitled to take your photograph though, and they usually will.

One last crucial thing:

**IF YOU AREN'T GUILTY, DON'T ACCEPT A CAUTION!**

The police like to propagate the myth that a caution is just a slap on the wrist that will get you home before your last train. THIS ISN'T TRUE. **A caution is an admission of guilt** and will be on your record, meaning it can stop you getting jobs, allow certain countries to refuse you entry, and all the other problems that come with having a criminal record. If they offer you a caution, it's usually because they don't have enough evidence to convict and want to deal with you quickly. Don't accept it – you will get No Further Action and be released or will be given a court date where they will have to prove your guilt – the first is more common.

### **Resources, advice, and more information**

**IMUSA:** helping United fans with club/legal issues [www.imusa.org.uk](http://www.imusa.org.uk)

**Football Supporters Federation:** Campaigning for fans rights [www.fsf.org.uk](http://www.fsf.org.uk)

**Urban 75:** Resource on fans rights [www.urban75.org/football/rights.html](http://www.urban75.org/football/rights.html)

**Fitwatch:** Challenging police surveillance and forward intelligence [www.fitwatch.org.uk](http://www.fitwatch.org.uk)

**Activists Legal Project** Focusses on protesting but great resources on stop & search, arrest, trials, criminal records and more [www.activistslegalproject.org.uk](http://www.activistslegalproject.org.uk)

# **FANS LEGAL & PUBLIC** **ORDER ADVICE**

This leaflet aims to give advice to fans on dealing with the police and managing any involvement with them or other public order situations. Read and remember the advice in this leaflet and let others know how to keep themselves, their mates and other Reds safe and hassle-free when dealing with those other boys in blue.

All fans know what it's like to be harassed and treated like a criminal just because you're going to a match. When at the match, or travelling to it, remember that, just as in any other aspect of life,

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

You do not have to say anything to the police if they try to talk to you or approach you and start asking questions.. 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 times when if you give an innocent explanation for anything you might have done, the police might leave you alone. But be very, very careful :  
**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 in court - Think before you talk.**

There may be good reasons why you do not wish to say anything to the police, and you should not be intimidated into answering questions.

### **WHEN THE POLICE GET IT WRONG – Challenging police behaviour**

If you want to challenge anything the police have done then try to get their collar numbers if possible, get the names and addresses of any witnesses, make a written record as soon as possible after the event. It should be witnessed, dated and signed. If you are injured, or property is damaged, then take photos or video recordings as soon as possible and have physical injuries medically examined.

If you have been treated unfairly then complain to the Football Supporters Federation, IMUSA, a civil liberties group or contact a solicitor about possible legal action. (Their websites/emails are at the end of this flyer).

## Stop & Search

**Section 60 of the Criminal Justice Act gives the police the power to stop and search you if you are travelling to a match, even if you're nowhere near the ground.**

If you are stopped and searched, ask why and ask for a record of the search. They need to have "reasonable suspicion" that you have committed a criminal offence or a senior officer needs to have stated that he believes that there is a likely incidence of serious violence in the area.

**YOU ARE ENTITLED TO A RECORD OF ANY SEARCH THE POLICE PERFORM ON YOU:** Make sure you obtain this as you can use it to challenge them later.

**YOU DO NOT HAVE TO GIVE THE POLICE YOUR NAME AND ADDRESS** if you are stopped and searched under Section 60. They will ask for it, but you have the right to refuse. Remember if you Do chose to give it to them it will stay on record for 7 YEARS.

The police have to tell you the law under which you have been stopped, why you have been stopped and searched, why they chose to stop you specifically, and what they are looking for. This is a legal requirement to protect your rights – use it.

You run the risk of both physical injury and serious criminal charges if you physically resist a search. If it is an unlawful search you should take action afterwards by using the law.

## Section 27 of the Violent Crime Reduction Act

Like Section 60 of the CJA, this was not designed for football fans but is increasingly being used against them (Stoke fans in Irlam, 2009, the Servicemens at Liverpool this year).

Section 27 is designed to prevent "alcohol -related disorder" and gives the police the power to move individuals on from a specified area for up to 48 hours.

The police serving the order need to have good reason and evidence to support their assertion that you are likely to cause alcohol-related crime or disorder (so just being in a pub is not just cause).

If you're are told to move on from the locality, the police can specify the means and route, although the law fails to define 'locality,' so they could force you to travel a considerable distance.

**Note: The police have no powers to make you sign anything.** If you feel you've been unfairly dealt with under S27, get the details of the officer concerned and - ideally - get it all on camera, along with the names of any witnesses.

**If you want to argue the toss,** ask to speak to a senior officer and put your case forward peacefully while complying with the order (i.e. walking away). If you stand your ground you're likely to be arrested and/or fined by the courts.

## Lawful Arrest

In order to lawfully arrest you, the police have to:

1. Tell you that you are under arrest
2. Give you a caution (read out the speech about "You have the right to remain silent" etc ,not to be confused with being "let off" with a caution which we'll come to later.)
3. Tell you what you are under arrest for and why.

If they fail to do this, the arrest may be unlawful and it could possibly be challenged.

### What to do if you are arrested:

- Stay calm!
- Stay silent – unless you are completely sure of the legal implications of what you're saying (which, unless you're a solicitor, you're not!) - anything you say at this stage could easily be used against you

### At the station. - Your Rights.

- Ask for a solicitor before you speak to anyone or give an interview. You have the right to free and independent legal advice.
- Ask for an appropriate adult if you are under 18 – you cannot be interviewed without an adult such as a friend, relative, social worker or appropriate adult scheme volunteer present.
- Don't sign anything, particularly police notebooks which record what you have allegedly said or done, without having read through them in the presence of a solicitor.
- You have the right to have someone told of your arrest in addition to a solicitor
- You have the right to a copy of the Codes of Practice (information about your rights.
- You have the right to speak to the Custody Officer who looks after your rights and welfare.

### **DON'T PANIC! - You can't be locked up indefinitely.**

The police sometimes keep you isolated and waiting in the cell to 'soften you up'. 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 (36 hours for a serious arrestable offence).

### Fingerprints, DNA and photographs.

The police are entitled to take fingerprints, photographs and DNA samples (a swab from the inside of your cheek) without consent from anyone arrested for a recordable offence – THIS DOES NOT INCLUDE BREACH OF THE PEACE (See next page). If you refuse they can be taken with "reasonable force" and if you resist you could be charged with obstruction – it's best to cooperate.

The data will be kept on record permanently, even if you are released without charge.