

# Preparing for arrest

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## Preparations

Before going to an action where you may be arrested, think through everything that you would need to do if you were away for a while. (Some arrests may take over 24 hours).

- ☞ Picking up the kids
- ☞ Feeding the cats
- ☞ Letting work know
- ☞ Watering plants
- ☞ Calling friends
- ☞ Getting home

Arrange for an Arrest support person\_or team to help you with any of this.

## Get arrested with a buddy

It is always worth pairing up if in an arrestable situation. Have somebody of the same gender as a buddy for support and back-up – it's less lonely and you'll be less vulnerable. Each should know the name you'll be giving to police if arrested, and any relevant medical details, and should keep an eye out for each other.

Men and women will often be separated after arrest or once in police lock-ups. Always stay in same-gender pairs when possible. Buddy systems are also wise for big, arrestable actions so that people do not get left by themselves.

## What to wear

- ?? Dress and prepare practically: In anticipation of possible police action, wear clothes that won't easily tear or get caught: sensible clothes, strong trousers and long-sleeve tops.
- ?? If you have long hair that can be grabbed or pulled, make sure that it is tied back or under a hat or scarf.
- ?? If you wear glasses, consider the surf-style bands that hold them on your head. Wear an old pair if you have them.
- ?? Consider removing jewellery and body piercings that could get caught, pulled or broken. Police often demand all piercings be removed after arrest so it is best to remove them first if possible.
- ?? Wear good comfortable shoes or boots as you could be on your feet for a long time.
- ?? And finally, dress according to the weather. Being cold, wet or sunburnt in the back of a police van is not much fun.

- ?? Remove sharp or potentially harmful objects from pockets and any objects such as pocket knives that could be potentially seen as concealed weapons.
- ?? Wear a medic-alert bracelet if required (see Medical needs and medication)

## What to bring

- ?? Pen and a small notebook for taking notes, recording details of the arrest and the arresting officer.
- ?? A camera and film.
- ?? Water bottles to drink and also to use for bathing your eyes in the event of capsicum spray being used.
- ?? Fruit, energy bars or snacks. Arrests, transport and processing can take many hours. Having high-energy food that you can keep in your pockets is wise.
- ?? Recent letter from a doctor regarding any prescription medication or if on a methadone program.

## What not to bring

Remember that the likelihood of being searched by police at a demonstration is much higher than usual. Make sure that you do not carry any illegal drugs, pocket knives, tools, or anything else that may be illegal or be seen as a weapon during the protest.

An offensive weapon is anything that can be used, and is intended to be used as, a weapon (e.g. a broken bottle). Thus a stick, a staff and many common objects may be considered weapons.

The carrying of knives is severely restricted. It is not lawful to carry a knife for the purpose of self-defence. A knife may be carried in a safe and secure manner consistent with lawful uses (e.g. employment, sport, recreation or entertainment, or as part of a legitimate collection or display). Weapons including flick knives, daggers, butterfly-knives and knuckle dusters are prohibited weapons which must not be possessed, carried or used in Victoria.

Check your own pockets and bags for things that you may have forgotten. Do not make it easy for the police to charge you with something you can easily avoid.

### Arrest and disabilities

Make sure your legal support or affinity group members know about any access issues you face.

If you use a wheelchair, your affinity group can arrange to have people available to act as attendants. Having an attendant of the same gender who can be arrested with you may be worthwhile.

If you have a 'hidden disability' such as dyslexia or a seizure condition, your legal support or affinity group members need to know how and when they can help you and to alert the police if necessary.

### Medical needs and medication

If you have a potentially dangerous medical condition, wear a "medic-alert bracelet". You should be able to get them at most chemists.

People with asthma, diabetes, seizures, etc. should wear bracelets while they participate in the action. This will make the police and jail staff take you much more seriously if you start to have difficulties.

People on prescribed methadone programs should be allowed to continue their treatment if they are in police custody for more than 24 hours. Carry the prescription form with you and ask police for a Custodial Methadone prescription. They should arrange for a pharmacist to deliver the dose.

The only way to ensure that you will receive medication while in jail is to bring a recently-dated doctor's letter explaining your requirements. Make four copies of the doctor's letter. Keep two copies of this letter on your person (one to keep and one to give to the jail medical staff), leave the third copy with your affinity group supporters, and leave the fourth copy with your attorney or other arrest support. (The point of distributing all these copies is to facilitate your supporters' efforts to help you if the jail staff takes your letters away and loses them.)

If you use prescription medicine, bring it with you in its original container, the pharmacy's label intact. The police or jail staff will probably still take away your medication at some point, but at least you'll have it until then.

Once you're in jail, its medical staff should supply you with your regular prescription medications. Usually the jail staff dispenses only medications from its infirmary, since it won't trust that what you brought in is the real thing. Sometimes its practitioners try to substitute a similar medication for what you normally use. If this is a problem, have your doctor specify "no substitutions" in his or her letter. Often there is a big lag – of 24 hours or more – between getting arrested and first receiving regular doses of medication.

Try to plan for this by taking your medication just before arrest, and by keeping your next dose somewhere safe and handy. Also, don't take all your medication to the action – leave some at home. The police and jail should

eventually give back any medications they have taken from you, but sometimes they lose them or delay their return.

Remember that there is no assurance that police or jail personnel will be responsive to your medical condition.

### What's your name?

Police will ask you this first when they arrest you. Think about how you will answer this question. See [www.activistrights.org.au](http://www.activistrights.org.au) for legal information.

You may wish to consider carrying identification such as a driver's licence, health card or video-shop membership. This will verify what name you will use.

### Know your rights

If you have the chance, attend a legal briefing or legal training prior to the action. Read through this website to get a good sense of your rights when under arrest.

Keep a copy of the [Activist legal rights – a short guide](#) with you at all times.

### Activist legal support

Have the number of the Legal Support Team or lawyer on you. Memorise it or write it on your arm in indelible ink.

Think about having an arrest watch system, arrest monitors and as much organised legal support as you can organise.

### If you get arrested

Breathe, stay calm and try to maintain your humanity and dignity. Getting arrested can be scary and humiliating. Staying calm is vital.

### Your right to silence

Anything you do say to the police can be used as evidence against you in court, or in the police decision whether or not to charge you.

You should refuse to answer any questions, apart from your name and address, until you have had an opportunity to speak to a lawyer.

If the police question you before you have received legal advice, you should answer "no comment" to all questions. Do NOT answer some questions and not others – this may be used in court as evidence that you had something to hide on the questions that you did not answer.

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If you do not speak English, ask for an interpreter. The police should not conduct an interview without the aid of an interpreter.

In order to give yourself more confidence in the interrogation process try:

- ?? Breathing deeply and looking around, taking in surroundings and any useful information.
- ?? Reminding yourself continually that you are perfectly within your rights to remain silent and to contact a lawyer.
- ?? Repeating politely that you have no comment (should you wish to make a no comment interview) and that you wish to consult your lawyer.

Even answering seemingly insignificant questions can assist the police in developing personality profiles on a range of activists. It may not be "evidence" but it is used to give police "leads" on other suspects and construct intent during legal proceedings.

If questioned further you can simply say "I have nothing to say (except in the presence of my lawyer)".

For more information see [www.activistrights.org.au](http://www.activistrights.org.au)