

ACTIVIST LEGALS 101

BEFORE YOU LEAVE HOME

- Write support number on your arm
- Check your bags for anything that could lead to criminal charges.
- The police may search and hold on to your phone as evidence. You may wish to hand yours over to a friend.

YOUR RIGHT TO SILENCE

As a general rule,
you should not answer the police's questions.

It's very easy to say things that may incriminate you or others in your group. Anything you say to police is likely to be recorded & can be used as evidence.

Your silence cannot be used against you.

Note: **if you have been arrested**, it is an offence not to **give the police your name and address.**

**"NO COMMENT.
I'M EXERCISING
MY RIGHT
TO SILENCE"**

- you.

PROTESTING IN A PUBLIC PLACE IS NOT A CRIME.

Police can issue a "move on" direction. If you choose not to follow the direction you can be charged with an offence. Ask the police if it is a formal 'move on' order. Find out where you are not allowed to go and for how long.

SEARCH POWERS

Police can only search you if they have arrested you or have a reasonable suspicion that you are carrying anything that may be used in an illegal activity.

Otherwise, **you can refuse to be searched.**

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If you are **UNDER 18** you have some additional protections. Tell police your age as soon as possible.
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DOCUMENT PREPARED BY ACTION READY
VISIT ACTIONREADYQLD.COM FOR MORE INFORMATION

queenslandlawhandbook.org.au for additional guidance





REMEMBER!

- Keep calm. You're on the right side of history.
- Be careful to **avoid** behaviour that may lead to unnecessary charges - i.e. **jaywalking or littering**.
- **Do not be rude, aggressive or antagonistic.**
- **Never give the names** or contact details of other activists.
- **Police may lie** or mislead you.
- If police have questions about the action, please direct them to a **delegated police liaison**.

Film as much of the action as possible.



As a bystander to any police interactions, it is important to observe and capture police behaviour. Footage may be useful later.

It's a good idea too to **create written notes** of any standout incidents in an action (arrest details, police misconduct, etc) as soon as possible afterward, while your memory is fresh.



Interactions with the law and police can be and feel very different to different people. For example, Indigenous people and members of the LGBTQIAP+ community in Australia have a long and terrible history of police mistreatment.

IF YOU ARE ARRESTED

Police can use reasonable force to arrest you.

Ask why you are being arrested and remember what is said.

Be aware if you "go limp" or resist arrest in any way, you may be charged with an offence.

If you are arrested you will be put in a police vehicle and taken to a watch house.

In most circumstances, the police don't legally have to give you a phone call.

You do not have to consent to giving a DNA sample. You will be required to give identifying particulars (fingerprints etc).

During arrest, police will re-search you and hold all your property. Sign for your property receipt to retrieve your things on release.

Once detained, the police must as soon as reasonably practicable decide whether or not to grant you bail. **If they do not grant bail you will be held in custody until the next available court date, usually the next day or two.**

At court you should be able to see the Duty Lawyer but this is not always possible.

If you are released from the watch house on bail there may be conditions attached. If these are excessive, they can sometimes be negotiated.