

Legal Advice: Section 60

important note: be sure to read legal update below

At N30 and Mayday 2000 in London, riot police cordoned off the demonstration, corralling large numbers of people into an increasingly confined area before taking their names, addresses and photographs, eventually releasing them one by one. This was done under the obscure Section 60 of the Criminal Justice & Public Order Act 1994 (originally designed to prevent minor football disturbances).

The S60 order is a new police tactic at major demonstrations used effectively to control, subdue and gain personal information about protesters despite having the extraordinarily limited power simply to "Stop and search in anticipation of violence".

Its effectiveness in the past was due to the fact that no-one knew just exactly what powers the police had under S60. As it turns out, they have very few powers.

In the event of an S60 order being issued on Mayday 2001, these are the important things to remember: The police have the power to search you for weapons (and dangerous instruments). They have no other powers under S60. They can only detain you "for as long as necessary to carry out a search".

They have no legal power to force you to give them your name and address. **UNDER NO CIRCUMSTANCES** give it to them: it will be kept on file for **SEVEN** years. When asked, say "NO COMMENT".

They have no legal power to force you to have your photograph taken. Do not allow them to do this. This too will be kept on file for **SEVEN** years. Keep your head turned away, or put your hand in front of your face.

They have no legal power to ask you to remove any item of clothing in public view, **OTHER THAN** that which is concealing your identity. Any facial masking can be confiscated.

If you are asked to remove coats/jumpers etc, **REFUSE OUTRIGHT**. They have no legal power to search wallets, purses, inside small pockets etc. This is an S60 search, for weapons only. If they ask to search wallets, purses, inside small pockets etc, **REFUSE OUTRIGHT**.

If you have a bag they will search that, but again for weapons only. Any other items, documents, potentially incriminating articles are **OFF LIMITS**.

Do not allow them to examine any of your personal possessions (cash cards, student cards, diaries, organisers etc). This is not part of S60. Under Article 8 of the UK Human Rights Act 1998 your privacy is assured. Make sure they know this. They can only confiscate weapons and facial masking.

They have the power to use "reasonable force" but **ONLY** if you do not submit to a search. No other force can be used for any other purpose.

They must tell you their name, number, station they're based at the reason for the search. Ask them for this. Not only will it piss them, off but if they don't provide this information the search will be illegal. Remember: in an S60 situation, you are accused of nothing and you have done nothing wrong. DO NOT ANSWER ANY QUESTIONS, however insignificant or polite. SAY "NO COMMENT" to everything.

Most of all, DON'T BE SCARED BY THEM! They know the law, and now so do you. USE IT!

Update:

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Contrary to information being circulated, the legal basis of the tactic of police cordoning off demonstrations and forbidding large numbers of people to leave from inside the cordon - as used at J18, N30 and Mayday2K - is NOT s60 of the Criminal Justice and Public Order Act 1994.

Police, indeed anyone, can use reasonable force to detain people to prevent a breach of the peace where they fear one is imminent. This was the basis of the effective mass imprisonment at previous demonstrations. It is not an arrest.

The powers in s60 have been used to search people individually as they are being released from the cordon and this is where the confusion stems from.

S60 can be used where a senior cop reasonably suspects there will be incidents of serious violence _or_ that people are carrying dangerous weapons or offensive weapons in a locality (inserted by s8 Knives Act 1997).

1. Once police have released you from the cordoned area, they can _then_ only detain you "for as long as necessary to carry out a search". While in the cordoned area they can detain you as long as they have reasonable (i.e. objectively justifiable) grounds that this is necessary to prevent a breach of the peace.

4. While performing a search they _can_ ask you to remove outer clothing, such as coats and jumpers in public. In addition, s60(4A) - inserted by s25 CDA 1998 - allows the police to force you to remove anything they reasonably suspect you are wearing wholly or mainly to conceal your identity. There is nothing to stop you putting something else on after you have taken off a mask or had it confiscated.

5. The s60 search is for "offensive weapons or dangerous instruments". This is not limited to large things such as samurai swords and stun guns (taking examples from certain Sunday papers) but can include razor blades. They _can_ search inside wallets, purses, small pockets for these.

6. They _can_ search personal possessions for dangerous instruments that might be hidden inside and they can also seize prohibited articles such as drugs *. While it is true that Article 8 of the European Convention on Human Rights (ECHR) contains a qualified right of respect for your

private life, and that under s6 of the Human Rights Act 1998 public authorities such as the police will be acting unlawfully if they breach any right in the ECHR, it is wrong to see this as doing something as absolute as assuring your privacy.

Before police start searching through personal possessions, e.g. address books, cards in wallet, warn them politely that if they do start trying to read what's in your address book or on the cards in your wallet rather than performing a cursory search, i.e. seeing if razor blades fall out onto the ground from your address book, they will be acting outside their powers and you will stop them.

8. Before conducting the search, an officer must take reasonable steps to communicate their name, number, station, etc. They also have to provide you with a written record of the search, which you should ask for. If they can't provide one straight away they must tell you which police station you can get it from. Police dislike form filling and paperwork particularly when it leaves less time to bash anti-capitalists and then fit them up.

9. Under the Data Protection Act, anyone holding personal data relating to other people (this includes video and photographic footage) has to provide copies to those people for £10, as demonstrated by Mark Thomas on C4. If substantial numbers of people on the Mayday demonstration exercise this right, the police will have to spend their resources on finding footage with those individuals on, in order to collate it and send it to them, rather than gathering intelligence and preparing for arrests.

** Anyone arrested for possession of cannabis should be aware that there is a test case going through the courts on the compatibility of cannabis prohibition with the Human Rights Act - you should seek advice from Liberty before accepting a caution or pleading guilty.*

LEGAL BRIEFING FROM LDMG

Identification

While there is no obligation to carry identification failure to do so may delay your release if arrested. If you do not plan to withhold your details from the police you might as well carry things such as your bank cards.

'Human Rights'

Only a few rights are absolute, such as the right not to be tortured. British courts have been quite stingy in interpreting rights, and the European Court tends to have a hands off approach where there are issues of public disorder.

It's dangerous to start saying human rights give you the rights to do this and that as the rights have to be interpreted in their context. In particular UK courts and even the European Court have been very hands-off and deferential to the police when judging the legality of supposed breaches of the peace.

Section 60 Orders

[see above]

Public order offences

These are all from the Public Order Act 1986. You can only be arrested for 'causing harassment, alarm or distress' (s5) if you have already been warned by an officer.

Terrorism Act 2000

While this has only been used so far to ban 21 groups, there are enough powers in this law to create a full-on police state. While journalists and anyone connected to those groups in particular should take legal advice, anyone at the Mayday demonstration could be arrested under the Terrorism Act even if they have not committed an offence. You can be detained for seven days and held incommunicado for the first 48 hours. See the forthcoming bust card for more info: you ignore this law at your peril.

Raif N.B. The text above is from me and not CATA. Conditions of use of the above text are on my website at <http://get.to/raif> and so is a leaflet on dealing with the police done for J18 (both in the law section). <http://get.to/raif> **Campaign Against the Terrorism Act (CATA)**

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