

# Faslane 365 Legal Briefing

## Notes for Workshops

These are some basic notes for giving an oral Legal Briefing as part of a Faslane 365 NVDA Workshop. I usually divide the briefing into two sections: possible offences and arrest process. There are written briefings which cover both in more detail, copies of which should be available. There are also two flowcharts, one covering the arrest process and one covering post-arrest (court, etc.) procedure.

There are also a number of additional legal briefings for specialist situations (namely for Young People, for Drivers and for Internationals) copies of which should be available but which won't be covered in the oral briefing.

If you have time and enough experienced people you can try the Arrest Process part as a role play. Otherwise you just have to talk about it which does make this session a lot of "talking at people" but is necessary...

### Introduction

- Explain Structure of Briefing and availability of handouts
- Put "Health Warning" on flowcharts — some folk like them, some don't. It's just different styles so if they confuse you ignore them and just read the written ones.
- There should be a Legal Support Team within the Blockading Group. These people **don't** need to know any law themselves — full briefing pack available on the website<sup>1</sup>.
- The Legal Support Team should check in with the Legal Working Group a week or so before your block for any last minute updates.

### Possible Offences

- If you sit in the road you're liable to arrest for Breach of the Peace.
- If you know any English Law then forget it — in particular, Breach of the Peace in Scotland is completely different from the thing called Breach of the Peace in English law! Breach of the Peace in Scotland is an offence.
- Breach of the Peace is supposed to involve causing alarm and disturbance to the community. However, Helensburgh District Court routinely convicts us for blockading even if these shown not to have been caused.
- Likely fine if convicted £50-250.
- However, over 700 arrests so far and only 30 prosecutions so quite likely (though not guaranteed) not to be prosecuted.
- If you are locked on or refuse to walk to the van then the police often add a second charge of Resisting Arrest at the time — even if you are prosecuted this is usually dropped before getting to court and if it's not doesn't affect the fine level much.

---

<sup>1</sup> Ideally have one copy with you but don't get drawn into discussing this role too much in this session with the whole group.

- We have had one incident where a group had tin can lids in their lock-on. The police saw the sharp edges and thought they had been put there to injure the cutting team — or at least to make it dangerous for them. They therefore charged some of that group with Culpable and Reckless Conduct. It looks like this has since been dropped, at least for now. However, when designing a lock-on think about what it will look like when cutting in — possibly not from what you think of as the “top”.
- If you go into the road and look like sitting down then liable to be arrested. If you stay on the pavement you're not unless you've got lock-on equipment (we have a had a couple of people arrested on the pavement holding tubes or having carabiners attached to their wrists — it's very debatable, legally, whether this is allowed but it has happened!)

## Arrest Procedure

- Note: If you know any English Law then be aware that PACE does not apply in Scotland. If you don't know what that means don't worry about it!

### In the Road

- Police should come and ask you to move and warn you you'll be arrested if you don't. They often do this but sometimes forget!
- If it looks like you're trying to get locked on they will come and try and grab you first and stop you. Once you are locked on they usually then stop and wait for the cutting team.
- Cutting team are MoD Police. Very professional and generally very safe.
- Will often put up screens around you first which can make you feel a bit cut-off from your support since you can't see them.
- Will still be able to call out to them and should do so occasionally so they don't worry too much about you!
- Once cut-out (if necessary) will be formally arrested.
- Will be asked/told to walk to van. If you refuse will be carried<sup>1</sup>.
- May be taken to a van first or walked/carried all the way but will usually end up in Police Processing Centre in the Oil Depot.

### In the Oil Depot

- Will be taken into hut. There they will:
  - Ask your Name and Address. They will also ask other stuff. **All you have to give is name and address** although they're very keen to get a Date of Birth.
  - Take “Polaroid” photo of you with two arresting officers
  - Formally caution and charge you. During this they:
    - Ask if you understand the charge
    - Ask if you want to say anything in reply to the charge.

---

<sup>1</sup> Could add something here about way they carry you but is usually covered elsewhere in workshop

- You **don't** have to say anything. If you want to reply make it about nuclear weapons not about the details of the action!
- Sometimes do a very basic search.
- Take anything “action related” (padlocks, carabiners, bits of lock-on) as “productions” for a possible court case.<sup>1</sup>
- Will then put in a van to go to Police Office. They usually take men and women to different Police Offices. Vans are usually hired minibuses.
- Could be waiting up to a couple of hours before you actually go to the police office. There are “portaloos” in the oil depot you can use if you ask.

## At the Police Office

- Will eventually get taken to station. May wait in holding cell or in van in the car park.
- Will get taken one at a time to the “Charge Bar” (big desk with cops behind it).
- Here you go through all the stuff they asked earlier again.
- Also search you and take away all your property and lock it away.
- In particular they will take:
  - Belts — so make sure trousers stay up without them!
  - Anything with a cord or belt fitted, e.g. a hoodie with a drawstring round the hood
- Don't have any form of knife on you. Although small, non-locking penknives aren't illegal it's the West of Scotland and hassle you really don't want.
- Will usually let you keep a (paperback) book (or two) if you have them with you.
- If you wear glasses and want them with you make sure you are wearing them before arriving at the Police Office
- Will ask a load more questions.
- All you have to give is Name and Address.
- However, is a good idea to answer the “welfare” questions (“*Are you addicted to drugs?*”, “*Are you likely to self-harm whilst in custody?*”, etc.)
- They will ask if you want anyone informed — say your Legal Support Team and give the number.
- If you want someone else informed as well then tell your LST (there is space on registration form if you're using them) and ask them to ring the other person. It is important that the LST is the person you get the cops to ring as then the cops can't refuse to tell the LST what's happening to you on Data Protection grounds.
- They will ask if you also want a solicitor informed.
  - Should have one on Bust card
  - Probably not necessary unless something unusual happens
  - Can say “no” now and change your mind later

---

<sup>1</sup> You won't get this stuff back when released but once the case is over (or they've given you a PFs letter saying you won't be prosecuted) you can ask for it back. More info on the website.

- If you have any dietary requirements tell them.
- If you have any relevant medical conditions or need any medication tell them. They will probably insist you see the police doctor.
- If you have been injured in any way make sure it's cleaned up/doctor sees it (depending on how serious it is)
- May caution and charge you again.
- Will then be put in cell. Will be either by yourself or with two or more others.
- Cells have toilet in them. If sharing a cell can ask to be let out to use toilet down the corridor in private, otherwise expected to sue the one in the cell.
- If you need blankets, water, etc. then just ask.
- Should get three meals a day.
- May be taken out of cell to be fingerprinted, photographed and have DNA sample taken.
  - They have the right to do all three
  - Often don't bother with 365 arrests to do any since they have to destroy them if you are not convicted and we don't usually even get prosecuted.
  - DNA sample is swab on inside of cheek.

## Getting Released

- They have the right to hold you until the next working day for court.
- Usual pattern for 365 is to hold you overnight then release you next day with "warning letter" from Procurator Fiscal (the prosecutor in Scotland)
- However, may tell you on first night that you're being held for court — that's their excuse for holding you at all but don't believe it until the next morning!
- May release you same night. Especially if you convince them you're going home rather than back to Faslane and home is a long way away.
- May offer you Undertaking
  - This is something you sign to say you will come back to court on specified day
  - Once you have signed is extra offence not to turn up for court
  - However, you are perfectly entitled **not to sign it**. If you have travelled a long way and would be difficult to come back so soon may be better not sign:
    - They then either have to take you to court or let you go with no paperwork or give you a citation.
    - A citation is also the start of a prosecution but you can plead by post.
    - If they want to take you to court still has to be next working day after your original arrest.
    - People who have refused so far:
      - have been held all weekend (then released with nothing) if it was a weekend

- Were held an extra hour or two then released with a citation when it was a weekday
  - If unsure ask to talk to solicitor before signing.
- Most people released with “warning letter” from PF. In this he says he thinks he has enough to prosecute you but that this time he won't — but he might next time if you do it again!
- The only legal significance of this is that he has dropped the charges — the stuff about you being guilty as sin is just his personal opinion and has no legal standing.
- If you are prosecuted there is loads more resources available on our website and advice from Legal Working Group.
- When you are released you get all your property back except the “action-related” stuff taken as productions<sup>1</sup>. They want you to sign to say you got it all back.
- Once you're released let your Legal Support Team know (hopefully someone will be there to pick you up).

## Questions

People will often have questions at the end of a legal briefing. If you aren't confident answering questions then you shouldn't try to — tell people to contact the Legal Working Group with their questions ([legalworkinggroup@faslane365.org](mailto:legalworkinggroup@faslane365.org) or 07768 312 678). It's helpful if the Legal Support Team for that group can collate questions and pass them on to the LWG then distribute the reply but individuals can also contact us direct if they want to.

---

1 Once the case has finished or you've got a warning letter you can write and ask for that stuff back as well.