

Photographs and fingerprints and disguises

Taking your photograph

Serious Organised Crime and Police Act 2005 (sec 64A amendment to PACE) allows police to take photographs (and videos) of “suspects” at places other than police stations.

This will apply to persons who have been arrested (e.g. in photos can be taken in the street or police van) and if you have been asked to wait with a community police support officer while a proper copper arrives or if a community police support officer has given you a fixed penalty notice.

Section 27 of the Violent Crime Reduction Act 2006 gives power to police to photograph persons given a direction to leave and not return to a specified location for up to 48 hours by a police constable.

Taking your fingerprints

The Serious Organised Crime and Police Act 2005 (sec 117 amendment to sec 61 adding sub sec 6A to sec 61 of PACE) extends the power to take fingerprints to people who are not detained at police stations. An officer can take fingerprints if he/she reasonably suspects the person is committing or attempting to commit an offence AND either;

- The name of the person cannot be readily ascertained by the police officer
- The police officer has reasonable grounds for doubting whether a name given is the person’s real name.

These circumstances will also enable the officer to arrest a person but this is most likely to be used when all the police want is to get a persons name. This assume that the police have a mobile finger print machine with them and they think you are on the database.

Removing masks and disguises

Section 60AA of the Criminal Justice and Public Order Act 1994 [inserted by Section 94 of the Anti-terrorism, Crime and Security Act 2001] provides a power to demand the removal of disguises. The officer exercising the power must reasonably believe that someone is wearing an item wholly or mainly for the purpose of concealing identity. There is also a power to seize such items where the officer believes that a person intends to wear them for this purpose. There is no power to stop and search for disguises. An officer may seize any such item that is discovered when exercising a power of search for something else, or which is being carried, and which the officer reasonably believes is intended to be used for concealing anyone’s identity. This power can only be used if an authorisation under section 60 or an authorisation under section 60AA is in force.

No comment tactics

An interview is only of benefit to the police. Remember they want to prosecute you for whatever charge they can stick on you. An interview is a no win situation.

For your benefit, the only thing to be said in an interview is **“NO COMMENT”**.

REMEMBER: They can't legally force you to speak. Beware of attempts to interview you in the cop van or cell etc as all interviews are recorded. The cops may try to pretend you confessed before the taped interview. Say **“NO COMMENT”**.

Why do the police want me to answer questions?

They may not have enough evidence, and hope you'll implicate yourself or other people. And the way to stay in that position is to refuse to be drawn into a conversation and answer **“NO COMMENT”** to any questions

But what if the evidence looks like they have got something on me? Wouldn't it be best to explain away the circumstances I was arrested in, so they'll let me go?

The only evidence that matters is the evidence presented in court to the Magistrate or jury. The only place to explain everything is in court; if they've decided to keep you in, no amount of explaining will get you out. If the police have enough evidence, anything you say can only add to this evidence against you.

When the cops interview someone, they do all they can to confuse and intimidate you. The questions may not be related to the crime. Their aim is to soften you up and get you chatting. Don't answer a few small talk questions and then clam up when they ask you a question about the crime. It looks worse in court. To prosecute you, the police must present their evidence to the Crown Prosecution Service. A copy of the evidence is sent to your solicitor. The evidence usually rests on very small points: this is why it's important not to give anything away in custody.

They may say your refusal to speak will be used against you in court, but the best place to work out what you want to say is later with your solicitor. If they don't have enough evidence the case will be thrown out or never even get to court. This is why they want you to speak. They need all the evidence they can get. One word could cause you a lot of trouble.