

# Your rights and the Police

Information supplied to CFIOMLGBS by a practising Manx Advocate

NB Neither Switchboard or the Advocate can be held liable for any inaccuracies

Always get Legal Advice on the spot. You are entitled to the attendance of a Duty Advocate free of charge. Never say anything to the Police until you have taken advice.

## A. If you are stopped in the Street and the Police want to search you

The Police have wide ranging stop and search powers which they can exercise without arresting you. They should not exercise these powers just because of things such as colour, age, hairstyle, clothing or other personal attributes. They have to have grounds.

If you are stopped and the police ask to search you ask for proof of identity and the grounds. Do not be difficult co-operate as much as you can. They should ask you politely and seek permission but if you refuse they can use reasonable force.

They can only search outer clothing in the street, anything else and you are entitled to a degree of privacy. This means the search must be conducted out of public view.

## B. Search of Premises

The police can either ask you to agree a voluntary search or can search without consent if they have a Search Warrant or they are entering your premises to arrest you or someone else.

The Police have the right to use reasonable force to enter if you do not consent or you are absent. They must allow you to witness the search.

## C. Seizure of Property

The police can only take property away if they intend using it at trial, having it forensically examined or to return it to its rightful owner.

## D. At the Police Station

### i) Attending voluntarily

You are free to leave at any time unless you are arrested. You have the right to tell anyone where you are and to get legal advice but you may have to pay.

### ii) Under Arrest

You have the right to have someone told of your whereabouts and most importantly the right to have legal advice over the telephone or by call out. The Advocate is paid for by taxpayers funds. You get the advice FREE OF CHARGE. Always ask for the Duty Advocate. It is your right, use it. If the police say it will delay matters ignore them. Most will be there in 10 or 15 minutes at night when there is a rota.

Never discuss your case with the Police before you have taken legal advice. It is better never to say anything other than your name and address and to ask for an Advocate until the Advocate arrives.

Any discussion after that should only be by way of tape recorded interview in the presence of your Advocate.

## E. Other Police Powers

i) Intimate Samples, e.g. blood or semen, may only be taken with your written

consent.

ii) Non-intimate samples, e.g. saliva, fingerprints etc the police can use reasonable force.

iii) Intimate search of body orifices, they should ask first but if you refuse they can proceed using force. iv) Strip Searching, again they should ask first but if you refuse they can use force.

v) ID Parades need your consent but if you refuse there are other methods open.

**DON'T AGREE TO ANYTHING UNTIL YOUR ADVOCATE HAS ARRIVED AND YOU HAVE DISCUSSED IT. DON'T SAY ANYTHING. JUST GIVE YOUR NAME AND ADDRESS. ALWAYS ASK FOR THE DUTY ADVOCATE. HAVE THEM PRESENT THROUGH THESE PROCEDURES FOR YOUR OWN SAFETY AND PROTECTION.**

Remember if the offence is minor or drink or drive related the duty advocate will advise by phone and you must give breath samples even if you say you were not driving. Failing to give a breath sample is an offence, carrying disqualification in itself.

#### F. Periods of Detention

The Police Powers and Procedures Act says that you can only be held, uncharged, for up to 24 hours. If it is a serious offence or if the police need longer they can apply to the court for extensions of time. The court will want to know what is happening. The Police have to keep a custody record. Make sure that requests for legal advice, food, refreshments, bedding are recorded. Make sure any complaint is also recorded.

#### G. Charge

If you are charged with an offence you will be brought before the next court or released on Bail to a Court. Make sure you apply for Legal Aid and get an Advocate for Court as soon as possible.