

Under Threat of Arrest

1. **Right to silence** – You have the unalienable right not to answer police questions: *Rice v Connolly* [1966] 2 QB 414.
2. You may remain silent and turn away if possible (*PACE 1984*, Code C, para 10.1).
3. You are not obliged to comply with casual requests for information (*Rice v Connolly*).
4. Ask for the constables **warrant card & badge number** (*PACE 1984*, s.28). When you see the warrant card, look at their name and write it down quickly. Also ask: “**Are you acting under oath of office as a constable?**” & “**Have I committed a crime?**”.
5. If threatened with arrest and to be lawful, arrest powers under *Police and Criminal Evidence Act 1984*, s.24 & Code G require:
 - **Reasonable suspicion** of an offence (*O’Hara v Chief Constable of RUC* [1997] AC 286), and
 - **Necessity** under Code G (*Roberts v CC of Cheshire* [1999] 1 WLR 662).
 - *Christie v Leachinsky* [1947] AC 573 – arrest must be for a known offence & lawfully justified.
 - *Roberts v Chief Constable of the Cheshire Constabulary* [1999] 1 WLR 662 – arrest must be objectively necessary.Say: “**I do not consent. I reserve all my rights.**” & remind them: “**Arrest without necessity or reasonable suspicion is unlawful, you risk personal liability.**”
6. If forced to give name & address under threat of arrest, only comply **under duress**, saying: “**I am complying under duress and reserving all rights.**”

Personal Accountability Notice

“You, <officer’s name & number>, are acting outside your lawful authority. You may be held personally liable for any harm or loss caused by unlawful conduct. Misfeasance in public office may apply (*Three Rivers District Council v Bank of England* [2000] 2 WLR 1220).”

If Arrested

1. You are not obliged to answer questions (*PACE 1984*, Code C, para 10.1).
2. Any compliance (e.g. name, fingerprints, photographs, DNA) should be expressly stated as “**I am complying under duress and reserving all rights.**”
3. Fingerprints, photographs, or DNA may only be taken under lawful authority if arrest is for a **recordable offence** (*PACE 1984*, ss.61–63). Refusal can justify reasonable force, but only where lawfully authorised.

Possible Offences by Officers

1. **Assault** – Threat of unlawful force (arrest), (*Collins v Wilcock* [1984] 1 WLR 1172).
2. **Battery** – Physical contact without lawful excuse (*Fagan v MPC* [1969] 1 QB 439).
3. **False Imprisonment** – Unlawful detention (*Hicks v Faulkner* [1878] 8 QBD 167).
4. **Misfeasance in Public Office** – Abuse of powers for improper purpose (*Three Rivers v Bank of England* 2000).
5. **Criminal Damage** – Breaking into property without lawful authority (*Criminal Damage Act 1971*, s.1).
6. **Fraud by Misrepresentation** – Only where deliberate deception for gain can be proven (*Fraud Act 2006*, s.2).
7. **Abuse of position** – *Criminal Justice and Courts Act 2015*, s.26 – applies where an officer knowingly abuses their position.