

## **General:**

The only information you have to disclose about yourself is what's on your ID plus your home address. Your phone number, place of work, employer, education etc. do not have to be disclosed to the police.

The police have the right to check your personal data. You are not obliged to carry an identity card, but to avoid trouble or lengthy clarifications, it is advisable to carry one when you are out and about.

Police officers must tell you their name upon request, and civilian police officers must show you their ID.

In case of assaults, remember the names of the police officers, place, date, time and names and addresses of any witnesses. This is important for complaints against the police. Report assaults to the police

(beatings, insults, etc.). At the end of this legal aid brochure you will find addresses where you can turn to.

Write down what you experienced as soon as possible about your contact with the police.

## **Frisking / Searching**

Searches in public (e.g. stripping down to your underpants) are not legal.

Frisking, on the other hand, is legal (e.g., emptying pockets, frisking for weapons).

Demand that the police search you in the car or at the post. (You will be in custody longer for this).

Only medical personnel (doctor) are allowed to search body orifices.

Women\* should be frisked/searched by women\*, men\* by men\*. It is legally possible for men to search women ("in case of danger to life and limb"... ) but we recommend all women\* to insist on being searched by women\*.

## **Arrest**

You must be made aware of the specific charges of an arrest. Ask for your reason for arrest and make a note of it for your memory protocol. In addition, the police must respect the principle of proportionality.

They can detain you for 24 hours (weekend 48h), after that they have to bring you **before** a examining magistrate. Normally, the police will hold you for 1 - 6 hours.

Basically: After establishing your identity, the police must let you go immediately if there is no reason for a provisional arrest and no order to bring you before a judge. And: You do not have to make any statements (eyes open, mouth closed!) and have the right to a lawyer.

It is not you who has to prove your innocence, but the police or the examining magistrate have to prove your guilt.

## **Preventive detention**

The police can temporarily remove you from a place or detain you if, for example, there is "reasonable suspicion" that you are a threat to public safety or that you are preventing the police from carrying out their work or disturb them in the process. In the case of a provisional arrest, please note:

The police must immediately give you the reason for the deprivation of liberty.

You have the right to inform relatives or trusted persons as soon as possible.

You have the right to refuse to give evidence and to refuse to undergo identification

measures.

The police must have a court decide as soon as possible whether you may continue to be detained.

The police must release you after 24 hours at the latest, or before if the reason for the temporary detention no longer exists (e.g. the demonstration or football match is over, public safety and order is no longer endangered, etc.) if a court orders your release.

### **Refusal to testify**

You are not obliged to make any statement!

You do not have to state: Work (employer, teacher), hobbies, acquaintances, etc. You are not obliged to give this information. Remember: This is where the interrogation begins and all statements can be used against you.

"I have nothing to say" or "I refuse to testify" are the best answers or you can simply *remain silent*. Shaking your head and or nodding is considered a statement.

Do not be intimidated or provoked. Most threats are bluffs designed to intimidate you.

Do not resist (physically), otherwise you are liable to prosecution.

If you are held at the police station for more than 24 hours (or 48 hours on weekends), demand immediate contact with a lawyer. Legal advice telephone: 031 372 48 43 (office hours)

### **Identification measures (IM)**

IM are fingerprints and palm prints, photographs, blood, urine, handwriting samples, etc. For example, the police can take your fingerprints if:

You are suspected of a crime or misdemeanor

you have been convicted and are going to prison or jail

you have been expelled from the country or are subject to an entry ban

you have been expelled by the foreigner police or are in extradition custody

Your identity cannot be determined otherwise (therefore: always have an identity card with you).

This means: If you are arrested during a demonstration, preventively detained (see police custody) or if you are simply taken to the police station, you can refuse to be fingerprinted or have your photo taken. The police themselves cannot force you to do this. Only a judge could force you to do so.

### **Confiscation**

If the police want to confiscate something (weapons, knives, sprays, money, etc.), ask for a receipt. Items may only be confiscated if they could serve as evidence, are related to a criminal act or endanger morality or public order. If confiscated items are legal and not evidence, you can reclaim them later (with the receipt, which is why you should ask for one while your things are being confiscated.).

### **Handcuffs**

Handcuffs or shackles are only permissible if there is a risk of flight or a violent confrontation is feared or if several people are being transported.

Our tip: if the handcuffs or plastic shackles are too tight, demand that they be loosened.

### **Injuries**

If you are beaten during arrest or interrogation, handcuffed too tightly so that it hurts, or bitten by a police dog, you should demand that this is recorded in the protocol.

After you are released, you should immediately go to a doctor or emergency room and ask for a medical certificate for your injuries. This will help you later in any complaint or charges against the police officers.

### **Verbal abuse**

If you are insulted by police officers, you have the possibility to report them. It is advantageous if you have witnesses. Let yourself be advised by lawyers.

Keep your eyes open, do not look away!

We as citizens (no matter which passport we have) have to keep an eye on the police. Open your eyes instead of looking away! As soon as violent, improperly behaving police officers realize that they are being watched and that people know their rights, they think twice about what they do.

Getting involved is always good and necessary. The risk is to be reported (and fined) for obstructing an official act. Therefore: Do not push in (except in case of violent assaults), better inform the person(s) concerned about their rights (e.g. refusal to testify) from a certain distance.

Remember the time / place / events in case the victim needs witnesses. Physical violence will only worsen your situation and you risk being reported to the police.

Always be polite.

Try to assert your rights, but don't get frustrated if it doesn't work out right away.

If you get a fine, contact a lawyer to see if it is worth appealing.

Share your knowledge and experience with others.

If you are a victim of assault, you have the legal right to help (contact the victim support center, see addresses).