

# COP 21: Legal information

***This document mentions the maximum legal sanctions which can be applied. However, they are rarely applied to people who have no criminal record. Fines are usually calculated depending upon the person's known income.***

## When demonstrating, or in a group action

**Remember to have** a lawyers contact details: the demonstrator's support group can give you a lawyer's name which you can communicate to the police if you are arrested. If you need any medication, remember to have it with you and/or to have a prescription (the prescription has to be under your name).

**Beware of the consequences if you are carrying any of the following:** illegal drugs, any objects which can be considered as weapons (swiss army knife, cutter...), weapons by destination (glass bottles, stones...), address books or contacts on your phone (which can be used by the police to continue their investigation).

**If the police charges:** don't let anyone by themselves. Try to stay with people you know (to be able to contact their relatives and rapidly organize their support in case of arrest). As a preventive measure, you can point out out-of-uniform cops to other demonstrators.

**Avoid photos and videos:** the police film and take photos throughout demonstrations to collect "proof" against the people there. More and more demonstrators and journalists also film, and doing so risk feeding the police with information to track people, specifically when they post photos and films on-line. You can try to stop them from filming you, or wear a mask.

**Concealing your face:** "Consciously" concealing your face during a demonstration "in circumstances which raise fear of attacks on public order" can be punished by a fine of 1500 euros. People are in the facts rarely arrested for this reason alone. However, concealing one's face is an aggravating circumstance in a number of cases (see below).

**Non authorized gatherings:** The police can charge to disband any unauthorized demonstrations or gatherings. They do so either after issuing two warnings shouted through a loud speaker ("summations"), or without giving a summation if the demonstrators if demonstrators are "violent".

If there have been summations (or if the police insist there were, even if there were not), not disbanding is an offense punishable by 1 year in jail and a fine of 15 000 euros.

If the person was carrying a weapon (which can be a "weapon by destination", like something suspected to be used as a projectile to throw on the police for example) or if they were "concealing their face" and did not disband after the summations, the sentence can go up to 3 years in jail, and a fine of 45 000 euros. If the person is armed and masked, the sentence can reach 5 years in jail and a 75 000 euro fine.

## In case of a control or an inquiry

**You be subjected to an identity check (Contrôle d'Identité).** The police can check the identity of any person who is suspected of having committed, planning, or having any information related to, an infraction. The police also check identities in a number of specific zones (ports, airports, train stations...), this is the "Schengen controls". The prosecutor can give written instructions to the cops for them to massively check the identities of people in a restricted area and in a limited time: these are "raids" (raffles). The police can check the identity of a person to prevent a "breach of public policy, notably the safety of persons and property" no matter how the person behaves. You can have your ID with you or not, but you will be required to give your full name. Some people refuse to give their identity. In this case they might take you to the police station for an "identity verification" ("vérification d'identité").

**Bags can be searched during a control.** The probing through personal affaires (bags, purses, pockets, etc.) can be thought of as a "search" ("perquisition"). They can do this if they suspect someone of having committed an infraction. A customs officer can proceed with a search if they suspect someone of fraud. However, a security guard can only inspect hand bags with the persons consent. During a simple contrôle d'identité (identity check), a "security pat-down" may be performed: the police will feel through a person's clothes to check if they are carrying anything dangerous, but is normally not permitted to empty their pockets or search their bag. All searches must be put on record. There is no obligation to sign the record.

**At the police station:** You will either stay four hours maximum if it is a contrôle d'identité (identity verification). Otherwise you will stay longer if you are put in custody (garde à vue / GAV). You can be placed into garde à vue during or after a contrôle d'identité: in this case you must be informed of this immediately.

**A vérification d'identité (identity verification):** It lasts for 4 hours maximum. This is to check the identity of anyone they have arrested. It is compulsory to give one's identity, but there are no statutory measures if someone refuses to. Identity theft is an offense, and giving a false identity can be sanctioned with a fine of 7500 euros if this leads to errors in a criminal record. However, there is no strict rule against getting a couple of letters wrong when spelling out a name.

There is no centralized national file in which the police can check if an identity really exists or if the one given is fake. / If a given identity is fake, they may discover this if they find no criminal record for that given name and place of birth.

However there is a centralized file of people's driving licenses (someone who invents a name would be found out if they say they have a driving license).

When there are mass arrests, some people collectively refuse to give their identities, or refuse to show any ID and only give their names orally, to impair the police's efforts to file people and to track down "illegal" immigrants.

**Garde à vue / GAV (police custody):** the maximum duration is 24 hours, which can be extended to 48 hours upon decision of the prosecutor (in cases of terrorism or gang activities, it can be extended up till 96 hours).

Under the emergency state, the GAV can last 48 hours and be extended to 144 hours.

You can request to have a lawyer assist all the auditions during your time in garde à vue. Before the auditions, you will be granted a 30 minute meeting with the lawyer. If you don't have a lawyer, you will have a court-appointed one. If you do not understand or speak french, you can ask for an interpreter from the beginning of your stay in garde à vue.

**Auditions as a "free suspect" ("audition en tant que suspect libre"):** this is an intermediary status between being a witness and being detained in garde à vue. The police will interrogate you without holding you in custody, and technically you have the right to leave. However, they may try to threaten someone to put them in garde à vue should they try to leave.

**Strategies of resistance and non cooperation:** To slow down the police's work, some people choose to declare nothing and refuse to give their identities. Others only declare their full names and place of birth. Staying silent is a right. During an interrogation, you can answer "I have nothing to declare" / "je n'ai rien à déclarer" (this is different from "i know nothing"/"je ne sais pas", which comes down to declaring something). You can justify your silence to the police by reminding them that they told you that you have the right to remain silent. You are simply exercising that right.

The more these strategies are used collectively, the more these strategies of resistance are effective and easy to hold. Whatever the strategy, you must not give information on the other people involved in an action. You never grass on someone. Even if the police insists on the opposite, the more you say will not shorten your stay in garde à vue, and everything will be held against you, or the others, on the day of the trial. You can refuse to sign the documents the police will present you with (records of the interrogations or of the time spent in police custody). Signing these papers is confirming your time spent in garde à vue went smoothly, and you will no longer be able to appeal on anything said or anything you underwent during your time in custody.

**Fingerprints, photos, DNA:** refusing to be photographed, having your fingerprints taken or your DNA to be taken is an offense. It is also a political statement, marking an opposition to generalized records. During a contrôle d'identité refusing to be photographed or giving ones fingerprints is punishable by 3 months in jail and a fine of 3750 euros. During a garde à vue it is punishable by 1 year in jail and a fine of 15000 euros. When a person is under suspicion of having committed an infraction belonging to a specific list defined by the law (deterioration, threats, violent conduct for example...), it is an offense to refuse to give your DNA, punishable by 1 year in jail and a fine of 15000 euros. People found guilty of such infractions risk 1 year in jail and a fine of 15000 euros if the infraction is an offense, and 2 years in jail and a fine of 30000 euros if the infraction is a crime. Once DNA has been collected, cops give it to the FNAEG. The police and magistrates of all states belonging to the European Union have access to this file.



## In case of a trial

**Once you are released from the Garde à Vue**, there are 4 possible outcomes. You can be freed with a closed case (for the moment). They may offer you a mediation, a composition pénale or a comparution sur reconnaissance préalable de culpabilité (appearance prior admission of guilt). These are offered to avoid going to trial. You may be delivered a summons to appear before the court before leaving the station. Finally, you may be "déféré" (referred). **If you are "déféré"**, you can spend up to 20 hours waiting in the courthouse jail (called the "depôt") before seeing the prosecutor. This is not a police officer but a magistrate in charge of deciding if you should be put on trial. After meeting with the prosecutor, they may either free you if they believe they have no charges against you, or give you a summons for a trial at a later date, or send you to court for an immediate trial ("comparution immédiate"). **In serious or complicated cases**, you may be presented to an investigating judge ("juge d'instruction") rather than a prosecutor. The judge will put you in review ("mise en examen"). A specialized judge, the judge of liberties and detention (JLD) may send you in provisional custody (détention provisoire). **You might also walk out free, but under judicial control** (for example, you may be banned from a specific area for a fixed period before trial, and/or be under the obligation of checking in regularly with a police station near where you live).

**In the case of an immediate trial (comparution immédiate)**, you will face court on the same day, or the day following your meeting with the prosecutor. It is mandatory that you should be assisted by a lawyer. If you do not know a lawyer, there will be a court-appointed lawyer ("commis d'office"), designated and paid for by the State. **At this point, you can accept to be judged straight away or ask for a delay** ("renvoi") to prepare your defense. This delay cannot be refused, but the court may choose to put you in jail awaiting your trial (this can last several weeks). This is why the judge must bring "guarantees of representation" ("garanties de représentation"), proof that, because you have a home and a job, there is little chance you will run away. People who do not have documents to prove they have a house or a job can be thrown into prison much easier. Even simple documents certifying that you have an address, or a promise of a job (to prepare in advance if possible) are precious and must absolutely be given to the lawyer by the persons relatives or friends. If you are not placed in provisional custody awaiting trial, you might have a judicial control (they will come check on you or summon you). The appearance may be postponed, the prosecutor will give you a report which is equivalent to a summons to appear. While awaiting trial, you may be placed under judicial control, or placed under house arrest.

- **If you are witness** to police questioning, arrests, police violence or you want to notify the presence of police or controls
- **If you want news** from friends who have been arrested
- **If you want to testify** on events you have experienced

**Contact the legal team by calling the following number:**

**+33(0)7 53 39 35 45    [cosomi@riseup.net](mailto:cosomi@riseup.net)**

*Please let us know at the beginning of your call if you would **prefer to speak in another language** than french, such as english or german. **DO NOT give names** when calling on the phone, nor details which could be dangerous for anyone who may have been arrested. If you are arrested, the **police will refuse to call this number**, but you can warn a relative you have informed in advance to contact us on this number. Please **do not write this number on your arm**, it will be useless if you are placed in police custody.*