

GETTING ARRESTED IN THE UK AND THE USA

Rebekah Brooks, the former chief executive at Rupert Murdoch’s News International, was arrested on Tuesday morning in connection with the phone-hacking scandal that has plagued the *News of the World* and the *Sun*. It was the second time Brooks has been arrested in the case, though she was previously released. In fact, more than 40 people have been arrested during the investigation, but so far none of them has been charged. Why do British police keep arresting people and then releasing them?

Because it’s a lot easier to arrest someone in the United Kingdom, but being arrested there isn’t a big deal like it is in the United States. American police need probable cause to make an arrest, but in the United Kingdom, officers can arrest on suspicion. *Probable cause* is defined as the belief that a crime was probably committed, and that the suspect was probably responsible. *Reasonable suspicion* means that a would have grounds to suspect that a crime had been committed and that the suspect might be responsible. To have probable cause, greater evidence is required.

Being arrested on suspicion in the U.K. isn’t so unpleasant as being arrested in the U.S. In fact, you’re likely to be released within hours without paying any bail. First, a British police officer reads the offense you’re suspected of and then your rights. Your rights are not exactly the same as your [Miranda rights](#)* in the U.S., but they similarly include things like the right to remain silent. You won’t be told that you have “the right to an attorney,” but you do have right to a “solicitor” who will represent you in court the same way. A proper British officer will read these aloud from a document rather than cite them from memory. (U.S. officers are told to do the same.) After you’re handcuffed you’re taken to the nearest local police station, usually in a police van or panda car.

Once in the station, usually only suspects who appear dangerous or drunk or just a nuisance are locked up. Even those who are locked up won’t have to share a holding cell (in some parts of the U.S., holding cells can contain several people at once), and some officers have observed that the U.K. cells tend to be cleaner. British police next will conduct an interrogation (the preferred term is “interview”), which is recorded on audio or videotape. Finally, the suspect is let out on bail, which is a temporary release that often costs nothing, depending on the severity of the offense and the likelihood a suspect will flee. The same rules apply in all of England and Wales—unlike in the U.S., where many laws vary from state to state—but the criminal-justice systems in Scotland and Northern Ireland are different.

Those who are let out on bail may not be totally off the hook. British police continue to collect evidence, and as soon as they have enough evidence to charge, they are required to arrest again and charge. At that point the suspect will go before a magistrate, who determines whether the he or she must be detained further, or whether he or she can be let out on bail again.

While the U.S. criminal justice system differs from the British system in a few key ways, it’s based largely on British principles. The American legal system was modeled on British



common law, which had been in effect for hundreds of years before the American Revolution. The UK policing system, on the other hand, is based on the model of Sir Robert Peel (from whom the British slang for officers—*bobbies*—originates). Peel created the Metropolitan Police Service in London in 1829, establishing a police force of ranked officers in uniform. Early U.S. police forces, such as the Boston Police Department, established in 1838, and the New York City Police Department, established in 1844, followed Peel's lead.

(slightly adapted from *Slate* magazine, March 2012)

- The **Miranda warning** (also referred to as **Miranda rights**) is a warning given by [police in the United States](#) to criminal [suspects](#) in police custody (or in a [custodial interrogation](#)) before they are interrogated to preserve the admissibility of their statements against them in criminal proceedings. (Wikipedia)

True or False?

1. The *Sun* and *The News of the World* are part of the News International group.
2. It is more difficult for the police to arrest someone in the UK than in the USA.
3. Arrested people have similar rights in the USA and in Britain.
4. A solicitor is a kind of lawyer.
5. US police officers always read suspects their rights.
6. Most suspects are not locked up when they get to the police station in Britain.
7. You have to pay money in Britain to obtain bail.
8. When a suspect is charged he appears before a magistrate.
9. The US criminal justice system was largely inspired by the British model.

(scroll down to the next page for the key)

Answer Key

1. True (we can infer this from the text although it is not explicitly stated)
2. False (it is easier)
3. True
4. True (he represents you in court)
5. False (they are supposed to but sometimes do it from memory)
6. True (only suspects who are drunk or otherwise uncooperative)
7. False. It often costs nothing
8. True
9. True. It was modeled on British common law.