

A Guide to **Police Custody for** **Children and Young** **People**



YJS | Youth
Justice
Service

North East Lincolnshire

What This Booklet Is About

You've been arrested.

This booklet explains what happens if you are arrested and taken into police custody.

You'll learn about:

- Arriving at the police station
- The support you can get
- What happens in the cell
- Your interview
- How long you can stay in custody
- What happens when you leave



When you arrive at the police station:

- The police will tell your parent/carer and the local authority where you are. This is to make sure someone knows where you are.
- You have the right to make a phone call to an identified appropriate adult. This is usually your parent or carer.
- You will likely be searched, and your possessions will be taken from you. The police will keep these safe. You may, or may not, get these back when you are released, or they could be kept as evidence.
- You can receive welfare calls or a visit by an appropriate professional, for example Youth Justice or a Social Worker.
- You have the right to know your rights and see a written notice telling you about these rights.
- You can ask to see a medical professional if you're feeling ill.
- You have the right to access free legal advice and speak to a solicitor. Speaking to a solicitor is in your best interests and you should always ask for this.
- Speak to a member of staff if something is worrying you.
- If you are a girl, you can ask to speak to a female member of staff.
- The police should give you an activity unless they think it's a risk to your safety and wellbeing. For example, you can ask for a book to read or something to draw or write with.
- You will be asked if you would like to see a team called Liaison and Diversion. They are not the police — they just work in the police custody area to support you. They can help you with any problems that you may have.



Appropriate Adult and Legal Advice:

The police must find an **'appropriate adult'** to protect your interests, rights and welfare. This includes helping you communicate, making sure you understand your rights, and checking that the police are acting fairly and respecting your rights. They cannot give you legal advice or answer questions on your behalf.

You can speak privately to your appropriate adult at any time.

Your appropriate adult can be:

- your parent, guardian or carer if they are suitable, in some cases they may not be, for example if they are a witness.
- a social worker or youth justice worker
- another family member or friend aged 18 or over
- a member of a local scheme of trained appropriate adults



Only a solicitor can give you legal advice. A solicitor is someone who makes sure that you understand all of the legal words and also can give you advice. You have a right to speak to a solicitor for free and they will support you in your interview. Your responses in interview could impact on police decisions made and what happens after your release. They will give you advice on how to respond in your interview in your best interests to make your time in custody easier to understand.

Your appropriate adult can arrange for you to get legal advice even if you do not want it.



While waiting for your interview, the police have the right to:

- Measure your height
- Take your photo
- Take a sample of your DNA from a mouth swab or head hair root.
- Scan your fingerprints
- Swab the skin surface of your hands and arms.

An appropriate adult must be with when the police do these.



While in your cell, you should:

- Tell a member of staff if you have any health needs or take medication.
- You may ask for a shower and exercise and will be offered food.
- If you have any religious needs the police will try and make sure you have everything you need.
- The custody sergeant will check on you to make sure you are ok.



The interview:

The police may question you about the crime you're suspected of - this will be recorded. You do not have to answer the questions but there could be consequences if you do not, for example this could impact on decisions made towards you. The police must explain this to you by reading you the police caution:



"You do not have to say anything. But, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

- You can speak to your solicitor before the interview, and the solicitor and appropriate adult will be in the interview with you.
- There might be two police officers in the interview
- If you answer, '**no comment**', the police will still ask all of their questions
- You can ask for a break if you want one and speak to your solicitor if you need further advice.
- You will be taken back to the cell while the police make a decision – they will try and do this as quick as they can, but sometimes this may take longer if they are gathering evidence.

Time in Custody:

- The police won't always know how long you will be kept in for, but they will try to release you as quick as they can.
- The police can usually keep you in for up to 24 hours – one whole day and night.



HOLDING CELL 2



What happens next:

RELEASED UNDER INVESTIGATION - If the investigation is not complete, you will be released, you may be given a date to come back to the police station. For many children the police will try to deal with your offence out of court by referring you to the Youth Justice Service for support. Usually this requires children to make admissions or accept some responsibility during their interview.

POLICE BAIL - You might have some rules and conditions to follow, for example being back home for a certain time, not going to certain places or with certain people. If you are charged, you will be given a date to go to court. It is important you stick to these conditions, otherwise you could be arrested and stay in custody until the next available Court.



REMAND - The police may decide to charge you with the offence. You may be given somewhere to stay overnight by Children's Services or, as a last resort, you will be kept in a police cell and appear in Court the following morning. The Youth Justice Service will be in Court to support you the next day.

NO FURTHER ACTION - The police may decide not to charge you and you are free to leave the police station.

Leaving The Police Station:

- The police must ensure you have somewhere safe to return upon release.
- You will be given your property back unless it is being kept for evidence.
- The police will usually take you home, or your parent/ carer can come and collect you.
- If you don't understand anything, please let the police know.
- If the police have referred you to the Youth Justice Service, they will let you know and someone will make contact with you from the Service.





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