



Rights and Entitlements

How you should be treated if you are taken in by the police.



Please keep this information and read it as soon as possible. It will help you to make choices while you are at the police station. If you have any questions or need help please ask the Custody Officer.



Remember your rights:

1 You have the right to free legal advice.



2 You have the right to ask the police to call someone for you. This is free.



3 You have the right to read the Codes of Practice.

This explains what the police can and cannot do.



Tell the police if you need medical help, need to take medication or if you want to see a doctor or a nurse. This is free.



The laws of England and Wales say that the rights and entitlements described in this booklet must be given to you.



This is in line with the **'European Convention on Human Rights'**. This makes sure that prisoners across Europe are treated fairly.





If you have been arrested the police should tell you the following:



If you are asked questions about a suspected offence, you do not have to say anything.



However, 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.



If you do not understand this information please ask the Custody Officer.

Explaining your rights in more detail



1 Your right to free legal advice:

A person called a solicitor will tell you about the law.



The solicitor should always speak to you in private. Either face to face or over the phone.



The Police Custody Officer must ask if you want legal advice from a solicitor. It is free.



Getting legal advice does not make it look like you have done anything wrong.



You should be allowed to talk to a solicitor at any time, day or night.



If you have asked for legal advice Police Officers should not ask you questions about a crime until you have had a chance to talk to a solicitor.



If you tell the police that you do not want legal advice but then change your mind...



... you should tell the Police Custody Officer.



They will then help you to contact a solicitor.



If a solicitor does not turn up or contact you at the police station, or if you need to talk to a solicitor again, you can ask the police to contact them again.

How the police will arrange your legal advice:



The police will contact the Defence Solicitor Call Centre (DSCC). The DSCC will decide whether legal advice should be given over the phone or whether a solicitor should see you at the station.



The DSCC and Criminal Defence Service (CDS) are independent services. They arrange free legal advice and have nothing to do with the police.

Times when you will get legal advice over the phone or face to face:



Legal advice is usually given over the phone from someone at the Criminal Defence Service (CDS).



Times when a solicitor should come to see you at the police station:

- A solicitor will see you face to face if the police want to interview you or carry out an eyewitness identification procedure.



- A solicitor will see you face to face if you need an Appropriate Adult.



- A solicitor will see you face to face if you are not able to talk over the telephone.



- A solicitor will see you face to face if you are claiming that the police have behaved badly towards you.



- A solicitor will see you face to face if you are at the police station because of a serious crime.



You can ask to see a solicitor you already know. This is only free if they do legal aid work.



If you do not know a solicitor or they cannot be contacted you can speak to the Independent Duty Solicitor. This is free.



If you are only allowed legal advice over the phone, but you still want to see a solicitor you already know, the solicitor may ask you to pay.



If your first choice of solicitor is not available the police will try to contact up to 2 other solicitors that you have asked for.

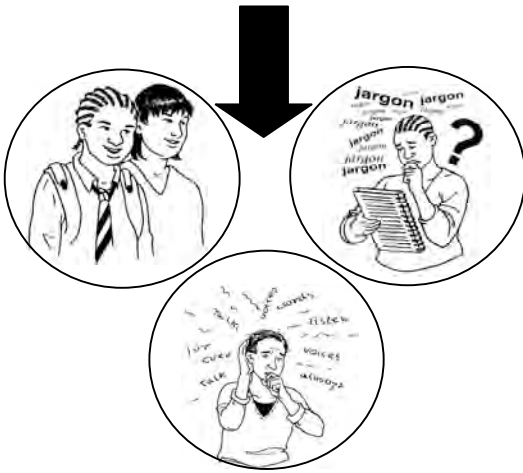


You are always entitled to free legal advice over the phone.



2 Your right to ask the police to call someone for you.

The police will contact someone for you to tell them you have been arrested and what is happening.



Police officers should call an Appropriate Adult to the station to help you if you are:

- Under 17
- Have a learning disability
- Have mental health problems.



3 Your right to read the Codes of Practice.

The Codes of Practice are rules that will tell you what the police can and cannot do while you are at the police station.





The Police will let you read the Codes of Practice but you cannot read it for so long that it holds up the police finding out if you have broken the law.



You are allowed to ask the police for a copy if you have not been given one.



Do ask the Police Custody Officer if you have any questions about the Codes of Practice.

Other things you should know about being at a Police Station



Getting someone to help you at the police station

People who are under 17 years old or have learning disabilities or mental health problems should have someone (an **Appropriate Adult**) with them when the police do certain things.



An Appropriate Adult is someone who gives you support during police interviews.



An Appropriate Adult can be a parent, guardian, carer or a community volunteer. These people do not work for the police.



The Police will call to arrange for an Appropriate Adult to support you if you need one.



Your Appropriate Adult must be with you when the police speak to you or ask you to do anything.



This includes times when the police:

- Interview you.
- Tell or ask you to read any information.
- Ask you to sign documents.
- Ask you for fingerprints, photos or samples.



- Remove more than your outer clothes to search you.



- Carry out an eyewitness identification procedure. This means putting you in a line up.



- Looking at your case or deciding to charge you.



Your Appropriate Adult can also ask for a solicitor for you.



You can speak to your solicitor without your Appropriate Adult in the room if you want to.

How you should be treated and cared for at the Police Station

If you are unwell

Tell the police if you feel ill or need medicine. They will call a doctor or nurse or other healthcare professional. This is free.



You may be allowed to take your own medicine but the police will have to check it first.



A nurse will usually see you first, but the police will send for a doctor if you need one.



You can ask to see another doctor but you may have to pay for this.

If you want to get in touch with someone



As well as talking to a solicitor and having a person told about your arrest, you are usually allowed to make one phone call. Ask the police if you would like to make a phone call.



You can also ask for a pen and paper.



You may be able to have visitors but the Custody Officer can say no.



What your cell should be like

If possible you should be kept in a cell on your own. Your cell and bedding should be clean and warm, and you should have plenty of light.

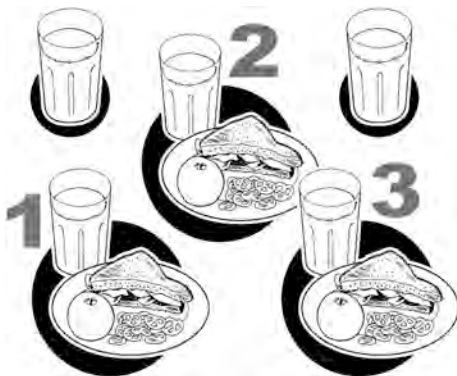


You must be allowed to use a toilet and have a wash.



Clothes you should wear

The police must give you something to wear if your own clothes are taken from you.



What food and drink you can have

You must be offered 3 meals a day with drinks as well as drinks between meals.



Exercise you are allowed

If possible you should be allowed outside each day for fresh air.



Resting time that you are allowed

You must have at least 8 hours rest in any 24 hours while you are held by the police.

When the police are asking you questions

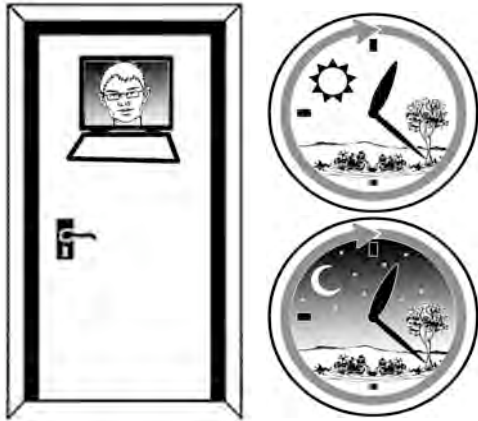


When you are being questioned by a police officer they should tell you their name and job title.



You should not have to stand up and you will be allowed breaks for meal times or for a drink.

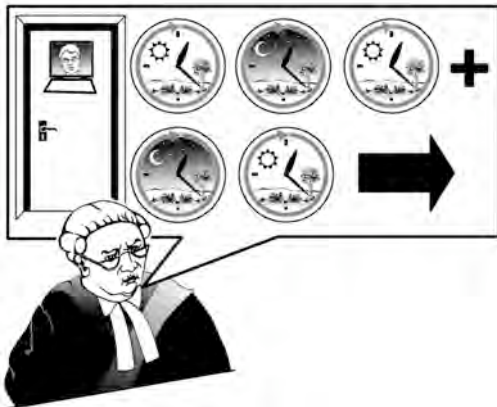
How long you can be held at the police station



You could be locked up for up to 24 hours without being charged for a crime.



This amount of time can be extended by a Senior Police Officer.



After 36 hours this time can be extended more by the court.



A Senior Police Officer will assess your case to see if you should be held for longer. You have the right to say what you think about this decision, unless you are not able.

Tests you might have



If you are under arrest because of a drink driving crime, you have the right to speak to a solicitor.



You cannot stop the police taking samples of your breath, blood or urine, even if you have not spoken to a solicitor.



For some crimes the police have the power to take your photo, fingerprints or DNA.

What happens if you cannot be interviewed in English?



If you do not speak or understand English the police will arrange for someone who speaks your language to help you. This person is called an interpreter.



If you have had an interpreter you can ask them to translate the written version of your interview into a language you understand.



If you are deaf or have difficulty speaking the police will arrange for someone who can do British Sign Language to help you.



All interviews are recorded. But if you have a hearing disability your interview can be recorded in writing.



What to do if you are not British



If you are a tourist who is visiting England or Wales, or you were not born in the United Kingdom, the Police must tell you about your right to contact your own country.



If you are not British, you can tell the police that you want to contact your High Commission, your Embassy or your Consulate to tell them where you are and why you are in the police station.



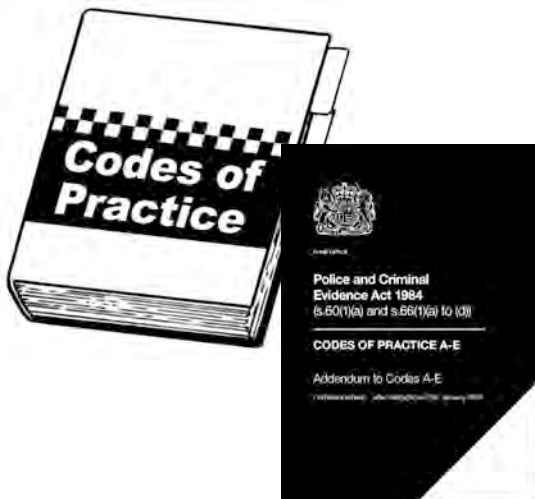
They can visit you themselves or arrange for a solicitor to visit you.

Times when the normal rules are different



Getting a solicitor to help you

There are some special times when the police need to ask you questions straight away, before you have talked to a solicitor.



Information about these special times is given in the Codes of Practice book.



This is the book that tells you what the police can and cannot do while you are at the police station.

If you want to look up the details, they are in **paragraph 6.6 of Code C** in the Codes of Practice book.



There is one special time when the police will not let you speak to the solicitor that you have chosen.



When this happens you must be allowed to choose another solicitor. If you want to look up the details about this special time, it is in **Annex B of Code C in the Codes of Practice book.**



Telling someone that you are at the police station

There are some special times when the police will not let you contact anyone.

Information about these special times is given in the Codes of Practice book. If you want to look up the details, it is in **Annex B of Code C in the Codes of Practice book.**

About Independent Custody Visitors



Independent Custody Visitors are community volunteers who make sure that people held in police stations are being treated properly and are getting their equal rights.



You cannot request to see an independent custody visitor, but an independent custody visitor may visit you to check your treatment and rights.



You do not have to speak to them if you do not want to.

Getting details about your time at the Police Station



Everything that happens to you when you are at the police station is recorded. This is called the **custody record**.



When you leave the police station you, your solicitor, or an Appropriate Adult can ask for a copy of the custody record. The police have to give you a copy as soon as they can.



The custody record can be sent to your Appropriate Adult up to 12 months after you have left the police station.



Everybody who is interviewed can ask for a copy of the interview. This can be a written version or sound (audio) version.

How to make a complaint



If you want to complain about the way you have been treated you should ask to speak to a Police Inspector or an officer in a more important position.

You can make a complaint by:



Telling the Independent Police Complaints Commission (IPCC).



Asking a solicitor to do it for you.



Asking your MP to complain on your behalf.



If you need advice, you may also find it helpful to contact your local Citizens Advice.



What happens if you are held because of your mental health?

If the police are concerned about your mental health they can hold you at a police station for an assessment under the **Mental Health Act**.



If you have been held under the Mental Health Act this does not mean that you have been arrested for a crime. Your case will be treated in a different way.



The police must arrange for you to be seen by a doctor and by an Approved Mental Health Professional who is qualified to check your mental health.



This must happen within 72 hours (3 days) from when you arrived at to arrange this as soon as possible.



The police may take you to a different place for the assessment.



While you are waiting for your assessment, the police may arrange for you to be seen by an Approved Healthcare Practitioner.



This person cannot make the assessment.



They will help you with any other health worries that you might have and they will help to explain what the assessment means.