

Hampshire Police Youth Charter

'Being Arrested' Sub-Charter



'Being Arrested'

Many young people aren't sure about what happens when the police arrest someone or what rights they have if they were ever arrested.



It is important you understand what happens when police arrest someone under 18 years old; how we deal with young people is different than when an adult is arrested.

This information explains more about the arrest process and being taken to a police station to help answer any questions or concerns you might have, so if you ever found yourself in the situation, you have a clearer understanding about what happens and what to expect.

Why might I be arrested?

Police always try to avoid arresting young people whenever they can, looking at other ways to deal with the case, but sometimes arrest can't be avoided such as when:

1. You are a suspect of a serious crime
2. An arrest warrant issued by the court
3. You fail to give an officer your name and details (if you are suspected of a crime)
4. You are a repeat offender (regularly committing crime)

What powers do police have?

Police officers have the power to arrest you using section 24 of the Police and Criminal Evidence code of practice (PACE); which means they can arrest anyone who:

1. Is about to commit a crime
2. Is in the act of committing a crime
3. The officer has reasonable grounds to suspect is about to commit a crime
4. The officer has reasonable grounds to suspect is committing a crime

Being arrested doesn't mean you are guilty.... The arresting officer will have information that you may be involved in a crime and will need to arrest and question you as part of the investigation process.

What are my rights?

If an officer needs to arrest you, you have a right to know why. The arresting officer must also:

1. Identify themselves as the police
2. Tell you that you are being arrested
3. Tell you what crime they you are suspected of
4. Explain why it's necessary to arrest you
5. Explain to you that you're not free to leave

Officers must make sure you understand everything they tell you at all times, giving you a further explanation if you need it.
NEVER be worried to ask if you don't understand something.

The Caution

The caution is the formal wording which must be given to anyone suspected of an offence before they are questioned; this is said at time of arrest and before interview.

It is broken down into 3 parts to help with understanding what it really means.

- (1) 'You do not have to say anything' - **you have a right to not say anything and to not answer any questions asked.**
- (2) 'But it may harm your defence, if you do not mention when questioned, something you later rely on in court' - **if you choose to say nothing, or do not give an explanation to defend yourself, this could lead the court to think that you were involved.**
- (3) 'Anything you do say maybe given in evidence' - **what you say will be recorded and used as evidence in the case.**

What happens at the police station?

You will be taken to the custody suite, where the holding cells are located. The officer who arrested you will book you in with the Custody Sergeant - this is the person who will look after while you are there.

The Sergeant will speak with the officer who arrested you to make sure the decision to arrest you is the right one. If they think your case can be dealt with in a different way, they won't agree for you to stay there.

1. Your photograph, fingerprints and DNA are taken
2. You will be interviewed, and the caution will be explained again
3. Your property will be kept in a safe place until you are released.
4. You may be held for up to 24hrs. (**Officers must deal with your case as quickly to keep your time in custody as short as possible.**)
5. A senior officer called an Inspector will keep an eye on things to make sure there are no unnecessary delays (**You can ask to speak to them at any time**)
6. If you have autism or have other learning needs, police will use specialist support to make sure your rights are explained in ways you will understand.

What are my rights?

1. You have a right to get free legal advice
2. You have the right to get medical help if you're feeling ill
3. You have the right to read the rules the police must follow called the Code of Practice
4. You have a right to see a written version of your rights at the police station (inc. regular breaks, food and use of the toilet when you need it)
5. You can ask for a notice in your language or an interpreter can be contacted to support you

Appropriate Adult (AA)

An adult will be contacted and told you have been arrested. They will be asked to come to the police station to help you through the process. The police can't search, explain your rights or interview you until your AA has arrived. An appropriate adult (AA) can be:

Parent, guardian or carer; Social worker; Family member or friend age 18 or over; A volunteer age 18 or over (not police staff)

Before being released from the police station you will be updated on the investigation and how the case will be dealt with; this is called the disposal and can range from no further action to being sent to court.

For more information and advice about the being arrested and the rights of young people

Safe4me: www.safe4me.co.uk

Lawstuff: <https://lawstuff.org.uk/police-and-law/if-you-are-arrested/>

UN Convention on the Rights of the Child

