



safe4
me

Being Arrested

Sub Charter



HAMPSHIRE & ISLE OF WIGHT
CONSTABULARY



child

CENTRED
POLICING

Many young people aren't sure what happens when the police arrest someone or what rights they have. It is important you understand what happens when police arrest someone under 18yrs old; how we deal with young people is different to when an adult is arrested.

This information explains the arrest process and being taken to a police station.

Why might I be arrested?

Police always try to avoid arresting young people if possible, and will look at others ways to deal with an incident, but sometimes arrests cant be avoided:

1. You are a suspect of a serious crime
2. An arrest warrant has been issued by a 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 using section 24 of the Police and Criminal Evidence (PACE) code of practice; 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 the above.

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 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 do not 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 the time of arrest and before interview.

It is broken down into three parts to help with understanding.

1. **'You do not have to say anything'** – *you have the right to say nothing and to not answer the questions asked.*
2. **'But it may harm your defence, if you do not mention something when questioned, something you later rely on in court'** – *if you do not answer or give an explanation to a question asked, but then do so later in court, the court may question this and choose not to accept your answer.*
3. **'Anything you do so 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 arresting officer will book you in with the Custody Sergeant – this is the person who will look after you while you are there. The Sergeant will make sure that your arrest is lawful and necessary, and if it is they will authorise your detention.

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 24 hours (*Officers must deal with your case as quickly as possible*)
5. A senior officer (Inspector) will keep an eye on things to make sure there are no unnecessary delays (*you can ask to speak to them at anytime*)
6. If you have any specific needs the police will ensure that you are supported by a representative who can explain any processes that you do not understand.

What are my rights?

1. You have a right to free legal advice
2. You have the right to get medical help if you feel unwell
3. You have the right to read the rules the police must follow called the Code of Practice
4. You have the 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.

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 explain your rights or interview you without an appropriate adult present. An appropriate adult can be: Parents, guardian or carer; Social worker, family member or volunteer (not police staff) – this person must be 18 or over

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

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:

[UN Convention on the Rights of the Child - UNICEF UK](#)

safe4me



HAMPSHIRE & ISLE OF WIGHT
CONSTABULARY



Child

**CENTRED
POLICING**