

Your rights when you are in a police station

A GUIDE FOR CHILDREN AND YOUNG PEOPLE

This leaflet gives you important information about your rights when you are at a police station. Rights are the freedoms and supports we all have that are protected by the law. Children under 18 have some different rights to adults, so this leaflet explains what rights you have.

Knowing and understanding your rights can help you know when you're being treated fairly. The police have a duty to protect you from harm and look after your wellbeing while you are at the police station, even if they have evidence that suggests you might have done something to cause harm.

Please read this leaflet as soon as you can. It will help you to make decisions when you are at a police station. The person who gives you this leaflet will offer you help with reading and understanding it. They will also ask if you would like a different version of this leaflet, such as one in a different language, or one that is easier to read.

1. You have the right to know why the police are keeping you at the police station.

2. You have the right to know why the police have brought you into the police station.



3. You must give the police your name, address, date of birth and nationality if you know these. These are the only questions you must answer. You have the right to not answer any other questions.

4. You have the right to have someone told that you are at the police station.

The police will ask you if you would like them to tell someone that you are there. This could be someone in your family, your partner, your carer, your friend or any other person you know. You might not be allowed to speak to them. If you are under 16 or on a compulsory supervision order you have the right to have someone with you at the police station. You have the right to be visited by your parent or guardian at the police station.

5. You have the right to have a lawyer told that you are at the police station.

Police will ask you if you would like them to tell a lawyer that you are at the police station. This can be your own lawyer or the on-call lawyer another lawyer will be arranged for you. This is free.



6. You have the right to speak to a lawyer in private at any time.

This is free.

7. You have the right to have a lawyer present if the police interview you. This is free.

8. If you are under 16, a lawyer must be present when the police interview you unless this could put someone at risk.

If you are 16 or 17 and on a compulsory supervision order, a lawyer must be present when the police interview you unless there are exceptional circumstances.

10. You have the right to food and drink.

Water will be provided for you. You will be offered food if you are at the police station for more than four hours. Police should ask you if you have any specific dietary needs as early as possible.

9. You have the right to medical help if you are ill or injured. This includes help for your mental health.

The police will ask you questions about your health and wellbeing to help make sure you are looked after properly while at the police station. It is important that you tell the police if you have a medical condition that might affect you when you are at the police station. The police might ask a nurse or doctor to check on you. This is to help make sure you are looked after properly while at the police station. The police should ask you if you need to speak to a doctor, nurse, or other health professional.

More guidance...

If you need extra help

You might need help to understand what is happening when you are at the police station. If you are 16 years or over, this help can be from a trained support person called an Appropriate Adult. This may be needed if you have a learning disability or mental health issue. If the police think that you need the help of an Appropriate Adult, they will get you one, even if you do not ask.

Getting an interpreter to help you

It is important that you can understand what is being said at the police station. If you do not speak or understand English, the police will get someone who speaks your language to help you. This person is called an interpreter. This is free.

Getting help with communication

Lots of people find it hard to understand what is happening at the police station. Police should ask you if you need help or are not sure about anything. They should offer you help with reading if you need it. If you are deaf or have trouble communicating clearly, the police will get someone to help you. This could be a BSL interpreter or another appropriate professional. This is free.

If you are not British

If you are not a British citizen, police should offer to contact your High Commission, Embassy or Consulate, to tell them where you are and why you are in the police station. Someone can then visit you in private and arrange for a lawyer to see you.

What happens if you are charged or brought into the police station on a warrant?

If you are charged with an offence, you might be allowed to leave or you might be kept in the police station and taken to court on the next possible day. If you have been brought into the police station on a warrant, you can be held and taken to court on the next possible day. In some situations, you may be allowed to go home.

How long can you be kept in custody?

The police can keep you in custody for up to 12 hours without charging you with an offence. The police can extend this to a maximum of 24 hours, but only if a senior police officer agrees to this. You have the right to have your say about this decision, or you can choose to have your lawyer speak to the police for you.

Getting to see paperwork

A note of the evidence in the case will be given to you or your lawyer, if your case goes to court. This will let you or your lawyer prepare your defence. You have the right to this information being translated, or at least the relevant parts of important paperwork if you do not understand English.

More guidance...

Information about the right of access to a lawyer

- Police will ask you if you want to speak to a lawyer. The police will contact a lawyer for you as soon as possible.
- You are allowed to have a private conversation with a lawyer at any time. This might be on the telephone, or they might come and see you at the police station.
- Speaking to a lawyer is common, and does not make it look like you have done anything wrong.
- A lawyer's job is to protect your rights and give you advice about the law.
- You can choose to speak to a lawyer you know or a lawyer that the police can arrange for you to speak to – this lawyer is referred to as an on-call lawyer. The on-call lawyer is independent and does not work for the police.
- If the police interview you, they will ask you if you would like a lawyer in the room with you when this happens.
- The police are not normally allowed to interview you without a lawyer if you have asked for a lawyer to be in the room with you.
- You can change your mind about speaking to a lawyer and can ask for a lawyer at any time. Tell the police as soon as possible and they will contact a lawyer for you.
- If the lawyer does not come to the police station when they said they would, or you need to talk to the lawyer again, you can ask the police to contact him or her again. The police have no say on when the lawyer arrives at the police station once they are contacted. The police can share your thoughts and wishes with this lawyer if you want them to.

Your right to complain

- You have the right to complain about the way you have been treated by the police.
- If you complain about Police Scotland this will not make you look bad.
- You can make a complaint when you are in custody.
- If you want to complain when you are in custody, ask to speak to an inspector or someone of a higher rank.
- If you want to complain after you have been released, you can go to any police station.
- If you have been hurt or injured by a police officer during your arrest or in police custody, you should complain to Police Scotland Professional Standards Department.
- To complain, call 101 or go to your local police station.
- You can also ask someone else to make a complaint for you. It can be a parent, friend, partner or someone you trust. You need to give them your written permission.

This leaflet was co-produced by members of STARR, Scotland's only curated space for people with experience of secure care, in partnership with the Children and Young People's Centre for Justice (CYCJ) and the Scottish Government. 'Your right to complain' has been adapted from People First Scotland.

For more information and support visit [justtherightspace.org](https://www.justtherightspace.org)