



## Opening Hours

**Monday to Friday**  
**9.00am - 8.00pm**

**Saturday and Sunday**  
**10.00am - 3.00pm**

## Arrest

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### What happens when someone is arrested?

After arrest the person arrested will usually be taken by the police to a police station for questioning. The police follow set rules which govern the way they can question a person suspected of committing a crime. On arrival the person who has been arrested should have their rights upon arrival at the police station explained to them by the custody officer.

People under the age of 18 or vulnerable adults should not be interviewed or searched without the presence of an 'appropriate adult'. This can be a parent, family member, friend, social worker or teacher. If there is no suitable person available, the police may select an 'appropriate adult' from a list of volunteers to perform the task. The National Appropriate Adult Network provides appropriate adult services in England and Wales. An 'appropriate adult' cannot provide legal advice.

Once in custody the person arrested has the right to make a phone call to tell their family where they are and access to legal advice. If they are from abroad they also have the right to tell the relevant embassy or high commission. However, in reality this phone call may not happen immediately and the phone call may also be monitored. The person being arrested will not be allowed to make a phone call to someone that could be connected with the offence.

The person arrested can be held for up to 24 hours before they have to charge with a crime or release the individual. They can apply to hold the person

for up to 36 or 96 hours if they are suspected of a serious crime. Individuals can be held without charge for up to 14 days, if they are arrested under the Terrorism Act.

After being held for questioning the police may decide to release the person without charge, give them a caution or place them on police bail. The police may decide not to grant bail meaning they have to remain in police custody for a short period of time whilst the police decide whether or not to bring charges. If charges are brought against a person they will then have to appear in court.

The time that your loved one is being held at the police station can be challenging as you may not know why they are being held. If your relative is an adult the police are not obliged to give you any information and this can be distressing for families.

### Can they see a solicitor?

Anyone who is taken to a police station under arrest, or goes to the police station voluntarily is entitled to seek advice from a solicitor free of charge. If the person has been arrested for a serious offence or is unsure of their rights then they should not answer questions until they have spoken to a legal advisor.

### Will the interview be recorded?

The interview is usually recorded. If the interview is not recorded then a police officer will make notes and the person being interviewed will be asked to sign them to confirm they are an accurate record of

the interview. The interview will start with identifying questions, such as a name and address, and will then move on to more serious matters.

### **Will they have their fingerprints taken?**

The police will take photographs of the person they have arrested. They can also take fingerprints and a DNA sample as well as swab the skin surface of hands and arms. They don't need permission to do this. However, if they want to take blood or urine samples or dental impressions, they will need permission from the person they have arrested unless it is in connection with drink or drug driving.

The police have the right to keep copies of fingerprints and photographs even if the person has been released without charge.

### **What happens next?**

Once interviewed the police must decide if there is enough evidence to charge the person. Depending on the severity of the crime, the police must decide whether they can lay charges or whether this must be done by the CPS (Crown Prosecution Service). The police can also arrange to issue the person arrested with a formal caution.

### **What happens when someone is charged?**

When someone is charged with an offence they are given a charge sheet with all the details of the offence for which they are being charged, the date of their court appearance and any bail conditions that have been set.

### **What happens if my child is arrested?**

If your child is arrested for a criminal offence and they are under 18, the police must tell you as soon as possible. The police should not begin interviews if the child has requested that an adult such as a parent is present. If no adult is present the police may interview the child under certain circumstances. It may be the case that delaying an interview would mean that further crime could be committed such as harm to another person. If this is the case then the police may well interview the child in the presence of an appropriate adult. Children should also be allowed to talk to this adult in private if they wish to do so. The police can take fingerprints and photographs if the child is over 16. If the child is under 14 the police will need permission from the parent to proceed with fingerprinting. Children aged 15 and 16 will need to

agree along with the parent's agreement for fingerprinting to take place. The police do have the right to search a child under the age of 18 at the police station. If all clothing is to be removed during the search an adult of the same sex must carry out this search. Intimate searches can only be held in private where no one else can see the search. The child does have the right to have an adult such as a parent present during the search. If the police believe a child has committed an offence they can hold the child for 24 hours. But this is not the maximum time period a child can be held for. A further 12 hours can be added to the 24 hour period if the crime committed is of a serious nature. The police can actually ask the court for an extended period of detention. But this extended period cannot be longer than 96 hours before the child is charged with an offence.

### **What is bail?**

When someone is charged with an offence they have a presumed right to bail. This means that they should be released from the police station 'on bail' until the court appearance unless there are sufficient grounds to believe that they will commit further crimes or that witnesses or victims may be threatened. The police may also refuse bail if they believe that the person may not turn up for court or they have broken bail terms in the past.

If the police custody officer has reasonable grounds for believing that any of these circumstances may occur the person charged can be held in custody until their court hearing. If the person is later found to be guilty the time spent in custody before trial will be deducted from the sentence.

### **What is a caution?**

A caution is used to deal with those who have committed less serious offences and admit their guilt. Cautions allow the police to deal with people quickly and simply by removing the need for the case to be heard in court. The person will be warned that any further offences will be taken to court.

### **What if they are not charged?**

If the police do not feel they have enough evidence to make a charge then they will either release the person with no further action and the case will be dropped or they will delay making a decision until further information has been gathered.

## **How long will they be at the police station for?**

A person cannot normally be held by the police for more than 24 hours without being charged or released. In the cases of more serious offences a further 12 hour detention can be granted by a senior police officer and police can apply to a Magistrates Court to hold the suspect for up to 96 hours (four days). If arrested under suspicion of terrorism a judge can authorise the police to hold the person for up to 14 days.

If the police do not have enough evidence to charge someone they may only be detained if the police believe further detention will allow them to obtain the evidence they need to bring charges. If an investigation is continuing, the police can bail someone without charge to return to the police station at a fixed time and date.

## **What happens if a person breaks their bail conditions or does not attend court?**

If a person breaks any of the conditions of their bail, the police can arrest them and they will be brought before the next sitting of the local Magistrates' Court within 24 hours. Magistrates may then refuse any further bail applications. Bail may be refused if the police feel the person charged will commit another offence, is a risk in the community or has previously broken bail conditions.

If the person on bail fails to attend court without reasonable excuse they commit a separate offence under the Bail Act 1976. A warrant will be issued for their arrest.

## **What rights does a person have when in police custody?**

A person remanded into police custody has the right to the following and the custody officer must explain these:

- Free legal representation (usually known as a duty solicitor).
- A phone call to inform someone that they've been arrested.
- Medical help if they are feeling ill.
- The right to read the Codes of Practice which explains what the police can and cannot do.

- A written notice telling you about rights, such as, regular breaks, meals, use of toilet. (You can ask for interpreter to explain the notice or ask for it to be in your chosen language.

While someone is in custody, they can be searched and possessions will be kept by the police custody officer.

## **What if the person being detained needs help?**

People under aged under 18, those with a learning disability or mental health issues should not be interviewed or searched without the presence of an 'appropriate adult'. This can be a parent, family member, friend, social worker or teacher. If there is no suitable person available, the police may select someone from a list of volunteers to perform the task. The appropriate adult should be there when the police read out the person's rights, when they are interviewed and if they are cautioned or charged. An appropriate adult cannot provide legal advice.

If the person does not speak or understand English the police will arrange for someone who speaks the same language to help. The interpreter will record the police questions and any responses in the person's own language. They will then be able to check and sign to confirm that it is an accurate record of the interview.

If the person is deaf then the police will arrange for a sign language interpreter to assist.

## **Custody facilities**

The cell and bedding should be clean and warm and there should be access to toilet facilities. If the police have taken clothes from the person in custody, they should give them individual something else to wear.

The person in custody is entitled to three meals per day and drinks in between too. Resting time is at least 8 hours in any 24 hours whilst being held in police custody.