

Letter of Rights - Cross Border Arrest

**Important information about your arrest
under section 137A of the Criminal Justice
and Public Order Act 1994**

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Important information about your arrest under section 137A of the Criminal Justice and Public Order Act 1994

Please read this information as soon as possible. It will help you understand what is happening and make decisions when you are at the police station. Please ask for help if you do not understand anything in this leaflet. Please ask if you want someone to explain or translate it for you.

About your arrest:

As a result of a request from the police in Scotland and information provided by the police in Scotland, **you have been arrested** without a warrant under section 137A of the Criminal Justice and Public Order Act 1994 by an officer of this jurisdiction (England and Wales or Northern Ireland*) because there are reasonable grounds:

- to suspect you of having committed or attempted to commit one or more specified offences in Scotland; and
- for believing that your arrest is necessary to –
 - allow the prompt and effective investigation of the offence(s), or
 - prevent your prosecution for the offence(s) from being hindered by your disappearance.

Why you are being detained – purpose of arrest

You are being detained at a police station in this jurisdiction (England and Wales or Northern Ireland*) under section 137C of the Criminal Justice and Public Order Act 1994 for the purpose of:

- (a) **re-arresting you** for one or more of the specified offences, either:
- under section 136 of the Criminal Justice and Public Order Act 1994 on a warrant issued in Scotland; or
 - under section 137 of the Criminal Justice and Public Order Act 1994 without a warrant by a police officer from Scotland;

AND after your re-arrest;

- (b) **taking you as soon as practicable**, to the nearest convenient designated police station in **Scotland** or to the designated police station in **Scotland** investigating the specified offence(s) in question.

* *arresting force to delete as appropriate*

Your rights under section 137D of the Criminal Justice and Public Order Act 1994

By **rights** we mean important freedoms and supports that the law says everyone can have. Knowing about your rights will help you be sure that you are being treated fairly by the police.

Your rights:

- 1. You have the right to know why the police are keeping you at the police station.**
- 2. You have the right to know what the police think you have done.**
- 3. You have the right not to speak. You do not have to answer any questions the police ask you. BUT you do have to give your name, address, date of birth, where you were born and your nationality.**
- 4. You have the right to have someone told you are at the police station. If you are under 16, we must tell a parent or guardian. If you are 16 or over, this might be a family member, a carer or a friend.**
- 5. You have the right to have a solicitor told that you are at the police station. This is free.**
- 6. You have the right to speak to a solicitor in private at any time. This is free.**
- 7. If you are under 16 you have the right to be visited by your parent or guardian at the police station.**
- 8. If you are 16 and 17 and subject to a compulsory supervision order you have the right to be visited by your parent or guardian at the police station.**
- 9. You have the right to medical help if you are ill or injured.**

Your rights

The police cannot delay or remove your right to remain silent.

More information for people kept at the police station (known as "held in custody").

- **Your right not to speak** (known as "right to silence")

You do not have to answer any questions the police ask you, apart from to give your name, address, date of birth, place of birth and nationality.

Anything you say may be written down or recorded. Anything you say could be used as evidence at trial, if your case is taken to court.

- **Telling a solicitor you are at the police station**

You can ask the police to tell a solicitor that you are at the police station. This can be your own solicitor or the on-call solicitor. The police will arrange for a solicitor to be contacted as soon as possible. The solicitor will be informed that you are arrested in another jurisdiction for the purposes of re-arrest in Scotland and how long you will be kept there. This is free.

- **Telling someone else that you are at the police station**

If you are 16 or over and not subject to a compulsory supervision order you can **ask the police to tell an adult** that you are at the police station. This could be **someone in your family, your partner, your carer, your friend or another person you know**. You might not be allowed to speak to this person.

If you are 16 or 17 you will be allowed access to this person unless there are exceptional circumstances.

If you are:

- **under 16**
or
- **under 18 and subject to a compulsory supervision order**

The police must try to tell your parent or guardian that you are at the police station.

- **If you are ill or injured**

The police will ask you questions about your health and wellbeing. It is important that you tell the police if you have a medical condition that may affect you while you are at the police station. The police might ask a healthcare professional to check on you. This is to help make sure you are looked after properly while at the police station. If you think you need to see a doctor or a nurse tell the police. If you are ill or injured, you will be provided with medical help.

- **Food and Drink**

Water will be provided if you ask for it. You will be offered food if you are at the police station for more than four hours. If you have any dietary or religious needs then tell the police as early as possible.

If you need extra help

This is information about a service only. It is not a right.

You might need help understanding what is happening when you are at the police station. This help can be provided by a support person called an Appropriate Adult. This might be needed if you have a mental disorder or learning disability. **Speak to the police if you think you need this help.**

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. **Please ask for help if you are not sure about anything. Please ask for 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 British, you can ask the police 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 **solicitor** to see you.

- **Information about the right of access to a solicitor**

- o Tell the police if you want to speak to a solicitor. The police will contact a solicitor for you as soon as possible.
- o You are allowed to have a private conversation with a solicitor at any time. This might be on the telephone, or they might come and see you at the police station.
- o Speaking to a solicitor does not make it look like you have done something wrong.
- o A solicitor's job is to protect your rights and give you advice about the law.
- o You can choose to speak to a solicitor you know or the on-call solicitor. The on-call solicitor is independent and does not work for the police.
- o You can change your mind about speaking to a solicitor and can ask for a solicitor at any time. Tell the police as soon as possible and they will contact a solicitor for you.

- **How long can you be kept in custody?**

The police can normally keep you for up to **3 hours** without charging you with an offence.

The police can extend this up to a maximum of **36 hours**, but only if a Chief Inspector or above agrees to this.

