



# You are suspected of committing a criminal offence

You have been arrested as a suspect and taken to the station by an investigating agency such as the police. Or you have been invited to the station for questioning. What are your rights and what happens after you have been interrogated?

## Engels

This folder describes your rights and obligations and the procedures involved. You should read this folder carefully.

### Questions?

Do you have any questions after reading this folder? You should put any questions you may have to your lawyer, the police or whatever other investigating agency you are dealing with.

In the context of this folder the term 'police' may also refer to some other investigating agency.

For more information go to [www.juridischloket.nl](http://www.juridischloket.nl) or call 0900 – 8020 (€ 0.25 per minute).

### If you do not speak or understand dutch well enough

Is your ability to speak or understand Dutch inadequate? In that case you are entitled to an interpreter. There is no charge for this. You are also entitled to have certain documents translated, such as the arrest warrant and the summons.

### You have been arrested by the police and taken to the police station

If you have been arrested by the police on suspicion of a criminal offence, you will be interrogated about it. This means the police have the right to ask you questions.

### Your rights:

- You have the right to know what offence you are suspected of committing.
- You are not obliged to answer the questions of the police (you have the right to remain silent).
- You have the right to talk to a lawyer in confidence before the (first) interrogation begins.
- You have the right to have a lawyer present to assist you during the interrogation. This is discussed in greater detail below.
- If you do not understand something you should tell the police. You should also tell them if you are feeling ill, would like to speak to a doctor, or are in urgent need of medical care or medicines.
- If the (acting) public prosecutor decides that you have to stay at the (police) station, you may ask the police to call a member of your family or household to tell them you are being detained. Sometimes the (acting) public prosecutor will refuse to allow this on a temporary basis. In that case he will inform you to that effect.
- Do you do not hold Dutch nationality? In that case you may ask the police to inform the consulate or embassy of the country you come from that you are being detained.
- You have the right to read the documents if there are any. In some cases the public prosecutor may disallow this. In that case he will inform you to that effect.

### How long can the police detain you?

- Depending on the offence you are suspected of committing, you can be detained at the police station for a maximum of 90 hours (3 days and 18 hours).
- If it is necessary for the purposes of the investigation to detain you for longer, the judge will then decide on the matter. Ask your

lawyer what you should do if you do not agree with your arrest or the decision to detain you for longer.

### Right to a lawyer

Before you are interrogated by the police, you have the right to talk to your lawyer in confidence for half an hour. This may, if needed, be extended by another half hour.

- If you are suspected of committing an extremely serious offence with a penalty of 12 years or more (involving murder, manslaughter for example) or you are considered vulnerable by the police in view of your mental condition, then a lawyer will always be provided before you are interrogated. This will not cost you anything.

When you do not require a consultation with a lawyer, you need to clearly express this to the lawyer.

- If you are suspected of committing a serious offence (offences for which you can also be detained before trial, such as burglary) you may choose to speak to a lawyer before the interrogation. The police will then see to it that a lawyer is engaged. This will not cost you anything.
- If you are suspected of committing a less serious offence, you may decide for yourself whether you want to speak to a lawyer. In that case you must find your own lawyer and you will have to pay the cost thereof yourself.

You also have the right to have a lawyer present to assist you during the interrogation. If you are suspected of committing a serious offence, this will not cost you anything. If you are suspected of committing a less serious offence, you will have to pay these costs yourself.

If it is not clear which situation applies to you, you should ask:

- Whether a lawyer will be engaged automatically in your case, or whether you may decide for yourself if you want a lawyer;
- Whether you will have to pay the costs of speaking to a lawyer yourself.

Do you have a preferred lawyer, please inform the police of this. If your lawyer is not registered with the Legal Aid Board, you then, however, do pay the costs yourself.

*If the police pass on your personal details to the Legal Aid Board in connection with engaging a lawyer on your behalf, those details will be processed in the administration of the Board.*

- If you decide at first you do not want to speak to a lawyer, you can still change your mind later on.
- If you have indicated that you wish to make use of your right to counsel, the police may then not start the interrogation until you have spoken to your lawyer, unless there is an urgent need for this, such as a life-threatening situation.
- Keep in mind that it may take a while for the lawyer to arrive. In principle, the lawyer must be present within two hours after the notification was done by the police.

## You have been invited by the police for questioning at the police station

When you have been invited for questioning by the police because you are suspected of committing an offence, you may also, before your interrogation, contact a lawyer yourself. He can give you information and legal advice. The lawyer is also permitted to be present during the interrogation. If you decide to engage a lawyer the costs thereof will then be for your own account.

You need to identify yourself, therefore please take with you a valid identity document (such as your passport or driving licence).

### What can a lawyer do for you before the interrogation?

A lawyer can do the following things for you before your interrogation:

- Explain the offence you are suspected of committing.
- Give legal advice.
- Tell you what is involved in a police interrogation.
- Tell you what rights and obligations you have during the interrogation.
- Contact your family or employer to inform them of your situation (if this is what you want).

The police do not listen in when you are talking to your lawyer. Everything you say to your lawyer is confidential. Without your permission the lawyer must not talk to anyone about what you have told him/her. This includes the police and the public prosecutor.

### What can a lawyer do for you during the interrogation?

- The lawyer may ask questions and make comments to the interrogating officer at the beginning and end of the interrogation.
- In the course of the interview you or your lawyer may ask for a pause to consult one another. If this occurs too often, the interrogating officer may refuse this.
- If you do not understand questions or remarks, if you are placed under improper pressure, or if you are unable to be questioned further because of your state of health, the lawyer has the right to draw this to the attention of your interrogator.
- When it is over you and your lawyer have the right to examine the official report of the interrogation (the proces-verbaal) and point out any inaccuracies it may contain.

## What happened after you have been interrogated?

*Your case may be settled in a number of different ways:*

### Dismissal

Your case may be (provisionally) dismissed. In that case you will not be prosecuted. Conditions may be attached to the decision to dismiss your case however, which you must comply with. Such as a ban on contact with the victim, and/or probation supervision with special conditions. What happens if you fail to comply with these conditions? Or if you commit another criminal offence? In that case you could still be summoned in relation to the matter in question. Which means you would have to appear in court after all.

### **Penalty order issued by the public prosecutor**

If the public prosecutor is of the opinion that you are guilty he may impose a penalty order on you. A penalty order may involve a fine or a community punishment order for example. Or a disqualification from driving (you are not allowed to drive any vehicles) and/or a behavioural intervention (such as a ban on contact with certain persons, or compulsory contact with the probation service).

Do you want to settle your case immediately? In that case you can pay the fine directly at the police station. This is only possible if you were able to consult a lawyer in advance. Can you pay immediately? In that event the case is definitively settled. This will mean that you can no longer object to (resist) the penalty order.

Has the public prosecutor decided to impose a driving ban or community punishment order? In that case you will be questioned about the matter first. You may consult a lawyer prior to this hearing. Your lawyer is also permitted to be present during this hearing.

Do you want your lawyer to be present at the hearing? In that case the hearing will be held at another time if necessary. A video connection may also be used to conduct the hearing.

### **Out-of-court settlement**

The public prosecutor may also offer you an out-of-court settlement. This means certain conditions will be imposed on you. If you comply with these conditions you will avoid further prosecution. The most important of these conditions are: payment of a sum of money, a compensation payment for the victim or the relinquishment of seized property. If you do not comply or do not comply in time with these conditions you will have to appear in court. In certain circumstances you can also pay an out-of-court settlement immediately, if you have no fixed place of abode or residence in the Netherlands for example.

### **Court**

Your case may also be brought before the court. In that case you will receive a summons. The summons will state the offence you are accused of committing and the date, time and place at which your criminal case will be tried.

### **Criminal record?**

Have you decided to accept a penalty order issued by a public prosecutor? Or to accept an out-of-court settlement proposal from the public prosecutor? In that case an entry will be made in the judicial records (criminal record). This may mean that you can no longer obtain the certificate of good conduct (VOG) needed for a new job or work experience placement. A lawyer can tell you more about this. Ask the police for the separate folder in which the consequences are explained.

For more information go to: [www.justis.nl/producten/vog](http://www.justis.nl/producten/vog).

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