



# You are suspected of a criminal offence

You have either been arrested and taken to a police station or you have been invited to attend a police interview.

## Engels

You are between the age of 12 and 18 and have done something that's against the law - vandalism, theft or assault, for example. The police (or another investigation service) may have arrested you, taken you to a police station and be carrying out an investigation. Or, you may have been asked to go to a police office because the police want to interview you. In other words, the police want to talk to you and ask you questions. It's important for you to know what your rights are, so read this text very carefully. Then, if you have any questions, ask your lawyer or a police officer.

If you have not been arrested, but the police have asked you to come to the police station for a police interview, skipforward to 'When will you need a lawyer?' below.

### You have been arrested and taken to a police station

#### What are your rights?

- The police must tell you what criminal offence they suspect you have committed;
- The police will arrange a lawyer for you;
- If you already have a lawyer in mind, let the police know.

- The police will pass on your details (name, address and date of birth, etc.) to the Dutch Legal Aid Board (*Raad voor Rechtsbijstand*). It will then contact your lawyer for you;
- Your lawyer will just work for you, not the police.

#### Information for parents, guardian or carers

Your child is suspected of a criminal offence. This information sheet tells you which rights your child will have during the police investigation. The police must tell you that your child has been arrested and is being held at a police station, or that your child is being invited to attend a police interview. The police must also keep you up to date on what the rest of the investigation will involve. Contact the police to discuss possibilities to call and visit your child.

#### More information

For more information, go to the website of the Legal Aid and Advice Centre ([www.juridischloket.nl](http://www.juridischloket.nl), only available in Dutch), or call them on 0800 8020 (free). Monday to Friday between 09.00 and 17.00.

- You will have a meeting with an **Assistant Public Prosecutor**, someone who has a management role in the police. This meeting could also take place over the telephone or via video call; we call this **being brought before the Assistant Public Prosecutor**. The Assistant Public Prosecutor will tell you what your rights are and may ask you questions too. You don't have to answer these questions, but you can if you want to. You have the right to say nothing, which we call **the right to remain silent**. The Assistant Public Prosecutor will also tell you what you can expect to happen and decide whether or not you'll need to be held at the police station for the time being.
- A doctor, or someone who works for a doctor, may check that you are healthy enough to be interviewed or undergo another police investigation. If necessary, the police or your lawyer or parents (or guardian or carers) or you yourself may ask for this doctor to see you. The doctor could decide that the police need to wait a while before interviewing you or starting another police investigation. This medical examination is free;
- If you are only able to speak and understand a little Dutch, or no Dutch at all, you will be entitled to the help of a translator (or interpreter). An interpreter is free. You will have the right to read **the case documents** (the documents that the police have produced about your case). Your lawyer can request these case documents from the Public Prosecutor on your behalf;
- If you are only able to speak and understand a little Dutch, or no Dutch at all, you will be entitled to read the important parts of your file in your own language, so that you can understand it.

#### What else will happen?

- The police must tell your parents (or your guardian or carers) that you are at a police station and that you will be held there for the time being. If you don't have any parents (or guardian or carers), or the police are not able to contact them, the police will ask you which adult they can call. If there is no adult you would like the police to call, they will contact the Child Care and Protection Board (*Raad voor de Kinderbescherming*);
- The Child Care and Protection board is the organisation that establishes what punishment and/or help would be appropriate for you. It looks at your situation, what you have done and how bad what you have done is;
- Your parents (or guardian or carers) will be allowed to call you and visit you at the police station.
- If you don't live in the Netherlands, you can ask the police to contact the embassy for your country.

#### Being held at a police station

- If you are suspected of a minor offence like an insult, the police can hold you at a police office for a maximum of 6 hours, excluding night-time hours (between 00.00 and 09.00). So, the police must release you after a maximum of 6 hours;
- If you are suspected of a serious offence like vandalism, theft or assault, the police can hold you at a police station for a maximum of 9 hours, excluding night-time hours (between 00.00 and 09.00). Once these 9 hours have passed, the police can decide to hold you at the police station longer. They can do this for a maximum of 3 additional days. In some situations, it will be possible for the police to hold you for another 3 days at the very most. So, in the worst case scenario, you will be held at the police station for 6 days. We call this **police custody**;
- If you are arrested in the evening hours, the police may decide to postpone your police interview. In this situation, the police will make an appointment for you and your parents (or guardian or carers) to return to the police station for a police interview the next day; You will be allowed to go home but must return to the police station the next day.
- If the police decide to hold you in police custody, you will sometimes be allowed to sleep somewhere else (home, for example). However, you will be held in custody at the police station during the day. The police and the Public Prosecutor will decide how this works;
- If the Public Prosecutor feels that your police custody should be extended, the court will decide whether this is possible. In this situation, you will be sent to a juvenile detention centre and will no longer be kept in police custody;
- If you disagree with your arrest or a court decision to extend your police custody, you can ask your lawyer for advice;
- If police custody is no longer necessary, the police must release you.

#### When will you need a lawyer?

- If you are to be interviewed by the police, they will make sure that you are given a lawyer. They will represent you and only ever do something after discussing it with you. Your lawyer is subject to client confidentiality. In other words, anything you tell your lawyer will stay between the two of you. A lawyer is not allowed to tell anyone anything you have said without your permission;
- If you have been arrested, have a lawyer in mind and want them to come to the police station, tell the police. They will then contact the lawyer for you;

- If you have been invited to attend a police interview, a lawyer will be arranged for you too. The invitation letter the police sent to your home address tells you what to do if you already have a lawyer you want to use;
- A lawyer is usually free. The police will tell you when this is not the case.

#### **Police interview: a discussion with the police**

- A police officer or officers will talk to you and will be able to ask you questions.

### **Before the police interview**

- If you have been arrested, a lawyer will attend to advise you as quickly as possible. A police officer or officers can only interview you after you have spoken to a lawyer. It will take a while for the lawyer to arrive at the police station - this could be approximately two hours;
- If you have been arrested, you will talk to your lawyer before the police interview. They will ask you what happened and tell you what you can expect. This will take about half an hour, but more time is possible if necessary;
- The police will not listen in on your meeting with your lawyer.
- If necessary, you will be given an interpreter to help you in the meeting you have with your lawyer. If you do need an interpreter, they will not be allowed to say anything about the meeting to the police;
- If the police have invited you to attend a police interview, you will already have spoken to a lawyer before you go to the police station. They will know what time the police interview starts and make sure that they are at the police station on time;
- The lawyer will tell you what the police interview involves and discuss the best things for you to do or say in it. The lawyer can also contact your family, boss or work placement to tell them that you are at the police station. They will only do this if you want them to.

### **During the police interview**

- After the police interview starts, the police officer(s) interviewing you may ask you questions;
- You don't have to answer these questions (but you can if you want to). You have the right to remain silent;
- If you don't understand something the police officers says, don't hesitate to make this known. They must then use other words to explain what they are trying to say;
- If necessary, you will be given an interpreter to help you during the police interview.

#### **Lawyer in the police interview**

Your lawyer will sit next to you in the police interview room and may:

- stay in the room throughout the police interview;
- make comments at the beginning and end of the police interview;
- ask the police officer(s) questions;
- ask you whether you understand what is being said;
- make sure that you aren't forced to say something;
- make sure that you're not afraid of the police officer(s);
- ask for the interview to be stopped for a while. The lawyer will then be able to speak to you alone. You may ask to speak to your lawyer alone too. If you ask to do this too often, the police officer(s) may say 'no'.

#### **Filming or recording a police interview**

- The police are sometimes required to record a police interview with a camera and/or microphone. This applies when a serious offence has left someone badly injured. Rules do apply when filming or recording a police interview. If the police do make film or sound recordings, they must tell you this at the start of the police interview.

#### **Appropriate adult present in a police interview**

- If the police are going to interview you, you are entitled to have someone you trust in the police interview room with you (**an appropriate adult**). This could be your father or mother or another adult. If you would like to have an appropriate adult present, tell your lawyer and the police. You do not have to have an appropriate adult with you;
- The appropriate adult is only allowed to listen. In other words, they are allowed to sit next to you but may not say anything. The appropriate adult must be 18 or older and may not have been involved in the offence that you are suspected of committing;
- The police may sometimes refuse to let you have an appropriate adult with you in a police interview. However, the police may not do this without the permission of the Public Prosecutor.

#### **Report**

- A report will be made on the police interview held with you. We call this an **official report**. This important report is a record of what you said during the police interview. It is your account of what happened;
- The Public Prosecutor will read what you have said and sometimes a court will too. So, it's important for you to carefully read what has been written in the report. If you are not able to read well, ask the police officer(s) to read it to you;

- If you agree with the report, the police officer(s) will ask you to add your name and signature to the bottom of it. If you disagree with the report, ask the police officer(s) to make changes to it. The lawyer can also help you check that the report is accurate.

## After the police interview

- When the police interview is over and it is no longer necessary to hold you at the police station, you will be allowed to go home. Sometimes, you will need to wait a while, because the police may still want to ask you a few more questions. If you have to stay, the police will keep you up to date on what is going to happen. Sometimes, there will be another police interview;
  - If you have to stay, you will also be visited by an employee from the Child Care and Protection Board.
- They will see how you are and whether you need any help. The Board will investigate you and your situation and advise the Public Prosecutor or the court about what punishment (or help) would be most appropriate for you;
- The Public Prosecutor will decide whether you will be released or held even longer. If this means that you will be held for more than 3 days plus a possible extension of another 3 days (**police custody**), the family court will decide. This is separate to your time in custody at the police station;
  - The police will update you on the decision of the Public Prosecutor as soon as possible. This decision might not be made straight away and it may take a while for it to be communicated to you;
  - If you have been arrested and are allowed to go home, the police will call your parents (or guardian or carers) and ask them to pick you up.

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