

THE CUSTODY PROCESS

This is an example of what might happen during the custody process. There are four stages: i) booking-in ii) processing iii) detention iv) interview. Not all stages may take place or happen in this order. You can ask if you are unsure about anything.

BOOKING-IN



You will be taken to a charging desk where you will be told why you have been arrested and why you need to be detained.



You will be asked questions about yourself and any medical conditions you may have. You will also be risk assessed.



You will be asked if you want to: i) tell someone you have been arrested ii) talk to a solicitor. An Appropriate Adult may also be called.



You will have to hand over personal items (i.e. wallet, mobile phone, shoes or laces, belt and watch). You will also be searched.

PROCESSING



You may have to do a Smartwater test. The lights will be turned off and a UV light will come on to check for Smartwater.



You will be asked to record an image of your fingerprints and palm using a machine. These will help identify who you are.



You may have to give a DNA sample from inside your mouth. A sample of saliva may also be taken to check for illegal drugs.



You may have a photograph or video image taken of you. This will help others identify you.

DURING DETENTION



You will be kept in a police cell. A detention officer will visit you and ask if you need food, a drink, or to see a doctor.



You may be kept in the cell overnight. You can only be detained for up to 24 hours unless an extension has been approved.



You may need to be examined by a doctor or nurse to check for injuries, to talk about your health or to take more samples.



You may talk to a solicitor on the phone or in person. If you did not ask for a solicitor, you can request one at any time.

INTERVIEW



You may be taken to a room to be asked questions. If you have a solicitor and Appropriate Adult they can be with you.



You will be read your rights and cautioned. This explains what can be used in evidence against you in court.



You will be asked about the suspected offence and what happened. Your solicitor may advise you how to answer.



You will then be charged, released under investigation, issued an out of court disposal or released without charge.

WHAT HAPPENS NEXT?

This flowchart outlines the different outcomes police officers can choose at the end of your detention in police custody.

CHARGE WITH AN OFFENCE



If the police decide there is enough evidence to support the claim you have committed an offence, they will charge you.



They will then decide if it is safe to release you on bail until you have to appear in court.



If you cannot be bailed, you will go to court. The court will decide whether you will have to stay in prison until a later date.

RELEASE UNDER INVESTIGATION



If the police do not have enough evidence to charge you with an offence, they may release you under investigation.



You will then be able to leave and the police will complete their investigations. You will not have to come back unless you are released on bail.



If you are released on bail, you may also have to follow conditions i.e. who you see and where you can go. These will be explained.

OUT OF COURT DISPOSAL



If the police decide there is enough evidence to support the claim you have committed an offence, they may close the case at the station.



You could be issued with a fine to pay or a caution which is a formal warning that will appear on your criminal record.



The police could also decide that punishment is not appropriate at this time and release you without any further action.

RELEASE WITHOUT CHARGE



If the police do not have enough evidence to support the claim you have committed an offence, they may release you.



You will then be able to go home. Any personal items will be given back when you leave unless you are told otherwise.



Nothing else will happen once you leave unless there is new evidence or you are arrested for another offence.

