



You are suspected of a criminal offence

You have been arrested as a suspect and taken to the (police) station or some other interrogation location for questioning. Or you have been invited for questioning. What are your rights?

You are between 12 and 18 years old and suspected of committing a criminal offence. The police or another investigating agency has arrested you and taken you to the station for questioning. Such questioning is called an interrogation. Or you have been invited to come to the police station for questioning. It is important for you to be aware of your rights and obligations. For that reason 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 involved with. In the context of this folder the term 'police' may also refer to another investigating agency.

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

Have you been arrested as a suspect and taken to the (police) station?

Know your rights

- The police are obliged to tell you what they think you have done.
- The police may ask you questions. This is referred to as a (police) interrogation.
- You are not obliged to answer if you do not wish to do so. You have the right to remain silent.
- The police engages a lawyer to advise you before the interrogation begins. It may take a while for the lawyer to arrive, this is usually within two hours. You can talk to your lawyer for a maximum of 30 minutes. If you need more time, this is also possible. This will not cost you anything. If you know a lawyer who you wish to talk to, this too is possible. You should then say this to the police.
- The lawyer also has the right to be present during the interrogation. Are you suspected of committing a minor offence, then you (or your parents) will have to pay the costs for that lawyer. Are you suspected of committing a more serious offence (for example theft or violence)? You then do not have to pay the costs for a lawyer. Ask your lawyer during your first talk which situation applies to you.
- If you do not want a lawyer you may ask for a confidential adviser to be present at the interrogation, your mother or your father for example. Please then say this to the police.

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 do not understand Dutch or only understand it a little then you are entitled to have an interpreter present during the (police) interrogation. If you do not understand what the police are saying you should say so. The interpreter will also help you if you want to talk to a lawyer. There is no charge for this.
- If it is decided that you have to stay longer at the (police) station, the police will call your parents or guardian to tell them you are being detained. Sometimes the public prosecutor will decide not

to allow this immediately. The Child Care and Protection Board will then be informed of this.

- If it is decided that you have to stay longer at the (police) station, and you do not hold Dutch nationality, you may then ask the police to inform the consulate or embassy of the country you come from that you are being detained.
- Tell the police if you feel ill or are in need of a doctor or medicines.
- You have the right to read the procedural documents, if there are any. In some cases the public prosecutor may temporarily disallow this. If you do not understand Dutch or only understand it a little then you are entitled to a translation of certain documents or parts thereof, such as the most important parts of the arrest warrant and the summons.

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 3 days and 18 hours.
- If it is necessary to detain you for longer, the Court must decide on the matter. Ask your lawyer what you can do if you do not agree with your arrest or with the fact that you are being detained for longer.

Have you been invited to come to the station?

In that case you (or your parents) may contact a lawyer for advice before you are questioned. You should also discuss whether or not the lawyer will be present during the interrogation. You (or your parents) will have to pay the costs for that lawyer.

What does a lawyer do BEFORE the interrogation?

A lawyer is there exclusively to represent your interests. A lawyer may do the following things prior to the interrogation.

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

What you say to the police during an interrogation is important, because it is all written up in an official report (the proces-verbaal). If your case goes to the public prosecutor and possibly to court after that, then they will look at the content of this report. For that reason it is important for you to read through the official report of your interrogation with great care. If you agree with the report, the police will ask you to write your name on the document or sign it at the bottom. If you disagree with the report, you should ask the

police to revise it accordingly. If there was a lawyer present at your interrogation, he or she can check for you that the report is an accurate representation of that interrogation.

The police do not listen in when you are talking to your lawyer. 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. The same applies to the interpreter, if the interpreter has helped you in talking to the lawyer.

What does a lawyer do DURING the interrogation?

A lawyer sits next to you in the interview room and may:

- ask questions and make comments at the beginning and the end of the interrogation.
- ask questions to the interrogating officer.
- ask you whether you understand what is being said.
- point out to the police that you do not understand the questions.
- make sure that you are not forced to say anything you do not want to.
- ask for a pause to consult one another in the course of the interview. You may also ask for this yourself. If this occurs too often, the interrogating officer may refuse this.

If you feel too ill to be questioned you should say so. Your lawyer will then tell the police.

Please note: If you decided at first that you did not want to have a lawyer present during the interrogation, but you change your mind later on, you should express that wish. You will then be given a further opportunity in this regard.

If you have indicated that you did not want a lawyer to be present during the interrogation, your parents or guardian may still decide that a lawyer has to be present.

If there is no lawyer but only a confidential adviser present during the interrogation

A confidential adviser is only allowed to listen. He/she sits beside you while you are being interrogated but is not allowed to say anything. The confidential adviser must be at least 18 years old and must not be associated in any way with the offence you are suspected of committing. A confidential adviser could be your mother or father, or some other adult.



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