



Know Your Rights

Children in Police Custody

About The Traveller Movement

The Traveller Movement (TM) is a UK charity challenging discrimination and promoting inclusion of ethnic Romani (Gypsy), Roma and Irish Traveller communities. TM facilitates legal education, strategic litigation and direct advocacy to support their access to justice and fair treatment.

The Children in Police Custody webinar was prepared in partnership with Ghislaine Sandoval, a criminal law solicitor with Hodge Jones and Allen, London.

You can watch this topic on the webinar [here](#).

Stop and Search

The police can stop and search you in a public place if they have reasonable grounds for suspicion. You cannot refuse or walk away during the stop. Try to stay calm; you can ask them questions. The letters in the words **'GO WISELY'** will help you remember what questions to ask the police when you are stopped:

1. **G**rounds: why are you stopping me?
2. **O**bject: What are you looking for?
3. **W**arrant card: Show me your warrant card.
4. **I**dentify the officer: What is your name and shoulder number?
5. **S**tation: What station do you work from?
6. **E**ntitlement: Please give me a copy of the search record.
7. **L**egal power: What legal power are you using to stop me?
8. **Y**ou: You are not free to leave if you are being detained.

Women can ask for a female officer if they are uncomfortable being searched by a male officer. If you are asked to remove more than just your outer coat, jacket, gloves, headgear or footwear, this is called a 'strip search'. Only an officer of the same sex can conduct a strip search, which must be done in private.

If a person under 18 years of age is being strip searched, an appropriate adult of the same sex must be present. This is usually their parent; it could be a social worker or another responsible person over the age of 18; it cannot be a police officer.

The police may ask for your name, address, what you are doing, why you are there and whether you have something on you which you shouldn't have. Refusing to answer could lead to arrest if you match the description of a person suspected of committing an offence. The police can remove your property if they believe it is stolen or related to illegal drugs. This will usually be returned after the investigation.

If the police connect you to a criminal offence, they may arrest you and interview you at the police station.

As well as recording the stop and search on their body cameras, the police must make a written record of it, including the reason they stopped you, the officer's name, the date, and time. Ask for a copy of the written record immediately or within three months; also ask for a copy of the body camera recording.

Less favourable treatment because you are Romani (Gypsy), Roma, or an Irish Traveller is unlawful.

Know Your Rights

Children in Police Custody continued

Police in schools

Schools are likely to share ethnicity information with the police. Schools may have a 'Safer Schools Partnership' and have a Safer Schools Police Officer (SSPO) who has additional powers to act in the school. Ask the school for a copy of the partnership agreement which sets out the powers given to the SSPO.

Ordinary police officers have different powers but they can also arrest children in school in certain circumstances.

Children aged 10 and above can be arrested for committing a criminal offence. If, because of a disability, a child has a mental age under 10, tell their solicitor.

Custody

The police should inform parents that their child is in custody. Parents can see and speak to their child in police custody once police searches are completed; they can speak to the child privately.

Parents should be present at any strip search, the taking of DNA swabs, fingerprints or any identity procedures, and during police interviews to ensure the child understands the questions. If the child speaks Rumnu or Cant at home, explain this to the interviewer. Children are entitled to an interpreter if they do not understand English.

Everyone under arrest is entitled to free and independent legal advice. You can be held under arrest for 24 hours without charge, but this can be extended. You can request your own solicitor. A solicitor could argue for bail for your child to avoid an overnight stay in custody.

Saying 'no comment' in police interviews can be advisable in certain circumstances but if you have a good explanation for what happened, provide it promptly. Your solicitor can help you decide the best approach.

If you are invited to attend a voluntary interview, it is best to attend. Bring a solicitor. This can be quicker than being interviewed after arrest.

Children in custody should be cared for and have their medical and dietary needs accommodated. Ask for a copy of the police code of practice.*

A police officer can take fingerprints and DNA samples of a child in custody in the presence of an appropriate adult.

Contact the solicitor

Telephone Ghislaine Sandoval on 0330 822 3451 or request a call back on her [firm's website](#).

Contact The Traveller Movement on
[020 7607 2002](#) for more help.

[*Police and Criminal Evidence Act 1984](#)