

A person's hands are visible behind vertical metal bars, with the fingers interlaced to form a heart shape. The entire image has a blue tint.

CASA PARAULA LEGAL HOUSE

DETAINEE AND POLICE INTERVENTION HANDBOOK

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1.- ENTRY and REGISTRATION at your home

What will happen?

1. Your home will be searched from top to bottom.
2. They must give you a copy of the court decision (or part of it if the case is secret).
3. They can take whatever they find IF it is of interest to the investigation and if it is stated in the court order authorising entry.
4. You may be arrested → GO TO THE DETAINEES' HANDBOOK

What are your rights?

1. To be present at the search.
2. To contact your lawyer and have him or her present with you (or without you) during the search.
3. To have a copy of the warrant or part of it in case the case is secret.
4. To be assisted by an interpreter if you do not understand Spanish or the corresponding co-official language.
5. Not to speak or answer questions asked by the police.
Always speak to your lawyer BEFORE hand.

IMPORTANT:

1. They can only enter your home with a warrant or with your permission (if they do not have a warrant, DO NOT GIVE THEM PERMISSION). A hotel room, a squatted house, etc. are also considered to be a home if they are the "*dwelling and the last bastion of personal and family intimacy*".
2. Legal persons also enjoy protection of the domicile, although to a lesser degree than the personal domicile.
3. From the first moment: contact your lawyer. If you are not detained you can contact whoever you want, but if you are detained you are even more entitled to a phone call and the police are obliged to inform your lawyer of choice. Do not forget that it is part of your right of defence to have your lawyer present during the search and entry.
4. **SILENCE IS YOUR ALLY.**

DETAINEE'S HANDBOOK

2.- YOU ARE DETAINED

What will happen?

1. They take you to the police station and read your rights. They should read your rights in a way that you can understand them, if possible in your language and in writing.
2. They identify you and take your fingerprints. REFUSE any biological samples they ask for.
3. Within +/- 24 hours you will be given a statement with a lawyer at the police station.
4. In +/- 48h the detainee is placed at the disposal of the examining magistrate's court and a statement is made before the examining magistrate.
5. The judge decides
 - a. **FREEDOM**, with charges.
 - b. **FREEDOM**, with charges and **WITH PRECAUTIONARY MEASURES**: possibility of PROHIBITION FROM LEAVING THE COUNTRY, PROHIBITION FROM APPROACHING THE VICTIM, PROHIBITION FROM APPROACHING CERTAIN PLACES, possibility of APUD ACTA appearances as agreed by the court, or other.
 - c. **PREVENTIVE PRISON** (depending on the penalty attached to the offence, the evidence against the detainee and the detainee's personal circumstances), with or without bail.

What are your rights?

1. To be assisted by a private lawyer of your choice, or a court-appointed lawyer appointed through the bar association. You have the right to a prior interview with your lawyer before your statement.
2. To know the reason for your arrest and to have access to the essential elements of the case. Even if the case is secret, the law provides that certain information must be provided to the detainee and/or his/her lawyer. It is part of your right to defence, TAKE ADVANTAGE OF IT.
3. To make a phone call. Important information to give if you speak to a family member or person you trust:
 - a. Where you have been detained.
 - b. Which police force it was: PL, GU, MMEE, PN, GC
 - c. Why you were arrested.
 - d. Your lawyer's contact details so that you can contact him/her as soon as possible. It is important for your defence that your lawyer is aware of your personal circumstances as soon as possible.
4. To notify your consulate or embassy (if you are a foreigner).
5. To apply for HABEAS CORPUS in the case of unlawful detention, ask for the form. The police are obliged to give it to you and to transfer your request to the duty court. It can also be submitted by your lawyer or a family member.
6. Medical assistance if you require and/or need it.

IMPORTANT:

1. Maximum time of detention: 72 hours (extendable only by decision of a judge).
2. You have the RIGHT NOT TO SAY ANYTHING at the insistence of the police. Your right of defence starts from the moment you are arrested.
3. Know the name of YOUR LAWYER, if you know his telephone number the police will be able to contact him directly.

WHEN YOU ARE BEING ARRESTED...

DO YOU CARRY PERSONAL BELONGINGS, MONEY OR MOVABLE PROPERTY WITH YOU?

1. The police will take an inventory and store your personal items. They will be returned to you when you are released. Check that all your belongings have been returned to you.
2. If it is property, money or goods that are of interest to the case or are considered evidence, they will remain in the custody of the police.
3. If they are valuable items, the court may order their seizure to cover possible future civil liabilities.

WHAT ABOUT MOBILE PHONES AND OTHER ELECTRONIC INFORMATION STORAGE DEVICES?

1. The police will inventory and store your personal items. They will be returned to you when you are released. Check that all your belongings have been returned to you.
2. If they are items of interest to the case or are considered evidence, they will remain in the custody of the police.
3. ONLY by means of a court order can the police access the contents of your mobile phone or other electronic devices that have the capacity to store information.

ARE YOU GOING BY CAR?

1. The tow truck will be called, it will be taken to the depot, and it will be handed over to the owner. To recover it, you will have to prove that you are the owner.
2. It can be kept in custody if ordered by a judge.
3. If it is a valuable item, the court may order its seizure to cover possible future civil liabilities.

DO YOU HAVE AN ANIMAL WITH YOU OR IN YOUR CARE AT HOME OR AT THE TIME OF YOUR ARREST?

1. You have the right to be informed of the shelter where the animal will be taken and to ask a friend or relative to come and pick it up. At the time of the call, take the opportunity to give this information to the person you trust.

ARE YOU GOING WITH A MINOR or AN ADULT WITH SPECIAL NEEDS?

2. If the arrest is made in the presence of minors, the police should try to make the process as non-aggressive as possible for them. You have the right to call a family member or person you trust to come and pick them up.
3. If you do not have a family member who can take care of the child or adult in need, social services will be notified and they will have to take care of them.

DETAINEE'S HANDBOOK

3.- ARE YOU RELATED TO A DETAINEE?

If you are contacted by a detained family member/friend, you **MUST ASK**:

1. Where is he/she now?
2. Where, when and why has he/she been detained?
3. Which police force has arrested him/her?

If you have a lawyer you trust... **CALL HIM** or **HER** to assist the detainee.

IMPORTANT: *UNTIL YOUR RELATIVE/FRIEND IS RELEASED BY A JUDGE OR THE POLICE THERE CAN BE NO CONTACT WITH THE DETAINEE.

*IF THE DETAINED PERSON NEEDS MEDICATION OR HAS AN URGENT MEDICAL NEED, YOU CAN TAKE **THE MEDICATION WITH THE PRESCRIPTION AND THE MEDICAL HISTORY** - or documentation that proves the need - TO THE POLICE STATION WHERE THE DETAINED PERSON IS LOCATED.

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