

DETAINEE'S RIGHTS

You have the **right to remain silent** and to be assisted by a **lawyer**.

Read this document **carefully** and calmly.

You have all the time you need to read it.

If you do not understand something, **ask the officer**.

You have the right to take this document with you.

Check the time—remember when you were detained.

If you don't understand, ask for a translator.

Если вы не владеете польским, можете потребовать переводчика.

Why have I been detained?

You have the right to know the reason for your detention. You have the right to receive a detention report stating the reason you are being detained.

You can be detained if you are suspected of having committed an offence, and at the same time:

- Your identity cannot be established
- There is a concern that you will run away, go into hiding or alter the crime scene, or
- The offence concerns the use of violence against a person you live with.

For how long can I be detained?

For **48 hours**—counted to the minute from the moment you have been detained.

Within these 48 hours, the prosecutor may ask the court for pre-trial detention. If the prosecutor requests your arrest, the court has an extra 24 hours to make a decision on your arrest and deliver it to you. So, you can be detained for **a maximum of up to 72 hours**.

You have the right to use the toilet. You have the right to get water. If the detention is long, you can ask for something to eat. If you are taking medication on a permanent basis and you have it with you, you can ask for permission to take it.

May I call someone?

You cannot call anyone **on your own**, but an **officer must do so** at your request.

You can ask the officer to notify one person of your choice (e.g. someone from your family or friends) of your detention, as well as:

- Your employer
- Your school or university
- Your commander (if you are a soldier)
- A person managing your company.

I need the help of a lawyer

As soon as you are detained you **have the right to contact an advocate or attorney-at-law of your choice** (e.g. by telephone). You should give your lawyer's phone number. If you do not know the number of any lawyer, ask the officer for a list of advocates and attorneys-at-law. This list must be at the police station, and you have the right to access it.

You have the right to speak directly to a lawyer. In exceptional cases, a police officer may be present for the conversation.

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Do I have to answer questions?

No. You have the right to remain silent—you can say nothing and not answer questions. You do not have to explain why you remain silent. No one can encourage or force you to make a statement.

However, if you wish, you have the right to make a statement. Remember that anything you say (also in an informal conversation with a police officer) can be used against you in court.

What do I have to agree to during my detention?

You have to agree to:

- A search of your clothes
 - » The following items may be taken away from you:
 - Mobile phone and other communication devices
 - Money and other valuables
 - Cigarettes, medicine
 - Dangerous items (including laces, belt, scarf, matches, lighter, keys)
- **A thorough examination of your body** (in justified cases, an officer may require you to strip and examine your orifices)
- **Taking fingerprints**
- **A breathalyser test**
- **Being photographed** and being shown to others
- **Taking a swab** on the inside of your cheek
- **Taking samples of blood**, hair and secretions (only a healthcare professional can do this)
- **Psychological or psychiatric examination** (this can only be done by a healthcare professional).

You can ask that your body be inspected and examined by a person of the same sex. However, that may not be possible.

I need the help of a doctor

If you feel unwell, **inform the officer** and he will be responsible for providing assistance. If you are under treatment and need to take medication on a regular basis, inform the officer about this too.

You have the right to demand examination by your own doctor. However, this may not be possible.

Medical examinations can also be carried out if:

- You have visible injuries
- You are pregnant or breastfeeding
- You suffer from a contagious disease
- You have a mental disorder, or
- You are a minor under the influence of alcohol or drugs.

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Will I get a document from my detention?

Yes. The officer must prepare a **detention report** and provide you with a copy.

The report **must include**:

- The name of the officer and of the prosecutor who knows about your detention
- Your own name
- Date, time and location of detention
- Information about the state of your health
- The reason for detention, indicating the criminal offences in question, and
- Your comments, if you have submitted them.

Request that your statements or observations be included in the report. **If the report is consistent with what you said, then sign it.**

I want to make a complaint about my detention

The officer should instruct you that you may file a complaint with the court within **7 days** of the end of your detention.

I am a foreigner

You have the **right to contact** your country's **diplomatic mission**.

If you are not a citizen, you have the right to contact a diplomatic mission of the country where you live permanently.

I do not speak Polish very well

You have the right to the **assistance of a translator, free of charge**. The officers must ensure the translator's participation.

Do not sign any documents you do not understand.

Detainee's signature