

**Information for juveniles suspected of an offence who are detained
in order to establish their identity**

(Detention of suspects under ss 163b(1), and 163c of the Criminal Procedure Rules (*StPO*) read with s 114b of *StPO*, s 2(2), s 109 of the Juvenile Justice Act (JGG))

You are a suspect of a crime and have been detained with a view to establishing your identity.

Detention to establish your identity must not exceed twelve hours.

These are your rights:

1. You have the right to be told what criminal offence you are suspected of.
2. You must be brought before a judge without delay. The judge will decide whether you are allowed to be detained and whether your detention can continue, unless it would presumably take longer to obtain a judicial decision than to establish your identity.
3. The law allows you to decide for yourself whether to make a statement about the case and the accusation. You are, however obliged to truthfully answer questions about your name, address and date of birth. Failure to give, when requested, your personal details may result in a fine under section 111 of the Administrative Offences Act (*OWiG*).
4. You have the right to present witnesses or other evidence and to apply for evidence to be taken in your defence or to clear up the case.
5. You may consult a defence lawyer of your choice at any time, even before you are questioned. If you wish, you will be given information that makes it easier to get in touch with a lawyer or the duty solicitor (*Verteidigernotdienst*). This is irrespective of whether you wish to hire your own lawyer or use the services of an assigned counsel (*Pflichtverteidiger*).
6. In some cases a defence lawyer is mandatory, for example if you are suspected of a serious offence, if you are brought before a magistrate who decides on remand or if you are more than likely to be convicted and handed a juvenile sentence.

If, in such a case, you (or your parents/legal guardians if you are under 18) do not consult a defence lawyer at own cost, the Court – or, if there is urgency, the Public Prosecution Service – must provide an assigned counsel (*Pflichtverteidiger*), typically ahead of the start of questioning or a police line-up ('identity parade'), without you having to make a request. Irrespective of that, you may at any time ask police or prosecutors to provide an assigned counsel. If you make such an application, it has to be decided upon before the official interview or the line-up. If deemed necessary, an assigned counsel must be provided without delay. The cost will initially be picked up by the taxpayer. If convicted, you might be asked to repay the money.

In 'mandatory-defence' cases, an interview or line-up must be deferred or halted if no defence counsel is present. At the same time, your defence counsel is free to decide not to attend the interview altogether.

7. If you are temporarily detained, you have the right to be examined by a medical practitioner. You can request to be examined by a doctor of your choice. You might then be asked to pick up the costs. During your detention, you have the right to any necessary medical care. Your right to a medical examination may also be invoked by your lawyer or any other adult person charged with looking after your interests.
8. You may notify a friend or family member of your arrest, provided this does not substantially harm the investigation.
9. Your defence lawyer can apply to see the case file. If you do not have a lawyer, you are entitled to view the file yourself, provided this does not harm this or any other investigation, or jeopardise legitimate third party interests.
10. The length of detention must be reasonable, not longer than necessary to establish your identity, and needs to take into account your age and development stage as well as any particular vulnerability. Detention can only be applied if less severe alternatives are not available,

11. If you are under 18, you cannot be locked up with people aged 18 or over if this would pose a risk to your wellbeing. You may be locked up with people aged 24 or over only if this would specifically be in your best interest.
12. Whilst you are in custody, staff must ensure that your physical and mental health and wellbeing as well as your freedom to practise your religion and express your beliefs is protected.
13. If you are remanded in custody, you are entitled to appeal the court decision.

If your German is not good enough or if you have a hearing or speech impairment, you may request the assistance of someone who interprets or translates for you throughout the proceedings. You may also opt for either spoken or written form of communication. If you do not have a defence lawyer (including if, for example, defence counsel is deemed unnecessary at a later stage), you will typically be provided with written translations of detention orders, charge sheets, summary judgments or verdicts. This will come at no cost to you

In diesem Formular wird aus Gründen der besseren Lesbarkeit überwiegend nur die männliche Form verwendet. Gemeint sind damit aber grundsätzlich immer Personen aller Geschlechter und geschlechtlichen Orientierungen.

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