

Criminal Defence Services at the police station and in court

Legal Advice at the Police Station

Can I get legal advice at the police station?

Yes. Everyone can get Advice and Assistance if they are questioned by the police, whether they have been arrested or not. Even if you tell the police you do not want to see a solicitor, you can change your mind at any time.

Will it be free?

Yes. Everyone is entitled to free legal advice at the police station from a solicitor whose office is contracted with the Legal Services Commission* (Commission), whatever their income and capital/savings. The solicitor may send a representative to see you.

How can I get legal advice?

You have several choices:

- Ask the police to contact the duty solicitor. The duty solicitor is available 24 hours a day. He or she is independent and not employed by the police.
- Ask the police for a list of local solicitors.
- Ask the police to contact your own solicitor for you or one you have heard of.

Can I be questioned?

Once you have asked for legal advice, the police normally must not question you and you need not answer any questions until you have spoken to a solicitor.

Can the police make me wait for legal advice?

Only in some serious cases, and then only if a senior officer agrees. The longest you can be made to wait before speaking to a solicitor is 36 hours after arriving at the police station (48 hours in cases of suspected terrorism).

Will the police give me information about my rights?

The police will give you an information sheet telling you about your rights. Make sure that you read and understand it. The police also have a booklet called the 'Code of Practice', which contains more information about your rights. You can ask to see it at any time.

Legal Advice before You Go to Court

What advice can I get before I go to court?

If you are summoned or charged by the police but not held in custody you should see a solicitor as soon as possible. A solicitor will be able to give expert advice and if necessary represent you in court. If you qualify you may be able to get this help free under schemes paid for by the Legal Services Commission. Your solicitor will be able to advise you whether you qualify. But only a solicitors' office with a contract with the Commission* will be able to provide publicly funded criminal defence services.

How do I find a contracted solicitors' office?

A contracted solicitors' office* is one that has been specially approved and has a contract with the Legal Services Commission to provide publicly funded criminal defence services.

Contracted offices have been checked thoroughly to see that they meet certain standards and provide a quality service. The CDS logo shown here is a mark of quality and will be displayed in the window of contracted solicitors' offices.



For the name of a contracted firm in your area phone 0845 608 1122 (calls charged at local rate) (minicom: 0845 609 6677).

Other ways of finding a solicitor

Here are some other ways of finding a solicitor:

- Ask your local citizen's advice bureau, law centre or advice centre.
- Look in the Community Legal Service Directory (available in most libraries and courts and on the website www.justask.org.uk).
- Look at the *Law Society Directory of Solicitors and Barristers*. This lists solicitors' firms and tells you the kind of work they do. Copies of the directory are in libraries, town halls and most advice centres.
- Go to a solicitor's office to find out if they offer the service you require.
- Ask a friend, relative or trade union official.

Remember, only a solicitors' office contracted with the Commission* can provide publicly funded criminal defence services.

Representation

If you have been charged with a criminal offence you can apply to the court for Representation. You will qualify for Representation whatever your means if you are represented by a solicitor contracted with the Commission* and the court decides that:

- It is in the interests of justice that you are legally represented. This means that the court may decide that, for example, without representation you will have trouble understanding the proceedings, or that the charge is so serious that you face going to prison or losing your job if found guilty.

The court will let you and your solicitor know whether your application has been successful.

What will my solicitor need to know when I apply?

Your solicitor will need to know details of the type of case you are involved in to advise if you qualify for Representation. On your first visit to the solicitor, you should try to take with you the following:

- Charge sheet/summons or any other papers given to you at the police station or sent to you by the court.

Do I have to pay a contribution?

If you qualify financially you will not have to pay a contribution for any Advice and Assistance that you receive. If you subsequently receive Representation in court, other than in a magistrates' court, you may be asked to make a payment by the judge at the end of the case. For this reason you will be asked to complete a form with your financial details and sometimes to provide further details.

At the Magistrates' Court

What if I do not apply for Representation before I go to Court?

It is much better to apply for Representation before you go to court so that your solicitor has as long as possible to prepare your case. But if you have been unable to get a solicitor beforehand, you can ask to see the duty solicitor at the court.

Can everyone get assistance at court?

Yes, except in minor cases which are not imprisonable. Almost all courts have a duty solicitor who can give free advice and provide Advocacy Assistance.

Where will I find the Duty Solicitor?

Tell the court staff you want to see the duty solicitor. There may be one in court already or one they can contact. Make sure you ask as soon as you get to court. If you are in custody but still have no solicitor, tell the staff that you want to see the court duty solicitor before your case comes up.

Will it be free?

Yes. Except for some minor cases, everyone is entitled to free advice from the duty solicitor the first time they have to go to court for any particular offence, whatever their income and capital.

*Since May 2001 the Commission has also directly employed a number of criminal defence lawyers, known as public defenders. The Public Defender Service is able to provide any of the services outlined in this leaflet. Their independence is guaranteed and they have to meet the same quality standards.

What sort of assistance can the Duty Solicitor give me?

The duty solicitor will advise you about:

- bail
- whether you should plead guilty or not guilty
- getting your own solicitor and applying for a representation order
- the type of sentence you might get
- representing you when you first go before the magistrates
- fines or other court orders where there is risk of imprisonment

What about other kinds of legal advice?

This leaflet explains publicly funded criminal defence services at the police station and in court. For more information about other kinds of criminal defence services ask for the leaflet “A Practical Guide to Criminal Defence Services”. For help on problems like divorce, debt, welfare benefits or eviction other forms of public funding may be available. For further information contact your local citizens advice bureau, law centre or advice centre. Ask for the leaflet about the Community Legal Service or ‘A Practical Guide to CLS Funding by the LSC’. These leaflets are also available on our website at www.legalservices.gov.uk or from the LSC Leafletline (see back cover for details).

To order copies of LSC leaflets contact the
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85 Gray's Inn Road, London WC1X 8TX
www.legalservices.gov.uk